

Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, December 1, 2020

Sherwood City Hall 22560 SW Pine Street Sherwood, Oregon

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

Pursuant to House Bill 4212 (2020), these meetings will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood



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6:30 PM WORK SESSION

1. Brookman Area Concept Plan Update (Erika Palmer, Planning Manager)

7:00 PM REGULAR SESSION

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. CONSENT AGENDA
 - A. Approval of November 10, 2020 City Council Meeting Minutes (Sylvia Murphy, City Recorder)
 - B. Approval of November 12, 2020 City Council Meeting Minutes (Sylvia Murphy, City Recorder)
 - C. Approval of November 17, 2020 City Council Meeting Minutes (Sylvia Murphy, City Recorder)
 - D. Resolution 2020-085, Approving the City Recorder's canvassing of the Washington County Election returns of the November 3, 2020 General Election and directing the City Recorder to enter the results into the record (Sylvia Murphy, City Recorder)
 - E. Resolution 2020-088 Establishing Acceptable Traffic Safety Calming Measures (Bob Galati, City Engineer)

6. CITIZEN COMMENTS

Pursuant to House Bill 4212 (2020), citizen comments and testimony for public hearings must be submitted in writing to CityRecorder@Sherwoodoregon.gov. To be included in the record for this meeting, the email must clearly state either (1) that it is intended as a citizen comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended, and in either case must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

7. PRESENTATIONS

- A. Recognition of Eagle Scout Award Recipients
- 8. NEW BUSINESS

AGENDA

SHERWOOD CITY COUNCIL December 1, 2020

6:30 pm City Council Work Session

7:00 pm Regular City Council Meeting

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at

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- **A.** Resolution 2020-084 Opposing the proposed Tipping Fee Increase by Metro (Joe Gall, City Manager)
- B. Resolution 2020-086 Approving Sherwood Police Department Policy Updates December 2020 (Jeff Groth, Police Chief)

9. PUBLIC HEARINGS

- A. Resolution 2020-087, Adopting a Supplemental Budget for fiscal year 2020-21 and making appropriations (David Bodway, Finance Director)
- B. Resolution 2020-089 Adjusting Solid Waste and Recycling Collection Rates (Joe Gall, City Manager)
- C. Ordinance 2020-008, Approving Annexation of 10.90 acres to the City of Sherwood and 10.50 acres to Clean Water Services within the Tonquin Employment Area, comprised of one tax lot and the adjacent SW Oregon Street and SW Tonquin Road Right-Of-Way (First Reading) (Eric Rutledge, Associate Planner)
- D. Ordinance 2020-010, Adopting the 2019-2039 Sherwood Housing Needs Analysis as a subelement of the Comprehensive Plan (Second Reading) (Erika Palmer, Planning Manager)
- E. Ordinance 2020-011, Amending the City of Sherwood Municipal Code as approved by City Electors at the November 2020 Election (First Reading) (Josh Soper, City Attorney)

10. CITY MANAGER REPORT

11. COUNCIL ANNOUNCEMENTS

12. ADJOURN

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, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or MurphyS@sherwoodoregon.gov. If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or MurphyS@sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time



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

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood

November 10, 2020

WORK SESSION

- 1. CALL TO ORDER: Mayor Mays called the work session to order at 6:00 pm.
- 2. COUNCIL PRESENT: Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
- 3. STAFF PRESENT: City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Planning Manager Erika Palmer, and City Recorder Sylvia Murphy. OTHERS PRESENT: Chris Bell with Bell and Associates, Kristin Leichner, Eric Anderson, and Cindy and Mike Leichner.

4. TOPICS

In the interest of time, Council addressed item B on the agenda first.

B. Update on Metro Solid Waste Rates

City Manager Joe Gall recapped that there was a summer work session to review Pride Disposal's waste hauling fees and there had been discussion regarding a possible new Metro tipping fee increase. He explained that more information was now available so Council could discuss a possible rate increase for next year. Mr. Gall stated that the Metro Council was scheduled to make a decision on a tipping fee increase of roughly 10% on December 3rd with the rate increase going into effect on January 1st. He explained this would affect rates and commented that there was the possibility of an additional significant tipping fee increase from Metro in July 2021 and 2022. Mr. Gall asked for Council feedback regarding the potential rate increase and the timeline for enacting the increase. Chris Bell presented the solid waste rates PowerPoint presentation (see record, Exhibit A) and recapped that because of the previously unknown details of the Metro tipping fee increase, Pride Disposal proposed a 0.6% increase on commercial rates and drop box rates for 2021. Mr. Bell stated that the Metro increase was comprised of the tonnage fee (which is the cost for Metro to transfer, transport, and dispose of waste) and the regional systems fees and taxes. He stated that the regional system fee would increase by \$2.65 on January 1st. He stated that because there had been a tonnage decrease from 2019-2020, Metro was proposing decreasing Pride's tonnage allocation by 5% for 2021 in order to ensure adequate tonnage processing through their facilities. An overview of Metro's historic and ongoing waste hauling fees occurred. Mr. Bell reported that the overall impact of the Metro increases to a residential ratepayer with a 35-gallon cart would be a .31 cent increase per month, commercial customers with one yard pickup would see a \$1.17 increase, and commercial customers with four-yard pickup would see an increase of \$4.68 a month. He recapped page 5 and 6 of the presentation.

Mayor Mays asked if Metro had supplied an explanation or defense for their proposed rate increases. City Manager Gall replied he had not seen anything from Metro to thoroughly explain why such a significant increase was necessary. Mr. Bell replied he had not received any information, nor was he aware of any information being provided from Metro. Ms. Leichner replied she had received information for a tipping fee question and answer session with Metro, but no supporting information had been provided. She recapped that Metro had anecdotally commented that the increase was due to the economy and the COVID-19 pandemic and they had had to dip into their funding reserves which necessitated needing to build the reserves back up. She commented that Metro also wanted to raise funds for the construction of the proposed Metro West facility in Cornelius. Mayor Mays asked regarding timelines for Metro and Pride fee increases to go into effect. Mr. Gall replied Metro was deciding on December 3rd, but he was unsure if it would result in an immediate rate increase or if it would go into effect January 1st. Ms. Leichner explained that due to the way Pride's billing cycles fell, a January 1st increase from Metro would necessitate Pride needing to know about the increase by December 10th, or roughly 20 days before the Metro increase went into effect. Councilor Garland commented that he worried that a 20-day warning may not be enough time to produce and distribute information to Pride customers about the increase before they saw it on their bills. Mayor Mays asked when the proposed Metro increase would go into effect. Ms. Leichner replied that January 4th would be the effective date for any increases. Councilor Young asked that if Metro was not increasing their tipping fees, Pride would not have to increase their hauling rates. City Manager Gall replied that a small increase to commercial and drop box customers was still necessary if Metro did not pass their tipping fee increase. Councilor Scott asked if this was the normal timeframe for a typical Pride Disposal rate increase. Mr. Gall replied that November was the normal time for this discussion, but he wanted direction from Council on if he should wait to draft the resolution to increase Pride Disposal rates until the Metro increase had been decided. Councilor Garland asked if Metro had explained where the money from the increase would go. Councilors replied that Metro had not provided any information as to why there should be an increase and to where the money would be distributed. Councilor Young asked if Metro was authorized to use the fees they collected on any projects they wanted or if they were limited on what the fees could be spent on. Ms. Leichner replied that Metro had to follow some rules, such as the regional system fee could only be used for certain solid waste and recycling funds, and other similar guidelines. City Manager Gall commented that he had many questions regarding the proposed Cornelius facility Metro was proposing and its significant price tag and if the tipping fee increases were to help pay for that facility. Council President Rosener asked what Metro's typical process for fee increases entailed. Ms. Leichner replied that typically, if Metro was to increase rates, it would be done in July of each year. She explained that Metro had planned on an \$8.80 increase this year, but they delayed it due to the pandemic. She spoke on Metro's typical transparency for rate increases and stated that Metro used to have a rate committee comprised of the public and industry members where they would hear presentations from Metro for rate increases and then make recommendations to the Metro Council to vote on. She commented that she felt that there had not been that level of transparency from Metro in close to ten years. Mike Leichner replied that Metro had disbanded the committee because they now used an internal review of their expenses. He added that Metro had also been reorganized into several different departments with garbage related issues being attached to each different department, so it made tracking where the money went difficult. Council

President Rosener commented that in his research of Metro rate increases going back to the 1980s, there had never been a rate increase as large as the one they were currently proposing. Chris Bell reported that Metro typically updated their Solid Waste Management Plan every ten years, with the most recent update being in 2018. He explained in the plan from 2018, Metro spoke on the necessity for investments in infrastructure and their goal of evaluating the feasibility of establishing a publicly owned facility in Washington County. Mr. Bell stated he had not seen a feasibility study for any such facility and commented he had heard reports that the proposed facility would cost \$60-100 million. He commented that a typical facility would usually cost \$12-20 million. Discussion occurred. Ms. Leichner reported that Pride had recommended to Metro that in order to address the gap in service for westside customers, a smaller facility that could handle household hazardous waste and a public self-haul would be more appropriate. Council President Rosener asked if Metro was required to complete a feasibility study for a new facility detailed in the Solid Waste Management Plan. Mr. Bell replied that the plan was a guiding document for Metro that could be modified and changed as time went on, but they still had to complete the feasibility study. Mr. Bell explained that Metro's plan to decrease tonnage caps would result in drivers having to drive more miles, which conflicted with Metro's Transportation Plan. Mayor Mays stated that he would forward the information for the Metro question and answer session to Council so they could call in if they wished to.

Councilor Young asked what other direction City Manager Gall wanted from Council. Mr. Gall replied that aside from the Metro tipping fee issue, Pride Disposal was recommending a small increase in rates for roll carts and commercial customers. He explained that if he proceeded with drafting the resolution to implement the rate increase and Metro passed their tipping fee increase, it would result in an additional rate increase to Pride customers in a short amount of time. He explained the other option was to hold off on the small rate increase and let the Metro tipping fee discussion play out so that there would be only one rate increase to Pride customers. Council President Rosener replied that he felt it was best to wait and let the Metro discussion play out as well as advocate against the Metro fee increase. Councilor Scott stated he did not want to do back-to-back increases or a preemptive increase and asked if it was possible that the legislation be worded in a way that allowed for both the previously agreed upon Pride rate increase and the contingency of a Metro rate increase to be included in the language. City Attorney Josh Soper replied that that was an option. Councilor Brouse commented the city could proceed with the small increase but mention in the resolution that there could be another increase due to Metro. Kristin Leichner replied that Councilor Scott's idea would be workable from Pride's perspective. Council President Rosener asked if the rate increase Metro was proposing could change between now and January. Discussion regarding how best to build flexibility into the draft resolution occurred. Councilor Scott requested that if Metro passed their rate increase that the messaging to the rate payers be clear and unambiguous about where the increase was coming from and what was driving it. Council President Rosener asked if the Metro rate increase process was being rushed because there would be new Metro Council members in January. Mayor Mays replied that was likely. Councilor Rosener asked that an additional resolution be drafted that stated that Sherwood Council did not support the fee increases and lack of transparency and that the resolution be forwarded to Metro. City Manager Gall recapped next steps and stated he would draft a resolution for the November 17th regular City Council meeting that stated Council's concerns over the proposed Metro rate increase as well as legislation for the December 1st meeting to implement the rate increases that had already been agreed upon by Council.

A. Recreational Marijuana Decision – Next Steps

City Attorney Josh Soper explained that the ballot measure to allow for the sale of recreational marijuana in Sherwood passed and this was an opportunity to talk about the impacts, next steps, and answer any questions Council may have. Mr. Soper explained that there were state taxes and local taxes on recreational marijuana sales and Sherwood was previously ineligible for any of the state tax revenue because of the prohibition on recreational marijuana facilities in Sherwood. Because the ban would soon be repealed, Sherwood would become eligible to receive state tax revenue. He explained that the state used a formula to calculate how much each city would receive and it was very difficult to project the amount a city would be receiving due to the number of variables in the formula. Variables included: sales volume, how much total revenue is brought in by the state, population, and the number of facilities in the city. He stated that the passage of measure 110 would make changes to how the statewide recreational marijuana taxes would be allocated and would specifically put a cap on the amount that the various things it had been allocated for previously. He explained that everything over that cap would be allocated towards drug treatment facilities that were established by the ballot measure. He reported that Finance Director David Bodway had calculated that that cap alone would mean roughly two-thirds reduction comparative to what the city had previously been anticipating in shared state revenue. He clarified that because of that, the city would not see the benefit of the dramatically increased revenue that the state had seen last year. He added that it was possible that the legislature would make some changes to how they allocated funds for drug treatment facilities, but it was unclear what the benefit would be to cities. Mr. Soper stated that there were no restrictions on the use of revenue funds the city would receive. Councilor Garland asked how the legislature has handled changes to measure 91 since its passage in 2014. Mr. Soper replied that there was a joint committee that included both chambers of the legislature working together, and any changes would be made into a bill that would be voted on. He stated that he believed that there would be changes made to measure 110 because of the amount of money that would be available. Discussion occurred. Finance Director Bodway reported that since June, the state had collected a little over \$15 million a month in marijuana tax. Mr. Soper explained that measure 110 did not affect local taxes. He stated under state law, cities were limited to a 3% local tax and the local ballot measure restricted those funds to being spent on public safety purposes.

City Attorney Soper outlined there were two options for collecting local tax revenue. The options were to have the city collect the taxes or the city could contract with the state Department of Revenue to collect the taxes on the city's behalf. If the city contracted out the collection of taxes, the Department of Revenue would collect the taxes and pass the funds along to the city minus a small administrative fee. He commented most municipalities use the Department of Revenue to collect their fees. He reported that Finance Director Bodway recommended using the Department of Revenue because the administrative fee for the collection of taxes would have less of an impact than if the city decided to collect the fees on their own. Councilor Young stated she was in favor of the tax collection being handled by the state. Council agreed that the state should handle the collection of taxes. Mr. Soper stated he would develop an IGA for Council approval as soon as possible. Mayor Mays asked that it be stated in the IGA that the funds from the state shared revenue be put into the public safety fund, with the rest of the funds being allocated to the general fund. Mayor Mays asked if it was legal for a city to say they would charge the maximum rate allowed by the state so if the state raises the rate from 3% to 4%, it automatically goes to 4% in Sherwood? Mr. Soper replied that per city code, any changes to the local tax had to be approved by the voters. He commented that he hoped that if the legislature decided to allow for rate changes, they would also allow for city councils to implement those changes without having to refer it to the voters each time there was a change.

Mr. Soper spoke on the land use regulations and other regulations for recreational marijuana facilities and commented that the drafters of the ballot had anticipated that the city council would have to adopt some type of cleanup ordinance after the measure had been approved. He explained that amending various tables and lists in the city's development code to correspond with what has been changed by the ballot measure would be necessary and could be accomplished by an ordinance. He stated that Community Development Director Julia Hajduk had put together a comparison between the language in the ballot measure and the language for recreational marijuana facility regulations that were developed by the city in 2016 (see record, Exhibit B). Mr. Soper recapped that there were discrepancies in the hours of operation in the ballot versus the 2016 language. Mayor Mays asked that the language regarding hours of operation be removed from the proposed cleanup ordinance so it could be changed by Council resolution. Mr. Soper recommended to remove the language referring to the land use code amendments as it was not necessarily a land use issue and move the language to Chapter 5.3 which covered recreational marijuana business regulations in general. He highlighted that Council may wish to allow for drive-in/drive-through/curbside deliveries that were prohibited in the 2016 legislation. Councilor Garland asked how curbside pickup options that recreational facilities offered due to the pandemic would be affected by the legislation that Council was drafting. Councilor Young suggested that language could be added to the ordinance that allowed for curbside pickup in city-declared emergencies, such as a pandemic, but would otherwise prohibit curbside pickup under normal circumstances. City Attorney Soper replied that was possible. Councilor Griffin said he was concerned about the safety around the exchange of cash during a curbside pickup versus indoors where there were cameras.

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Due to technical difficulties, the meeting v Thursday, November 12, 2020.	was adjourned a	t 7:13 pm and	was to be	reconvened on
Attest:				
Sylvia Murphy, MMC, City Recorder	Keith	Mays, Mayor		



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

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November 12, 2020

WORK SESSION

- 1. CALL TO ORDER: Mayor Mays called the work session to order at 6:20 pm.
- 2. COUNCIL PRESENT: Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
- 3. STAFF PRESENT: City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Public Works Director Craig Sheldon, HR Manager Christina Jones, and City Recorder Sylvia Murphy.

4. TOPICS

A. Recreational Marijuana Decision –Next Steps (Continued from November 10, 2020)

Mayor Mays recapped the prior meeting's discussion. City Attorney Josh Soper outlined that he would remove the hours of operation out of the land use code and pursue the Department of Revenue for the local tax collection process. He added that zoning for recreational marijuana facilities still needed to be discussed. Mr. Soper explained that in terms of zoning, the 2016 legislation was, "more open" and would allow for retail facilities in general industrial, light industrial, and general commercial, whereas the ballot language only allowed for retail facilities in general industrial, with the exception of a specific property in light industrial where there was currently a medical marijuana facility. Council President Rosener clarified that the ballot measure included a provision to grandfather-in the medical marijuana facility location even though it was not located on industrial zoned land. Mr. Soper stated the medical marijuana facility was located in the light industrial zone, not general industrial zone, and no other facilities could be located in light industrial zones. Councilor Griffin asked Community Development Director Julia Hajduk if the language should be changed from a listed exception to a non-conforming use for the current medical facility. Ms. Hajduk replied that the current medical marijuana facility could not locate a retail use at their location until the legislation went into effect and they applied and went through the permitting process for retail use facilities. If the facility became a retail use, and that use was not allowed anymore, the facility would be pre-existing non-conforming, and the city had code to address that. She explained that a change in ownership would not affect their pre-existing non-conforming designation. She clarified that if the

City Council Minutes November 12, 2020 Page 1 of 4 specific reference to the property in the language was removed before they had gone through the retail permitting process, the facility would be ineligible to become a retail facility, but if the language was removed after they had gone through the process, their facility would be designated as pre-existing nonconforming. Council President Rosener commented he wanted to keep recreational marijuana retail locations away from retail centers, homes, and parks and stated that if the location switched to another use he did not necessarily want it to continue being an accepted use of that property because of its proximity to Walmart. Mayor Mays asked City Attorney Soper if the city designated that property as nonconforming and the business was sold, could the new owners operate it as a recreational marijuana retail location. Mr. Soper replied that new owners would be allowed to continue to operate as a retail location. Ms. Hajduk stated that was correct. Mr. Soper added that there were provisions about the facility not being able to expand the non-conforming use if there was a period of non-use. Mr. Soper asked Council if they wished to allow for an exception in perpetuity for this particular property as opposed to designating the property as non-conforming use. He explained that the facility would be grandfathered in, but it would not be an exception in perpetuity. Councilor Griffin commented that he did not want to list specific properties in the City's code as he did not feel that was efficient. City Attorney Soper commented that if the city allowed for the language to go into effect and the property received their approval to become a recreational marijuana retail location, the city could then remove the exception, then the property would become non-conforming. Mr. Soper asked if Council wished to limit recreational marijuana facilities to general industrial. Council agreed. Mr. Soper asked if Council wished to remove the sections pertaining to site plan review exemption in perpetuity for the current medical marijuana facility property. Council agreed to remove the "in perpetuity" language from the section. Mayor Mays asked what would happen if the owners wanted to replace the structure. Community Development Director Hajduk replied that the use of the facility was non-conforming, and it was the use that was being exempted from the site plan criteria. She explained that if they were rebuilding a new building that was in the same place and no larger than their current facility, the use would continue to be non-conforming, but they would still have to go through the site plan review process. She stated the building would retain the non-conforming designation as long as the facility did not stop selling recreational marijuana for six months or more or alter the building that would make the building bigger or in a different location. She added that the use of the building was non-conforming, but the building still needed to conform to the building standards that are in effect at that time. City Attorney Soper reported that Council had adopted regulations for medical marijuana facilities several years ago that were similar to the 2016 recreational marijuana facilities language. He asked if it made sense to treat those two uses differently or should the city conform the regulations for medical marijuana facilities to align with the regulations for recreational marijuana facilities. He commented that there were only two medical marijuana facilities left in Oregon, one of which was in Sherwood. Mayor Mays asked how long the city had to retain the permitted use. Mr. Soper replied that the statute that relates to prohibiting recreational marijuana facilities also applies to medical facilities and would need voter approval to prohibit them. Councilor Scott stated he was in favor of one streamlined code for both types of facilities. Council agreed that a single streamlined code would be best.

Mayor Mays asked if two facilities were located in general industrial, was there a minimum distance that was required between the facilities? Mr. Soper replied that a minimum of 1,000 feet was required between facilities. Councilor Garland asked if there would be any issues with Tualatin's facilities because they had 3,000 feet distance minimums. Mr. Soper replied that as the code was currently written, it required the 1,000 foot distance from any recreational marijuana facility, and city limits had no affect on the minimum

distance requirements. Mayor Mays asked if there was a purpose for having distance minimums since competition between stores would likely drive facilities to locate further away from each other. City Attorney Soper replied that the 1,000 foot rule was popular when Measure 91 passed and recreational facilities were opening up everywhere. Councilor Scott asked what the other distance minimums were from the 2016 legislation. Mr. Soper replied that the 2016 ordinance called for recreational marijuana facilities to be located 1,000 feet from schools, public plazas, or active use parks, all of which were defined. Council President Rosener asked that retail centers be added to the 1,000 foot stipulation. Mr. Soper stated that he and Ms. Hajduk could work on drafting language on how to best capture Council President Rosener's request. Councilor Young asked to discuss hours of operation for recreational marijuana facilities. Council President Rosener asked if there was an ordinance that affected the hours of operation for liquor stores in Sherwood. Mr. Soper replied that liquor stores may set their own hours or were governed by OLCC regulations, but he did not see anything in Sherwood's code regarding liquor store hours. Councilor Scott stated that per the OLCC, liquor stores must be open at least six hours a day, and cannot open before 8:00 am or close later than 10:00 pm. City Attorney Soper reported that the hours proposed in the ballot measure were 10:00 am to 8:00 pm, which were similar to the hours proposed in the 2016 legislation. He added that the ballot measure added that recreational marijuana facilities could operate from 10:00 am to 10:00 pm on Fridays and Saturdays. Councilor Scott stated he was in favor of an 8:00 pm closing time seven days a week. Council President Rosener asked for Police Chief Groth's thoughts on the hours of operation from a law enforcement point of view. Chief Groth stated he did not have any concerns over the hours of operation and did not anticipate any problems. Mayor Mays asked Chief Groth and Council if the hours of operation for liquor stores and recreational marijuana facilities should be the same. Councilor Brouse commented that she believed that when Council drafted the legislation in 2016, they purposefully made the hours of operation for recreational marijuana facilities to be the same as liquor stores. City Manager Gall replied that when the 2016 legislation was drafted, he had anticipated more issues around recreational marijuana facilities than what had actually occurred. Chief Groth added that the 2016 ordinance was based on speculation, but now there was more data to go off of, and there had not been any issues locally since 2016. Mr. Gall asked if the current medical marijuana facility was proposing different operating hours than what they had been using. Community Development Director Hajduk replied she did not know. Mr. Gall commented that he was concerned about extending the operating hours because it was a cash-based business and there was the potential for robberies. Chief Groth stated that the difference from a crime and robbery perspective between 8:00 pm and 10:00 pm was fairly insignificant. He added that bigger behavioral issues generally arise after midnight. Councilor Garland asked if cameras and proper lighting was required for recreational marijuana facilities. Chief Groth replied that that was correct. Councilor Garland stated he was in favor of the 10:00 pm closing time, and letting the store decide when they wanted to close. Councilor Scott asked Chief Groth if he saw any difference in the rates of people driving impaired between 8:00 pm and 10:00 pm. Chief Groth replied that statistically speaking, between 8:00 pm and 10:00 pm was not when the majority of arrests took place. Councilor Scott asked if there had been an increase in drivers driving under the influence of marijuana. Chief Groth replied there had not been an increase. He added that measuring the levels of marijuana was difficult to accomplish from a roadside impairment perspective since it stays in the system for so long and that alcohol was the bigger culprit in impaired driving.

Council President Rosener asked to address the issue of drive-up/drive-through services again. He acknowledged that the COVID-19 pandemic had allowed businesses to offer drive-up/drive-through

services, but he wondered if that was something the city wanted to allow at recreational marijuana facilities. Community Development Director Hajduk replied that because the drive-up/drive-through services being offered during the pandemic were special circumstances, she advised to not include it in the code, but there were other ways to address the special circumstances. Councilor Young recapped that at the previous work session Council had discussed that drive-up/drive-through services would not be permitted, but adding language that would allow for drive-up/drive-through services during emergency order situations, such as the COVID-19 pandemic. Councilor Scott asked if curbside pick up of alcohol was allowed right now. Ms. Hajduk replied that it was an OLCC issue, but she was aware that bars and restaurants were permitted to sell alcohol in ways that they would not normally be allowed to. City Manager Gall commented he had not reached out to the medical marijuana facility yet, but he was not sure there was a need to do anything different because of the pandemic. City Attorney Soper added that the ballot measure stated that drive-up/drive-through/curbside pickup was only allowed to the extent permitted by the OLCC. He stated that the OLCC does not allow drive-up/drive-through/curbside pickup for recreational marijuana, but they had made an exception during COVID. Councilor Scott commented he wanted Sherwood's language to say that drive-up/drive-through/curbside pickup services were not allowed. Mayor Mays commented he felt the recreational marijuana rules should mirror the rules for liquor stores. Council President Rosener commented he felt that allowing for drive-up/drive-through/curbside pickup services was a bad idea because of cash transactions in parking lots and minors. Councilor Garland commented that he did not foresee recreational marijuana facilities pushing for drive-up/drivethrough/curbside pickup services because part of their security measures was ensuring everyone who entered the facility had a license and was over 21. He added that he did not object to prohibiting driveup/drive-through/curbside pickup services being in the code. City Attorney Soper stated that the ordinance could easily prohibit those services and adding language about relying on the general emergency code for special circumstances. Councilor Garland clarified that the city would allow for driveup/drive-through/curbside pickup services at recreational marijuana facilities at this time because of the current pandemic. Councilor Young stated she was fine with allowing drive-up/drive-through/curbside pickup services and it was important to support businesses during COVID. Council President Rosener stated he agreed. City Attorney Soper spoke on timelines and stated that he would move the ordinance forward as quickly as possible, but there was no need to try and get it done before January 1st.

5. ADJOURN:

Mayor Mays adjourned the work session at 7:0	3 pm.
Attest:	
Sylvia Murphy, MMC, City Recorder	Keith Mays, Mayor



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

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November 17, 2020

WORK SESSION

- 1. CALL TO ORDER: Mayor Mays called the work session to order at 5:31 pm.
- **2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
- 3. STAFF PRESENT: City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Public Works Director Craig Sheldon, HR Manager Christina Jones, Planning Manager Erika Palmer, Economic Development Manager Bruce Coleman, and City Recorder Sylvia Murphy.

PLANNING COMMISSION PRESENT: Chair Jean Simson, Vice Chair Justin Kai, and Alex Brown.

GUESTS: Sherwood School Board Chair Patrick Allen and Sherwood School Board Vice Chair Sue Hekker.

OTHERS PRESENT: 3J consultants Anais Mathez and Steve Faust. FCS Group representative Todd Chase, and Pete Snook with Deacon Development.

4. TOPICS

A. Attractive and Attainable Housing

Community Development Director Julia Hajduk presented the PowerPoint presentation (see record, Exhibit A) and provided an overview of the work session. 3J consultant Anais Mathez provided an update on the Comprehensive Plan Update timeline and reported that she expected to have the final plan to Council for adoption between April and June 2021. She stated that this meeting would focus on work completed in the Attractive and Attainable Housing block of the Comprehensive Plan Update. She recapped the vision statement for the Attractive and Attainable Housing block and identified the three key goals as: 1.) Provide the opportunity for a variety of housing types in locations and at price points that meet the needs of current and future residents, 2.) Preserve and enhance the character of existing neighborhoods, and 3.) Plan new residential developments to integrate with existing Sherwood as complete neighborhoods where community members can live, learn, shop, and recreate. She recapped the key policy questions on page 13 of the presentation. She reported that they had gathered feedback from the community by utilizing in-depth stakeholder interviews, hosting a Housing Needs and Preferences online survey, and sought out first-hand

accounts of what housing in Sherwood was like. She outlined the people and groups they had invited to participate in the stakeholder interviews, the results of the online survey, and the housing snapshot stories on pages 16-18 of the presentation. She commented that the housing snapshot stories outreach did not receive many responses. Community Development Director Hajduk added that they were hoping to get a variety of responses from people at different income levels, but the responses they received were primarily from higher income residents. Mayor Mays asked how many responses they had received on the online survey. Ms. Mathis replied that over 1,000 people had responded to the online survey. Councilor Scott added that the 1,000 respondents were for the initial survey, but the follow up survey on the policies and objectives received 280 responses. Ms. Mathis replied that was correct and commented that policy and objective surveys were harder to incite as much involvement as they primarily pushed out information for those who are interested in policy. She outlined that the various inputs they were using to update the Housing Policies included: the Housing Needs Analysis (HNA), current Comprehensive Plan Policies, outreach and engagement activities, and Comprehensive Plan Update Vision.

She stated that Policy 1 was: Plan a 20-year supply of suitable land for Sherwood to meet housing needs, and explained the four Objectives as:

Objective 1.1: Identify opportunities to address land deficits show in the Housing Needs Analysis within the existing city limits.

Objective 1.2: Accommodate future growth through annexation of areas within the Metro UGB and work with Metro to bring urban reserve areas into the Metro UGB as needed.

Objective 1.3: Ensure that the City has enough land to accommodate Sherwood's projected share of regional household growth, through regular monitoring and adjustments of available land in the Buildable Lands Inventory.

Objective 1.4: Maintain a minimum overall density of six dwelling units a net acre, per the Metropolitan Housing Rule.

Council President Rosener asked if the objectives were created from the feedback from the online polling? Ms. Mathis replied that the PAT (project advisory team) had recommended not polling for objectives for Policy 1 because it was mostly driven by regulation and there was not much flexibility when it came to Policy 1. She added that the PAT had suggested polling for the other three policies. Mayor Mays asked who served on the PAT. Ms. Mathis replied that the PAT was comprised of several City Council members and several Planning Commission members and they were there to guide the outreach and engagement activities. Council President Rosener asked if the 6 dwelling units per net acre took into account industrial land or if it was based on overall acreage. Ms. Mathis replied that it did not include industrial land. Councilor Brouse asked if that was a state or local guideline. Planning Manager Palmer replied that it was a state guideline. Council President Rosener asked how House Bill 2001 would affect the net dwelling units by acre. Ms. Palmer replied that at this moment it was unclear which rule would have authority over density and added that historically, Sherwood maintained an average of 8.2 dwelling units per acre.

Ms. Mathis stated that Policy 2 was: Plan for infrastructure development to support residential development, and explained the three Objectives as:

Objective 2.1: Continue to coordinate capital improvement planning to ensure infrastructure availability on residential land and continue to pursue funding for needed infrastructure to support housing growth.

Objective 2.2: Coordinate with regional partners to develop infrastructure across the City to support housing growth across the City, ensuring availability of water and wastewater service and providing transportation access to the broader Portland region.

Objective 2.3: Coordinate population, residential growth and infrastructure planning with the Sherwood School District to ensure that land is available for new schools as needed and that utilities can efficiently be provided to new school sites.

She stated that Policy 3 was: Maintain the quality of existing neighborhoods and ensure that new neighborhoods fit with Sherwood's character, and explained the four Objectives as:

Objective 3.1: Encourage existing neighborhoods to benefit from access to connections to trails, parks, open space and neighborhood amenities as they are built in new neighborhoods.

Objective 3.2: Encourage infill residential development in areas near shopping, parks, transit and other major public facilities and services, with a focus on opportunities in the Old Town District.

Objective 3.3: Encourage housing of a design and quality compatible with the neighborhood in which it is located.

Objective 3.4: Reduce the negative impacts of traffic, noise, parking, lack of privacy, and negative visual aesthetics, through compatible site and building design and buffering techniques, such as varying densities and types of residential use and design features.

Councilor Scott stated it was important to note that Objective 3.2 was supported by 40% of the respondents to the poll and commented there did seem to be a high degree of uncertainty or lack of understanding of the context or definitions. He reported that 40% of respondents supported the objective, 24% were against, and 36% did not know or were neutral.

She stated that Policy 4 was: Foster complete neighborhoods that provide housing choice serve daily needs, and are walkable, connected, safe, and integrated with the natural landscape, and explained the four Objectives as:

Objective 4.1: Utilize concept planning, master planning and the planned unit development (PUD) technique to foster flexibility, creativity and innovation in the division of land, siting of buildings and provision of transformative community amenities such as trails and open space.

Objective 4.2: Encourage the design of neighborhoods in a manner that incorporates the following principles:

- Cultivate a mix of housing types that are designed in a way to enhance neighborhood character.
- Create walkable neighborhoods that respond to their surrounding landscape
- Provide safe and effortless connectivity to schools, parks, and commercial centers for pedestrians, cyclists, and cars.
- Enhance existing natural assets and integrate greenspaces and parks into new development.
- Enhance Sherwood's small-town character and historic core through architectural balance and design that is accessible and inviting to all

Objective 4.3: Make use of density transfer as a means of preserving open space and developing recreational areas within a single development.

Objective 4.4: Promote housing and site design that supports the conservation, enhancement, and continued vitality of areas with special historic, architectural, or cultural value.

Councilor Scott commented that he felt that there was too much technical terminology used in the four objectives, which could have led to confusion or misunderstanding by the survey takers. He commented that there was a high amount of "don't know" responses for most of Policy 4 objectives. Ms. Mathis replied that because of the nature and intent of the document, it would always be difficult to use terminology or concepts that the layperson would be able to understand. Council President Rosener asked if density transfer was a concept that was applied to the overall Sherwood West concept plan or if it was something that happened on the individual development level. Mayor Mays replied that density transfer was a common tool for PUDs and it was a method for developers to get a higher density percentage for protecting wetlands or for highly undevelopable land, but he was not aware of it being used in concept or master plans. Mayor Mays stated he had a concern regarding the language in Objective 4.1 and asked that "available" be used instead. Planning Commission Vice Chair Justin Kai commented that it would be helpful to add the polling data underneath each objective. Ms. Mathis replied that she would add the polling data to the objectives. Discussion occurred. Planning Manager Palmer replied that adding the polling data as they moved forward when they reviewed the policies and objectives would be helpful. Councilor Scott commented that the survey results were the best available information that the City had about how the community felt about the objectives, and the results of the survey needed to carry some weight. Mayor Mays clarified that the document would go back to the Planning Commission for further review and recommendation. Ms. Palmer replied that was correct. Council President Rosener asked how the objectives were identified from the initial survey, and did the objectives change based on the responses received from the second poll? Ms. Mathis replied that the basis for the objectives primarily came from the current Comprehensive Plan as well as ideas that came through the comments from the landform analysis and mapping work, and stakeholder interview notes. She added that they did not make any specific changes to the language based on the survey, but they did get the understanding of general support for certain objectives.

She stated that Policy 5 was: Provide opportunities for the development of a range of housing types that are attainable to current and future households at all income levels, as described in the Sherwood Housing Needs Analysis, to maintain Sherwood's high quality of life and explained the five Objectives as:

Objective 5.1: Identify opportunities to increase residential development to balance the housing supply. Ensure the housing supply includes a mix of housing types and unit sizes at a range of housing prices and amenities throughout the City.

Objective 5.2: Support a variety of housing types such as, but not limited to, townhomes, cottages, courtyard housing, accessory dwelling units, single story units, and extended family and multi-generational housing.

Objective 5.3: Support housing affordable to Sherwood's residents and workers at businesses in Sherwood, including housing options for first-time homebuyers, new families, the elderly, and persons with disabilities.

Objective 5.4: Support homeownership opportunities in multi-dwelling housing by encouraging the creation of condominiums, cooperative housing, and limited equity cooperatives.

Objective 5.5: Collaborate with nonprofit organizations to provide opportunities for development of low-income housing such as rent-subsidized housing and other low-income housing in areas that have access to jobs, transportation, open spaces, schools, and supportive services and amenities.

Councilor Scott voiced that none of the Policy 5 objectives were supported by more than 50% of the 286 respondents and added that Objective 5.3 was the most supported with 48% of respondents but it also had a high percent of "don't know/neutral". He commented that Objective 2.1 received 36% in favor and 42% opposed and Objective 2.2 had 40% in favor and 36% opposed. He remarked that the biggest issues were with Objective 5.4 as he felt it was unclear where the objective came from because the objective did not seem to come from the initial 1,100-person outreach. He reported that 55% of respondents disliked Objective

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5.4 and only 24% were in favor. He remarked that Objective 5.5 was not on the original survey and asked where the objective came from. Planning Commissioner Vice Chair Justin Kai replied that Objective 5.5 was created because non-profit organizations were seen as stakeholders and provided their input to include the objective. He commented he had an issue with how the objective came to be included in the plan and explained that he had highlighted in the Planning Commission meetings that non-profit organizations did not need to be specifically called out in the objective, and the objective retained its strength if the word was removed. He referred to the fact that non-profit organizations would be exempt from local property taxes if they provided rental housing in the community. Planning Commission Chair Jean Simson asked that Council provide their feedback and strikethrough suggestions on the document. She explained that the Planning Commission reviewed the document based on the feedback they had received from the Citizen Advisory Committee and what the consultants had recommended. She added that there was not a lot of support for Objective 5.4 on the Planning Commission level. Councilor Brouse commented that the 2040 Vision Statement intended to provide housing choices for a diversity of ages and income levels and Policy 5 was the only section that was forward-looking and spoke to creating attainable housing. She suggested weaving the "attainable portion" more throughout the document. Council President Rosener commented that the City was not a housing authority that controlled large pools of cash to start programs, nor did the City have property to donate. He asked how Council could work towards the objectives in Policy 5, but wondered from a feasibility point of view, what Council had the power to do other than advocate and bring different groups together. Community Development Director Hajduk replied that it was normal to have items in a Comprehensive Plan that were aspirational, and objectives should be included in the Comprehensive Plan even if they were aspirational and something to work towards. Planning Manager Palmer commented that the 1990 Comprehensive Plan included aspirational objectives. Councilor Scott commented that he agreed with Councilor Brouse about aspirational goals and that he liked the spirit of Objective 5.5, but he felt that it was too specific and needed rewording. He added that he was in favor of removing Objective 5.4 in its entirety because he felt that the goal was captured in other objectives. Councilor Garland commented that Objectives 5.4 and 5.2 had similarities, but 5.4 had the goal of promoting home ownership. Mayor Mays commented that supporting home ownership opportunities was a good thing. He added that Objective 5.5 could use some wordsmithing. Councilor Griffin stated he agreed with Councilor Scott and Mayor Mays, and Objectives 5.4 and 5.5 were too specific and should be more generic. Planning Commission Chair Simson commented on the specificity of 5.4 and explained that one of the phrases she had heard recently was "scalable housing" or supporting home ownership opportunities that were scalable. She explained that it was the difference between single family cottage and single family on an acre lot which meant there was still the homeownership opportunity, but it did not have to be multi-family. She stated that you could scale the project, so home ownership was more attainable based on the size of the house and the size of the lot. She commented that the term "multi-dwelling" was really specific compared to "scalable opportunities." Council President Rosener commented that the City should be encouraging home ownership across all aspects of housing wherever possible because it was the number one way an individual could create wealth as they headed into retirement. Councilor Young commented she liked the term "scalable" more than "multidwelling." Councilor Brouse commented that she felt it was important to leave in references to home ownership opportunities, whether that be using "scalable" or some other language because it was essential. She encouraged Council to leave Objective 5.5 in the Comprehensive Plan in some capacity because it addressed the lower-income side of things, and suggested wordsmithing it. Planning Commission Vice Chair Kai asked for comments from Council on what was too specific about Objective 5.5. Council President Rosener commented that in general, the objective needed to be more aspirational because the City did not know what tools or processes they would have available to them 5-15 years from now. Councilor Scott commented that he no longer wanted to remove Objective 5.4 from the Comprehensive Plan and he agreed with Council about changing the wording. Ms. Mathis recapped the next steps in the process and explained

that work on the next Comprehensive Plan block would begin and would focus on infrastructure and transportation.

B. Update on Sherwood West Relook

Planning Manager Palmer explained that the Housing Needs Analysis (HNA) was a document that helped to inform decisions centered around future residential needs regarding housing and the community. She explained that it did not dictate actions and was a technical document that analyzed the historical and recent development trends regionally and locally. She stated that the document looked at the projected number of households within the 20-year planning period, and the City forecasted that the housing needs with a mix of certain needed housing types. She reported that the HNA looked at the residential land capacity for the 20-year planning period, and it revealed that there was a current deficit of 608 housing units. Community Development Director Hajduk clarified that the HNA informed decisions moving forward, but it did not dictate timing. Councilor Scott clarified that City had a 608 unit deficit over a 20-year period, not a 608 unit deficit right now. Council President Rosener clarified that the HNA included all UGB (Urban Growth Boundary) land in the Brookman area, so there was still a lot of land that had yet to be developed.

Ms. Hajduk recapped the three ways to expand the UGB and stated that option 1 was through a Legislative Amendment. She explained that this was the most common way to expand the UGB and Metro was required to review the supply and anticipated demand for housing and job land every six years and make amendments to the UGB as needed. She explained that expansions were based on identified regional needs for residential/commercial/industrial lands, not specific jurisdiction needs. Mayor Mays asked if Metro deemed that there was a need for 1,000 acres of residential land at any point in the cycle, and cities within the Metro boundary had only asked for 100 acres, could Metro still add 1,000 acres to a city who did not want it? Ms. Hajduk replied that in theory, Metro could do that, and added that recently and politically that had not been what happened, but that scenario has occurred historically. The second option was a Mid-Cycle Ask and had been recently created and had not yet been utilized. She explained that if jurisdictions had a demonstrated need, they could ask for a modest expansion in the middle of the legislative session. She reported that the Metro language stated that regardless of how many people asked for land to be added to the UGB during the mid-cycle, it could not be modified by more than 1,000 acres, and Metro was not required to modify it at all. She explained that local jurisdictions had to make the request, identify it was for their local need, and it had to be connected to the HNA to demonstrate need. The request could include a small amount of commercial and retail land, but according to the rules, it had to be supportive of and not equal to or more than. She reported that Metro would most likely start that program in June 2021. Council President Rosener asked if it would allow for mixed use land to be added. Ms. Hajduk replied that she believed Metro's goal was if the City was going to bring in a residential area, there might be the opportunity to provide a small amount of park land and commercial land that is supportive of the residential component. Mayor Mays asked who at Metro had given her that answer. Ms. Hajduk replied that Metro staff and the Metro code. Mayor Mays commented that he had heard differently. The third option was through a Major Amendment and explained that it was not a commonly used process and stated that it was the process the school district had utilized to expand the UGB. She reported that this process would allow the UGB to be amended for public facilities, public schools, natural areas, land trades and other non-housing needs. Major Amendments were accepted annually when Metro was not in the Legislative Amendment process and applications were accepted February 1st through March 15th. She reported that this process would be utilized for the Sherwood North discussion. Councilor Scott asked when the decision window was for Major Amendment applications. Ms. Hajduk replied she believed it was a couple of months. Discussion occurred.

Council President Rosener asked if Metro had announced how many acres they were looking at in total. Mayor Mays replied that Mid-Cycle was 1,000 acres.

Planning Manager Erika Palmer provided an update on the Sherwood West Re-Look and explained that with the construction of the new high school, the new Comprehensive Plan, new developments in the Brookman area and Riverside Terrace, it was appropriate to reexamine the preliminary concept plan of Sherwood West. She recapped that staff had applied for and received a \$130,000 grant from Metro to complete the re-look. She reported that she expected to have a consultant on board by December for the project to kick off in early January 2021. She explained that a detailed scope of the project was not available yet because they were still selecting a consultant and working through Metro's IGA process. She stated she expected the process to take between 12-14 months to complete. She provided an overview of the probable Sherwood West Re-Look schedule on page 37 of Exhibit A. Community Development Director Hajduk remarked that she was aware there was an interest from Council in how the Sherwood West Re-Look aligned with a potential UGB expansion and she felt that there was a window for a mid-cycle ask. She stated that she believed that the most the City could ask for was roughly 70 acres since it was tied to the HNA and the 600 units. She added that perhaps slightly more land could be added for some support of industrial land. She explained that it would require that the City identify early in the relook process where residential land would stay versus more employment land. She commented she believed it would be possible to accomplish and that it would require coordination. Mayor Mays commented that he was interested in pursuing a UGB expansion that included residential and jobs/industrial land with the plan of the expansion being completed in phases and controlled by Council. He reported that it was anticipated that the City of Tigard would be doing a Mid-Cycle ask, but Tigard had indicated that the application window for Metro was too short. Mayor Mays commented that he was not interested in a residential only land expansion or a residential and commercial ask because it did not help balance the tax base in Sherwood. Council President Rosener explained that the initial Sherwood West plan was completed years ago when Sherwood was focused on residential growth, and one of the reasons this council had wanted to do a re-look was to refocus efforts on economic development, jobs, and balancing the City's tax base between residential and commercial/industrial/light industrial/etc. He commented that the effects of House Bill 2001 changed how cities were able to plan and it was important to understand how Sherwood could use annexation rules to control growth as much as possible. Councilor Young asked regarding the probable timeline for the re-look and commented that it would be hasty for the City to complete an ask prior to finding a consultant. She referred to two public comments that had been received from two developers (see record, Exhibit B) and commented she was worried about Sherwood schools being able to accept the number of new students that would come from new developments. Councilor Brouse asked if the potential ask for the 70 acres for the 608 units that was identified in the HNA would be for a Mid-Cycle Ask, and what would be the amount the City could ask for if it did a Major Amendment process? Ms. Hajduk replied that because the Major Amendment was for non-residential, the City could ask for more than 70 acres, but it could not be used for residential land. Councilor Brouse asked if doing a Major Amendment and a Mid-Cycle Ask was an option? Ms. Hajduk replied that doing two different asks was potentially an option. Councilor Scott summarized the items that needed to be completed for the Sherwood West Re-Look and commented it would take longer to complete than what the UGB Mid-Cycle ask allowed and commented that doing a Legislative Amendment ask in 2024 made the most sense. Sherwood School Board Chair Patrick Allen spoke on what the school board had discussed the last time this issue came up several years ago and explained that the school board wanted to ensure that it would not be put in a position that would require them to go back to the district patrons for an expansion bond for the new high school for ten years. He commented that any mix of development for a taxing district that generated revenue without the demand for services would help to balance out the community's finances and the school board was in the same kind of position as the rest of the community from that standpoint. Mayor

Mays reported that Metro had never granted a Major Amendment for anything other than parks, schools, and other governmental facilities, and commented it would be interesting to see if Metro was supportive of a Sherwood North Major Amendment. He commented if Metro was supportive of a Sherwood North Major Amendment and the City was not ready for a Mid-Cycle 2021 ask, the City would be ready for a Major Amendment ask in 2022.

C. Update on Sherwood North Concept Planning

Planning Manager Palmer recapped that several months ago the Deacon Development team had approached the City about requesting a major UGB amendment from Metro for office and commercial lands. She explained that as a part of the amendment process, the team needed an approved concept plan for the area. She reported that the area the development team wanted to bring into the UGB was a relatively small area that fronts both north and south of Highway 99W. Ms. Palmer explained that Planning staff did not have the capacity to lead a planning effort at this time, but staff had been reviewing information from the development team and helping them with public engagement strategy by putting the concept plan online, as well as gathering public input on the proposed plan. She stated the development team was seeking Council's input and support of the concept plan. 3J consultant Steve Faust recapped that the concept plan area was in the Sherwood North Urban Reserve Area which was comprised of three sub-areas (west, middle, and south). He outlined that the Sherwood North Concept Area included a portion of the middle sub area and was in the 100-year flood plain. The flood plain formed the western, northern, and eastern boundaries of the concept plan area, and the flood plain was included in the Tualatin River National Wildlife Refuge. He provided an overview of the concept plan area on page 43 of Exhibit A and explained that the existing city limits were located to the south along the portion of the Urban Reserve owned by PGE which contained power lines that connected to an adjacent substation. He stated that he had reached out to PGE at the request of city and county staff to gauge PGE's interested in participating in the proposed UGB expansion, and PGE had indicated that they were not interested in participating at this time. He reported that the Sherwood North concept areas encompassed roughly 39 acres of the middle sub area and was divided by Highway 99W into a 12-acre western section and a 27-acre eastern section. Mr. Faust explained that the concept plan proposed an extension of commercial office land uses in the western section and general commercial land use on the east section with the goal of helping to meet commercial land deficits and to help diversify the City's tax base.

FCS Group representatives Todd Chase recapped the key tasks that needed to be completed for the Major Amendment and explained that they would need to show a regional need for this use and show that there were no other lands within the region that could address the need currently. He recapped that the 2018 Urban Growth Report assumed the region would add 300,000-500,000 people over the next 20 years, and because no new cities would be formed in the tri-county region, it would be up to the existing cities to accommodate the market pressure through proactive planning. He explained that the eastside land could be used to build 150,000-165,000 square feet of commercial uses which would be sub-regional and regional serving and commented there was near-term demand for that kind of space. The westside land could accommodate a 100,000-250,000 square feet of two to four-level buildings of a mix professional services and retail. He remarked that general commercial on the east side would likely happen within five years based on the current market. He recapped the benefits for approving the Sherwood North Concept Plan on page 50-51 of Exhibit A and reported that the properties would generate roughly \$300,000 in revenue for the City's General Fund, 650 direct jobs and 550 indirect jobs would be added between the two sites, \$4 million per year for state income tax, and \$16 million per year of federal income taxes. He stated that Washington County would receive a one-time TDT revenue of \$3.5 million and the City would receive roughly \$3 million

in SDC revenues. The City would receive \$130,000 per year from water, sewer, storm, and streetlights and \$9 million in roadway investments. Mr. Chase stated that Deacon Development was working on a funding plan that was to be included in the concept plan and explained that developer and development impact fees would likely pick up the majority of those costs. Mr. Faust recapped that Deacon Development had been working with ODOT, Washington County, adjacent property owners, and other service providers to refine the concept plan. He reported that January 5th had been identified as a potential date to bring the concept plan back for Council support and provided an overview of the project timeline. He stated they intended to submit the UGB Major Amendment application to Metro on February 1, 2021 with an anticipated answer from Metro coming in August 2021.

Planning Manager Palmer outlined the timeline for the UGB expansion/Sherwood North on page 55 of Exhibit A and explained that if Metro approved the expansion, the properties could be annexed, zoned, and incorporated into the City boundary. Public engagement would occur after this work session, and the plan would be submitted for Council approval on January 5, 2021, it would be submitted to Metro in February, and a decision by Metro in August. Councilor Young asked if Council would be made aware of the feedback the concept plan had received from the public engagement period. Mr. Faust replied that public comments and the draft concept plan would be presented to Council at the January 5th meeting. Planning Commission Chair Simson asked if the plan would first go to the Planning Commission for a public hearing? Ms. Palmer replied at this time there was not a Planning Commission meeting scheduled in December to review the plan and commented that if Council made any amendments to the plan, the Planning Commission would see those amendments at a later date and time. Councilor Scott asked for more information about what the planned public involvement entailed. Mr. Faust replied that he had been working with Ms. Palmer to put together a webpage on the City's website where people could review the concept plan and fill out an online comment form, he also planned to post the PowerPoint presentation and a link to the meeting recording on the webpage. Ms. Palmer added that the City had pushed out the webpage and project page on Facebook, Nextdoor, Twitter, and a news flash alert on the City's website. Councilor Brouse asked how the Sherwood North concept plan tied in with the Sherwood West Re-Look and did that mean the City would complete two separate asks? Ms. Hajduk replied that for Sherwood West, the City could do a Major Amendment ask, but the City was primarily looking at a Mid-Cycle ask for Sherwood West. She explained that Sherwood North would likely utilize the Major Amendment application. She stated that the City would likely not be ready to complete a Major Amendment request for Sherwood West by February. Councilor Garland asked what the Planning Department's capacity was for taking on projects of this size at the same time? Ms. Hajduk replied that she had told Deacon Development that the Planning Department was not in a position to take on the planning of Sherwood North. Mayor Mays asked if his earlier assertion that Metro had never granted a Major Amendment for private development. Ms. Haiduk replied that as far as she was aware Metro had never granted a Major Amendment for private development and added that she did not think there had been many requests to do so. Planning Commission Chair Simson commented that the information should also be pushed out through other boards and commission announcements, the Planning Department Update emails, and other mailing lists. Mayor Mays commented that the concept plan could be added to a December Planning Commission agenda. Ms. Hajduk said she would add it to the Planning Commission's agenda. Discussion occurred. Council President Rosener thanked staff for their work.

5. ADJOURN:

Mayor Mays adjourned the work session at 7:28 pm and convened a regular session.

Record note: Staff emailed Council a link to the Sherwood North Concept Plan project webpage and the online comment form for the work session.

REGULAR SESSION

- 1. CALL TO ORDER: Mayor Mays called the meeting to order at 7:35 pm.
- **2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
- 3. STAFF PRESENT: City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Public Works Director Craig Sheldon, Planning Manager Erika Palmer, Community Services Director Kristen Switzer, Associate Planner Eric Rutledge, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of October 6, 2020 City Council Meeting Minutes
- B. Approval of October 20, 2020 City Council Meeting Minutes
- C. Resolution 2020-077 Appointing Dani Sticka to Sherwood Library Advisory Board
- D. Resolution 2020-078 Appointing Jane Vankuren to the Sherwood Library Advisory Board
- E. Resolution 2020-079 Appointing Vishwas Setty to the Sherwood Library Advisory Board
- F. Resolution 2020-080 Appointing Elizabeth Fritz Kaliszewski to the Sherwood Library Advisory Board
- G. Resolution 2020-081 Appointing Lily Fairman to the Sherwood Library Advisory Board
- H. Resolution 2020-082 Appointing John Velez to the Comprehensive Plan Community Advisory Committee
- I. Resolution 2020-083 Authorizing the City Manager to execute a Professional Services Contract with Magellan Advisors to provide Design Services for the Fiber to the Home (FTTH) Project

MOTION: FROM COUNCILOR BROUSE TO ADOPT THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

No comments were submitted. Mayor Mays addressed the next agenda item.

7. PRESENTATIONS:

A. Recognition of Eagle Scout Award Recipient

The City Recorder asked that the Eagle Scout Award recognition be moved to the next regular Council meeting to accommodate more participants. Mayor Mays stated that the recognition of Eagle Scout Award recipient presentation would be moved to the next regular City Council meeting.

8. NEW BUSINESS

A. Resolution 2020-084 Opposing the Proposed Tipping Fee Increase by Metro

City Manager Joe Gall explained that Metro was proposing to raise tipping fees in the region by 9%. He stated if passed, it would go into effect on January 4, 2021. He explained that both elected and appointed officials in Sherwood as well as other cities and haulers in the region have raised significant questions regarding the timing and size of the increase. He stated Metro had decided to delay action for making a decision until later in December and had stated they were willing to hold a special meeting with the Sherwood City Council on November 24th to answer any questions Council may have. Mr. Gall recommended that Council table the proposed resolution to allow Metro to answer Council's questions at the upcoming work session, and then revisit the resolution at the December 1st regular City Council meeting. Mayor Mays commented he was happy to see Metro was willing to visit with Council to discuss this topic and explain their proposal. Mr. Gall explained that tipping fees were a variety of fees that were charged to haulers to "tip" their garbage at transfer stations. He explained there was a per-ton cost and it was money that goes back to Metro for the Regional Solid Waste System. He stated those charges were passed on to consumers, residents, and businesses through a hauler's garbage pickup fees. He explained the fees typically increase on July 1st of each year, but they did not go up in July of 2020 due to the COVID-19 pandemic, so Metro was also proposing an additional increase on July 1, 2021. Mayor Mays stated he would like to table the proposed resolution to the December 1st regular City Council meeting so Council would be able to learn more about Metro's plans. No objections from Council were received to table the resolution.

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

9. PUBLIC HEARINGS:

The City Recorder reported that written public testimony had been received from Corey Kearsly from the Sherwood Chamber of Commerce and Daryl Winand from the Portland Metropolitan Association of Realtors regarding proposed Ordinance 2020-005. The City Recorder reported that written public testimony had been received from Al Jeck with Venture Properties on behalf of Kelly Ritz, president of Venture Properties, and Jack Kearney with You Realty regarding proposed Ordinance 2020-010. She explained that all written testimonies would be entered into the Council record (see record).

A. Ordinance 2020-005, Amending Sections of the Sherwood Zoning and Community Development Code as it Relates to the Regulation of Signs (Second Reading)

Planning Manager Erika Palmer explained that the first reading of the ordinance was held at the June 2, 2020 Council meeting where Council decided to continue to a date certain of November 17, 2020 due to the uncertainties surrounding the COVID-19 pandemic. She presented the "Sign Code Amendments" PowerPoint presentation (see record, Exhibit C) and explained that the development code had been updated to specifically address feather signs as the previous development code did not clearly distinguish between flags and feather/flag signs. She reported that the proposed amendments included new definitions for feather

signs and new standards based on the number of signs allowed on a parcel, as well as height and location. Additional language was added after the June 2nd meeting regarding the fixed duration someone could have a feather sign permit. She explained that currently, only one permit per property will be granted per consecutive 90-day calendar period and the approval process was an administrative type 1 application. She reported that changes were made to the section that addressed signs in the institutional public zones pertaining to wall signs to allow for more flexibility. She explained that if the building was located at least 100 feet away from a collector or arterial roadway, wall signs were permitted to a maximum of 150 square feet and could not be larger than 20% of the wall on which it was located. She recapped the public engagement and noticing activities the City had taken on page 5 of the presentation. She stated public comment had been received by Daryl Winand from the Portland Metropolitan Association of Realtors who proposed that the City retain the current language that allowed for the use of temporary portable signs within the public right-of-way without seeking authorization from homeowners within the residential zone. She reported that the Sherwood Chamber of Commerce requested that Council continue the public hearing to summer 2021 due to COVID-19. She outlined the future enforcement of the proposed code update on page 6 of the presentation and explained that the City would focus on education and compliance with an educational campaign. She reported that the City would be proactive in ensuring that unpermitted feather signs would not be allowed to be installed. She stated that due to the COVID-19 pandemic and its impact on local businesses, staff had developed three options for Council to consider:

- Conduct the second reading of Ordinance 2020-005 as presented. A motion to adopt the ordinance as presented would mean that the proposed amendments would take effect after 30 days.
- Conduct the second reading of Ordinance 2020-005 and amend the Ordinance to provide for a later
 effective date (e.g. February 1, 2021) prior to adoption. This would allow time for educational outreach
 on new standards prior to the effective date.
- Continue this public hearing to a date certain (e.g. March 2, 2021). This would allow the City to assess
 the COVID-19 pandemic situation at that time, provide additional opportunity for public input, and
 allow time for further consideration by Council. Council could also take this opportunity to provide
 additional direction to staff regarding any potential changes to the ordinance language prior to the
 continued hearing.

Mayor Mays asked if Council wished to act on the ordinance at this meeting, would the current state of emergency allow for the City Manager to suspend enforcement of this ordinance. City Manager Gall replied that the state of emergency would allow him to suspend the enforcement of codes damaging to businesses who were trying to survive in the pandemic. City Attorney Josh Soper added that the City Manager had the authority to prioritize enforcement and staff resource allocation both during a state of emergency and under normal operating conditions. Mayor Mays asked for clarification on the current code regarding placing signs in the public right of way. Mr. Soper explained that the current code allowed for the placement of signs within the public right-of-way in front of a residential property if a good faith effort to contact the homeowner had been made. The proposed language requires that the homeowner's permission must be given in order to place the sign there. He explained that the change had been added after the City had received feedback from homeowners who were unhappy with signs being placed in the right-of-way of their property without their permission. Councilor Brouse commented that she liked that feather signs had been defined and asked if it was a better idea to change the code to define feather signs and changes for wall signs, but not detail the permitting process and allow the City to get past the pandemic and allow businesses to return to normal? Mayor Mays replied that doing so would require public noticing twice and there were pros and cons to doing

so. He voiced that Council could act at this meeting and make the effective date six months from now or on the City Manager's authority to alter or enforce the ordinance, as well as provide notice to businesses that the rules were changing, or Council could extend the hearing to the next meeting to discuss it further. Councilor Garland stated he was in favor of delaying voting on the ordinance given the uncertainty of the pandemic. He asked that the section that pertained to the number of signs that were allowed on a residential property be reviewed after Council had received feedback from several residents. Councilor Scott stated he was in favor of the new language regarding needing homeowner permission to put a sign in front of their house and was in favor of pushing the vote out to a later date. He stated he was not in favor of the sign code changes as they were written, and he did not intend to vote in favor of the changes. Councilor Young commented she did not see the harm in allowing realtors to continue to place A-frame signs in the right-ofway given how little time they were in place and added that there was a difference between the direction signs realtors temporarily put up and signs with stakes. Mayor Mays commented that he also did not see the need to change the code regarding signs in the right-of-way when it came to A-frame signs from realtors. Council President Rosener commented he thought more work needed to be done to differentiate A-frame signs and signs that had stakes going into the ground. He asked City Attorney Soper the reasoning for the wording "best efforts to contact the homeowner" and how that would be enforced. Mr. Soper replied that "best effort" meant any effort and the City could not prove or disprove whether any effort was made and commented that most of the complaints the City had received were over campaign signs in people's yards, not realtor signs. He explained the struggle would be to develop a code that does not distinguish between the two types of signs, but captured what the behavior was that the City did not want to allow. He stated that the suggestions regarding duration and sign types (A-frames vs. stakes in the ground) were options that could be investigated to further refine the code. Mayor Mays stated signs types should be clarified more and the discussion should be continued to a later meeting and asked that Council consider prohibiting feather signs and letting people utilize the banner signs in business zoning instead. He asked what the change was on the institutional public zoning on freestanding signs. Planning Manager Palmer replied that no changes were made to freestanding signs, only the wall sign language. Councilor Young voiced that she was concerned about the amount of staff time it would take to keep track of how long businesses had been displaying a flag sign. Council President Rosener stated he agreed with Councilor Young and asked that the code be consistent across all commercial and industrial zones so the City would not be penalizing a business. He commented that he was in favor of not allowing feather signs at all. Mayor Mays asked when to schedule the second reading of the proposed ordinance. City Attorney Soper suggested that a date be scheduled to hold the second reading again and suggested a work session between now and then to discuss the details of the proposed ordinance. He added that the ordinance distinguished between flags and flag/feather signs, and flags were now exempt from the code. He stated there had been discussion about whether the number of flags a property could have should be limited and suggested that that topic could also be discussed in the proposed work session. Council agreed. City Manager Gall suggested that the work session be held on January 19, 2021 and the second reading scheduled for March 2, 2021. Council agreed to continue the second reading to March 2, 2021.

Record note: Councilor Griffin left the meeting at approximately 7:50 pm.

MOTION: FROM COUNCILOR BROUSE TO CONTINUE THE PUBLIC HEARING FOR ORDINANCE 2020-005 TO A DATE CERTAIN OF MARCH 2, 2021. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRIFFIN WAS ABSENT).

Mayor Mays addressed the next agenda item.

B. Ordinance 2020-008, Approving Annexation of 10.90 acres to the City of Sherwood and 10.50 acres to Clean Water Services within the Tonquin Employment Area, comprised of one tax lot and the adjacent SW Oregon Street and SW Tonquin Road Right-Of-Way (First Reading)

Associate Planner Eric Rutledge presented the "Polley Annexation Case File: LU 2020-010 AN" PowerPoint presentation (see record, Exhibit D) and explained that the applicant had requested a second continuance for the annexation. He reviewed the location of the property and explained that the applicant requested a continuance to a date certain of December 1, 2020 to allow the applicant to continue discussions with stakeholders and review preliminary alternatives for street and driveway intersection locations on and near the site. He stated that based on the ongoing management study and the applicant's request to continue the hearing, staff recommended continuing the Polley Annexation hearing to a date certain of December 1, 2020 and a second reading on December 15, 2020. Mayor Mays asked for discussion or questions from Council. Hearing none the following motion was stated.

MOTION: FROM COUNCILOR YOUNG TO CONTINUE THE PUBLIC HEARING FOR ORDINANCE 2020-008 TO A DATE CERTAIN OF DECEMBER 1, 2020. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRIFFIN WAS ABSENT).

Mayor Mays addressed the next agenda item.

C. Ordinance 2020-010, Adopting the 2019-2039 Sherwood Housing Needs Analysis as a sub-element of the Comprehensive Plan (First Reading)

Planning Manager Erika Palmer presented the "Sherwood Housing Needs Analysis 2019-2039" PowerPoint presentation (see record, Exhibit E) and explained that the Housing Needs Analysis (HNA) was a policy document to help guide future discussions on residential development in Sherwood. The HNA addressed where growth should occur, what housing types are needed in the community and what other programs or tools should the City review and consider promoting to address needed housing. She stated the HNA was intended to be updated every five to seven years in order to keep the content current. She recapped the three primary goals under Goal 10 for the State Land Use Goal for Housing as:

- Designate land in a way that 50% of new housing could be a mix of multifamily or single-family attached housing (e.g., townhouses). The other 50% to be single-family detached.
- Provide opportunities to achieve an average density of six dwelling units per net acre.
- Provide opportunities for development of needed housing types: single-family detached, single-family attached, and multifamily housing.

She outlined the HNA's three sections on page 4 of the presentation and explained that single-family housing accounted for roughly 75% of Sherwood's housing stock, single-family attached housing accounted for 7%, and multifamily attached units accounted for 18% of Sherwood's housing stock. She reported that nearly 75% of Sherwood residents owned their own homes, but there had been a slight decline in ownership. Renter occupied was a mixture of multifamily (57%), single-family detached (35%), and single-family attached (9%). She stated that between 2000-2014, Sherwood was averaging 8.2 dwelling units per net acre, which satisfied the density requirements of at least six dwelling units per net acre per Goal 10. She recapped the characteristics of Sherwood's population on page 6 of the presentation and explained that age, household composition (single, family, etc.), and household income were the most strongly correlated with housing choice for people. She recapped the local and regional trends in housing costs and reported that Sherwood's

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income was higher than the state average, the price of homes continued to increase, and more than 1/3 of Sherwood's households had housing affordability issues. She explained that housing affordability issues meant that a household paid more than 30% of their gross income on housing costs which included mortgage, utilities, and insurance. She added that that number was very similar to the regional averages. She explained that the average household in Sherwood spent about 54% of its income on housing and transportation costs, which was higher than the surrounding communities. Ms. Palmer explained that the HNA was required to use the Metro forecast for housing growth for the 20-year planning period and reported that Sherwood was expected to grow by 1,729 households over the 20-year period, 700 of which were expected to be inside the city limits and 1,029 were projected in the Brookman Area. She recapped the Forecast of Needed Housing Units by Mix on page 10 of the presentation and explained that 50% of the housing could be single-family detached and the other 50% would be comprised of 25% single-family attached and 25% multifamily. She outlined the implications of demographic and socioeconomic trends on housing choices and explained that growth in housing would be driven by growth in population, that future housing will look a lot like past housing, and if the future differs from the past, it is likely to move in the direction of smaller units and more diverse housing types. Ms. Palmer summarized the implications for housing needs as: growth in older households will result in more one-person households and additional demands for smaller units for ownership and rental, growth in millennial households with families will result in demand for comparatively affordable units for ownership and rental, and the forecast showed a range of housing types were needed for Sherwood. She provided an overview of the various housing types in the HNA on pages 13-19 of the presentation.

Planning Manager Palmer stated that the HNA identified 175 net acres of vacant and partially vacant land within the Sherwood city limits, and 79 acres of land in the Brookman area that was buildable land within the HNA. She recapped that the table on page 21 showed that Sherwood's amount of buildable land for residential development had the capacity to accommodate 1,510 new dwelling units, which resulted in an overall average density of 8.6 dwelling units per acre. She stated that based on historical developmental densities, the City had the capacity to accommodate 1,286 new dwelling units, with an average density of 7.3 units per acre. She explained that these forecasts met or exceeded the three goals from Goal 10 for the State Land Use Goal for Housing criteria. Ms. Palmer explained that Sherwood had a deficit of residential capacity in each zone (Very Low Density Residential, Low Density Residential, Medium Density Residential-Low, Medium Density Residential-High, and High Density Residential), and a total deficit of 608 dwelling units for the 20-year planning period. The largest deficits were in the Medium Density Residential-Low, Medium Density Residential-High, and High Density Residential zones. She recapped that in order to comply with Goal 10, the City needed to either change its policies to allow for more development on the inventory of vacant land (allowing additional density in certain zoning designations), request a UGB expansion from Metro, or a combination of both options. She stated that the City was meeting its state requirements of providing the opportunity for 50% of new housing to be single-family attached or multifamily and the City was meeting its density requirements for the Metropolitan Housing Rule within the mix of new housing. She expressed that Sherwood should continue to plan for housing types for all income levels and that existing neighborhoods built since 1990 were unlikely to redevelop or infill during the 2019-2039 planning period, and that Sherwood has a limited supply of land for moderate and high density housing. She stated that the HNA was to be used as a guidance tool for the community housing discussions and was a supporting document to the City's Comprehensive Plan.

Mayor Mays asked for questions or discussion from Council. Council President Rosener asked if the City did not pass the ordinance by the end of the year, would the City have to start the process over from scratch? Planning Manager Palmer replied that if the ordinance was not passed by the end of the year, staff would

have to review the projected forecasts from Metro for the 20-year planning period, which could change the amount of required housing units. Councilor Scott asked regarding the feedback the Planning Commission had provided on the HNA. Ms. Palmer explained that the Planning Commission had added two additional bullet points in the executive summary, one related to COVID-19 and the implications that might have on housing, and the other in regards to House Bill 2001 and any implications that the bill may have on the HNA in the future. Councilor Young asked Ms. Palmer to explain the Planning Commission's comment regarding the 30% HUD cost metric for cost burden households. Ms. Palmer explained that the 30% metric came from HUD, something that the Planning Commission felt was not clear enough, so they added the information in the footnote. Councilor Scott added that he felt that the Planning Commission had concerns about the leadin section of the HNA document where they felt the recommendations went from being based on data to being potentially subjective suggestions not supported by the data. Ms. Palmer replied that a lot of that verbiage had been removed. Councilor Scott commented that he felt the Planning Commission was still not entirely happy with the final result. Hearing no other discussion or questions from Council, Mayor Mays closed the public hearing for the ordinance and stated it would be back for a second reading on December 1st.

Mayor Mays addressed the next agenda item.

10. CITY MANAGER REPORT:

City Manager Joe Gall provided an update on the Cedar Creek Trail Project and stated that November 20th was the deadline for bid documents to ODOT. He explained that ODOT was managing the project and the bid opening would be in January. He commented that the project would likely begin construction in Summer 2021 and could be completed by the end of the summer. He explained what the two-week freeze ordered by Governor Brown meant for city operations and stated that he was closing city facilities to the public, with staff still working in city facilities. He reported that Governor Brown had announced that \$55 million in funding would be distributed to counties for local businesses affected by the two-week freeze, and cities would work with counties to receive funding. Mayor Mays commented he saw that \$500,000 per county would be distributed, and the balance would be distributed per population. Mr. Gall replied that was correct. He reported that Economic Development Manager Bruce Coleman had reached out to Washington County for additional funding for local businesses. Councilor Young suggested using the \$200,000 the City had been reimbursed through the CARES Act to help local businesses during the two-week freeze. Mayor Mays asked if the City had been fully reimbursed for all of the expenses that the City had submitted. Mr. Gall replied that there was still a significant balance of COVID-eligible expenses the City had not been reimbursed for.

Mayor Mays addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS:

Councilor Scott reported on the most recent Planning Commission meeting where they heard two public hearings. One for the PUD for Denali Summit and the Brookman Addition Concept Plan. Both items were forwarded to Council for approval.

Council President Rosener reported he would attend the upcoming Sherwood School Board meeting. He announced he attended the question and answer session hosted by Metro regarding the increase in tipping fees.

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Councilor Young reported on recent YMCA activities and upcoming CDBG and budget meetings.

Councilor Garland reported on the recent Cultural Arts Commission meeting where they discussed the upcoming mural project. He met with the Regional Water Providers Consortium Board and the Willamette Intake Facility Group.

Councilor Brouse reported that she would attend the upcoming Library Advisory Board, Housing Advisory Committee for Washington County, and Senior Advisory Board meetings. She recapped the services that the Senior Center was providing to seniors in the community.

Mayor Mays reported he attended the Washington County Coordinating Committee meeting and Washington County Mayors meeting. He and Council President Rosener met with the Metro Councilor Elect.

12. ADJOURN:

Mayor Mays adjourned the regular session at 9:00 pm.									
Attest:									
Subject Murphy MMC City Popperdor	Kaith Maya Mayar								
Sylvia Murphy, MMC, City Recorder	Keith Mays, Mayor								

Council Meeting Date: December 1, 2020

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Sylvia Murphy, MMC, City Recorder Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2020-085, Approving the City Recorder's Canvassing of the

Washington County Election returns of the November 3, 2020 General Election

and directing the City Recorder to enter the results into the record

ISSUE:

Should the City Council approve the official November 3, 2020 general election results as provided by the Washington County Elections Division?

BACKGROUND:

Via this resolution, the City Recorder/City Elections Official is seeking City Council approval of Exhibit A, the Abstract of Votes from the November 3, 2020 General Election. Upon approval of the election results, the City Recorder will take all necessary steps to enter the election results into the record.

FINANCIAL IMPACTS:

There are no financial impacts of the adoption of the resolution.

RECOMMENDATION:

Staff respectfully recommends City Council approval of Resolution 2020-085, Approving the City Recorder's Canvassing of the Washington County Election returns of the November 3, 2020 General Election and directing the City Recorder to enter the results into the record.



RESOLUTION 2020-085

APPROVING THE CITY RECORDER'S CANVASSING OF THE WASHINGTON COUNTY ELECTION RETURNS OF THE NOVEMBER 3, 2020 GENERAL ELECTION AND DIRECTING THE CITY RECORDER TO ENTER THE RESULTS INTO THE RECORD

WHEREAS, the Washington County Elections Manager has duly and regularly certified the results of the General Election held on November 3, 2020; and

WHEREAS, the City Elections Officer, consistent with the duties imposed on that office, will canvass the votes and enter the results into the record following adoption by the City Council; and

WHEREAS, the certified election results are attached as Exhibit A to this resolution, and the City Council deems it appropriate to accept the official results and to direct the City Recorder to take all required actions relative thereto.

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

- <u>Section 1</u>. The City Council hereby accepts and approves the official results of the November 3, 2020 general election as shown in Exhibit A to this Resolution.
- <u>Section 2.</u> The City Recorder is hereby directed to enter a copy of this Resolution into the record of the proceedings of this Council and to canvass the votes.
- **Section 3.** This Resolution is and shall be effective from and after its adoption by the City Council.

Duly passed by the City Council on this 1st day of December, 2020

	Keith Mays, Mayor	
Attest:		
Sylvia Murphy, MMC, City Recorder		

Ballots Cast per Contest with Precincts Washington County, Nov 03, 2020 General All Precincts, All Districts, All ScanStations, All Contests, All Boxes

Page: 103 of 170 2020-11-23

10:35:26

Official Results Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

	City of Sh				
g.	Total	Keith Mays	Write-in	Over	Under
ers	Votes			Votes	Votes

Precinct	Ballots Cast	Reg. Voters	Total Votes	Keith Mays		Write-i	n	Over Votes	Under Votes
Precinct 424	4821	5506	3467	3273	94.40%	194	5.60%	0	1354
Precinct 435	4139	4782	2944	2762	93.82%	182	6.18%	0	1195
Precinct 442	2804	3231	2064	1978	95.83%	86	4.17%	0	740
Total	11764	13519	8475	8013	94.55%	462	5.45%	0	3289

I, Margaret Garza, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify this to be a true and correct copy of the original.

Ballots Cast per Contest with Precincts Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes

Official Results

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Precinct

Precinct 424 Precinct 435 Precinct 442 Total

Page: 104 of 170 2020-11-23 10:35:26

	City of Sherwood, Council Members (Vote for 3)												
Ballots	Reg.	Total	Renee E. E	Brouse	Sean Ga	rland	Taylor G	iles	Kim You	ung			
Cast	Voters	Votes											
4821	5506	10527	2506	23.81%	2490	23.65%	1838	17.46%	2706	25.71%			
4139	4782	9258	2226	24.04%	2178	23.53%	1691	18.27%	2349	25,37%			
2804	3231	6276	1489	23.73%	1508	24.03%	1111	17.70%	1622	25.84%			
11764	13519	26061	6221	23.87%	6176	23.70%	4640	17-80%	6677	25.62%			

1, Margaret Garza, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify this to be a true and correct copy of the original.

Ballots Cast per Contest with Precincts Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Page: 105 of 170 2020-11-23 10:35:26

0.19%

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

1941

Total

11764

13519

26061

City of Sherwood, Council Members (Vote for 3)												
Precinct	Ballots Cast	Reg. Voters	Total Votes	Josie Day	yton	Write-i	n	Write-i	n	Write-i	in	
Precinct 424	4821	5506	10527	813	7.72%	108	1.03%	43	0.41%	23	0.22%	
Precinct 435	4139	4782	9258	657	7.10%	104	1.12%	35	0.38%	18	0.19%	
Precinct 442	2804	3231	6276	471	7.50%	54	0.86%	13	0.21%	8	0.13%	

7.45%

1.02%

0.35%

266

Ballots Cast per Contest with Precincts Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Page: 106 of 170 2020-11-23 10:35:26

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

City of Sherwood, Council Members (Vote for 3)

Precinct	Ballots	Reg.	Total	Over	Under
	Cast	Voters	Votes	Voles	Voles
Precinct 424	4821	5506	10527	48	3888
Precinct 435	4139	4782	9258	21	3138
Precinct 442	2804	3231	6276	12	2124
Total	11764	13519	26061	81	9150

Ballots Cast per Contest with Precincts Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes Official Results Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88% Page: 165 of 170 2020-11-23

10:35:26

M34-299 Sherwood City Rec Marijuana (Vote for 1)

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Precinct	Ballots	Reg.	Total	Yes		No		Over	Under
	Cast	Voters	Votes					Votes	Votes
Precinct 424	4821	5506	4607	2484	53.92%	2123	46.08%	0	214
Precinct 435	4139	4782	3990	2198	55.09%	1792	44.91%	1	148
Precinct 442	2804	3231	2687	1406	52.33%	1281	47.67%	0	117
Total	11764	13519	11284	6088	53.95%	5196	46.05%	1	479

I, Margaret Garza, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify this to be a true and correct copy of the original.

Ballots Cast per Precinct

Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Page: 1 of 3 2020-11-23 10:36:06

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Precinct	Ballots	Reg. Turnout
	Cast	Voters Pct.
Precinct 301	1779	2107 84.43%
Precinct 302	2182	2769 78.80%
Precinct 303	885	1180 75,00%
Precinct 304	2945	3696 79.68%
Precinct 305	993	1204 82.48%
Precinct 306	680	807 84.26%
Precinct 307	1754	2160 81.20%
Precinct 308	161	188 85.64%
Precinct 309	3525	4186 84,21%
Precinct 310	1629	1910 85.29%
Precinct 311	712	820 86.83%
Precinct 312	791	898 88.08%
Precinct 313	4	5 80.00%
Precinct 314	299	347 86.17%
Precinct 315	959	1071 89.54%
Precinct 316	844	960 87.92%
Precinct 317	1015	1226 82.79%
Precinct 318	2891	3505 82.48%
Precinct 319	7038	8646 81.40%
Precinct 320	2839	3527 80,49%
Precinct 321	350	445 78.65%
Precinct 322	291	340 85.59%
Precinct 323	27	30 90.00%
Precinct 324	524	652 80.37%
Precinct 325	3	3 100.00%
Precinct 326	1950	2270 85.90%
Precinct 327	4584	5585 82.08%
Precinct 328	2008	2354 85.30%
Precinct 329	8191	9681 84.61%
Precinct 330	1940	2277 85.20%
Precinct 331	2722	3243 83.93%
Precinct 332	2865	3714 77.14%
Precinct 333	4387	5666 77.43%
Precinct 334	149	169 88.17%
Precinct 335	4642	5324 87.19%
Precinct 336	2898	3540 81.86%
Precinct 337	4054	5437 74.56%
Precinct 338	5085	6866 74.06%
Precinct 339	5327	7201 73.98%
Precinct 340	7060	8270 85.37%
Precinct 341	363	419 86.63%
Precinct 342	71	77 92.21%
Precinct 343	4559	5523 82.55%
Precinct 344	4343	5706 76.11%
Precinct 345	30	34 88.24%
Precinct 346	290	346 83.82%
Precinct 347	71	77 92.21%
Precinct 348	36	44 81.82%
Precinct 349	2667	3479 76.66%
Precinct 350	3328	4234 78.60%
Precinct 351	2838	3766 75.36%
Precinct 352	1040	1427 72.88%
Precinct 353	2160	2535 85.21%
Precinct 354	3939	4532 86.92%
Precinct 355	3290	3992 82.41%
Precinct 356	1902	2458 77.38%
Precinct 357	1533	1964 78.05%
Precinct 358	2942	3441 85.50%
Precinct 359	2738	3305 82.84%
Precinct 360	3218	4030 79.85%
Precinct 361	2248	2866 78.44%
Precinct 362	3763	4256 88.42%
Precinct 363	3543	4175 84.86%
Precinct 364	4911	5439 90.29%
Precinct 365	3112	3385 91.94%
	V112	3003 31,34/0



I, Margaret Garza, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify this to be a true and correct copy of the original.

Date: Identile 48, 2020 By: IKayar Honoger

Page: 2 of 3 2020-11-23 10:36:06

Ballots Cast per Precinct Washington County, Nov 03, 2020 General All Precincts, All Districts, All ScanStations, All Contests, All Boxes Official Results

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

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Precinct	Ballots	Reg. Turnout
	Cast	Voters Pct.
Precinct 366	2281	2646 86.21%
Precinct 367	4573	5128 89.18%
Precinct 368	4039	4699 85.95%
Precinct 369	1879	2199 85.45%
Precinct 370	2285	2640 86.55%
Precinct 370	2358	2685 87.82%
Precinct 371	1832	2052 89.28%
Precinct 372	329	368 89.40%
Precinct 374	14	18 77.78%
Precinct 375	289	317 91-17%
Precinct 376	1976	2287 86.40%
Precinct 377	2508	2774 90.41%
Precinct 378	1928	2151 89.63%
Precinct 379	7003	8644 81.02%
Precinct 380	6676	7709 86.60%
Precinct 381	239	276 86.59%
Precinct 382	2345	3168 74.02%
Precinct 383	1105	1217 90.80%
Precinct 384	3238	3607 89.77%
Precinct 385	2548	2896 87.98%
Precinct 386	2910	3216 90.49%
Precinct 387	1312	1509 86.94%
Precinct 388	948	1151 82.36%
Precinct 389	5862	6852 85.55%
Precinct 390	2291	2615 87.61%
Precinct 391	357	452 78.98%
Precinct 392	242	272 88.97%
Precinct 393	644	695 92.66%
Precinct 394	269	336 80.06%
Precinct 395	7152	8344 85.71%
Precinct 396	954	1162 82.10%
Precinct 397	2596	2978 87.17%
Precinct 398	1819	2031 89.56%
Precinct 399	2456	2892 84.92%
Precinct 400	3928	4759 82.54%
Precinct 401	1898	2062 92.05%
Precinct 402	7828	9041 86.58%
Precinct 403	1461	1669 87.54%
Precinct 404	6093	7381 82.55%
Precinct 405	8152	9336 87.32%
Precinct 406	458	593 77.23%
Precinct 407	2025	2201 92.00%
Precinct 408	110	132 83.33%
Precinct 409	4965	5926 83.78%
Precinct 410	3251	3749 86.72%
Precinct 411	1173	1311 89.47%
Precinct 412	1932	2219 87.07%
Precinct 413	1570	1802 87.13%
Precinct 414	515	599 85.98%
Precinct 415	79	83 95.18%
Precinct 416	132	141 93.62%
Precinct 417	1353	1705 79,35%
Precinct 418	2179	2446 89.08%
Precinct 419	1786	1967 90.80%
Precinct 420	3544	4141 85.58%
Precinct 421	306	348 87.93%
Precinct 422	19	19 100.00%
Precinct 423	3250	4211 77.18%
Precinct 424	4832	5506 87.76%
Precinct 425	1036	1202 86.19%
Precinct 426	436	527 82.73%
Precinct 427	37	46 80.43%
Precinct 428	1755	2232 78.63%
Precinct 429	3032	3714 81.64%
Precinct 430	1411	1611 87.59%

Ballots Cast per Precinct

Washington County, Nov 03, 2020 General
All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Page: 3 of 3 2020-11-23 10:36:06

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Precinct	Ballots Reg. Turne		Turnout
	Cast	Voters	Pct.
Precinct 431	1418	1596	88.85%
Precinct 432	316	378	83.60%
Precinct 433	2343	2685	87.26%
Precinct 434	3790	4484	84.52%
Precinct 435	4146	4782	86.70%
Precinct 436	2349	2606	90.14%
Precinct 437	57	62	91.94%
Precinct 438	286	329	86.93%
Precinct 439	1850	2135	86.65%
Precinct 440	1585	1967	80.58%
Precinct 441	75	83	90.36%
Precinct 442	2812	3231	87.03%
Precinct 443	10	13	76.92%
Precinct 444	1	1	100.00%
Precinct 445	2	2	100.00%

Ballots Cast per Contest - Accumulative Summary Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes Official Results

Page: 1 of 14 2020-11-23 10:34:31

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
All District Categories		
All Districts		
President and Vice President (Vote for 1)	

322755 ballots (40 over voted ballots,	40 overvotes,	2389 undervotes)	, 384808 registered voters, turnout 83.87%
Donald J Trump / Michael R Pence	99073	30.93%	
Joseph R Biden / Kamala D Harris	209940	65.54%	
Jo Jorgensen / Jeremy (Spike) Cohen	6398	3 2.00%	
Howie Hawkins / Angela Walker	1426	0.45%	
Dario Hunter / Dawn Neptune Adams	633	0.20%	
Write-in	2856	0.89%	
Total	320326	100.00%	
Overvotes	40) ====	
Undervotes	2389)	

US Senator (Vote for 1)

322755 ballots (21	over voted ballots,	21 overvotes,	10116 undervotes)	, 384808 registered	voters, turnout 83
Jo Rae Perkins		97799	31.28%	(5)	8
Jeff Merkley		202073	64.64%		Ti-
Ibrahim A Taher		6206	1.99%		1
Gary Dye		6131	1.96%		
Write-in		409	0.13%		
Total		312618	100.00%		1 55
Overvotes		21			l ¾
Undervotes		10116			11

US Representative, 1st District (Vote for 1)

322755 ballots (2 over voted ballots		undervotes),	384808 registered voters.	turnout 83.87%
Suzanne Bonamici	207070	66.98%		1 6
Christopher C Christensen	101458	32.82%		Col

Write-in 626 0.20% Total 309154 100.00% Overvotes Undervotes 13599

Secretary of State (Vote for 1)

321879 ballots (12 over voted ballots,	12 overvotes,	15453 undervotes)	, 384808 registered voters	turnou
Nathalie Paravicini	13110	4.28%	-	
Kyle Markley	9561	3.12%		1
Kim Thatcher	108400	35,38%		
Shemia Fagan	174928	57.09%		()
Write-in	415	0.14%		A)
Total	306414	100.00%		1
Overvotes	12			P
Undervotes	15/153			1

State Treasurer (Vote for 1)

01410 110404101 (10101011)				
321879 ballots (7 over voted ballots	, 7 overvotes,	17866 undervotes).	384808 registered voters.	turnout 83.65%

The second of the second second	10101 / 0101101001 1100	o dilucito
Michael P Marsh	5733	1.89%
Tobias Read	178555	58.73%
Chris Henry	13502	4.44%
Jeff Gudman	105928	34.84%
Write-in	288	0.09%
Total	304006	100.00%
Overvotes	7	
Undervotes	17866	

Attorney General (Vote for 1)

321879 ballots (12 over voted ballots, 12 overvotes, 16673 undervotes), 384808 registered voters, turnout 83.65%

Ellen Rosenblum	194605	63.76%	
Lars D H Hedbor	7249	2.38%	
Michael Cross	101992	33.42%	

Ballots Cast per Contest - Accumulative Summary Washington County, Nov 03, 2020 General incts All Districts All ScanStations All Contests All

Page: 2 of 14 2020-11-23 10:34:31

All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Total Ballots Cast: 322/60	Registered Voters: 384808,	Overall Turnout: 83.88%

Choice	Votes	Vote %
Write-in	1348	0.44%
Total	305194	100.00%
Overvotes	12	
Undervotes	16673	

State Senator, 12th District (Vote for 1)

8040 ballots (0 over voted ballots,	0 overvotes, 5	505 u	ndervotes),	9625 registered voters, turnout 83.53%
Brian J Boquist		3723	49.41%	
Bernadette Hansen	;	3790	50.30%	
Write-in		22	0.29%	
Total	-	7535	100.00%	
Overvotes		0		
Undervotes		505		

State Senator, 14th District (Vote for 1)

74338 ballots (3 over voted ballot	s, 3 overvotes, 4881	undervotes)	89443 registered voters, turnout 83.11%
Harmony K Mulkey	21483	30.93%	-
Kate Lieber	47831	68.87%	
Write-in	140	0.20%	
Total	69454	100.00%	
Overvotes	3		
Undervotes	4881		

State Senator, 18th District (Vote for 1)

36198 ballots (0 over voted ballots, 0 overvotes, 10863 undervotes), 42561 registered voters, turnout 85.05%

Ginny Burdick	23638	93.30%
Write-in	1697	6.70%
Total	25335	100.00%
Overvotes	0	
Undervotes	10863	

State Representative, 24th District (Vote for 1)

8040 ballots (1 over voted ballots, 1 overvotes, 529 undervotes), 9625 registered voters, turnout 83.53%

Ron Noble	3917	52.16%
Lynnette Shaw	3574	47.59%
Write-in	19	0.25%
Total	7510	100.00%
Overvotes	1	
Undervotes	529	

State Representative, 25th District (Vote for 1)

2 ballots (0 over voted ballots, 0 overvotes, 0 undervotes), 2 registered voters, turnout 100.00%

Bill Post	0	0.00%
Ramiro Navarro Jr	2	100.00%
Write-in	0	0.00%
Total	2	100.00%
Overvotes	0	
Undervotes	0	

State Representative, 26th District (Vote for 1)

33137 ballots (3 over voted ballots, 3 overvotes, 1824 undervotes), 38434 registered voters, turnout 86.22%

Courtney Neron	16873	53.89%
Tim E Nelson	685	2.19%
Peggy Stevens	13726	43.84%
Write-in	26	0.08%
Total	31310	100.00%
Overvotes	3	
Undervotes	1824	

Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Page: 3 of 14 2020-11-23 10:34:31

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %	
State Representative, 27th District (V	ote for 1)		
		undervotes).	, 44951 registered voters, turnout 85.6
Sandra Nelson	10831	30.55%	,
Sheri Schouten	24570	69.30%	
Write-in	52	0.15%	
Total	35453	100.00%	
Overvotes	0	100.0076	
Undervotes	3048		
Grider Votes	3040		
State Representative, 28th District (V	ote for 1)		
35837 ballots (2 over voted ballots, 2		indervotes).	44492 registered voters, turnout 80.5
Daniel R Martin	11462	34.63%	-
Winsvey E Campos	21563	65.15%	
Write-in	73	0.22%	
Total	33098	100.00%	
Overvotes	2	100.0070	
Undervotes	2737		
Officervotes	2/3/		
State Representative, 29th District (V	ote for 1)		
31573 ballots (0 over voted ballots, 0		indervotes).	40465 registered voters, turnout 78.0
Susan McLain	17200	57.78%	is a grant of the same of the
Dale Fishback	12507	42.01%	
Write-in	63	0.21%	
Total	29770	100.00%	
Overvotes Undervotes	0 1803		
0.140170100	1000		
State Representative, 30th District (Vo 39065 ballots (1 over voted ballots, 1	overvotes, 11335), 47371 registered voters, turnout 82
39065 ballots (1 over voted ballots, 1 Janeen Sollman	overvotes, 11335 25837	93.18%), 47371 registered voters, turnout 82.
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in	overvotes, 11335 25837 1892	93.18% 6.82%), 47371 registered voters, turnout 82
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total	25837 25837 1892 27729	93.18%), 47371 registered voters, turnout 82
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes	25837 1892 27729	93.18% 6.82%), 47371 registered voters, turnout 82
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total	25837 25837 1892 27729	93.18% 6.82%), 47371 registered voters, turnout 82
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes	25837 1892 27729 1 11335	93.18% 6.82%), 47371 registered voters, turnout 82
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Vo	25837 1892 27729 1 11335	93.18% 6.82% 100.00%	
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes	25837 1892 27729 1 11335	93.18% 6.82% 100.00%	
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Ve	25837 1892 27729 1 11335 ote for 1) vervotes, 476 unc	93.18% 6.82% 100.00%	
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Volume 1) Brad Witt Brian G Stout	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10%	
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Volume 1) Brad Witt Brian G Stout Write-in	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13%	
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Volume 1) Brad Witt Brian G Stout Write-in Total	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10%	
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions) Brad Witt Brian G Stout Write-in Total Overvotes	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13%	
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Volume 1) Brad Witt Brian G Stout Write-in Total	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13%	
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Voce 1065 ballots (1 over voted ballots, 1 over voted ballots, 1 over Write-in Total Overvotes Undervotes Undervotes	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13%	
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions of State State (1 over voted ballots, 1 or Brad Witt Brian G Stout Write-in Total Overvotes Undervotes Undervotes State Representative, 32nd District (Versions of State	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00%	I34 registered voters, turnout 85.49%
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions of State Representative) Brad Witt Brian G Stout Write-in Total Overvotes Undervotes Undervotes State Representative, 32nd District (Versions of State Representative) State Representative, 32nd District (Versions of State Representative)	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 und	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00%	I34 registered voters, turnout 85.49%
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions) Brad Witt Brian G Stout Write-in Total Overvotes Undervotes Undervotes Undervotes Undervotes Undervotes Undervotes State Representative, 32nd District (Versions) State Representative, 32nd District (Versions) State Representative, 32nd District (Versions) Suzanne Weber	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 und	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00%	I34 registered voters, turnout 85.49%
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions of State Representative) Brad Witt Brian G Stout Write-in Total Overvotes Undervotes Undervotes State Representative, 32nd District (Versions of State Representative) State Representative, 32nd District (Versions of Suzanne Weber Debbie Boothe-Schmidt	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 und 3974 2421	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00% dervotes), 80 61.95% 37.74%	I34 registered voters, turnout 85.49%
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions) Brad Witt Brian G Stout Write-in Total Overvotes Undervotes Undervotes Undervotes State Representative, 32nd District (Versions) Suzanne Weber Debbie Boothe-Schmidt Write-in	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 und 3974 2421 20	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00% dervotes), 80 61.95% 37.74% 0.31%	I34 registered voters, turnout 85.49%
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Version of State Witter) Brad Witter of Stout Write-in Total Overvotes Undervotes Undervotes Undervotes Undervotes Undervotes Undervotes Undervotes State Representative, 32nd District (Version of Suzanne Weber Debbie Boothe-Schmidt Write-in Total	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 und 3974 2421 20 6415	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00% dervotes), 80 61.95% 37.74%	I34 registered voters, turnout 85.49%
Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions) Brad Witt Brian G Stout Write-in Total Overvotes Undervotes State Representative, 31st District (Versions) Brad Witt Brian G Stout Write-in Total Overvotes Undervotes State Representative, 32nd District (Versions) Suzanne Weber Debbie Boothe-Schmidt Write-in Total Overvotes	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 und 3974 2421 20 6415 0	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00% dervotes), 80 61.95% 37.74% 0.31%	I34 registered voters, turnout 85.49%
39065 ballots (1 over voted ballots, 1 Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Version of State Witter) Brad Witter of Stout Write-in Total Overvotes Undervotes Undervotes Undervotes Undervotes Undervotes Undervotes Undervotes State Representative, 32nd District (Version of Suzanne Weber Debbie Boothe-Schmidt Write-in Total	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 und 3974 2421 20 6415	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00% dervotes), 80 61.95% 37.74% 0.31%	I34 registered voters, turnout 85.49%
Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions) Brad Witt Brian G Stout Write-in Total Overvotes Undervotes State Representative, 32nd District (Versions) Undervotes Undervotes Undervotes Undervotes State Representative, 32nd District (Versions) State Representative, 32nd District (Versions) Undervotes Undervotes Undervotes Undervotes Undervotes Undervotes	25837 1892 27729 1 11335 ote for 1) vervotes, 476 unc 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 unc 3974 2421 20 6415 0 355	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00% dervotes), 80 61.95% 37.74% 0.31%	I34 registered voters, turnout 85.49%
Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Version of State of St	25837 1892 27729 1 11335 ote for 1) vervotes, 476 unc 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 unc 3974 2421 20 6415 0 355	93.18% 6.82% 100.00% lervotes), 94 58.76% 41.10% 0.13% 100.00% lervotes), 80 61.95% 37.74% 0.31% 100.00%	34 registered voters, turnout 85.49%
Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions) Brad Witt Brian G Stout Write-in Total Overvotes Undervotes State Representative, 32nd District (Versions) Undervotes Undervotes Undervotes Undervotes State Representative, 32nd District (Versions) State Representative, 32nd District (Versions) Undervotes Undervotes Undervotes Undervotes Undervotes Undervotes	25837 1892 27729 1 11335 ote for 1) vervotes, 476 unc 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 unc 3974 2421 20 6415 0 355	93.18% 6.82% 100.00% lervotes), 94 58.76% 41.10% 0.13% 100.00% lervotes), 80 61.95% 37.74% 0.31% 100.00%	34 registered voters, turnout 85.49%
Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Version of State of St	25837 1892 27729 1 11335 ote for 1) vervotes, 476 unc 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 unc 3974 2421 20 6415 0 355	93.18% 6.82% 100.00% lervotes), 94 58.76% 41.10% 0.13% 100.00% lervotes), 80 61.95% 37.74% 0.31% 100.00%	34 registered voters, turnout 85.49%
Janeen Sollman Write-in Total Overvotes Undervotes State Representative, 31st District (Versions) Brad Witt Brian G Stout Write-in Total Overvotes Undervotes State Representative, 32nd District (Versions) Total Overvotes Undervotes State Representative, 32nd District (Versions) Suzanne Weber Debbie Boothe-Schmidt Write-in Total Overvotes Undervotes Undervotes Undervotes State Representative, 33rd District (Versions) State Representative, 33rd District (Versions)	25837 1892 27729 1 11335 ote for 1) vervotes, 476 und 4459 3119 10 7588 1 476 ote for 1) vervotes, 355 und 3974 2421 20 6415 0 355 ote for 1) overvotes, 2127 und	93.18% 6.82% 100.00% dervotes), 94 58.76% 41.10% 0.13% 100.00% dervotes), 80 37.74% 0.31% 100.00%	34 registered voters, turnout 85.49%

Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes Official Results

Page: 4 of 14 2020-11-23 10:34:31

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
Total	28146	100.00%
Overvotes	0	
Undervotes	2127	

State Representative, 34th District (Vote for 1)

38255 ballots (0 over voted ballots, 0 overvotes, 10484 undervotes), 45527 registered voters, turnout 84.03%

Ken Helm	26867	96.74%
Write-in	904	3.26%
Total	27771	100.00%
Overvotes	0	
Undervotes	10484	

State Representative, 35th District (Vote for 1)

36198 ballots (5 over voted ballots, 5 overvotes, 2902 undervotes), 42561 registered voters, turnout 85.05%

Dacia Grayber	21604	64.89%
Bob Niemeyer	11620	34.90%
Write-in	67	0.20%
Total	33291	100.00%
Overvotes	5	
Undervotes	2902	

State Representative, 37th District (Vote for 1)

16163 ballots (1 over voted ballots, 1 overvotes, 822 undervotes), 19513 registered voters, turnout 82.83%

Rachel Prusak	8961	58.42%
Kelly Sloop	6361	41.47%
Write-in	18	0.12%
Total	15340	100.00%
Overvotes	1	
Undervotes	822	

Judge of the Supreme Court, Position 4 (Vote for 1)

321879 ballots (0 over voted ballots, 0 overvotes, 127138 undervotes), 384808 registered voters, turnout 83.65%

Christopher L Garrett	189832	97.48%
Write-in	4909	2.52%
Total	194741	100.00%
Overvotes	0	
Undervotes	127138	

Judge of the Court of Appeals, Position 9 (Vote for 1)

321879 ballots (2 over voted ballots, 2 overvotes, 129372 undervotes), 384808 registered voters, turnout 83.65%

Jacqueline S Kamins	188167	97.75%
Write-in	4338	2.25%
Total	192505	100.00%
Overvotes	2	
Undervotes	129372	

Judge of the Circuit Court, 20th District, Position 5 (Vote for 1)

321879 ballots (2 over voted ballots, 2 overvotes, 125664 undervotes), 384808 registered voters, turnout 83.65%

Kelly D Lemarr Write-in	192504 3709	98.11% 1.89%	
Total			
	196213	100.00%	
Overvotes	42-224		
Undervotes	125664		

Judge of the Circuit Court, 20th District, Position 10 (Vote for 1)

321879 ballots (0 over voted ballots, 0 overvotes, 130782 undervotes), 384808 registered voters, turnout 83.65%

Brandon M Thompson	187296	98.01%
Write-in	3801	1 99%

Ballots Cast per Contest - Accumulative Summary Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes

Official Results

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice Votes Vote % Total 191097 100.00% Overvotes 0 Undervotes 130782

County Commissioner, District 1 (Vote for 1)

76430 ballots (4 over voted ballots, 4 overvotes, 15539 undervotes), 93476 registered voters, turnout 81.76%

Nafisa Fai	35237	57.87%
Jeffrey Hindley	25318	41.58%
Write-in	332	0.55%
Total	60887	100.00%
Overvotes	4	
Undervotes	15539	

City of Banks, Mayor (Vote for 1)

1002 ballots (0 over voted ballots, 0 overvotes, 156 undervotes), 1217 registered voters, turnout 82.33%

Jonathon Boyer	254	30.02%
Stephanie Jones	568	67.14%
Write-in	24	2.84%
Total	846	100.00%
Overvotes	0	
Undervotes	156	

City of Banks, Council Member, Position 2 (Vote for 1)

1002 ballots (0 over voted ballots, 0 overvotes, 386 undervotes), 1217 registered voters, turnout 82.33%

Jeff Thompson	597	96.92%
Write-in	19	3.08%
Total	616	100.00%
Overvotes	0	
Undervotes	386	

City of Banks, Council Member, Position 4 (Vote for 1)

1002 ballots (0 over voted ballots, 0 overvotes, 380 undervotes), 1217 registered voters, turnout 82.33%

Peter Edison	583	93.73%
Write-in	39	6.27%
Total	622	100.00%
Overvotes	0	
Undervotes	380	

City of Banks, Council Member, Position 6 (Vote for 1)

1002 ballots (0 over voted ballots, 0 overvotes, 365 undervotes), 1217 registered voters, turnout 82.33%

Mike Rainey	619	97.17%
Write-in	18	2.83%
Total	637	100.00%
Overvotes	0	
Undervotes	365	

City of Beaverton, Mayor (Vote for 1)

51628 ballots (2 over voted ballots, 2 overvotes, 5692 undervotes), 61419 registered voters, turnout 84.06%

Lacey Beaty	24526	53.39%
Denny Doyle	21105	45.95%
Write-in	303	0.66%
Total	45934	100.00%
Overvotes	2	
Undervotes	5692	

City of Beaverton, Council Member, Position 3 (Vote for 1)

51628 ballots (1 over voted ballots, 1 overvotes, 19980 undervotes), 61419 registered voters, turnout 84,06%

			,,	
Mark Fagin	31032	98.06%		
Write-in	615	1.94%		

Page: 5 of 14

2020-11-23 10:34:31

Ballots Cast per Contest - Accumulative Summary Washington County, Nov 03, 2020 General

Washington County, Nov 03, 2020 General
All Precincts, All Districts, All ScanStations, All Contests, All Boxes

, All ScanStations, All Contests, All Bo Official Results

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
Total	31647	100.00%
Overvotes	1	
Undervotes	19980	

City of Beaverton, Council Member, Position 4 (Vote for 1)

51628 ballots (0 over voted ballots, 0 overvotes, 19683 undervotes), 61419 registered voters, turnout 84.06%

Allison Tivnon	31418	98.35%
Write-in	527	1.65%
Total	31945	100.00%
Overvotes	0	
Undervotes	19683	

City of Beaverton, Council Member, Position 6 (Vote for 1)

51628 ballots (5 over voted ballots, 5 overvotes, 11222 undervotes), 61419 registered voters, turnout 84.06%

Patrick (Pat) Wolcott	8279	20.49%
Douglas Jones	3126	7.74%
Nadia Hasan	28777	71.23%
Write-in	219	0.54%
Total	40401	100.00%
Overvotes	5	
Undervotes	11222	

City of Cornelius, Mayor (Vote for 1)

5079 ballots (0 over voted ballots, 0 overvotes, 1368 undervotes), 6866 registered voters, turnout 73.97%

Jeffrey Dalin	3580	96.47%
Write-in	131	3.53%
Total	3711	100.00%
Overvotes	0	
Undervotes	1368	

City of Cornelius, Council Members (Vote for 2)

5079 ballots (1 over voted ballots, 2 overvotes, 3390 undervotes), 6866 registered voters, turnout 73.97%

		100.000
Sujey Hernandez-Lopez	1549	22.89%
Doris Gonzalez Gomez	2705	39.98%
Angeles Godinez-Valencia	2348	34.70%
Write-in	114	1.68%
Write-in	50	0.74%
Total	6766	100.00%
Overvotes	2	
Undervotes	3390	

City of Durham, Council Members (Vote for 3)

950 ballots (0 over voted ballots, 0 overvotes, 1035 undervotes), 1162 registered voters, turnout 81.76%

Keith Jehnke	613	33.77%
Leslie J Gifford	590	32.51%
Chuck Van Meter	559	30.80%
Write-in	36	1.98%
Write-in	10	0.55%
Write-in	7	0.39%
Total	1815	100.00%
Overvotes	0	
Undervotes	1035	

City of Forest Grove, Council Members (Vote for 3)

12363 ballots (19 over voted ballots, 57 overvotes, 10956 undervotes), 15473 registered voters, turnout 79.90%

Timothy Rippe	6284	24.10%
Elena Uhing	5888	22.58%
Donald D Giannetti	2172	8.33%
Donna J Gustafson	5652	21.68%
Adolph (Val) Valfre	5611	21.52%
Write-in	334	1.28%

Page: 6 of 14

2020-11-23

10:34:31

Ballots Cast per Contest - Accumulative Summary Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes

Page: 7 of 14 2020-11-23

10:34:31

Official Results Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
Write-in	87	0.33%
Write-in	48	0 18%
Total	26076	100.00%
Overvotes	57	
Undervotes	10956	

City of Gaston, Council Member, Position 1 (Vote for 1)

350 ballots (0 over voted ballots, 0 overvotes, 101 undervotes), 445 registered voters, turnout 78.65%

Don Richter	220	88.35%
Write-in	29	11.65%
Total	249	100.00%
Overvotes	0	
Undervotes	101	

City of Gaston, Council Member, Position 2 (Vote for 1)

350 ballots (0 over voted ballots, 0 overvotes, 113 undervotes), 445 registered voters, turnout 78.65%

David Benson	205	86.50%
Write-in	32	13.50%
Total	237	100.00%
Overvotes	0	
Undervotes	113	

City of Gaston, Council Member, Position 3 (Vote for 1)

350 ballots (0 over voted ballots, 0 overvotes, 111 undervotes), 445 registered voters, turnout 78.65%

William Martin	210	87.87%
Write-in	29	12.13%
Total	239	100.00%
Overvotes	0	
Undervotes	111	

City of Hillsboro, Mayor (Vote for 1)

50182 ballots (0 over voted ballots, 0 overvotes, 15019 undervotes), 62015 registered voters, turnout 80.92%

Steve Callaway	33984	96,65%
Write-in	1179	3.35%
Total	35163	100.00%
Overvotes	0	
Undervotes	15019	

City of Hillsboro, Council Member, Ward 1, Position B (Vote for 1)

50182 ballots (0 over voted ballots, 0 overvotes, 18744 undervotes), 62015 registered voters, turnout 80.92%

Rick Van Beveren	30774	97.89%
Write-in	664	2.11%
Total	31438	100.00%
Overvotes	0	
Undervotes	18744	

City of Hillsboro, Council Member, Ward 2, Position B (Vote for 1)

50182 ballots (1 over voted ballots, 1 overvotes, 18598 undervotes), 62015 registered voters, turnout 80.92%

Anthony Martin	30959	98.02%
Write-in	624	1.98%
Total	31583	100.00%
Overvotes	1	
Undervotes	18598	

City of Hillsboro, Council Member, Ward 3, Position B (Vote for 1)

50182 ballots (43 over voted ballots, 43 overvotes, 11614 undervotes), 62015 registered voters, turnout 80.92%

Thomas Flaherty	5630	14.61%
Alexander Flores	6462	16.77%
Katherine Rhee	3980	10.33%
Gina Roletto	12968	33.66%
Kimberly Culbertson	5173	13,43%

Ballots Cast per Contest - Accumulative Summary Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes Official Results

3220

Page: 8 of 14 2020-11-23

10:34:31

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
John Kinsky	3916	10.16%
Write-in	396	1.03%
Total	38525	100.00%
Overvotes	43	
Undervotes	11614	

City of King City, Council Members (Vote for 3)

71 ballots (3 over voted ballots,	9 overvotes, 3220 ui	ndervotes),	3923 registered voters, turnout 88.48%
Kate Mohr	1974	27.48%	
Shawna Thompson	1736	24.16%	
Gretchen E Buehner	1609	22.40%	
Smart Ocholi	1781	24.79%	
Write-in	63	0.88%	
Write-in	12	0.17%	
Write-in	9	0.13%	
Total	7184	100.00%	
Overvotes	9		

City of Lake Oswego, Mayor (Vote for 1)

Undervotes

0 ballots (0 over voted ballots, 0 overvotes, 0 undervotes)

Bancio (C CTC: TOICH Bancio, C CTC: TOICS, C	dildei vote.	3/
Joe Buck	0	0.00%
Theresa M Kohlhoff	0	0.00%
John LaMotte	0	0.00%
Write-in	0	0.00%
Total	0	0.00%
Overvotes	0	
Undervotes	0	

City of Lake Oswego, Councilor (Vote for 3)

0 ballots (0 over voted ballots, 0 overvotes, 0 undervotes)

Massene Mboup	0	0.00%
Melissa Fireside	0	0.00%
Emma Burke	0	0.00%
Aaron Rapf	0	0.00%
Rachel Verdick	0	0.00%
Write-in	0	0.00%
Write-in	0	0.00%
Write-in	0	0.00%
Total	0	0.00%
Overvotes	0	
Undervotes	0	

City of North Plains, Mayor (Vote for 1)

1935 ballots (0 over voted ballots, 0 overvotes, 503 undervotes), 2277 registered voters, turnout 84.98%

Teri Lenahan	1338	93.44%
Write-in	94	6.56%
Total	1432	100.00%
Overvotes	0	
Undervotes	503	

City of North Plains, Council Members (Vote for 3)

1935 ballots (0 over voted ballots, 0 overvotes, 2252 undervotes), 2277 registered voters, turnout 84.98%

Cameron Martinez	1218	34.28%
Robert (Butch) Kindel	1121	31.55%
Russ Sheldon	1054	29.67%
Write-in	108	3.04%
Write-in	34	0.96%
Write-in	18	0.51%

Ballots Cast per Contest - Accumulative Summary Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Page: 9 of 14 2020-11-23

10:34:31

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
Total	3553	100.00%
Overvotes	0	
Undervotes	2252	

City of Portland, Mayor (Vote for 1)

970 ballots (0 over voted ballots, 0 overvotes, 71 undervotes), 1131 registered voters, turnout 85.76%

Ted Wheeler	452	50.28%
Sarah lannarone	375	41.71%
Write-in	72	8.01%
Total	899	100.00%
Overvotes	0	
Undervotes	71	

City of Portland, Commissioner, Position 4 (Vote for 1)

970 ballots (0 over voted ballots, 0 overvotes, 170 undervotes), 1131 registered voters, turnout 85.76%

Mingus Mapps	398	49.75%
Chloe Eudaly	391	48.88%
Write-in	11	1.38%
Total	800	100.00%
Overvotes	0	
Undervotes	170	

City of Rivergrove, Councilor (Vote for 3)

35 ballots (0 over voted ballots, 0 overvotes, 50 undervotes), 42 registered voters, turnout 83.33%

Undervotes	50	
Overvotes	55 0	100.00%
Total	55	100.00%
Write-in	0	0.00%
Write-in	0	0.00%
Write-in	4	7.27%
Susie Lahsene	13	23.64%
Brenda Ruble	10	18.18%
Chris Barhyte	13	23.64%
Bill Tuttle	15	27.27%

City of Sherwood, Mayor (Vote for 1)

11764 ballots (0 over voted ballots, 0 overvotes, 3289 undervotes), 13519 registered voters, turnout 87.02%

Keith Mays	8013	94.55%
Write-in	462	5.45%
Total	8475	100.00%
Overvotes	0	
Undervotes	3289	

City of Sherwood, Council Members (Vote for 3)

11764 ballots (27 over voted ballots, 81 overvotes, 9150 undervotes), 13519 registered voters, turnout 87.02%

Renee E. Brouse	6221	23.87%
Sean Garland	6176	23.70%
Taylor Giles	4640	17.80%
Kim Young	6677	25.62%
Josie Dayton	1941	7.45%
Write-in	266	1.02%
Write-in	91	0.35%
Write-in	49	0.19%
Total	26061	100.00%
Overvotes	81	
Undervotes	9150	

City of Tigard, Council Members (Vote for 2)

32159 ballots (21 over voted ballots, 42 overvotes, 16406 undervotes), 37878 registered voters, turnout 84.90%

Kevin Christian Wright	5322	11.12%
Marc T: Woodard	8298	17.33%

Ballots Cast per Contest - Accumulative Summary Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes Official Results

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
David (Jerry) Hahn	1324	2.77%
Heidi Lueb	14361	30.00%
Ethan E Erickson	2931	6.12%
Ben Edtl	4366	9.12%
Jeanette Shaw	10875	22.72%
Write-in	277	0.58%
Write-in	116	0.24%
Total	47870	100.00%
Overvotes	42	
Undervotes	16406	

City of Tualatin, Council Member, Position 2 (Vote for 1)

13293 ballots (0 over voted ballots, 0 overvotes, 4732 undervotes), 15980 registered voters, turnout 83.19%

Christen Sacco	8372	97.79%
Write-in	189	2.21%
Total	8561	100,00%
Overvotes	0	
Undervotes	4732	

City of Tualatin, Council Member, Position 4 (Vote for 1)

13293 ballots (4 over voted ballots, 4 overvotes, 2647 undervotes), 15980 registered voters, turnout 83.19%

Alex Thurber	4686	44.03%
Cyndy Hillier	5882	55.27%
Write-in	74	0.70%
Total	10642	100.00%
Overvotes	4	
Undervotes	2647	

City of Tualatin, Council Member, Position 6 (Vote for 1)

13293 ballots (0 over voted ballots, 0 overvotes, 4693 undervotes), 15980 registered voters, turnout 83.19%

Valerie Pratt	8200	95.35%
Write-in	400	4.65%
Total	8600	100.00%
Overvotes	0	
Undervotes	4693	

City of Wilsonville, Mayor (Vote for 1)

316 ballots (0 over voted ballots, 0 overvotes, 35 undervotes), 378 registered voters, turnout 83.60%

Ben West	118	41.99%
Julie Fitzgerald	160	56.94%
Write-in	3	1.07%
Total	281	100.00%
Overvotes	0	
Undervotes	35	

City of Wilsonville, Councilor (Vote for 2)

316 ballots (0 over voted ballots, 0 overvotes, 190 undervotes), 378 registered voters, turnout 83.60%

157	35.52%
83	18.78%
74	16.74%
122	27.60%
6	1.36%
0	0.00%
442	100.00%
0	
190	
	83 74 122 6 0

WMSWCD At Large P1 (Vote for 1)

239 ballots (0 over voted ballots, 0 overvotes, 108 undervotes), 276 registered voters, turnout 86.59%

Weston Miller	130	99.24%
Write-in	1	0.76%

Page: 10 of 14

2020-11-23

10:34:31

Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Page: 11 of 14 2020-11-23

10:34:31

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
Total	131	100.00%
Overvotes	0	
Undervotes	108	

WMSWCD Zone 1 (Vote for 1)

239 ballots (0 over voted ballots, 0 overvotes, 109 undervotes), 276 registered voters, turnout 86.59%

Kimberly Peterson	130	100.00%
Write-in	0	0.00%
Total	130	100.00%
Overvotes	0	
Undervotes	109	

WMSWCD Zone 2 (Vote for 1)

239 ballots (0 over voted ballots, 0 overvotes, 109 undervotes), 276 registered voters, turnout 86.59%

Jane Hartline	130	100.00%
Write-in		0.00%
Total	130	100.00%
Overvotes	0	
Undervotes	109	

WMSWCD Zone 3 (Vote for 1)

239 ballots (0 over voted ballots, 0 overvotes, 110 undervotes), 276 registered voters, turnout 86.59%

George Sowder Write-in	129 0	100.00% 0.00%
Overvotes	0	
Undervotes	110	

TSWCD At Large P1 (Vote for 1)

321640 ballots (4 over voted ballots, 4 overvotes, 127330 undervotes), 384532 registered voters, turnout 83.64%

Steven Vangrunsven	191341	98.47%
Write-in	2965	1.53%
Total	194306	100.00%
Overvotes	4	
Undervotes	127330	

TSWCD At Large P2 (Vote for 1)

321640 ballots (841 over voted ballots, 841 overvotes, 103951 undervotes), 384532 registered voters, turnout 83.64%

Dean P. Moberg	122215	56.36%
Casey Storey	57367	26.45%
Kieran Sikdar	34906	16.10%
Write-in	2360	1.09%
Total	216848	100.00%
Overvotes	841	
Undervotes	103951	

TSWCD Zone 1 (Vote for 1)

321640 ballots (0 over voted ballots, 0 overvotes, 136995 undervotes), 384532 registered voters, turnout 83.64%

Jerry Ward	181686	98.40%
Write-in	2959	1.60%
Total	184645	100.00%
Overvotes	0	
Undervotes	136995	

TSWCD Zone 2 (Vote for 1)

321640 ballots (0 over voted ballots, 0 overvotes, 137207 undervotes), 384532 registered voters, turnout 83.64%

Eldon Jossi	181531	98.43%
Write-in	2902	1.57%

Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Page: 12 of 14 2020-11-23

10:34:31

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
Total	184433	100.00%
Overvotes	0	
Undervotes	137207	

TSWCD Zone 4 (Vote for 1)

321640 ballots (2 over voted ballots, 2 overvotes, 137026 undervotes), 384532 registered voters, turnout 83.64%

Anna K. Jesse	181856	98.51%
Write-in	2756	1.49%
Total	184612	100.00%
Overvotes	2	
Undervotes	137026	

Metro Councilor, District 3 (Vote for 1)

144725 ballots (10 over voted ballots, 10 overvotes, 46372 undervotes), 171431 registered voters, turnout 84.42%

Tom Anderson	46854	47.64%
Gerritt Rosenthal	50418	51.27%
Write-in	1071	1.09%
Total	98343	100.00%
Overvotes	10	
Undervotes	46372	

Metro Councilor, District 5 (Vote for 1)

7280 ballots (0 over voted ballots, 0 overvotes, 2346 undervotes), 8122 registered voters, turnout 89.63%

Mary Nolan	3482	70.57%
Chris Smith	1400	28.37%
Write-in	52	1.05%
Total	4934	100.00%
Overvotes	0	
Undervotes	2346	

M107 State Constitution (Vote for 1)

321879 ballots (21 over voted ballots, 21 overvotes, 20289 undervotes), 384808 registered voters, turnout 83.65%

Yes No	245143 56426	81.29% 18.71%
Overvotes	21	
Undervotes	20289	

M108 State Nicotine Tax (Vote for 1)

321879 ballots (14 over voted ballots, 14 overvotes, 10330 undervotes), 384808 registered voters, turnout 83.65%

Yes	227626	73.07%
No	83909	26.93%
Total	311535	100.00%
Overvotes	14	
Undervotes	10330	

M109 State Mushrooms (Vote for 1)

321879 ballots (20 over voted ballots, 20 overvotes, 17121 undervotes), 384808 registered voters, turnout 83.65%

Yes	180112	59.10%
No	 124626	40.90%
Total	304738	100.00%
Overvotes	20	
Undervotes	17121	

M110 State Marijuana Taxes (Vote for 1)

321879 ballots (31 over voted ballots, 31 overvotes, 16897 undervotes), 384808 registered voters, turnout 83.65	321879 ballots (31 over voted ballo	, 31 overvotes, 16897 undervotes), 384808 registered voters, turnout 83,65%
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Yes	194522	63.79%	
No	110429	36.21%	

Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Official Results

Page: 13 of 14 2020-11-23

10:34:31

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Choice	Votes	Vote %
Total	304951	100.00%
Overvotes	31	
Undervotes	16897	

M34-300 WashCo Charter 30(e) (Vote for 1)

321879 ballots (26 over voted ballots, 26 overvotes, 46418 undervotes), 384808 registered voters, turnout 83.65%

Yes	166378	60.41%
No	109057	39.59%
Total	275435	100.00%
Overvotes	26	
Undervotes	46418	

M34-301 WashCo Charter 103 (Vote for 1)

321879 ballots (20 over voted ballots, 20 overvotes, 51672 undervotes), 384808 registered voters, turnout 83.65%

Yes	172197	63.73%
No	97990	36,27%
Total	270187	100.00%
Overvotes	20	
Undervotes	51672	

M34-303 Banks City Annexation (Vote for 1)

1002 ballots (0 over voted ballots, 0 overvotes, 60 undervotes), 1217 registered voters, turnout 82.33%

Yes	642	68.15%
No	300	31.85%
Total	942	100.00%
Overvotes	0	
Undervotes	60	

M34-304 Gaston City Charter (Vote for 1)

350 ballots (0 over voted ballots, 0 overvotes, 32 undervotes), 445 registered voters, turnout 78.65%

Yes	224	70.44%
No	94	29.56%
Total	318	100.00%
Overvotes	0	
Undervotes	32	

M34-302 North Plains City Fuel Tax (Vote for 1)

1935 ballots (0 over voted ballots, 0 overvotes, 67 undervotes), 2277 registered voters, turnout 84.98%

Yes	1025	54.87%
No	843	45.13%
Total	1868	100.00%
Overvotes	0	
Undervotes	67	

M26-213 Portland City Park Levy (Vote for 1))

970 ballots (0 over voted ballots, 0 overvotes, 65 undervotes), 11 31 registered voters, turnout 85.76%

Yes	547	60.44%
No	358	39.56%
Total	905	100.00%
Overvotes	0	
Undervotes	65	

M26-217 Portland City Police Oversight (Vote for 1)

970 ballots (0 over voted ballots, 0 overvotes, 60 undervotes), 1131 registered voters, turnout 85.76%

Yes	727	79.89%
No.	183	20.11%
Total	910	100.00%
Overvotes	0	
Undervotes	60	

Ballots Cast per Contest - Accumulative Summary Washington County, Nov 03, 2020 General

All Precincts, All Districts, All ScanStations, All Contests, All Boxes

Official Results

Total Ballots Cast: 322760, Registered Voters: 384808, Overall Turnout: 83.88%

Page: 14 of 14 2020-11-23 10:34:31

Choice	Votes	Vote %				
M26-219 Portland City Water F	Fund (Vote for 1)					
970 ballots (0 over voted ballo		ervotes), 113	1 registered vot	ters. turnoi	ıt 85.76%	
Yes	418	50.54%	3	,		
No	409	49.46%				
Total	827	100.00%				
Overvotes	0	100.0070				
Undervotes	143					
M34-299 Sherwood City Rec N	/larijuana (Vote for 1))					
11764 ballots (1 over voted ba		ndervotes), 1	3519 registered	voters, tur	nout 87.02%	
Yes	6088	53.95%	_			
No	5196	46.05%				
Total	11284	100.00%				
Overvotes	1	,				
Undervotes	479					
		977 undervo	es), 357710 reg	istered vot	ers, turnout 83.	51
298734 ballots (17 over voted	ballots, 17 overvotes, 24		es), 357710 reg	istered vot	ers, turnout 83.	51
298734 ballots (17 over voted Yes	ballots, 17 overvotes, 24 112504	41.10%	es), 357710 reg	istered vot	ers, turnout 83.	51
298734 ballots (17 over voted Yes No	ballots, 17 overvotes, 24 112504 161236	41.10% 58.90%	es), 357710 reg	istered vot	ers, turnout 83.	51
298734 ballots (17 over voted Yes No Total	ballots, 17 overvotes, 24 112504 161236 273740	41.10%	es), 357710 reg	istered vot	ers, turnout 83.	51
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City Council Meeting Date: December 1, 2020

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Bob Galati P.E., City Engineer

Through: Jeff Groth, Chief of Police, Julia Hajduk, Community Development Director and

Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2020-088, Establishing Acceptable Traffic Calming Measures

Issue:

Shall the City Council adopt Resolution 2020-088 establishing Acceptable Traffic Calming Measures?

Background:

In order to facilitate the City's response to public concerns, the City Council established the Traffic Safety Committee (Ordinance 2019-015), which is associated with the Police Advisory Board (PAB). One goal of the Traffic Safety Committee (TSC) is to improve the City's ability to review and respond to community concerns regarding traffic safety issues.

To support the TSC in meeting its stated goal, it is desirable to have a pre-approved list of acceptable traffic calming measures to select from, in providing solution recommendations in response to community requests. City Engineering Department staff was tasked with providing a list of typical traffic calming measures. The best source for identifying standard traffic calming measures is the Institute of Transportation Engineers (ITE). ITE is a nationally/internationally recognized source of transportation engineering information and data that identifies necessary research, develops technical resources including standards and recommended practices and policies, and develops public awareness programs.

The ITE website provided Traffic Calming Measure Fact Sheets for the various types of traffic control measures typically used by jurisdictional transportation agencies. City Engineering staff generated a compilation of Traffic Calming Measures fact sheets which have been recommended to the TSC and PAB as acceptable measures to be used within the City. Those fact sheets are attached to this staff report for reference.

The ITE fact sheets provide an existing nationally recognized standard which can be uniformly applied in the City. Each fact sheet provides significant relevant information for the decision-making process. This includes:

- a) Description an accurate description of traffic calming measure
- b) Applications lists where the application is most appropriate
- c) Design/Installation Issues lists issues that need to be considered during design and construction
- d) Potential Impacts lists possible positive and negative impacts from the use of the measure
- e) Emergency Response Issues lists specifically whether there is a negative impact to emergency response vehicles

f) Typical Cost (2017 dollars) – provides an estimated range of design and construction cost. The costs are in 2017 dollars and are based on a national average. Local cost indexing and increase due to annual increases would need to be performed.

City staff presented the Traffic Calming Measure Fact Sheets and list of recommended acceptable traffic calming measures to the Traffic Safety Committee and Police Advisory Board. Both the Traffic Safety Committee and Police Advisory Board have recommended City Council approval of this list and inclusion of these measures in the City's Engineering Design and Standard Details Manual.

The inclusion of these measures in the transportation section of the City's Engineering Design and Standard Details Manual is appropriate for the following reasons:

- 1) The Engineering Design and Standard Details Manual (Manual) is a living document which allows for updating and revisions to the technical information based on new/improved materials, techniques, and applications.
- 2) Updates to the Manual can be made by City staff at the direction of the City Council based on the recommendation of the City Engineer, the Public Works Director, or the Traffic Safety Committee and Police Advisory Board.

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2020-088, Establishing Acceptable Traffic Calming Measures.

EXHIBIT A TRAFFIC CALMING MEASURES FACT SHEETS

May 2018 Update



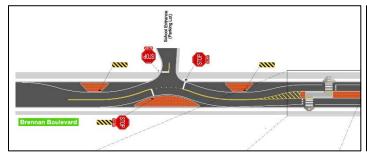
Chicane

Description:

- A series of alternating curves or lane shifts that force a motorist to steer back and forth instead of traveling a straight path
- Also called deviations, serpentines, reversing curves, or twists

Applications:

- · Appropriate for mid-block locations but can be an entire block if it is relatively short
- Most effective with equivalent low volumes on both approaches
- Appropriate speed limit is typically 35 mph or less
- Typically, a series of at least three landscaped curb extensions
- Can use alternating on-street parking from one side of a street to the other
- Applicable on one-lane one-way and two-lane two-way roadways
- Can be used with either open or closed (i.e. curb and gutter) cross-section
- Can be used with or without a bicycle facility





(Source: Delaware Department of Transportation)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic calm.cfm

Design/Installation Issues:

- Chicanes may still permit speeding by drivers cutting straight paths across the center line
- Minimize relocation of drainage features
- May force bicyclists to share travel lanes with motor vehicles
- Maintain sufficient width for ease of emergency vehicles and truck throughput

Potential Impacts:

- No effect on access, although heavy trucks may experience challenges when negotiating
- Limited data available on impacts to speed and crash risk
- Street sweeping may need to be done manually
- Minimal anticipated volume diversion from street
- May require removal of some on-street parking
- Provides opportunity for landscaping
- Unlikely to require utility relocation
- Not a preferred crosswalk location
- Bus passengers may experience discomfort due to quick successive lateral movements

Emergency Response Issues:

• Appropriate along primary emergency vehicle routes

Typical Cost (2017 dollars):

• Reported costs range between \$8,000 and \$25,000

May 2018 Update



Choker

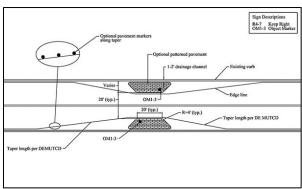
Description:

- Curb extension is a lateral horizontal extension of the sidewalk into the street, resulting in a narrower roadway section
- If located at an intersection, it is called a corner extension or a bulb-out
- If located midblock, it is referred to as a choker
- Narrowing of a roadway through the use of curb extensions or roadside islands

Applications:

- Can be created by a pair of curb extensions, often landscaped
- Encourages lower travel speeds by reducing motorist margin of error
- One-lane choker forces two-way traffic to take turns going through the pinch point
- If the pinch point is angled relative to the roadway, it is called an angled choker
- Can be located at any spacing desired
- May be suitable for a mid-block crosswalk
- Appropriate for arterials, collectors, or local streets





(Source: City of An Arbor, Michigan)

(Source: Delaware DOT)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic calm.cfm

Design/Installation Issues:

- Only applicable for mid-block locations
- Can be used on a one-lane one-way and two-lane two-way street
- Most easily installed on a closed-section road (i.e. curb and gutter)
- Applicable with or without dedicated bicycle facilities
- Applicable on streets with, and can protect, on-street parking
- Appropriate for any speed limit
- Appropriate along bus routes
- Typical width of 6 to 8 feet; offset from through traffic by approximately 1.5 feet
- Locations near streetlights are preferable
- Length of choker island should be at least 20 feet

Potential Impacts:

- Encourages lower speeds by funneling it through the pinch point
- · Can result in shorter pedestrian crossing distances if a mid-block crossing is provided
- May force bicyclists and motor vehicles to share the travel lane
- May require some parking removal
- May require relocation of drainage features and utilities

Emergency Response Issues:

· Retains sufficient width for ease of use for emergency vehicles

Typical Cost (2017 dollars):

Between \$1,500 and \$20,000, depending on length and width of barriers

May 2018 Update



Corner Extension/Bulb-Out

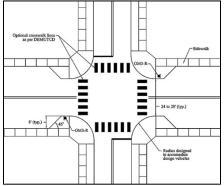
Description:

- Horizontal extension of the sidewalk into the street, resulting in a narrower roadway section
- If located at a mid-block location, it is typically called a choker

Applications:

- When combined with on-street parking, a corner extension can create protected parking bays
- Effective method for narrowing pedestrian crossing distances and increase pedestrian visibility
- Appropriate for arterials, collectors, or local streets
- Can be used on one-way and two-way streets
- Installed only on closed-section roads (i.e. curb and gutter)
- Appropriate for any speed, provided an adequate shy distance is provided between the extension and the travel lane
- Adequate turning radii must be provided to use on bus routes





(Source: James Barrera, Horrocks, New Mexico)

(Source: Delaware DOT)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm

Design/Installation Issues:

- Effects on vehicle speeds are limited due to lack of deflection
- Must check drainage due to possible gutter realignment
- Major utility relocation may be required, especially drainage inlets
- Typical width between 6 and 8 feet
- Typical offset from travel lane at least 1.5 feet
- Should not extend into bicycle lanes

Potential Impacts:

- Effects on vehicle speeds are limited due to lack of deflection
- Can achieve greater speed reduction if combined with vertical deflection
- Smaller curb radii can slow turning vehicles
- Shorter pedestrian crossing distances can improve pedestrian safety
- More pedestrian waiting areas may become available
- May require some parking removal adjacent to intersections

Emergency Response Issues:

- Retains sufficient width for ease of emergency-vehicle access
- Shortened curb radii may require large turning vehicles to cross centerlines

Typical Cost (2017 dollars):

Cost between \$1,500 and \$20,000, depending on length and width of barriers

May 2018 Update



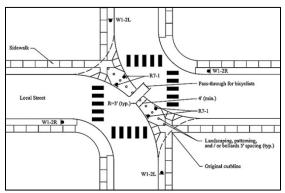
Diagonal Diverter

Description:

- Barriers placed diagonally across four-legged intersections, blocking through movements
- Sometimes called full diverters or diagonal road closures

Applications:

- Typically applied only after other measures are deemed ineffective or inappropriate
- Provisions are available to make diverters passable for pedestrians and bicyclists
- Often used in sets to make travel through neighborhoods more circuitous





(Source: Delaware Department of Transportation)

(Source: PennDOT Local Technical Assistance Program)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm

Design/Installation Issues:

- Possible legal issues associated with closing public streets (e.g., business and/or emergency access)
- Can only be placed at intersections
- Can be used on both one-way and two-way streets
- Typically found on closed-section roads (i.e. curb and gutter)
- Typical maximum appropriate speed limit is 25 mph
- Maintain drainage as necessary to mitigate potential flooding
- Corner radii should be designed to allow full-lane width for passing motor vehicle traffic
- SU-30 default design vehicle
- Appropriate signing and pavement markings needed on approaches
- Openings for pedestrians and bicyclists should allow movement between all intersection legs
- Barriers may consist of landscaped islands, walls, gates, side-by-side bollards, or any other
 obstruction that leave an opening smaller than the width of a typical passenger car

Potential Impacts:

- Concern regarding impacts to emergency response, street network connectivity, and capacity
- Should consider traffic diversion patterns and associated impacts
- No significant impacts on vehicle speeds beyond the approach to the diverter
- Not appropriate for bus transit routes
- Improved pedestrian and bicycle safety

Emergency Response Issues:

- Should not be used on roads that provide access to hospitals or primary emergency services
- Restricts emergency vehicle access through intersections
- Can be designed to allow emergency vehicle access with removable, or breakaway delineators or bollards, gates, mountable curbs, etc.

Typical Cost (2017 dollars):

• Typical cost of \$6,000 for diverter with limited drainage modifications

May 2018 Update



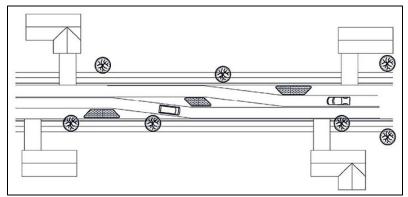
Lateral Shift

Description:

- Realignment of an otherwise straight street that causes travel lanes to shift in at least one
 direction
- A chicane is a variation of a lateral shift that shifts alignments more than once

Applications:

- · Appropriate for local, collector, or arterial roadways
- Appropriate for one-lane one-way and two-lane two-way streets
- Appropriate on roads with or without dedicated bicycle facilities
- Maximum appropriate speed limit is typically 35 mph
- Appropriate along bus transit routes





(Source: Delaware Department of Transportation)

(Source: Google Street View)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic calm.cfm

Design/Installation Issues:

- Typically separates opposing traffic through the shift with the aid of a raised median
- Applicable only to mid-block locations
- Can be installed on either open- or closed-section (i.e. curb and gutter) roads
- Location near streetlights preferred
- May require drainage feature relocation
- Should not require utility relocation

Potential Impacts:

- Without islands, motorists could cross the centerline to drive the straightest path possible
- No impact on access
- May require removal of some on-street parking
- Limited data available on impacts on speed, volume diversions, and crash risk
- Provides opportunities for landscaping
- Can provide locations for pedestrian crosswalks

Emergency Response Issues:

 Appropriate along primary emergency vehicle routes or on streets with access to hospitals/emergency medical services, provided vehicles can straddle the street centerline

Typical Cost (2017 dollars):

Reported costs range between \$8,000 and \$25,000

May 2018 Update



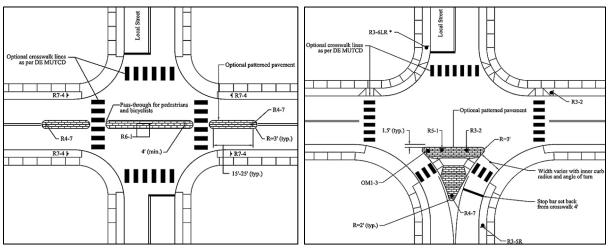
Median Barrier/Forced Turn Island

Description:

- Raised islands along the centerline of a street and continuing through an intersection that block
 the left-turn movement from all intersection approaches and the through movement from the
 cross street; also called median diverter, intersection barrier, intersection diverter, and island
 diverter
- Raised island that forces a right turn is called a forced turn island

Applications:

- For use on arterial or collector roadways to restrict access to minor roads or local streets and/or to narrow lane widths
- Typically applied only after other measures have failed or been deemed inappropriate/ineffective
- Barriers are made passable for pedestrians and bicyclists
- Often used in sets to make travel to/through neighborhoods more circuitous



(Source: Delaware Department of Transportation)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic calm.cfm

Design/Installation Issues:

- Potential legal issues associated with blocking a public street (e.g., business/emergency access)
- Placed on major roads on approaches to and across intersections with minor roads
- Should extend beyond the intersection to discourage improper/illegal turn movements
- Barriers may consist of landscaped islands, mountable features, walls, gates, side-by-side bollards, or any other obstruction that leave an opening smaller than the width of a passenger car

Potential Impacts:

- May divert traffic volumes to other parallel and/or crossing streets
- May require removal or shortening of on-street parking zones on approaches/departures
- May impact access to properties adjacent to intersection
- No significant impacts on vehicle speeds beyond the approaches to intersection

Emergency Response Issues:

- Restricts emergency vehicle access using minor street
- Can be designed to allow emergency vehicle access

Typical Cost (2017 dollars):

Cost between \$1,500 and \$20,000, depending on length and width of barriers

May 2018 Update



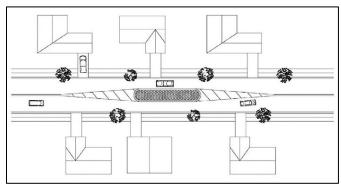
Median Island

Description:

- Raised island located along the street centerline that narrows the travel lanes at that location
- Also called median diverter, intersection barrier, intersection diverter, and island diverter

Applications:

- For use on arterial, collector, or local roads
- Can often double as a pedestrian/bicycle refuge islands if a cut in the island is provided along a marked crosswalk, bike facility, or shared-use trail crossing
- If placed through an intersection, considered a median barrier





(Source: Delaware Department of Transportation)

(Source: James Barrera, Horrocks, New Mexico)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm

Design/Installation Issues:

- Potential legal issues associated with blocking a public street (e.g., business or emergency access)
- Barriers may consist of landscaped islands, mountable facilities, walls, gates, side-by-side bollards, or any other obstruction that leave an opening smaller than the width of a passenger car
- Can be placed mid-block or on the approach to an intersection
- Typically installed on a closed-section roadway (i.e. curb and gutter)
- Can be applied on roads with or without sidewalks and/or dedicated bicycle facilities
- Maximum appropriate speed limits vary by locale
- Typically not appropriate near sites that attract large combination trucks

Potential Impacts:

- May impact access to properties adjacent to islands
- No significant impact on vehicle speeds beyond the island
- Little impact on traffic volume diversion
- Safety can be improved without substantially increasing delay
- Shortens pedestrian crossing distances
- Bicyclists may have to share vehicular travel lanes near the island
- May require removal of some on-street parking
- May require relocation of drainage features and utilities

Emergency Response Issues:

 Appropriate along primary emergency vehicle roads or street that provides access to hospitals/emergency medical services

Typical Cost (2017 dollars):

Cost between \$1,500 and \$10,000, depending on length and width of island

March 2019 Update



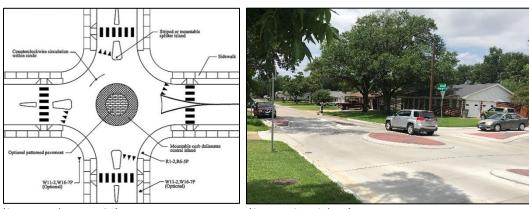
Mini Roundabout

Description:

- Raised islands, placed in unsignalized intersections, around which traffic circulates
- Motorists yield to motorists already in the intersection
- Require drivers to slow to a speed that allows them to comfortably maneuver around them
- Center island of mini roundabout is fully traversable, splitter islands may be fully traversable

Applications:

- Intersections of local and/or collector streets
- One lane each direction entering intersection
- Not typically used at intersections with high volume of large trucks or buses turning left
- Appropriate for low-speed settings



(Source: Delaware DOT)

(Source: Gary Schatz)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic calm.cfm

Design/Installation:

- See NCHRP Report 672 for design details
- Typically circular in shape, but may be an oval shape
- Controlled by YIELD signs on all approaches with pedestrian crosswalks, if included, one carlength upstream of YIELD bar
- Preferable for roadway to have urban cross section (i.e., curb and gutter)
- Can be applied to road with on-street parking
- Can be applied to roads both with and without a bicycle facility. Bicycle facilities, if provided, must
 be separated from the circulatory roadway with physical barriers; cyclists using the circulatory
 roadway must merge with vehicles. Bicycle facilities are prohibited in the circulatory roadway to
 prevent right-hook crashes.
- Key design features are the fastest paths and path alignment.

Potential Impacts:

- Slight speed reduction
- Little diversion of traffic
- Bicycle and motorist will share lanes at intersections because of narrowed roadway
- Large vehicles/buses usually drive over the center island for left turns

Emergency Response:

• Emergency vehicles maneuver using the center island at slow speeds

Typical Cost

 Cost is similar to bulb-outs because pedestrian ramps and outside curb lines usually have to be relocated

May 2018 Update



On-Street Parking

Description:

- Allocation of paved space to parking
- Narrows road travel lanes and increases side friction to traffic flow
- Can apply on one or both sides of roadway
- Can be either parallel or angled, but parallel is generally preferred for maximized speed reduction

Applications:

- High likelihood of acceptability for nearly all roadway functional classifications and street functions
- More appropriate in urban or suburban settings
- Can be combined with other traffic calming measures
- Can apply alternating sides of street for chicane effect
- Can combine with curb extensions for protected parking, including landscaping for beautification
- Can apply using time-of-day restrictions to maximize throughput during peak periods
- Can be used on one-way or two-way streets
- Preferable to have a closed-section road (i.e. curb and gutter)
- Appropriate along bus transit routes





(Source: PennDOT Local Technical Assistance Program)

(Source: Google Earth, Fort Collins, CO)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm

Design/Installation Issues:

- Appropriate distance needed between travel lane and parking lane
- Impact is directly affected by demand; must have parked vehicles present to be effective
- If used for chicane effect, must verify parking demand to ensure that majority of spaces are occupied when effect is desired most during the day; can use parallel, angled, or combination
- Should not be considered near traffic circles nor roundabouts
- Should not be applied along median island curbs
- For lower-demand locations, can counteract negligible impact with curb extensions or other roadnarrowing features

Potential Impacts:

- Can be blocked in by snow during plowing operations; required vehicle removal
- May limit road user visibility and sight distance at driveways/alleys/intersections
- Can put bicyclists at risk of colliding with car doors
- · May be impacted if other traffic calming measures are considered or implemented
- Provides buffer between moving vehicles and pedestrian facilities

Emergency Response Issues:

- Preferred by emergency responders to most other traffic calming measures
- Requires consideration of design of parking lanes near hydrants and other emergency features

May 2018 Update



Typical Cost (2017 dollars):

• Approximately \$6000 or less (factor of design specifics and length of application); can be much higher

May 2018 Update



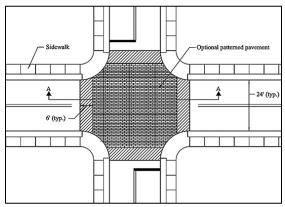
Raised Intersection

Description:

- Flat raised areas covering entire intersections, with ramps on all approaches and often with brick or other textured materials on the flat section and ramps
- Sometimes referred to as raised junctions, intersection humps, or plateaus

Applications:

- Intersections of collector, local, and residential streets
- Typically installed at signalized or all-way stop controlled intersections with high pedestrian crossing demand
- Works well with curb extensions and textured crosswalks
- Often part of an area-wide traffic calming scheme involving both intersecting streets in denselydeveloped urban areas





(Source: Delaware Department of Transportation)

(Source: Chuck Huffine, Phoenix AZ)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic calm.cfm

Design/Installation Issues:

- Used at intersections with a maximum speed limit of 35 mph
- Typically rise to sidewalk level; appropriate if crosswalks exist on all four legs
- Appropriate if a dedicated bicycle facility passes through the intersection
- Detectable warnings and/or color contrasts must be incorporated to differentiate the roadway and the sidewalk
- May require bollards to define edge of roadway
- Storm drainage/underground utility modifications are likely necessary
- Minimum pavement slope of 1 percent to facilitate drainage

Potential Impacts:

- Reduction in through movement speeds likely at intersection
- Reduction in mid-block speeds typically less than 10 percent
- No impact on access
- Can make entire intersections more pedestrian-friendly
- No data available on volume diversion or safety impacts

Emergency Response Issues:

- Slows emergency vehicles
- Appropriate for primary emergency vehicle routes and streets with access to a hospital or emergency medical services

Typical Cost (2017 dollars):

Costs range between \$15,000 and \$60,000

May 2018 Update



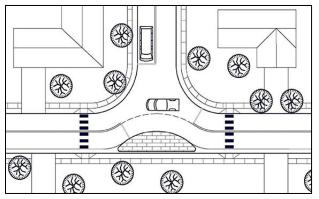
Realigned Intersection

Description:

- Reconfiguration of an intersection with perpendicular angles to have skewed approaches or travel
 paths through the intersection
- Also called modified intersection

Applications:

- Appropriate for collector or local streets
- Most applicable at T-intersections
- Can be used where on-street parking exists
- Applicable on one-way and two-way roadways
- Most commonly installed on closed-section roads (i.e. curb and gutter)
- Can be applied with and without a dedicated bicycle facility
- Can be applied with or without on-street parking





(Source: Delaware Department of Transportation)

(Source: Delaware DOT)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic calm.cfm

Design/Installation Issues:

- Need to avoid relocating drainage features such as catch basins, concrete channels, valley gutters, inlets, and trench drains
- Bicyclists and motorists may have separate lanes or may share lanes at intersections
- Be cognizant of pedestrian crossing needs (e.g., ADA, wheelchair ramps at T-intersections)
- Default design vehicle SU-30
- Typical maximum speed limit of 25 mph
- May be appropriate for buses if adequate turning radii can be provided

Potential Impacts:

- Limited-to-no impact on access
- Minimal anticipated diversion of traffic
- Can result in speed reductions between 5 and 13 mph within intersection limits
- · Provides opportunity for landscaping
- Can improve pedestrian safety
- Consider additional intersection lighting

Emergency Response Issues:

- Appropriate along an emergency vehicle route or on a street with access to hospital/emergency medical services
- Little impact on response time

Typical Cost (2017 dollars):

• Costs range between \$15,000 and \$60,000

March 2019 Update



Roundabout

Description:

- Raised islands placed in unsignalized intersections around which traffic circulates
- Approaching motorists yield to motorists already in the intersection
- Requires drivers to slow to a speed that allows them to comfortably maneuver around them
- Different from traffic circles or mini-roundabouts; possible substitute for traffic signal control

Applications:

- Intersections of arterial and/or collector streets
- One or more entering lanes
- Can be used at intersections with high volumes of large trucks and buses, depending on design





(Source: Grant Kaye)

(Source: PennDOT Local Technical Assistance Program)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm

Design/Installation:

- See NCHRP Report 672 for design details
- Design vehicle is determined specifically for each site ranging from emergency vehicles to over size/overweight vehicles
- Typically circular in shape but may be an oval shape
- Key physical elements are center islands, truck aprons, and splitter islands
- Controlled by YIELD signs on all approaches with pedestrian crosswalks, if included, one carlength upstream of YIELD bar
- Key design features include: fastest paths, swept paths, and path alignment
- Large vehicles circulating around the center island for all movements may traverse the apron
- Landscaping needs to be designed to allow adequate sight distance per NCHRP 672
- Preferable to have a closed-section road (i.e. curb and gutter)
- Bicycle facilities, if provided, must be separate from the circulatory roadway with physical barriers; cyclists using the circulatory roadway must merge with vehicles. Bicycle facilities are prohibited in the circulatory roadway to prevent right-hook crashes.

Potential Impacts:

- Limited impact on access, except for access points immediately adjacent to intersection
- Limited impact on roadways with on-street parking
- May draw additional traffic but with reduced delays and gueues

Emergency Response:

- Appropriate for emergency vehicle routes or streets that provide access to hospitals
- Emergency vehicles may traverse the apron

Typical Cost

Cost varies widely by site, but is usually comparable to a traffic signal

May 2018 Update



Speed Cushion

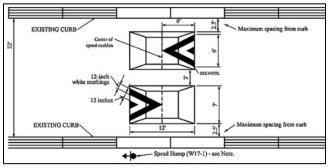
Description:

- Two or more raised areas placed laterally across a roadway with gaps between raised areas
- Height and length similar to a speed hump; spacing of gaps allow emergency vehicles to pass through at higher speeds
- Often placed in a series (typically spaced 260 to 500 feet apart)
- Sometimes called speed lump, speed slot, and speed pillow

Applications:

- Appropriate on local and collector streets
- Appropriate at mid-block locations only
- Not appropriate on grades greater than 8 percent





(Source: James Barrera, Horrocks, New Mexico)

(Source: Delaware Department of Transportation)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic calm.cfm

Design/Installation Issues:

- Two or more cushions at each location
- Typically 12 to 14 feet in length and 7 feet in width
- Cushion heights range between 3 and 4 inches, with trend toward 3 3 ½ inches maximum
- Speed cushion shapes include parabolic, circular, and sinusoidal
- · Material can be asphalt or rubber
- Often have associated signing (advance-warning sign before first cushion at each cushion)
- Typically have pavement markings (zigzag, shark's tooth, chevron, zebra)
- Some have speed advisories

Potential Impacts:

- Limited-to-no impact on non-emergency access
- Speeds determined by height and spacing; speed reductions between cushions have been observed averaging 20 and 25 percent
- Speeds typically increase by 0.5 mph midway between cushions for each 100 feet of separation
- Studies indicate that average traffic volumes have reduced by 20 percent depending on alternative routes available
- Average collision rates have been reduced by 13 percent on treated streets

Emergency Response Issues:

 Speed cushions have minimal impact on emergency response times, with less than a 1 second delay experienced by most emergency vehicles

Typical Cost (2017 dollars):

Cost ranges between \$3,000 and \$4,000 for a set of rubber cushions

May 2018 Update



Speed Hump

Description:

- Rounded (vertically along travel path) raised areas of pavement typically 12 to 14 feet in length
- Often placed in a series (typically spaced 260 to 500 feet apart)
- Sometimes called road humps or undulations

Applications:

- Appropriate for residential local streets and residential/neighborhood collectors
- Not typically used on major roads, bus routes, or primary emergency response routes
- Not appropriate for roads with 85th-percentile speeds of 45 mph or more
- Appropriate for mid-block placement, not at intersections
- Not recommended on grades greater than 8 percent
- Work well in combination with curb extensions
- Can be used on a one-lane one-way or two-lane two-way street





(Source: City of Boulder, Colorado)

(Source: PennDOT Local Technical Assistance Program)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic calm.cfm

Design/Installation Issues:

- ITE recommended practice "Guidelines for the Design and Application of Speed Humps"
- Typically 12 to 14 feet in length; other lengths (10, 22, and 30 feet) reported in practice in U.S.
- Speed hump shapes include parabolic, circular, and sinusoidal.
- Typically spaced no more than 500 feet apart to achieve an 85th percentile speed between 25 and 35 mph
- Hump heights range between 3 and 4 inches, with trend toward 3 3 ½ inches maximum
- Often have associated signing (advance warning sign before first hump in series at each hump)
- Typically have pavement markings (zigzag, shark's tooth, chevron, zebra)
- Taper edge near curb to allow gap for drainage
- Some have speed advisories
- Need to design for drainage, without encouraging means for motorists to go around a hump

Potential Impacts:

- No impact on non-emergency access
- Average speeds between humps reduced between 20 and 25 percent
- Speeds typically increase approximately 0.5 to 1 mph midway between humps for each 100 feet Beyond the 200-foot approach and exit of consecutive humps
- Traffic volumes diversion estimated around 20 percent; average crash rates reduced by 13 percent

Emergency Response Issues:

- Impacts to ease of emergency-vehicle throughput
- Approximate delay between 3 and 5 seconds per hump for fire trucks and up to 10 seconds for ambulances with patients

Typical Cost (2017 dollars):

Cost ranges between \$2,000 and \$4,000

May 2018 Update



Speed Table/Raised Crosswalks

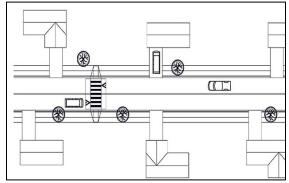
Description:

- Long, raised speed humps with a flat section in the middle and ramps on the ends; sometimes
 constructed with brick or other textured materials on the flat section
- If placed at a pedestrian crossing, it is referred to as a raised crosswalk
- If placed only in one direction on a road, it is called an offset speed table

Applications:

- Appropriate for local and collector streets; mid-block or at intersections, with/without crosswalks
- Can be used on a one-lane one-way or two-lane two-way street
- Not appropriate for roads with 85th percentile speeds of 45 mph or more
- Typically long enough for the entire wheelbase of a passenger car to rest on top or within limits of ramps
- · Work well in combination with textured crosswalks, curb extensions, and curb radius reductions
- Can be applied both with and without sidewalks or dedicated bicycle facilities
- Typically installed along closed-section roads (i.e. curb and gutter) but feasible on open section





(Source: Google Maps, Boulder, Colorado)

(Source: Delaware Department of Transportation)

ITE/FHWA Traffic Calming EPrimer: https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm

Design/Installation Issues:

- ITE recommended practice "Guidelines for the Design and Application of Speed Humps"
- Most common height is between 3 and 4 inches (reported as high as 6 inches)
- Ramps are typically 6 feet long (reported up to 10 feet long) and are either parabolic or linear
- Careful design is needed for drainage
- Posted speed typically 30 mph or less

Potential Impacts:

- No impact on non-emergency access
- Speeds reductions typically less than for speed humps (typical traversing speeds between 25 and 27 miles per hour)
- Speeds typically decline approximately 0.5 to 1 mph midway between tables for each 100 feet beyond the 200-foot approach and exit points of consecutive speed tables
- Average traffic volumes diversions of 20 percent when a series of speed tables are implemented
- Average crash rate reduction of 45 percent on treated streets
- Increase pedestrian visibility and likelihood of driver yield compliance
- Generally not appropriate for BRT bus routes

Emergency Response Issues:

• Typically preferred by fire departments over speed humps, but not appropriate for primary emergency vehicle routes; typically less than 3 seconds of delay per table for fire trucks

Typical Cost (2017 dollars):

 Cost ranges between \$2,500 and \$8,000 for asphalt tables; higher for brickwork, stamped asphalt, concrete ramps, and other enhancements sometimes used at pedestrian crossings



RESOLUTION 2020-088

ESTABLISHING ACCEPTABLE TRAFFIC CALMING MEASURES

WHEREAS, the City Council established the Traffic Safety Committee (TSC) by Ordinance 2019-015, which is associated with the Police Advisory Board (PAB); and

WHEREAS, one goal of the TSC is to improve the City's ability to review and respond to community concerns regarding traffic safety issues; and

WHEREAS, to support the TSC in meeting this goal, it is desirable to have a pre-approved list of acceptable traffic calming measures to select from; and

WHEREAS, City engineering staff has generated a list of traffic calming measures which have been recommended to the Traffic Safety Committee and Police Advisory Board as acceptable measures to be used within the City; and

WHEREAS, City staff presented the review findings and recommendations to the Traffic Safety Committee and Police Advisory Board, with the committee and board approving the findings and recommending that the acceptable traffic calming measures be made part of the City's Engineering Design and Standard Details Manual; and

WHEREAS, the Engineering Design and Standard Details Manual is a living document, where additions and deletions of acceptable traffic control measures may be made by City staff at the direction of the City Council based on the recommendation of the City Engineer, the TSC and PAB; and

WHEREAS, it is understood that while this Resolution establishes acceptable traffic calming measures for consideration in any (re)construction of public infrastructure, the selection of a recommended traffic calming measure will require a determination by City Engineering staff that supports the use and effectiveness of the selected traffic control measure, on a case by case basis.

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

<u>Section 1.</u> The Traffic Calming Measures listed below shall be added to the City's Engineering Design and Standard Details Manual as acceptable Traffic Calming Measures for use within the City:

a. Chicane b. Choker

d. Diagonal Diverter e. Lateral Shift

f. Median Barrier/Forced Turn Lane

c. Corner Extension/Bulb-Out

g. Median Island h. Mini Roundabout

On-Street Parking

j. Raised Intersection k. Realigned Intersection

Roundabout

m. Speed Cushion

n. Speed Hump

o. Speed Table/Raised Crosswalk

p. Traffic Circle

Section 2.	Future additions to or deletions from the list of acceptable Traffic Calming Measures may occur as needed, based on the City Engineer's recommendation, the Traffic Safety Committee and Police Advisory Board recommendations, and City Council approval.		
Section 3.	This Resolution shall be effective upon its approval and adoption.		
Duly passed by the City Council this 1 st of December, 2020.			
	Keith Mays, Mayor		
Attest:			
Sylvia Murphy	v, MMC, City Recorder		

City Council Meeting Date: December 1, 2020

Agenda Item: New Business

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager

Through: Josh Soper, City Attorney

SUBJECT: Resolution 2020-084, Opposing the Proposed Tipping Fee Increase by Metro

Issue:

Shall the City Council take action opposing the proposed Tipping Fee increase by Metro?

Background:

Metro is currently proposing an adjustment to the Tip Fee for waste haulers in the region. Normally, these fees are adjusted on July 1st, but due to the Covid-19 pandemic, Metro did not make any adjustment on July 1, 2020. The current proposal is to raise the Tip Fee of \$98.75 per ton to \$107.64 per ton, a 9 percent increase. This new Tip Fee would go into effect on January 4, 2021. In addition to this increase, Metro is proposing another unspecified increase on July 1, 2021.

Tip fees directly affect the cost of solid waste collection services and these costs are ultimately passed onto customers. In light of the ongoing economic challenges during this Covid-19 pandemic, the timing and amount of this proposed Tip Fee increase could have a particularly negative impact on vulnerable residents and businesses in Sherwood. In addition, Metro had not provided detailed justification for this proposed increase until attending our recent special meeting held on November 24, 2020 with the Sherwood City Council.

Based upon questions from the City of Sherwood and other jurisdictions around the region, Metro has decided to delay the decision on this proposal until December 17, 2020 in order to address the concerns raised by cities (and private haulers) in the region. Metro staff has also indicated that they will be looking at some potential alternatives to this current proposal as well in the coming weeks. This may include delaying any Tip Fee increase until July 1, 2021. For all these reasons, staff is recommending delaying any action on this resolution by City Council.

If action is taken by Council on this resolution at the meeting on December 1, 2020, it is important to note that the resolution has been modified with some additional language that was suggested by Council President Rosener since your last meeting on November 17, 2020.

Financial Impacts:

There are no additional financial impacts to the City as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council table any action on Resolution 2020-084 until the next regular City Council meeting on December 15, 2020.



RESOLUTION 2020-084

OPPOSING THE PROPOSED TIPPING FEE INCREASE BY METRO

WHEREAS, each year, Metro, our regional government, adjusts their Tip Fee for waste haulers within the Portland metropolitan region; and

WHEREAS, this annual adjustment usually takes place on July 1st of each year; and

WHEREAS, due to the Covid-19 pandemic, no adjustment was made on July 1, 2020 by Metro; and

WHEREAS, the current Tip Fee is \$98.75 per ton; and

WHEREAS, Metro is now proposing a Tip Fee of \$107.64 per ton, an increase of \$9.29 per ton, which is a 9 percent increase; and

WHEREAS, Metro is proposing that this Tip Fee increase would go into effect on January 4, 2021; and

WHEREAS, Metro is also proposing another unspecified Tip Fee increase that would go into effect on July 1, 2021; and

WHEREAS, Tip Fees directly affect the cost of solid waste collection services, and these increased costs are passed through to customers, including residents and businesses in the City of Sherwood; and

WHEREAS, in light of the ongoing economic challenges during this Covid-19 pandemic for individuals and businesses, the timing and amount of this proposed Tip Fee increase could have a particularly negative impact on vulnerable residents and businesses; and

WHEREAS, Metro has not provided detailed justification for this proposed Tip Fee increase; and

WHEREAS, Metro has not exhausted all opportunities to minimize or eliminate the need for the Tip Fee increase, including but not limited to suspending separation of dry waste and wet waste, delaying the effective date of excise tax increases, hiring freezes, early retirement programs, increased use of rate stabilization fund, use of general fund reserves, and eliminating or pausing services during the pandemic; and

WHEREAS, Metro has failed to engage its regional private, public, and community stakeholders during the formulation phase of the proposed tip fee increase planning; and

WHEREAS, Metro has failed to review rate impacts on our employers in the region that are already suffering due to the pandemic; and

WHEREAS, as a result of the foregoing, the Sherwood City Council is currently opposed to the proposed Tip Fee increase.

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

Section 1. The Sherwood City Council is currently opposed to the Tip Fee increase proposed by Metro.

Section 2.

The Sherwood City Council urges Metro to provide the public detailed information regarding its proposed Tip Fee increase, including the reasoning behind the amount and timing of the proposed increase, delay implementation, and engage regional stakeholders to develop a plan to bridge revenue losses due to the pandemic, and further urges Metro to reconsider both the amount and timing of the proposed increase in light of the Covid-19 pandemic and the negative impacts on vulnerable residents and businesses the proposed increase could have.

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

Duly passed by the City Council this 1st of December, 2020.

City Council Meeting Date: December 1, 2020

Agenda Item: New Business

TO: Sherwood City Council

FROM: Jeff Groth, Police Chief

Through: Joseph Gall, ICMA-CM, City Manager and Josh Soper, City Attorney

SUBJECT: Resolution 2020-086, Approving Sherwood Police Department Policy Updates-

December 2020

Issue:

Shall the City Council approve updated to the Police Department Policy System/Manual?

Background:

The Sherwood Police Department subscribes to Lexipol for its Police Department Policy System/Manual. That subscription includes, at a minimum, two (2) annual updates to the policy manual, generally in July and December every year. Updates also occur as a result of changes in case law, statutory changes and/or accepted best practices. In September 2020, Lexipol began releasing a series of policy updates for the Sherwood Police Department Policy Manual as a result of the passage of House Bill 4205 and House Bill 4301 by the Oregon Legislature. There are additional updates as a result of changes in best practice and the need for grammatical and formatting clean-ups.

The updates are as follows;

- 107-Chief Executive Officer: this policy was updated to require the Police Chief to obtain his
 Executive Certification within one (1) year of appointment, in accordance with the Sherwood
 Municipal Code. This policy is attached as Exhibit A
- 300-Use of Force: this policy underwent significant updates as a result of changes to statute. A
 large portion of the update included language for the carotid hold, which was rejected since we
 don't authorize or train the carotid hold. The language for duty to intercede and report was also
 updated and there were also significant grammatical and formatting updates. This policy is attached
 as Exhibit B
- 308-Control Devices and Techniques: this policy was updated to now include statutory changes regarding the use of tear gas for crowd control. There were also grammatical and formatting updates. This policy is attached as Exhibit C
- <u>340-Standards of Conduct:</u> this policy was updated to include language regarding the duty to interceded and report. This policy is attached as Exhibit D
- 612-Brady Material Disclosure: this policy was updated to clean up the language regarding the release and control of Brady material and added language establishing a Brady Coordinator. This policy is attached as Exhibit E
- 1000-Recruitment: this policy was updated automatically for grammar and to address formatting.
 This policy is attached as Exhibit F

- <u>1016-Communicable Diseases</u>: this policy was updated by the Chief to remove specific references to "masks" as a part of CPR, replacing with the term PPE. This policy is attached as Exhibit G
- <u>1026-Personnel Records</u>: this policy was updated automatically for grammar and to address formatting. This policy is attached as Exhibit H

Lexipol law enforcement professionals and attorneys specializing in public safety law have thoroughly researched and reviewed these updates.

These updates have been reviewed by the Sherwood Police Advisory Board during their regular meeting on November 17, 2020. The Police Advisory Board approves the updates and resulting policies as attached.

Financial Impact:

No financial impact or additional funds needed by this resolution.

Recommendation:

Staff and the Sherwood Police Advisory Board respectfully recommend council adopt Resolution 2020-086 approving Sherwood Police Department Policy Updates, December 2020.



RESOLUTION 2020-086

APPROVING SHERWOOD POLICE DEPARTMENT POLICY UPDATES-DECEMBER 2020

WHEREAS, in accordance with Sherwood Municipal Code 2.36.030 B1 the Sherwood Police Advisory Board will review and approve all police policy amendments and make a recommendation to the Sherwood City Council; and

WHEREAS, in accordance with Sherwood Municipal Code 2.36.030 B2 the Sherwood City Council will review the police policy amendments, and the recommendation by the Sherwood Police Advisory Board, and approve the amendments by resolution; and

WHEREAS, the December 2020 police policy amendments contain updates triggered by new Oregon state law and have been deemed "critical" by Lexipol; and

WHEREAS, the Sherwood Police Advisory Board did review the December 2020 police policy amendments during their regular meeting on November 19, 2020 and recommends approval by the Sherwood City Council; and

WHEREAS, Sherwood Police Chief has reviewed all the December 2020 updates and recommends the Sherwood City Council approve them; and

WHEREAS, the Sherwood City Council recognizes the need to maintain a current and legally sound police policy manual and agrees with the December 2020 police policy updates.

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

Section 1. The City Council approves the December 2020 updates to the police policy manual attached hereto as Exhibit 1.

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

Duly passed by the City Council this 1st of December, 2020.

	Keith Mays, Mayor
Attest:	

Sherwood PD OR Policy Manual

Chief Executive Officer

107.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Oregon are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the City of Sherwood Police Department, who is required to exercise the powers and duties of the office as prescribed by state law (OAR 259-008-0060) and Sherwood Municipal Code.

107.2 POLICY

It is the policy of the City of Sherwood Police Department that the Police Chief meets or exceeds the minimum standards for exercising his/her authority granted by law.

107.3 POLICE CHIEF REQUIREMENTS

The Police Chief of this department, as a condition of employment, should have, within twelve (12) months of appointment, successfully obtained Executive certification through the Department of Public Safety Standards and Training (DPSST).

Sherwood PD OR Policy Manual

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this agency is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations, and the value and sanctity of human life. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value, dignity and sanctity of all human life without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Sherwood PD OR Policy Manual

Use of Force

It is our policy to use de-escalation tactics whenever possible and to use force only as a last resort. It is our intent to make every attempt to defend ourselves and others without causing harm.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (2020 Oregon Laws, c.5, § 2).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (2020 Oregon Laws, c.5, § 2).

300.2.2 STATE REPORTING REQUIREMENTS

A report of another member using excessive force must be made to a supervisor no later than 72 hours after the misconduct was witnessed (2020 Oregon Laws, c.5, § 2).

300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this agency. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE - JUSTIFICATION

An officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary (ORS 161.235):

- (a) To make an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful; or
- (b) For self-defense or to defend a third person from what the officer reasonably believes to be the use or imminent use of force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (I) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

Sherwood PD OR Policy Manual

300.3.3 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed agency-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 CHOKE HOLDS

Choke holds and neck restraints of any kind that are designed and/or intended to restrict the flow of air or blood have a de-humanizing affect on people and high potential for injury. Therefore, the intentional use and/or application of the carotid control hold, or any similar choke hold or neck restraint of any kind that is designed and/or intended to restrict the flow of air or blood is prohibited, except when deadly force is justified.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the City of Sherwood Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/ herself as a peace officer and to warn that deadly force may be used, unless the [officer_deputy] has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

Sherwood PD OR Policy Manual

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. All use of force reports will be reviewed by command staff up to and including the Police Chief.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department also requires the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

Sherwood PD OR Policy Manual

Use of Force

- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

Sherwood PD OR Policy Manual

Use of Force

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.9 ANNUAL REVIEW

Each January the Patrol Section Commander will ensure that an annual review is conducted all Use of Force Reports from the previous calendar year. The review will be analyzed to focus on the effectiveness and trends regarding the use of force and any identified deficiencies in training or policy will be addressed. The review will not include any specific case numbers, occurrence locations or names of citizens or officers.

300.10 USE OF FORCE ANALYSIS

At least annually, the Patrol Section Section Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Police Chief. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Sherwood PD OR Policy Manual

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the City of Sherwood Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Police Chief may also authorize other positions or individual Agency members to use specific control devices.

308.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this agency only if the device has been issued by the Agency or approved by the Police Chief or the authorized designee.

Only officers who have successfully completed agency-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

308.4 RESPONSIBILITIES

308.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

308.4.2 SUPPORT CAPTAIN RESPONSIBILITIES

The Support Captain shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Support Captain or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Sherwood PD OR Policy Manual

Control Devices and Techniques

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Support Captain for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances.

Only the Shift Supervisor, Incident Commander, or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

308.7 CROWD CONTROL GUIDELINES

Tear gas (e.g., OC, CS, similar chemicals that accomplish the same effect) administered by shell, cartridge, or explosive device shall not be used for crowd control except in circumstances that constitute a riot. A riot is when a person commits the crime of riot if while participating with five or more other persons, the person engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public alarm (ORS 166.015; 2020 Oregon Laws, c.8, § 1).

Prior to the deployment of tear gas under these circumstances, [officers_deputies] shall, in the following order (2020 Oregon Laws, c.8, § 1):

- (a) Announce the intent to use tear gas,
- (b) Allow sufficient time for individuals to evacuate the area, and
- (c) Announce for a second time, immediately before usage, the intent to use tear gas.

Sherwood PD OR Policy Manual

Control Devices and Techniques

308.8 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

308.8.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.8.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.8.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

308.9 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

Sherwood PD OR Policy Manual

Control Devices and Techniques

308.10 KINETIC ENERGY PROJECTILE GUIDELINES

This agency is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.10.1 DEPLOYMENT AND USE

Only agency-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.10.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to

Sherwood PD OR Policy Manual

Control Devices and Techniques

manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

308.10.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not in use, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

308.11 TRAINING FOR CONTROL DEVICES

The Support Captain shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Sherwood PD OR Policy Manual

Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City of Sherwood Police Department and are expected of all agency members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this agency or a member's supervisors.

340.2 POLICY

The continued employment or appointment of every member of the City of Sherwood Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

340.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any agency supervisor or person in a position of authority, absent a reasonable and bona fide justification.

340.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or agency policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, agency policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

Sherwood PD OR Policy Manual

Standards of Conduct

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

340.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

340.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Oregon constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty. All members have an absolute duty to report misconduct they witness or become aware of, and failure to report may be grounds for discipline.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

340.4.1 DUTY TO INTERVENE AND REPORT MISCONDUCT

An officer who observes another officer engaging in misconduct shall intervene to prevent or stop the conduct unless the officer cannot intervene safely. An officer who witnesses such conduct shall report the misconduct to a supervisor as soon as practicable, but not later than 72 hours after witnessing the misconduct (2020 Oregon Laws, c.5, § 2).

Failure to intervene or report the misconduct is grounds for discipline by the Agency or suspension or revocation of the officers certification by the Department of Public Safety Standards and Training (2020 Oregon Laws, c.5, § 2).

Misconduct means (2020 Oregon Laws, c.5, § 2):

- (a) Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the agency policies related to the use of force
- (b) Sexual harassment or sexual misconduct

Sherwood PD OR Policy Manual

Standards of Conduct

- (c) Discrimination against a person based on race, color, religion, sex, sexual orientation national origin, disability, or age
- (d) A crime
- (e) A violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel under ORS 181A.410

340.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient agency service.

340.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in agency or City manuals.
- (b) Disobedience of any legal directive or order issued by any agency member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.
- (d) Failure to intervene and/or report misconduct by another member.

340.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the City of Sherwood Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-agency business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this agency and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

340.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected

Sherwood PD OR Policy Manual

Standards of Conduct

by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

340.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on -duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this agency.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this agency.

340.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

340.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this agency.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this agency for personal or financial gain or without the express authorization of the Police Chief or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any agency property for personal use, personal gain, or any other improper or unauthorized use or purpose.

Sherwood PD OR Policy Manual

Standards of Conduct

(e) Using agency resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

340.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Agency within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

340.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work -related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any agency record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this agency or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this agency or subverts the good order, efficiency and discipline of this agency or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on agency premises.

Sherwood PD OR Policy Manual

Standards of Conduct

- 2. At any work site, while on-duty or while in uniform, or while using any agency equipment or system.
- Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - Solicitations, speeches or distribution of campaign literature for or against any
 political candidate or position while on-duty or on agency property except as
 expressly authorized by City policy, the collective bargaining agreement, or the
 Police Chief.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Police Chief.
- (i) Any act on- or off- duty that brings discredit to this agency.

340.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this agency or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency.
- (i) Unauthorized possession of, loss of, or damage to agency property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of agency property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of agency property or the property of another person.

Sherwood PD OR Policy Manual

Standards of Conduct

- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (I) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Police Chief of such action.
- (m) Any other on-- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this agency, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this agency or its members.

340.5.10 SAFETY

- (a) Failure to observe or violating agency safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

340.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Sherwood PD OR Policy Manual

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the City of Sherwood Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The City of Sherwood Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the City of Sherwood Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Agency will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 BRADY PROCESS

The Police Chief shall select a member of the Agency to coordinate requests for *Brady* information. This person shall be directly responsible to the Administration Section Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 - Updating the list whenever potential Brady information concerning any agency member becomes known to the Agency or is placed in a personnel or internal affairs file.

612.4 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as

Sherwood PD OR Policy Manual

Brady Material Disclosure

practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the agency case file.

612.5 DISCLOSURE OF REQUESTED INFORMATION

If a member of this agency is a material witness in a criminal case, a person or persons designated by the Police Chief shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and agency member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or agency counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any incamera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant Brady material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 - Prior to the release of any materials pursuant to this process, the Custodian
 of Records should request a protective order from the court limiting the use of
 such materials to the involved case and requiring the return of all copies upon
 completion of the case.
- (e) If a court has determined that relevant Brady information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

Sherwood PD OR Policy Manual

Brady Material Disclosure

612.6 INVESTIGATING BRADY ISSUES

If the Agency receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.7 TRAINING

Agency personnel should receive periodic training on the requirements of this policy.

Sherwood PD OR Policy Manual

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the City of Sherwood Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the City of Sherwood Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Agency does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Agency will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2.1 SELECTION

The selection of non-sworn employees will be administered by the City of Sherwood Department of Human Resources Manager and will include participation of police department personnel as designated by the Police Chief. Finalists will be interviewed by the Police Chief prior to appointment. A conditional job offer will be made contingent on submission of inked fingerprints for criminal history clearance as required by the Oregon State Police Criminal Justice Information System Division.

The recruitment and selection process for police officers will ensure that the applicant meets the standards and is tested as required by the Oregon Department of Public Safety and Training, (Oregon Administrative Rules, Chapter 259-008.) The initial phase of the selection process will determine whether the applicant meets the minimum qualifications. The subsequent phases of the process will progressively eliminate unsuitable candidates and advance the most qualified applicants; who must successfully complete the following:

- Oregon Physical Abilities Test
- National Police Officer Selection Test
- Panel interviews
- Submission of a background packet, Personal History Questionnaire, and California Personality Inventory

Sherwood PD OR Policy Manual

Recruitment and Selection

- Initial non-medical assessment of the Personal History Questionnaire
- Submission of inked fingerprints for criminal records check
- Interview by command staff
- Conditional job offer
- Background investigation
- Review of background investigation
- Psychological assessment
- Medical test
- Appointment

This process may be modified to accommodate specific conditions or requirements of assignments. (An example of such modification may pertain to officers applying for lateral transfer that are currently certified in Oregon.)

1000.3 RECRUITMENT

The Administration Section Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive agency website and the use of agency-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administration Section Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Agency should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The Agency shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency should employ

Sherwood PD OR Policy Manual

Recruitment and Selection

a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant for [officer_deputy] or reserve [officer_deputy] shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (2020 Oregon Laws, c.7, § 4).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and ORS 659A.320
- (g) Local, state, and federal criminal history record checks
- (h) Medical and psychological examination (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

1000.4.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the City of Sherwood Police Department (OAR 259-008-0015).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Section Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

Sherwood PD OR Policy Manual

Recruitment and Selection

The Administration Section Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Agency fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Section Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 STATE NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors

Sherwood PD OR Policy Manual

Recruitment and Selection

Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Agency and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

- (a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date
- (b) Be at least 21 years of age
- (c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (d) Be free of convictions for any of the following:
 - Any felony
 - 2. Any offense for which the maximum term of imprisonment is more than one year
 - 3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
 - 4. Any offense that would subject the candidate to a denial or revocation of a peace officer license
- (e) Meet the moral fitness standards
- (f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree
- (g) Complete a medical examination
- (h) Meet the physical standards requirements
- (i) Complete a psychological screening (ORS 181A.485)
- (j) Complete a law enforcement skills proficiency test

Sherwood PD OR Policy Manual

Recruitment and Selection

1000.7.2 STANDARDS FOR DISPATCHERS

Candidates shall meet the minimum standards established by DPSST, including the following (OAR 259-008-0011; OAR 259-008-0300):

- (a) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (b) Be free of convictions for any of the following:
 - 1. Any felony
 - 2. Any offense for which the maximum term of imprisonment is more than one year
 - 3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
 - 4. Any offense that would subject the candidate to a denial or revocation of a telecommunicator license
- (c) Meet the moral fitness standards
- (d) Possess a high school diploma, GED equivalent, or a four-year advanced degree
- (e) Complete a medical examination
- (f) Meet the physical standards requirements

1000.8 PROBATIONARY PERIODS

The Administration Section Commander should coordinate with the Sherwood Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Sherwood PD OR Policy Manual

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of agency members contracting and/or spreading communicable diseases.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the City of Sherwood Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The City of Sherwood Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1016.3 EXPOSURE CONTROL OFFICER

The Police Chief will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that agency members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 - 1. Complying with the Oregon Safe Employment Act (ORS 654.001 et seq.).
 - 2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

Sherwood PD OR Policy Manual

Communicable Diseases

3. Exposure control mandates in 29 CFR 1910.1030 including bloodborne pathogen precautions (OAR 437-002-0360).

The ECO should also act as the liaison with the Oregon Occupational Safety and Health Division (OR-OSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; OAR 437-002-0360):

- (a) Stocking appropriate PPE including disposable gloves, antiseptic hand cleanser, or other specialized equipment in the work area or agency vehicles, as applicable.
- (b) Wearing agency-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using appropriate PPE when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

Sherwood PD OR Policy Manual

Communicable Diseases

1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; OAR 437-002-0360).

Other preventive, no-cost immunizations shall be provided to members who are at risk of contracting a communicable disease if such preventive immunization is available and is medically appropriate. A member shall not be required to be immunized unless such immunization is otherwise required by federal or state law, rule or regulation (ORS 433.416).

1016.5 POST EXPOSURE

1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; OAR 437-002-0360):

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

Sherwood PD OR Policy Manual

Communicable Diseases

1016.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Agency members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; OAR 437-002-0360).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1016.5.4 COUNSELING

The Agency shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; OAR 437-002-0360).

1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Contacting the Oregon Health Authority to seek voluntary consent for source testing for HIV (ORS 433.065).
- (c) Petitioning for a court order to compel source testing for HIV or other communicable diseases as defined by ORS 431A.005, if a good faith effort to obtain voluntary consent is requested from the source person and not obtained (ORS 433.080; ORS 431A.570).
- (d) Working with the district attorney if the person is charged with a criminal offense that may involve exposure to a communicable disease (ORS 135.139).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

Sherwood PD OR Policy Manual

Communicable Diseases

1016.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; OAR 437-002-0360):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Sherwood PD OR Policy Manual

Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this agency to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Oregon (ORS 181A.830; ORS 192.355; ORS 652.750).

1026.3 AGENCY FILE

The agency file shall be maintained as a record of a person's employment/appointment with this agency. The agency file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the agency file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (ORS 652.750).
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment (ORS 652.750). Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Sherwood PD OR Policy Manual

Personnel Records

1026.4 SECTION FILE

Section files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Section file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Any adverse comments shall be provided to the officer prior to being placed in the file in accordance with ORS 652.750.

1026.5 TRAINING FILE

An individual training file shall be maintained by the Support Captain for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; education; and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Support Captain or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Support Captain or supervisor shall ensure that copies of such training records are placed in the member's training file.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Police Chief. Access to these files may only be approved by the Police Chief or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's agency file but will be maintained in the internal affairs file:

- Not sustained
- Unfounded
- Exonerated

1026.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

Sherwood PD OR Policy Manual

Personnel Records

- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.
- (f) Drug testing records.

Medical records relating to hazard exposure shall be retained for 30 years after separation and in accordance with the agency established records retention schedule (29 CFR 1910.1020(d)).

1026.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure as provided in this policy, according to applicable discovery procedures, state law or with the member's written consent.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (ORS 181A.830).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1026.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records of an officer who was employed at any time by the Agency shall be released to a requesting law enforcement agency for the purposes of preemployment review (2020 Oregon Laws, c.7, § 4).

Except as provided by the Records Maintenance and Release Policy or pursuant to lawful process, no information about a personnel investigation of an officer that does not result in discipline contained in any personnel file shall be disclosed to any unauthorized member or other persons unless (ORS 181A.830(4)):

- (a) The officer consents to disclosure in writing.
- (b) The public interest requires disclosure of the information.

Sherwood PD OR Policy Manual

Personnel Records

- (c) Disclosure is necessary for an investigation by the public body, the Department of Public Safety Standards and Training, or a citizen review body designated by the public body.
- (d) Disclosure is required by 2020 Oregon Laws, c.7, § 4.
- (e) The public body determines that nondisclosure of the information would adversely affect the confidence of the public in the Agency.

Audio or video records of internal investigation interviews of an officer are confidential and shall not be released (ORS 192.385).

Photographs of an officer shall not be disclosed without the written consent of the officer (ORS 181A.830).

1026.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

A member or former member may request to review his/her personnel file. The request should be made to the Administration Supervisor. The Administration Supervisor should ensure that the member is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records as provided in ORS 652.750.

If an officer believes that any portion of the material is mistakenly or unlawfully placed in the officer personnel record, the officer may submit a written request to the Police Chief that the mistaken or unlawful material be corrected or deleted. The request must describe the corrections or deletions requested and the reasons supporting the request and provide any documentation that supports the request. The Police Chief must respond within 30 days from the date the request is received. If the Police Chief chooses not to make any changes, the Police Chief shall ensure that a written response to the request is made. The Police Chief shall ensure that the request and response is placed in the officer's personnel record (ORS 652.750).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Agency for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for agency planning purposes.

Sherwood PD OR Policy Manual

Personnel Records

- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Agency and the member that may be discovered in a judicial proceeding.

1026.10 RETENTION AND PURGING

Unless otherwise noted, personnel records shall be retained for a minimum of 10 years after separation and in accordance with the established records retention schedule (2020 Oregon Laws, c.7, § 4).

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Police Chief.
- (c) If, in the opinion of the Police Chief, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

City Council Meeting Date: December 1, 2020

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: David Bodway, Finance Director Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2020-087, Adopting a Supplemental Budget for fiscal year 2020-21

and making appropriations

Issue:

Shall the City Council adopt a supplemental budget and approve the corresponding appropriations for fiscal year 2020-21?

Background:

Pursuant to ORS 294.463, Oregon Municipalities can transfer appropriation between existing categories during the budget year and pursuant to ORS 294.471 and 294.473, Oregon Municipalities can make one or more supplemental budgets. Our practice over the past years is to perform such transfers generally twice per year, once around mid-fiscal year and then at the end of the fiscal year, if necessary.

The purposes for the appropriations have been detailed in Exhibit 1 and sorted by the source of funding for each expenditure. Please refer to that exhibit for additional information.

Financial Impacts:

The financial impacts are detailed in Exhibit 2 to the Staff Report as well as in the Resolution itself. The net impact by fund is shown in the increases / (decreases) of "Total Unappropriated and Reserve Amounts". All funds have a positive net impact of this supplemental budget aside from the TLT Fund, Street Capital Fund and Sherwood Broadband Fund which have negative net impacts.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2020-087 adopting a supplemental budget for fiscal year 2020-21 and making appropriations.

Exhibit 1 Requested appropriations by source of funding

GENERAL FUND

1. The beginning fund balance in the General Fund was higher than expected due to revenue exceeding expectations and prudent spending. The police vehicle is a carryover of funds budgeted in fiscal year 2019-2020. Due to timing, the vehicle did not arrive until after year end.

Additional beginning fund balance	\$ 462,926	Ongoing annual
Police Vehicle	48,017	-
Total proposed FY20-21 uses of funds	\$ 48,017	-
Remaining funds	\$ 414,909	-

2. The City has received additional funds from Washington County through the CARES Act and Business Oregon. Adjustments to account for this additional funding is reflected below:

Remaining funds	\$ 486,566
Total proposed FY20-21 uses of funds	\$250,500
Business Oregon Grant Program for Businesses	2,500
Business Grant Program #2	\$ 248,000
Total to General Fund	\$737,066
Business Oregon Grant Program for Businesses	2,500
CARES Funding Reimbursement for COVID Related Expenses	286,566
CARES Funding Reimbursement for Business Grant Program #2	248,000
CARES Funding Reimbursement for Business Grant Program #1	\$200,000

GENERAL CONSTRUCTION FUND

3. The beginning fund balance in the General Construction Fund exceeded budgeted expectations due to the carrying forward of various projects. The carryforward, unspent funding for various projects have been included and adjustments needed for various projects are reflected below:

Additional beginning fund balance	\$ 177,392
Cedar Creek Trail	132,456
Parks Master Plan	39,683
Total proposed FY20-21 uses of funds	\$ 172,139
Remaining funds	\$ 5,253

STREET CAPITAL FUND

4. The beginning fund balance for the Street Capital Fund was lower than projected. This was due to timing of various projects and some expenditures coming in higher than originally projected. The carryforward, unspent funding for various projects has been included and adjustments to current projects are reflected below. This revision along with the adjustments to beginning fund balance and reserve for future years is noted below:

Additional beginning fund balance	\$ (159,933)
Oregon Street Improvements	240,265
Sunset/Pine Blvd Sidewalk Infill	478,000
Ice-Age Tonquin Trail Way Signage	77,588
Total proposed FY20-21 uses of funds	\$ 795,853
Reserve for Future Years	\$ (955,786)

SANITARY FUND

5. The beginning fund balance in the Sanitary Fund exceeded budgeted expectations due to the timing and carrying forward of City projects and revenue exceeding budgeted expectations. The carryforward, unspent funding for various projects has been included and adjustments to current projects are reflected below. This revision along with the additional beginning fund balance and reduction in contingency is noted below:

Additional beginning fund balance	\$ 797,685
Oregon Street Improvements	89,685
Rock Creek Trunk Ph 1-A	472,625
Galbreath Sanitary Sewer Ext.	259,963
Total proposed FY20-21 uses of funds	\$ 822,273
Contingency	\$(24,588)

STORM FUND

6. The beginning fund balance in the Storm Fund exceeded budgeted expectations due to the timing and carrying forward of City projects. The carryforward, unspent funding for various projects has been included and adjustments to current projects are reflected below. This revision along with the additional beginning fund balance is noted below:

Additional beginning fund balance	\$1,321,164
Oregon Street Improvements	231,074
Sunset/Pine Blvd Sidewalk Infill	333,265
2 nd & Park St. Storm Water Facility	328,818
Rehab	
Total proposed FY20-21 uses of funds	\$ 893,157
Remaining funds	\$ 428,007

BROADBAND FUND

7. The beginning fund balance for the Broadband Fund was lower than projected. This was due to the timing and unpredictability of various projects and new customers. Resulting in expenditures coming in higher than originally projected. The City has been awarded a grant through Business Oregon for the Sherwood Broadband Chapman project.

In addition, the department is also needing to revise the original appropriated Operations category to reflect the Business Oregon Grant and the cost of the engineering firm. These revisions, along with the adjustment to beginning fund balance and reduction in both contingency and reserve for future years is noted below:

Additional beginning fund balance	\$(262,264)
Business Oregon Grant	346,857
Total to Broadband Fund	\$ 84,593
Chapman Broadband Project	346,857
Engineering	250,000
Total proposed FY20-21 uses of funds	\$ 596,857
Contingency	(99,339)
Reserve for Future Years	\$(412,925)

Exhibit 2
Supplemental Budget, Appropriations and Financial Impacts FY 20-21

Fund	General	TLT	Debt Service	Grants	General Construction	Street Operations	Street Capital	Water	Sanitary	Storm	Sherwood Broadband	Total
Resources												
Beginning fund balance	462,926	(776)	6,559	516	177,392	246,759	(159,933)	2,300,644	797,685	1,321,164	(262, 264)	4,890,672
Intergov	737,066	-	-	-	-	-	-	-	-	-	346,857	1,083,923
Charges for services	-	-	-	-	-	-	-	-	-	-	-	-
Infrastructure Development Fees	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	-	-	-	-
Bond Proceeds	-	_	_	-	-	_	-	-	_	_	_	-
Transfers in		-		-								<u>-</u>
Total Resources	1,199,992	(776)	6,559	516	177,392	246,759	(159,933)	2,300,644	797,685	1,321,164	84,593	5,974,595
Requirements Administration												
Comm. Development	250,500	-	-	-	-	-	-	-	-	-	-	250,500
Public Safety	-	-	_	_	_	_	_	_	_	_	_	-
Community Services	-	-	-	-	-	-	-	-	-	-	_	-
PW Operations	48,017	-	-	-	-	-	-	-	-	-	-	48,017
Operations Department	-	-	-	-	-	-	-	-	-	-	596,857	596,857
Capital Department	-	-	-	-	172,139	-	795,853	-	822,273	893,157	-	2,683,422
Debt Service	-	-	-	-	=	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-	(24,588)	-	(99,339)	(123,927)
Contingency	 -	<u>-</u>	- -		· 					<u>-</u>		
Total Appropriations	298,517	-	-	-	172,139	-	795,853	-	797,685	893,157	497,518	3,454,869
Total Unappropriated and Reserve Amounts	901,475	(776)	6,559	516	5,253	246,759	(955,786)	2,300,644	-	428,007	(412,925)	2,519,726
Total Requirements	1,199,992	(776)	6,559	516	177,392	246,759	(159,933)	2,300,644	797,685	1,321,164	84,593	5,974,595
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RESOLUTION 2020-087

ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2020-21 AND MAKING APPROPRIATIONS

WHEREAS, on June 16, 2020, the City of Sherwood budget for fiscal year 2020-21 was adopted and funds were appropriated by the City Council; and

WHEREAS, the City of Sherwood has since received or expects to soon receive unanticipated revenues and a supplemental budget is required in order to expend those revenues; and

WHEREAS, beginning fund balances either exceeded or fell short of projections due to savings in the later part of fiscal year 2019-2020 or revenue and expenditures failing to meet budgeted/projected expectations; and

WHEREAS, certain unplanned events have occurred during the course of this budget year; and

WHEREAS, in order not to overspend appropriations in any category of expenditures, it is necessary to transfer appropriations within several funds from certain expenditure categories to other expenditure categories; and

WHEREAS, the purpose of all new and transferred appropriations are detailed in Exhibit 1 attached hereto; and

WHEREAS, pursuant to ORS 294.463, Oregon Municipalities can transfer appropriation between existing categories during the budget year; and

WHEREAS, pursuant to ORS 294.471 and 294.473, Oregon Municipalities can make one or more supplemental budgets; and

WHEREAS, in accordance with local budget law, notice was published on November 26, 2020 of the public hearing that was held before the City Council on December 1, 2020.

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

Section 1. Adoption of an FY20-21 Supplemental Budget. The City Council of the City of Sherwood, Oregon hereby adopts the supplemental budget for FY2000-21 in the sum of \$5,974,595.

<u>Section 2.</u> **Making Appropriations.** The additional amounts for the fiscal year beginning July 1, 2020 shown below are hereby appropriated as follows:

Fund	General	TLT	Debt Service	Grants	General Construction	Street Operations	Street Capital	Water	Sanitary	Storm	Sherwood Broadband
Resources											
Beginning fund balance	462,926	(776)	6,559	516	177,392	246,759	(159,933)	2,300,644	797,685	1,321,164	(262,264)
Intergov	737,066	-	-	-	-	-	-	-	-	-	346,857
Charges for services	-	-	-	-	-	-	-	-	-	-	-
Infrastructure Development Fees	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-	-	_
Transfers in		-		-							
Total Resources	1,199,992	(776)	6,559	516	177,392	246,759	(159,933)	2,300,644	797,685	1,321,164	84,593
Requirements											
Administration	-	-	-	-	-	-	-	-	-	-	-
Comm. Development	250,500	-	-	-	-	-	-	-	-	-	-
Public Safety	-	-	-	-	-	-	-	-	-	-	-
Community Services	-	-	-	-	-	-	-	-	-	-	-
PW Operations Operations Department	48,017	-	-	-	-	-	-	-	-	-	- 596,857
Capital Department	-	-	-	-	172,139	-	795,853	-	822,273	- 893,157	590,657
Debt Service	-	_	_	_	-	_	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-	-	-	-
Contingency		-		-			-		(24,588)		(99,339)
Total Appropriations	298,517	-	-	-	172,139	-	795,853	-	797,685	893,157	497,518
Total Unappropriated and Reserve											
Amounts	901,475	(776)	6,559	516	5,253	246,759	(955,786)	2,300,644		428,007	(412,925)
Total Requirements	1,199,992	(776)	6,559	516	177,392	246,759	(159,933)	2,300,644	797,685	1,321,164	84,593

Section 3. This Resolution shall be effective upon its approval and adoption.					
Duly passed by the City Council this 1 st day of December, 2020.					
	Keith Mays, Mayor				
Attact.					
Attest:					
Sylvia Murphy	v MMC. City Recorder				
Sylvia Murphy	v, MMC, City Recorder				

Exhibit 1 Requested appropriations by source of funding

GENERAL FUND

1. The beginning fund balance in the General Fund was higher than expected due to revenue exceeding expectations and prudent spending. The police vehicle is a carryover of funds budgeted in fiscal year 2019-2020. Due to timing, the vehicle did not arrive until after year end.

Additional beginning fund balance	\$ 462,926	Ongoing annual
Police Vehicle	48,017	-
Total proposed FY20-21 uses of funds	\$ 48,017	-
Remaining funds	\$ 414,909	-

2. The City has received additional funds from Washington County through the CARES Act and Business Oregon. Adjustments to account for this additional funding is reflected below:

Remaining funds	\$ 486,566
Total proposed FY20-21 uses of funds	\$250,500
Business Oregon Grant Program for Businesses	2,500
Business Grant Program #2	\$ 248,000
Total to General Fund	\$737,066
Business Oregon Grant Program for Businesses	2,500
CARES Funding Reimbursement for COVID Related Expenses	286,566
CARES Funding Reimbursement for Business Grant Program #2	248,000
CARES Funding Reimbursement for Business Grant Program #1	\$200,000

GENERAL CONSTRUCTION FUND

3. The beginning fund balance in the General Construction Fund exceeded budgeted expectations due to the carrying forward of various projects. The carryforward, unspent funding for various projects have been included and adjustments needed for various projects are reflected below:

Additional beginning fund balance	\$ 177,392
Cedar Creek Trail	132,456
Parks Master Plan	39,683
Total proposed FY20-21 uses of funds	\$ 172,139
Remaining funds	\$ 5,253

STREET CAPITAL FUND

1. The beginning fund balance for the Street Capital Fund was lower than projected. This was due to timing of various projects and some expenditures coming in higher than originally projected. The carryforward, unspent funding for various projects has been included and adjustments to current projects are reflected below. This revision along with the adjustments to beginning fund balance and reserve for future years is noted below:

\$	(159,933)		
Oregon Street Improvements 240,26			
/Pine Blvd Sidewalk Infill 478,00			
77,588			
Total proposed FY20-21 uses of funds \$ 795,8			
Reserve for Future Years \$ (955,7			
	\$		

SANITARY FUND

2. The beginning fund balance in the Sanitary Fund exceeded budgeted expectations due to the timing and carrying forward of City projects and revenue exceeding budgeted expectations. The carryforward, unspent funding for various projects has been included and adjustments to current projects are reflected below. This revision along with the additional beginning fund balance and reduction in contingency is noted below:

Additional beginning fund balance	\$ 797,685
Oregon Street Improvements	89,685
Rock Creek Trunk Ph 1-A	472,625
Galbreath Sanitary Sewer Ext.	259,963
Total proposed FY20-21 uses of funds \$ 82	
Contingency	\$(24,588)

STORM FUND

3. The beginning fund balance in the Storm Fund exceeded budgeted expectations due to the timing and carrying forward of City projects. The carryforward, unspent funding for various projects has been included and adjustments to current projects are reflected below. This revision along with the additional beginning fund balance is noted below:

Additional beginning fund balance	\$1,321,164
Oregon Street Improvements	231,074
Sunset/Pine Blvd Sidewalk Infill	333,265
2 nd & Park St. Storm Water Facility	328,818
Rehab	
Total proposed FY20-21 uses of funds	\$ 893,157
Remaining funds	\$ 428,007
itemaning ranas	7 720,007

BROADBAND FUND

4. The beginning fund balance for the Broadband Fund was lower than projected. This was due to the timing and unpredictability of various projects and new customers. Resulting in expenditures coming in higher than originally projected. The City has been awarded a grant through Business Oregon for the Sherwood Broadband Chapman project.

In addition, the department is also needing to revise the original appropriated Operations category to reflect the Business Oregon Grant and the cost of the engineering firm. These revisions, along with the adjustment to beginning fund balance and reduction in both contingency and reserve for future years is noted below:

Additional beginning fund balance	\$(262,264)		
Business Oregon Grant	346,857		
Total to Broadband Fund \$ 84,5			
Chapman Broadband Project	346,857		
Engineering	250,000		
Total proposed FY20-21 uses of funds	\$ 596,857		
Contingency (99,			
Reserve for Future Years	\$(412,925)		

City Council Meeting Date: December 1, 2020

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager

Through: Josh Soper, City Attorney

SUBJECT: Resolution 2020-089, Adjusting Solid Waste and Recycling Collection Rates

Issue:

Shall the City Council adjust the solid waste and recycling collection rates?

Background:

Solid waste and recycling collection services in Sherwood are provided by Pride Disposal, a private company pursuant to a franchise issued under Sherwood Municipal Code (SMC) Chapter 8.20. As set forth in SMC 8.20.080, the City Council sets the rates the franchise holder may charge for those services. The current solid waste and recycling collection rates have been in effect since January 1, 2020. SMC 8.20.080 outlines the related factors and process to be followed by City Council to adjust solid waste and recycling collection rates.

Most cities in Washington County aim to set a reasonable composite rate of return of 8 to 12 percent annually for their solid waste franchisees and SMC Chapter 8.20.080 defines a similar target for Sherwood franchisees. With updated 2019 financial information from Pride Disposal, the City once again had Bell & Associates conduct a Rate Review Report which was completed in August 2020. Through this process, the City has determined through an analysis of financial information from Pride Disposal that their adjusted rate of return for 2019 ranged from 3.45% to 12.42% depending upon type of collection service, with a composite rate of return of 7.97%.

In addition, the financial analysis determined that their projected rate of return for 2021 ranged from 8.7% to 10.6% depending upon type of collection service, with a composite rate of return of 9.98%. At a work session with City Council that was held on August 18, 2020, Bell & Associates presented a recommendation to raise solid waste and recycling collection rates to achieve the goal of a composite rate of 10% in 2021 as outlined in SMC 8.20.080(F)(4)(a). All of these proposed new rates are clearly identified in Exhibit A to the resolution. The proposed effective date for the new solid waste and recycling collection rates is January 1, 2021.

It is important to note that due to the uncertainty about the timing and size of any Metro Tipping Fee increases in 2021, these proposed rates for Council consideration do not include any increases related to such an increase. As City Council heard directly from Metro officials in a special meeting held on November 24, 2020, these decisions by Metro have been delayed until later in December 2020 and it is very likely that any increase will be delayed until the normal July 1, 2021 timeline. As a result, staff is recommending small increases in commercial and drop box rates, but no changes in the residential services as outlined in the Bell & Associates review and recommendation from August 2020.

The City Attorney has reviewed the recommended rates in light of Measure 34-244, which was approved by Sherwood voters in May 2016 and which added the following language to the City Charter:

After July 1, 2015, any ordinance, resolution or order approved by a majority of the City Council that imposes a new city tax, charge, or fee and/or increases by more than two percent annually any city utility tax, charge, or fee including but not limited to water charges, sewer and surface water charges, and street utility fees that are imposed on residential properties occupied by owners and/or occupants within the City of Sherwood boundaries, shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is a general election in an even-numbered year.

As was previously determined with the passage of previous resolutions adjusting these rates after this measure, the City Attorney has concluded that the restrictions imposed by the above ballot measure are not applicable to this rate increase, for reasons including, but not limited to, the fact that the ballot measure explicitly applies only to a "city utility tax, charge or fee," as opposed to fees such as those which are charged, collected, and used exclusively by a private company.

Financial Impacts:

With the proposed rate increase, there will be minimal financial impacts to the city budget as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2020-089, adjusting the solid waste and recycling collection rates.

Attachments:

- Attachment 1: Solid Waste and Recycling Collection Overview
- Resolution 2020-089
- Exhibit A: New Rate Schedule

City of Sherwood Solid Waste & Recycling Collection

AN OVERVIEW OF THE CITY'S CURRENT SYSTEM AND RATE ALTERNATIVES FOR COUNCIL DIRECTION

Collection & Disposal Costs

Current rates were implemented in January 2020

- Cart rates increased by 5.3% / Projected to finish 6.6% higher than 2019
- Container rates increased by 5.3% / Projected to finish -1.2% lower
- Drop Box no increase / Projected to finish 2.8% higher (includes disposal)

Recycling Processing

Average Cost in 2019 was estimated at \$95.50 per ton / Actual was \$83

Labor – Collective Agreement with Teamsters

Disposal Costs increased by \$4 per ton

Metro Regional System Fee Increase (\$3.75 per ton) is expected, but the date has not been confirmed

Adjusted 2019 Results

Service	Cart	Container	Drop Box	Composite
Revenues	\$2,184,875	\$929,756	\$1,138,578	\$4,253,209
Direct Costs of Operations	\$1,676,633	\$723,552	\$994,872	\$3,395,057
Indirect Costs of Operations	\$323,897	\$90,728	\$104,397	\$519,022
Allowable Costs	\$2,000,530	\$814,280	\$1,099,269	\$3,914,079
Franchise Income	\$184,345	\$115,476	\$39,309	\$339,130
Return on revenues	8.44%	12.42%	3.45%	7.97%

Projected 2021 Results

Service	Cart	Container	Drop Box	Composite
Revenues	\$2,328,073	\$929,040	\$1,194,823	\$4,451,936
Allowable Costs	\$2,080,925	\$844,220	\$1,145,869	\$4,071,014
Franchise Income	\$247,148	\$84,820	\$48,954	\$380,922
Return on revenues	10.6%	9.1%	8.7%	9.98%

Cost of Service Increase for Container Service

Description	Amount
Projected Revenue	\$ 929,040
Allowable Costs	\$ 798,706
Margin @ 10%	\$ 88,745
Franchise Fees	\$ 46,708
Revenue Requirement	\$ 934,159
Increase (Projected – Requirement)	\$ 5,119
Increase to Cart / Container Service	0.6%
2 yard weekly Rate Increase	\$1.14
6 yard weekly Rate Increase	\$2.65

Drop Box Cost of Service

Description	2019	2021
Haul Cost per Hour	\$126.51	\$133.00
Sherwood Average Haul Time	45 minutes	45 minutes
Sherwood Average Cost per Haul	\$94.88	\$99.75
Increased Cost		\$4.87

Metro Regional System Fee

Metro proposed to increase the Regional System Fee by \$3.75 per ton

Initially proposed an October 1 increase, but local cities have voiced concerns on the amount and timing

Impact to residents with a 35 gallon cart is \$0.22 per month

Commercial Increase is \$0.23 per collected yard of garbage

- 1 yard per week will increase by \$1.00 (\$0.23 x 4.33 lifts per month)
- 4 yard collected weekly will increase by \$3.98 per month

Next Steps

City Manager / Chris Bell will follow up with Council members that have additional questions

Submit rate package to Council in September

Initial Council vote in September

Rates effective January, 2021



RESOLUTION 2020-089

ADJUSTING SOLID WASTE AND RECYCLING COLLECTION RATES

WHEREAS, the current solid waste and recycling collection rates have been in effect since January 1, 2020; and

WHEREAS, the Sherwood City Council sets rates for all solid waste collection services as set forth in Sherwood Municipal Code (SMC) 8.20.080; and

WHEREAS, SMC 8.20.060 provides for compensation to be paid by solid waste franchisees for the use of City streets in the form of solid waste franchise fees; and

WHEREAS, SMC 8.20.040 grants solid waste management franchises within the City, and SMC 8.20.080 outlines the related factors and processes to be followed by City Council to adjust solid waste and recycling collection rates; and

WHEREAS, Pride Disposal, a franchisee for solid waste collection services in Sherwood, has submitted their 2019 annual report per SMC 8.20.080(F) (1); and

WHEREAS, the City has determined through an analysis of financial information from Pride Disposal that their adjusted rate of return for 2019 ranged from 3.45% to 12.42% depending upon type of collection service, with a composite rate of return of 7.97%; and

WHEREAS, the City has determined through an analysis of financial information from Pride Disposal that their projected rate of return for 2021 ranged from 8.7% to 10.6% depending upon type of collection service, with a composite rate of return of 9.98%; and

WHEREAS, the City Manager has reviewed the Rate Review Report compiled by Bell & Associates and concurs with the recommendation to adjust solid waste and recycling collection rates in a manner intended to achieve a projected composite rate of return of 10% as outlined in SMC 8.20.080(F)(4)(a); and

WHEREAS, the City has determined that the new solid waste and recycling collection rates should take effect on January 1, 2021 as outlined in SMC 8.20.080(F)(4)(a).

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

Section 1. The Sherwood City Council hereby approves the proposed schedule of solid waste and recycling collection rates as contained in the attached Exhibit A.

Section 2.	The adjusted solid waste and recycling collection rates will take effect on January 1, 2021					
Section 3.	This Resolution shall be effective upon its approval and adoption.					
Duly passed	by the City Council this 1st of December, 2020.					
	Keith Mays, Mayor					
Attest:						
Sylvia Murphy	, MMC, City Recorder					

Exhibit A: New Rate Schedule

Effective Date: January 1, 2021

Commercial Rates

City of Sherw	/ood												
				0.000/									
	Container F	kate increa	se	0.60%			-						
		2020 Curre	nt Commo	rcial Collec	tion Potos		-		2021 Prope	cod Comm	ercial Colle	otion Dates	
Container	One	Two	Three	Four	Five	EOW		One	Two	Three	Four	Five	EOW
1 yard						EOW	\$						EUW
each additional	81.31	157.10	232.71	308.34	384.10	_	Ψ	82.97	160.38	237.62	314.87	392.25	
1.5 yard	157.75	291.86	425.92	559.96	694.10			160.45	297.12	433.74	570.33	707.03	
each additional	113.01	219.91	326.79	433.65	540.58	-		115.44	224.74	334.01	443.26	552.59	
2 yard	189.48		520.79	685.31	850.59	115.15		192.96	361.56	530.16	698.77	867.38	117.0
each additional	144.75	282.79	420.92	559.03	697.08	76.65		147.96	289.17	430.46	571.73	712.95	78.2
3 yard	252.72		708.16	935.83	1,163.64	148.58		257.75	490.39	722.93	955.47	1,188.16	151.2
each additional	207.99	408.52	609.03	809.56	1,010.11	106.51		212.75	417.98	623.20	828.45	1,033.71	108.9
4 yard	316.02		896.36	1,186.42	1,476.70	178.49		322.60	619.29	915.77	1.212.25	1,508.94	181.9
each additional	271.92	534.32	797.22	1,060.42	1,323.19	136.46		278.23	546.88	816.03	1,085.20	1,354.51	139.6
5. yard	379.33		1.084.47	1,437.05	1,789.61	130.40		387.46	747.97	1,108.52	1,469.05	1,829.58	133.0
each additional	334.60	659.95	985.32	1,310.74	1,636.09	-		342.46	675.60	1,008.77	1,341.98	1,675.14	
6 yard	442.31	857.37	1,272.34	1,687.29	2,102.37	238.15		451.97	876.54	1,301.01	1,725.47	2,150.05	243.0
each additional	397.57	785.39	1,173.18	1,560.99	1,948.84	196.04		406.97	804.13	1,201.26	1,725.47	1,995.60	200.7
8 yard each additional	569.95 525.23		1,649.67 1,550.52	2,189.48 2,063.20	2,729.33 2,575.80	297.83 256.37		582.72 537.73	1,135.16 1,062.76	1,687.63 1,587.88	2,240.03	2,792.47 2,638.01	304.3 262.5
each additional	525.23	,	,	2,063.20	2,575.60	250.37		537.73	,		2,112.99	2,036.01	202.3
1 word composted	271.22	COMPACT		961.95	1,189.41		_	275.42		746.89	978.01	1,209.41	
1 yard compacted			734.76						515.70				
2 yard compacted	418.39	782.34	1,146.24	1,510.16	1,873.32			426.04	797.32	1,168.55	1,539.80	1,910.28	
3 yard compacted	556.71	1,057.28	1,557.54	2,057.88	2,557.40			567.77	1,079.05	1,590.04	2,101.09	2,611.32	
4 yard compacted	695.10	1,332.31	1,968.98	2,605.63	3,241.50			709.56	1,360.88	2,011.65	2,662.41	3,312.39	
							-				5		
		ırrent Comı									ollection Ra		
Heavy Container	One	Two	Three	Four	Five			One	Two	Three	Four	Five	
1 yard			\$ 373.30	,	,		\$,	,	
each additional	n/a	n/a	n/a	n/a	n/a			n/a	n/a	n/a	n/a	n/a	
1.5 yard	186.65		531.59	687.94	843.01			191.27	351.74	545.30	706.09	865.61	
each additional	176.79	337.08	498.32	643.21	786.90			181.35	346.12	511.83	661.09	809.16	
2 yard	247.05		695.07	899.08	1,100.37			253.21	490.05	713.26	923.17	1,130.35	
each additional	232.23	440.89	633.99	817.42	998.80			238.30	452.90	651.81	841.02	1,028.17	
3 yard	337.84		942.89	1,215.97	1,501.87			346.89	668.58	969.59	1,251.33	1,545.96	
each additional	321.22	622.85	909.58	1,193.75	1,474.04			330.17	640.61	936.08	1,228.97	1,517.96	
4 yard	428.34		1,217.81	1,585.31	1,938.52			440.27	848.15	1,253.18	1,632.24	1,996.91	
each additional	413.48	809.69	1,195.60	1,570.33	1,918.26			425.32	833.25	1,230.83	1,617.17	1,976.53	
5. yard	513.60		1,487.03	1,953.93	2,390.18			528.38	1,035.49	1,531.03	2,012.41	2,462.98	
each additional	504.00	978.29	1,445.33	1,902.35	2,343.97			518.72	1,007.54	1,489.08	1,960.52	2,416.49	
6 yard	589.24		1,707.51	2,242.36	2,770.39			606.80	1,188.78	1,759.84	2,311.93	2,857.15	
each additional	577.93	1,131.64	1,674.12	2,187.51	2,700.16			595.42	1,166.49	1,726.24	2,256.76	2,786.50	
8 yard	746.37	1,460.10	2,154.89	2,835.31	3,494.62			769.55	1,506.28	2,223.94	2,927.14	3,609.11	
each additional	731.08	1,430.48	2,110.93	2,776.35	3,420.61			754.17	1,476.48	2,179.72	2,867.83	3,534.65	

Drop Box Rates

Drop	Box	Rates	
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DIOP BOX Nates				
Service/Box Volume	Current	<u>Increase</u>	Proposed	
10 Cubic Yards per Haul	\$135.00	\$5.00	\$140.00	Haul charge listed + actual disposal fee
20 Cubic Yards per Haul	\$135.00	\$5.00	\$140.00	Haul charge listed + actual disposal fee
30 Cubic Yards per Haul	\$135.00	\$5.00	\$140.00	Haul charge listed + actual disposal fee
40 Cubic Yards per Haul	\$135.00	\$5.00	\$140.00	Haul charge listed + actual disposal fee
Compactor per Haul	\$165.00	\$5.00	\$170.00	Haul charge listed + actual disposal fee
Delivery/Relocation	\$73.00		\$73.00	Per movement
(per box)				

Open Top Box Rental

	<u>Current</u>	<u>Increase</u>	<u>Proposed</u>
10 and 20 Cubic Yards	\$9.00		\$9.00
30 Cubic Yards	\$11.00		\$11.00
40 Cubic Yards	\$11.00		\$11.00

Box with a Lid

	<u>Current</u>	<u>Increase</u>	Proposed
10 and 20 Cubic Yards	\$14.00		\$14.00
30 Cubic Yards	\$16.00		\$16.00

Mileage Charge¹ \$2.69 per mile if over 5 miles to the disposal site

1. Mileage Charges are assessed on the disposal leg of the haul mileage is greater than 5 miles from pick-up to the disposal site

Residential Rate Schedule

No changes from the current rates that became effective on January 1, 2020

City Council Meeting Date: December 1, 2020

Agenda Item: Public Hearing (First Reading)

TO: Sherwood City Council

FROM: Eric Rutledge, Associate Planner, Planning Staff

Through: Josh Soper, City Attorney, Joseph Gall, ICMA-CM, City Manager and Julia Hajduk,

Community Development Director

SUBJECT: Ordinance 2020-008, Approving annexation of 10.90 acres to the City of Sherwood

and 10.50 acres to Clean Water Services within the Tonquin Employment Area, comprised of one Tax Lot and the adjacent SW Oregon Street and SW Tonquin Road

right-of-way (First Reading)

Issue:

Shall the City Council approve the proposed annexation (Case File No. LU 2020-010 AN) of 10.90 acres of land within the Tonquin Employment Area?

Background:

The applicant has requested a third continuance of this annexation hearing to a date certain of January 5, 2020 for the first reading and January 19 for the second reading.

The City is currently developing an Access Management Plan for SW Oregon St. between SW Tualatin-Sherwood Road and SW Tonquin Rd. The plan will provide alternatives for future driveway and street intersection locations along the Oregon St. corridor and help developers understand requirements for their site. The continuance will allow the applicant to review the outcomes of the plan and better understand access and street requirements prior to annexation.

The property is part of the Tonquin Employment Area (TEA) and was brought into the Urban Growth Boundary in 2004. The TEA Concept Plan was approved by City Council in 2010 and the TEA Market Analysis, Business Recruitment Strategy, and Implementation Plan was adopted by City Council by resolution in 2015. Land in the TEA remains under Washington County jurisdiction and cannot be developed with urban services until annexation to the City. As such, the City has received an annexation petition for 10.90 acres of land in TEA in preparation for future development. If approved, the annexation will bring 10.90 acres of land into the City of Sherwood and 10.50 acres of land into the Clean Water Services District boundaries.

The site is located along the south side of SW Oregon St. on both sides of SW Tonquin Rd. The property is currently zoned FD-20 under Washington County and is occupied by the applicant's industrial business including an office and shop. If the annexation is approved, the City's Employment Industrial zoning will be applied to the property and future development will conform to the El zone use and development standards.

With adoption of the TEA Concept Plan in 2010, properties within the TEA became eligible for annexation to the City of Sherwood. To date the City has approved three (3) annexations in the TEA totaling approximately 133 acres. The City currently has two annexation petitions under review, the subject

application representing 10.90 acres and the adjacent Kerr Annexation (LU 2020-012) representing 29.61 acres. If both are approved, approximately 173 acres of land in the TEA will have been annexed into the City of Sherwood, representing approximately 58% of the total land within the designated employment area.

The applicant is seeking approval of the annexation petition under the procedures of Oregon Senate Bill 1573. Under this method, a vote by the City electorate is not required to approve the annexation as long as 100% of the land owners have signed the petition and the application meets the approval criteria in ORS 222.127(2)(a)-(d). The legislative body of the City is responsible for approving or denying such annexation petitions based on the compliance with local, regional, and state criteria. The approval criteria for all levels is summarized below:

- Oregon Revised Statutes (ORS) 222.111 222.183
- Metro Code 3.09
- City of Sherwood Comprehensive Plan Chapters 3 and 8

The City of Sherwood receives sanitary sewer treatment and water quality services from Clean Water Services (CWS). If the annexation is approved, 10.50 acres of land will be added to the CWS district boundaries as prescribed in ORS 199.510(2)(c). A portion of the subject site is already within the CWS boundaries which results in a CWS annexation area of 0.40 acres less than the proposed City annexation.

The attached staff report reviews the applicable criteria that must be considered for annexations under the proposed method and provides a discussion of how the application meets the criteria. Based on this analysis and findings in the staff report, staff recommends approval of the annexation to the City of Sherwood and Clean Water Services District.

Alternatives:

If the City Council finds that the proposed annexation does not meet the criteria identified in SB 1573 and ORS 199.510(2)(c), it could not approve the Ordinance.

Financial Impacts:

The applicant is required to pay 100% of costs associated with the annexation application, including staff time. The applicant has paid a deposit of \$7,500 to initiate this annexation.

Should the Council approve this application, the property would be in need of City services, the cost of which would be mostly borne by implementing development. The development of the site will require the extension of City services (transportation, water, sewer, etc.); however, impacts and potential mitigations would be addressed by future land use applications. In addition, once the property is annexed to the City it will be subject to the taxes, bonds, and fees assessed by the City of Sherwood.

Recommendation:

Staff recommends opening the hearing on Ordinance 2020-008 and continuing the hearing to a date certain of January 5, 2020 (first reading) at the request of the applicant.

Exhibits:

1. Staff Report and Exhibits for LU 2020-010 Polley Annexation

City of Sherwood Staff Report for 21720 SW Oregon St.

Staff Report: August 17, 2020 Hearing: September 1, 2020 Case File No: LU 2020-010 AN

Signed: _ 272-

Eric Rutledge, Associate Planner

Proposal: The applicant is seeking approval from the City of Sherwood to annex a 9.53acre parcel and 1.37 acres of adjacent right-of-way at 21720 SW Oregon Street in unincorporated Washington County, Oregon. The total area proposed for annexation is 10.90 acres to the City of Sherwood and 10.50 acres to Clean Water Services. The applicant is seeking approval of the annexation petition under the procedures of SB 1573 and also requests annexation of the property into Clean Water Services boundary for the provision of sanitary sewer, stormwater, and surface water management pursuant to ORS 199.510(C).

I. BACKGROUND

Bruce and Karen Polley A. Applicant:

PO Box 1489

Sherwood, OR 97140

Applicant's Representative.: Mimi Doukas, AICP

AKS Engineering & Forestry LLC 12965 SW Herman Rd, Suite 100

Tualatin OR 97062

- B. Location: The site is located at 21720 SW Oregon Street in Unincorporated Washington County, on the south side of SW Oregon St. and on both sides of SW Tonquin Rd.
- C. Review Type: The Sherwood City Charter requires the electorate of the City to approve annexations that are passed by the City Council. However, Senate Bill 1573 provides an exception to the final electorate requirement when the annexation petition is submitted by 100% of the landowners of the property and when certain criteria are met. Consequently, this application is being processed as a quasi-judicial action subject to the approval criteria of ORS 222.127(2)(a)-(d). If the City Council determines that the annexation petition meets the criteria, the territory is to be annexed to the city by ordinance. The applicant has also requested annexation into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management pursuant to ORS

199.510(2)(c).

- D. <u>Public Notice and Hearing</u>: Notice of the City Council hearing on the annexation was posted on the subject property and in five public locations throughout the City on August 12, 2020. While ORS only requires mailed notice to property owners within 250 ft. of the site, mailed notice was provided to property owners within 1,000 feet of the site on August 12, 2020 in accordance with Sherwood's public hearing notice requirements. Notice of the hearing was also posted in the August 13 and August 27, 2020 edition of The Times, a local newspaper.
- E. <u>Review Criteria</u>: There are three levels of review criteria and requirements for annexations Local, Regional and State. The Oregon Revised Statutes (ORS 222.111-.183) guide the process for annexations at the state level. The applicant is requesting approval under the SB 1573 method and is subject to the approval criteria of ORS 222.127. Annexations proposed within the Metro boundary are also subject to the approval criteria of Metro Code 3.09. Finally, the annexation must comply with Chapters 3 and 8 of the City of Sherwood Comprehensive Plan. All applicable review criteria are addressed below.
- F. <u>History</u>: The property is part of the Tonquin Employment Area (TEA) and was brought into the Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B. In 2010, the City approved the TEA Concept Plan including the implementing Comprehensive Plan and Map Amendments. In 2015 the TEA Market Analysis, Business Recruitment Strategy and Implementation Plan was approved by the City Council under Resolution 2015-051.

With adoption of the TEA Concept Plan, property within the TEA became eligible for annexation to the City of Sherwood. To date the City has approved three (3) annexations in the TEA totaling approximately 133 acres. The City currently has two annexation petitions under review, the subject application representing 10.90 acres and adjacent Kerr Annexation (LU 2020-012) representing 29.61 acres. If both are approved, approximately 173 acres of land in the TEA will have been annexed into the City of Sherwood, representing approximately 58% of the total land area.

G. <u>Site Characteristics and Existing Zoning:</u> The site is currently occupied by an industrial business and according to assessment records contains a multipurpose building, machine shed, and detached carport. A manufactured home is also located on the site and is used as the offices for the business. No residents currently live on the site.

The property is approximately 9.23 acres in size and fronts SW Oregon Street and SW Tonquin Road, with a small portion of the overall tax lot (0.2 acres) located on the southwest side of SW Tonquin Road. The 0.2 acres is located entirely within the 100-year floodplain of Rock Creek. The property on the northeast site of SW

Tonquin Rd. is currently in use by the applicant for operation of an industrial business as referenced above. The remainder of the property is covered by grassland and forest, including upland and riparian habitat.

The property is zoned Future Development 20-Acre District (FD-20) by Washington County. The FD-20 District applies to the unincorporated lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The zoning encourages limited interim uses until the comprehensive planning for future urban development of the area is complete.

H. Future Zoning: The subject site is within the Tonquin Employment Area, which has been incorporated into the City's Comprehensive Plan. Upon annexation to the City of Sherwood, the City's Employment Industrial (EI) zoning will be applied to the site. The EI zone classification was determined to be the most suitable zoning for the area through the TEA Concept Plan and targets the Clean Technology, Technology and Advanced Manufacturing, and Outdoor Gear and Active Wear industries. The EI zone will provide employment areas that are suitable for and attractive to these industries.

II. AFFECTED AGENCY AND PUBLIC COMMENTS

Agencies Comments: Notice was provided to the following agencies on July 27, 2020: NW Natural, Portland General Electric, Clean Water Services, Kinder Morgan, Pride Disposal, Raindrops 2 Refuge, Tualatin River National Wildlife Refuge, Portland Western Railroad, Bonneville Power Administration, Sherwood School District, TriMet, Metro, Oregon Department of Transportation, Washington County Land Use & Transportation, Tualatin Valley Fire & Rescue, Sherwood Police Department, and the United States Postal Service.

Responses were received from City of Sherwood Engineering and Tualatin Valley Fire & Rescue. Summaries are provided below and full comments are included as exhibits to the report. Sherwood Police Department, BPA, and ODOT Outdoor Advertising Sign Program acknowledged the proposal and did not have any comments or concerns.

Sherwood Engineering Department – Bob Galati, City of Sherwood Engineer, provided the following comments with regard to the proposed annexation (Exhibit D):

Transportation - Generally speaking, the site currently has access to SW Oregon Street and SW Tonquin Road and meets annexation requirements for transportation.

Sanitary sewer - Generally speaking, the site currently has access to public sanitary sewer due to the ability to extend public sanitary mainlines within public right-of-way, even though the distance is significant (1,420 feet).

Storm sewer - Generally speaking, the site currently has access to public storm water

systems due to the ability to extend public storm water mainlines within public rightof-way to the Rock Creek stream corridor.

Water - Generally speaking, the site currently has access to public water systems due to the ability to connect to existing public water systems located within public road right-of-way which fronts the site.

Tualatin Valley Fire & Rescue – Tom Mooney, Deputy Fire Marshal, provided comments via email (Exhibit E). The comments affirm the territory is within the boundary of TVF&R and is served by Station 33 located on SW Oregon St. In addition, Station 34 in Tualatin and Station 35 in King City are in proximity to the subject site. Service will not change with annexation.

Public Comments

No public comments were received on the application.

III. REQUIRED CRITERIA AND FINDINGS FOR ANNEXATION AND BOUNDARY CHANGE

A. State Standards

Oregon Revised Statute 222 authorizes and guides the process for annexations of unincorporated and adjacent territories into the City boundaries. The applicant is requesting annexation utilizing the procedures outlined in SB 1573 or ORS 222.127. Under this method, the application is required to comply approval criteria of ORS 222.127(2)(a)-(d). When the legislative body of the City determines that the annexation petition meets the criteria, the territory is to be annexed to the city by ordinance. Assuming the City Council determines that the annexation petition meets the prescribed criteria, the annexation ordinance and required notification to the Oregon Secretary of State, Oregon Department of Revenue and other affected will be prepared for Council approval.

Senate Bill 1573, Section 2 (ORS 222.127)

- (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.
- (2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

The annexation petition is proposed by Bruce and Karen Polley, representing 100% of the property owners of the ±9.53-acre property. The signed petition is included in Exhibit G.

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

The territory proposed for annexation is located within the Urban Growth Boundary and the adopted TEA concept planning area. The TEA was brought into the Sherwood Urban Growth Boundary in 2004 via Metro Ordinance 04-1040B to provide for needed industrial land.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

In 2010 the City approved the TEA Concept Plan and implementing Comprehensive Plan and Zone Map Amendments via Ordinance 2010-014. The 9.53 acre parcel is located within the TEA and subject to the City's Comprehensive Plan and Map.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right-of-way or body or water; and

The territory is located contiguous to the city limits along two property lines. The east property line is shared with 21600 SW Oregon St. (Tax ID 2S128C000600) which was annexed into City in 2019. The northwest property line abuts SW Oregon St. and the parcels located across the right-of-way are also located within the City of Sherwood (Exhibit A).

(d) The proposal conforms to all other requirements of the city's ordinances.

The annexation petition was prepared in accordance with the City's requirements and all information required in the City's "Checklist for Annexation Request to the City of Sherwood" has been submitted by the applicant. As demonstrated in this report, the proposal conforms to the applicable ordinances of the City including the City's adopted Comprehensive Plan.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right-of-way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

The total land area of the annexation is 10.90 acres which includes the 9.53 acre Polley property and 1.37 acres of the adjacent right-of-way (SW Oregon St. and SW Tonquin Rd.). Local infrastructure and right-of-way access are available and additional territory under this section is not required.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

> A draft ordinance including a description of the territory has been provided and can be adopted by the City Council if it determines the applicable criteria of the annexation request has been satisfied.

Oregon Revised Statue Chapter 199.510 Financial effects of transfer or withdrawal; exceptions (Clean Water Services Boundary)

(2)(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

The City of Sherwood is within the jurisdictional boundary of Clean Water Services, which provides sanitary sewer and water quality services to urban Washington County. Approximately 10.50 acres of the territory is not currently within the CWS boundary but as authorized by state statute above, will also be annexed into the CWS service area upon annexation to the City. The difference between the City annexation and CWS annexation is approximately 0.40 acres, as depicted in the legal descriptions and maps (Exhibit B).

B. Regional Standards

In addition to the state requirements addressed above, the Oregon legislature has directed Metro to establish annexation criteria that must be used by all cities within the Metro boundary. The City of Sherwood and the subject site is in the Metro boundary and subject to the criteria of Metro Code 3.09 (Local Government Boundary Changes).

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.
- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and includes the following information:
 - 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

Urban services are defined in the Metro Code as "sanitary sewers, water, fire

protection, parks, open space, recreation and streets, roads and mass transit." All required urban services are available to serve the territory as described in the City of Sherwood Engineering Comments (Exhibit D) and summarized below.

Public improvements that are required to serve the site and the larger TEA have been identified in the TEA Concept Plan and will be constructed before or in conjunction with site development. In addition, the public improvements necessary to accommodate development of the TEA have been assumed in the City's Water System Master Plan, Storm Water Master Plan, and Sanitary Sewer Master Plan.

<u>Water</u> - Per City Engineering Department, the proposed annexation site has direct access to public water systems in the form of a 12-inch diameter water line located within Oregon Street. It is anticipated that internal public water systems will need to be looped to provide the system redundancy required by the City.

<u>Sewer</u> - Per the City Engineering Department, the nearest public sanitary sewer system is located within the right-of-way of the Oregon Street/Murdock Road roundabout. This point is approximately 380 feet southwest of the major lot nearest site property corner located along Oregon Street. Access to existing public sanitary sewer facilities would require the construction of 1,420 feet of public sanitary sewer mainline along Oregon Street. The additional distance is necessary to meet the "to and through" requirement for providing public facilities to upstream adjacent development lands.

The existing downstream portion of the public sanitary sewer connection point resides in a public utility easement dedicated to the City from Allied Systems Company. Connection to the downstream system would require dedication of another public utility easement from a private entity, which is not in compliance with annexation requirements.

The project site is not within the Clean Water Services County Service District. ORS 199.510(2)(c) stipulates that when a city receives services from a district, such as Clean Water Services, the territory annexed to the city is also automatically added to the boundaries of the service district.

<u>Storm Drainage</u> - Per City Engineering Department, the majority of the site is between elevation 206 and 138. The Oregon Street frontage has elevations of between 206 and 138. The southeast corner of the site sits at elevation 192. Provision of a storm water treatment facility should be placed

at the low end of the site, and would discharge to the Rock Creek stream corridor across SW Tonquin Road.

The nearest existing public storm water system is located within Oregon Street along the northern edge. It is a 12-inch diameter line with flow through catch basins, and is sized to serve the Oregon Street impervious surface area. This line is not sized to provide service to adjacent development areas.

To provide service to the site, a new public storm water trunk line would need to be constructed within the SW Oregon Street and SW Tonquin Road right-of-way, and extended to a discharge point on the Rock Creek stream corridor. This trunk line would need to be sized to provide adequate capacity to serve adjacent downstream and upstream development areas.

The storm water system would need to be designed to meet hydromodification requirements, as specified by CWS.

City GIS information indicates that the lower portion of the site adjacent to SW Tonquin Road/SW Oregon Street intersection is within the 100-year floodplain. Generally, design standards don't allow development of stormwater quality facilities within the 100-year floodplain.

<u>Transportation</u> - Per City Engineering Department, a high-level transportation analysis was performed as part of the Tonquin Employment Area (TEA) Concept Plan, which dates back more than 9-years to 2010. As stated in the Concept Plan Report, the transportation portion of the plan was not forecasted to develop as an urban industrial area in the year 2020 forecasts that were utilized to develop the Sherwood and Washington County TSP's. The land use forecasts were used to develop the 2030 and 2035 forecasts for Metro RTP updates.

The proposed site development plans show that the subject site has access to SW Oregon Street and SW Tonquin Road. As such the site meets the requirements for annexation.

The City's TSP and CIP has identified a roundabout improvement for the intersection of SW Oregon Street and SW Tonquin Road (Project No. D3). Previous traffic studies have shown that the current intersection does not meet mobility targets and is marginal in meeting design safety requirements. It can be anticipated that dedication of right-of-way to accommodate the roundabout CIP will be required.

Site access is shown as being off SW Oregon Street near the northeast corner of the site. Access spacing standards will have to meet WACO requirements for access spacing onto SW Oregon Street. An un-named public road located at the south end of the site is a possible second access point to the site.

<u>Parks and Recreation</u> - The City of Sherwood owns and maintains over 60 acres of parks in addition to 300 acres of greenways and natural areas. Dedication and construction of new parks and trails generally occurs with site development or with system development charges required of new development. Maintenance and operations of the park system is funded out of the General Fund. An annexation alone does not trigger any park dedication requirement; however, future development will be required to comply with applicable park and open space requirements in the City's Comprehensive Plan and development code. Applicable Park SDC's will also be collected at the time of site development.

<u>Fire</u> - The territory is within the boundary of the Tualatin Valley Fire and Rescue District and comments on the application were provided by Tom Mooney, Deputy Fire Marshal. The territory to be annexed is served by Station 33 located on SW Oregon Street. Station 34 in Tualatin and Station 35 in King City are also in close proximity. The existing fire services provided by TVF&R will not be impacted by the annexation.

<u>Police</u> – Based on online County records, the subject site is within the Washington County Enhanced Sheriff's Patrol District (ESPD). Upon annexation to the City of Sherwood, the City will withdraw the territory from the ESPD in accordance with ORS 222.520 and 222.120(5). Once the property is withdrawn, the ESPD's tax levy will no longer apply and the City of Sherwood Police Department will serve the site. Police Chief Groth acknowledged the proposed annexation and did not state any comments or concerns.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

As discussed above, police jurisdiction for the site is currently with the Washington County ESPD and will be withdrawn from the service district upon annexation to the City. The City of Sherwood Police Department will serve as the new necessary party for police services. The territory is not anticipated to be removed from the service boundary of any other necessary parties.

3. The proposed effective date of the boundary change.

The effective date of annexation will be determined after Council adoption of the ordinance and filing of the boundary change approval with the Secretary of State, Department of Revenue, and other affected agencies.

C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

The applicant has provided all of the required information to process the boundary change, including a certified petition and legal descriptions. The applicant's narrative (Exhibit G) provides a discussion of how the proposal meets the applicable criteria. City Council is the local decision authority on the application and will determine whether the approval criteria have been satisfied.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in Subsections (D) and (E) of Section 3.09.045.

These criteria are evaluated immediately below.

Metro Criteria § 3.09.045 (D)

- 1. Find that the change is consistent with expressly applicable provisions in:
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;

Comprehensive planning within the Metro UGB is coordinated between counties and cities through Urban Planning Area Agreements (UPAAs). The subject property is included under the Washington County / Sherwood UPAA which is included as part of Exhibit G. Under the UPAA, the City is responsible for comprehensive planning and public facilities planning for areas outside City limits but inside the UGB. The City is responsible for providing water, sanitary sewer, storm sewer and transportation facilities within the UPAA, except when a facility is provided by another jurisdiction through an intergovernmental agreement. After annexation the territory will be served by City facilities consistent with the TEA Concept Plan and UPAA.

b. Any applicable annexation plan adopted pursuant to ORS 195.205

ORS 195.205 allows for a vote on annexation plans by the electorate. While Sherwood voters have already approved annexations proposed within this area of the UGB under Measure No. 34-202, the application is being processed

under SB 1573. SB 1573 does not require a vote by the electorate under ORS 195.205 and this criterion is not applicable.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party

ORS 195.020(2) requires counties to enter into cooperative agreements with each special district that provides an urban service within the boundaries of the county or metropolitan district. Since the City receives sewer treatment and water quality services from CWS, the property will be served by CWS upon annexation and the existing cooperate agreement between the jurisdictions will not be impacted. The annexation will result in the removal of the property from the Washington County ESPD and incorporation into the Sherwood Police service boundary. The existing mutual aid agreement between Washington County Sheriff and Sherwood Police will not be impacted by the annexation. Finally, the territory is in the TVF&R service district which will not change upon annexation.

d. Any applicable public facility plan adopted pursuant to a Statewide planning goal on public facilities and services; and

The TEA Concept Plan incorporated the analysis and assumptions of the City's Transportation System Plan and master water, sanitary sewer, and storm water plans. The concept plan was approved by City Council in 2010 and was found to be consistent the Statewide Planning Goals and applicable public facility plans. After annexation, the property will be served by public facilities consistent with the TEA concept plan and City master plans. The discussions and findings in this report demonstrate the proposed annexation can feasibly comply with applicable plans.

e. Any applicable comprehensive plan; and

Compliance with the local Comprehensive Plan is discussed further in this report under the "Local Standards" section.

f. Any applicable concept plan.

Compliance with the Tonquin Employment Area Concept Plan is discussed further in this report under the "Local Standards" section.

2. Consider whether the boundary change would:

a. Promote the timely, orderly and economic provision of public facilities and services;

As described in the agency comments (Exhibits D & E) and in this report, the annexation area is currently served or can be served by the necessary public facilities and services in a timely and orderly manner. The site has frontage on SW Oregon St. and SW Tonquin Rd. with utilities available adjacent to the site or within a short distance from the site. The required public and franchise utilities can be located within the adjacent right-of-way(s) and extended to serve the site. In addition, the necessary upgrades to existing facilities have been identified in adopted plans including the Tonquin Employment Area Concept Plan. Upgrades to these utilities will be studied in more detail when a development application is submitted, and if needed, required to be paid for by the development. Any applicable SDCs will be collected at the time of development. Finally, public services such as police and fire have also been demonstrated to serve the site upon annexation in a timely and orderly way.

b. Affect the quality and quantity of urban services; and

The Metro code defines urban services as sanitary sewer, water, fire protection, parks, open space, recreation, and streets, roads, and mass transit. While the demand on urban services will be increased, the industrial development that follows annexation will pay one-time SDCs and ongoing property taxes and utility fees. Therefore, the annexation is not anticipated to negatively impact the quality and quantity of urban services. Each urban service is discussed in more detail below:

<u>Sanitary sewer and water</u> – As discussed in the Engineering Comments, the site has access to an existing water main located in SW Oregon St. A public sanitary sewer main is located at the SW Oregon St. and SW Murdock Rd. roundabout. An extension of this line will be required to serve the site and those further up Oregon St. to the north.

<u>Streets, roads, and mass transit</u> – The site abuts existing public roads in good condition. Annexation will not immediately impact these areas and road improvements will be required in conformance with City and County standards at the time of development. It is anticipated that upon development of the site, right-of-way dedication to accommodate a new roundabout at SW Oregon St. and SW Tonquin Rd. will be acquired.

Mass transit will not be directly affected by the annexation; however, with additional individuals/employees comes additional demand on the transit system and increased opportunities for better transit service to serve the existing and future populations.

<u>Parks</u>, open space, and recreation – Dedication and construction of new parks and trails generally occurs with site development or with SDCs required of new

development. Park maintenance and operations is funded out of the General Fund.

Once annexed into the City, the site will be required to comply with any applicable park and open space requirements of the Comprehensive Plan and development code. The Ice-Age Tonquin Trail is planned to run along SW Tonquin Rd. and SW Oregon St. along the site frontage.

While it is anticipated that future employees in the TEA will utilize the City's park system, the demand will not negatively impact the quality or quantity of the service. Development of the site may also provide opportunities for new parks and trails such as the Ice-Age Tonquin Trail. By building out the planned park system, existing and future Sherwood residents and employees will benefit.

<u>Fire protection</u> – the property is currently served by TVF&R and will continue to be served by the district after annexation.

c. Eliminate or avoid unnecessary duplication of facilities or services.

The annexed territory will be served by public facilities and services in accordance with the UPAA and City of Sherwood master plans. Upon annexation the property will be removed from the Washington County ESPD and will receive police services from Sherwood Police. No duplication of services will be created as a result of the annexation.

Metro Criteria § 3.09.045 (E)

A city may not annex territory that lies outside the UGB, except that it may annex a lot or parcel that lies partially within and partially outside the UGB.

The proposed annexation territory lies entirely within the UGB.

C. Local Standards

Under the Washington County / Sherwood UPAA the City is responsible for comprehensive planning land within the "Urban Planning Area" which includes the subject site. Chapter 8 of the City's Comprehensive Plan addresses Urban Growth Boundary Additions and includes policy and implementation direction for the TEA. Chapter 3 of the City's Comprehensive Plan addresses Growth Management and is also applicable to the site and proposed annexation. As discussed below, the proposal is consistent with Chapters 3 and 8 of the Comprehensive Plan. If the annexation is approved, the El zoning will be applied to the property. Future development will be reviewed for compliance with the Sherwood Zoning & Community Development code at the time of development.

City of Sherwood Comprehensive Chapter 3 Growth Management

Section B.1 Policy Goal

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

Section B.2 Policy Objectives

a. Focus growth into areas contiguous to existing development rather than "leap frogging" over developable property.

The subject site located at the western boundary of the TEA at the corner of SW Oregon St. and SW Tonquin Rd. Adjacent lands to the east and north/west (across SW Tonquin Rd.) are currently within city limits. Annexation of the parcel will allow orderly expansion of the city boundary and extension of public services without leap frogging other developable property. Annexation will also allow properties in the interior of the TEA to be eligible for annexation as the city boundary shifts to include the subject site.

b. Encourage development within the present city limits, especially on large passed-over parcels that are available.

The subject site was brought into the UGB in 2004 as part of the TEA in order to meet local and regional industrial development needs over a 20-year planning horizon. The TEA was envisioned as a unique employment area in the City with target industries and jobs. Annexation of the parcel will provide new land zoned Employment Industrial while allowing properties zoned Light Industrial and General Industrial to serve businesses suited for those zones elsewhere in the City. Given the need for different types of industrial space, the annexation of this parcel will not significantly affect the ability for existing parcels inside the City limits to develop.

c. Encourage annexation inside the UGB where services are available.

The area to be annexed is in the UGB and services are available to be extended into the area, as described in the agency comments and throughout this report.

d. When designating urban growth areas, consider lands with poorer agricultural soils before prime agricultural lands.

This is a criterion that Metro considered in its decision to expand the UGB. Any land designated urban reserve and then brought into the UGB has already undergone extensive analysis on the suitability of the soils in comparison to other locations in the region. This criterion

has been met.

e. Achieve the maximum preservation of natural features.

The proposal is for annexation of the property into the City of Sherwood and CWS boundaries. After annexation, preservation of the natural features on the site will be required in accordance with City, CWS, and applicable state and federal regulations. The 0.2 acres of the property on the south/west side of SW Tonquin Rd. is located within the 100-year floodplain of Rock Creek. The property also contains Regionally Significant Fish and Wildlife Habitat as determined classified by Metro. Natural resource protection standards are generally reviewed and approved with site development. The applicant will be required to show compliance with natural resource regulations through a future land use application.

f. Provide proper access and traffic circulation to all new development.

The property is located at the corner of SW Oregon St. and SW Tonquin Rd. The TEA Concept Plan and TEA Implementation Plan provide conceptual locations of new transportation facilities. A new street right-of-way (SW Tonquin Ct.) is shown in the vicinity of the site's east property line and is required to provide access to interior lots of the TEA. Final access points and vehicular circulation patterns will be determined at the time of site development and will be required to comply with the City's transportation and engineering design standards.

g. Establish policies for the orderly extension of community services and public facilities to areas where new growth is to be encouraged, consistent with the ability of the community to provide necessary services. New public facilities should be available in conjunction with urbanization in order to meet future needs. The City, Washington County, and special service districts should cooperate in the development of a capital improvements program in areas of mutual concern. Lands within the urban growth boundary shall be available for urban development concurrent with the provision of the key urban facilities and services.

This is a goal that is achieved through concept planning and public facility planning for new urban areas. This was done concurrent with the TEA Concept Plan. Annexation and development of the site will implement the provision of public facilities as envisioned by these plans.

h. Provide for phased and orderly transition from rural to suburban or urban uses.

The proposed site is a logical progression of employment industrial development in this area. The TEA Concept Plan was developed to ensure that the urbanization of this area was orderly and met the needs of the community. Annexation of the parcel will represent implementation of the territory's planned transition from a rural to industrial use. As described in this report, public facilities are available to serve the site and will be designed and constructed with site development.

City of Sherwood Comprehensive

Chapter 3 Growth Management

Section F Growth Management Policy

The following policies and strategies are established for the management of urban growth in the Planning Area.

Growth Areas

Policy 5 - Changes in the City limits may be proposed by the City, County, special districts or individuals in conformance with City policies and procedures for the review of annexation requests and County procedures for amendment of its comprehensive plan.

The proposed annexation has been initiated by an individual, the property owners, in conformance with applicable City policies and procedures.

Policy 6 - The City will coordinate with Washington County policies and procedures governing the conversion of urbanizable land to urban land. Such policies shall be included in the Washington County-Sherwood Urban Planning Area Agreement (UPAA). Specifically, the City will consider whether proposals to annex to the City include lands which meet one or more of the following criteria: ...

The property covered by the Washington County / Sherwood UPAA and is designated as part of the "Urban Planning Area". As described in this report, the City is responsible for comprehensive planning and the provision of public services in the area. The application been transmitted to the County for review, in accordance with the Washington County / Sherwood UPAA. No County comments were received on the proposal.

Policy 7 - All new development must have access to adequate urban public sewer and water service.

Once annexed, the area will be in the City and Clean Water Services district boundaries and will have access to urban public sewer and water. The required extensions of these public facilities will occur after annexation but prior to or with site development. The City's water and sewer master plans have accounted for the demands that will be created by the TEA including the subject site. Adequate service is available or can be achieved through implementation of the plans.

City of Sherwood Comprehensive

Chapter 8 Urban Growth Boundary Additions Section D.4 Tonquin Employment Area Implementation

1. The City of Sherwood shall amend the Zoning and Community Development Code to include an Employment Industrial zone that implements the goals and policies in this section.

The City of Sherwood has already amended the Zoning and Community Development Code to include an Employment Industrial (EI) zone through Ordinance 2010-014.

2. The Employment Industrial zone may be applied only to those properties within city limits, or upon their annexation to the city.

The property is currently zoned FD-20 under Washington County and once annexed, will be zoned EI under the City of Sherwood.

IV. RECOMMENDATION

This staff report provides a review and analysis of the applicable criteria for annexation. It is staff's recommendation, based on the criteria in Senate Bill 1573, ORS 199.510(2)(c), Metro Code 3.09 and the City's policies in the Comprehensive Plan and Tonquin Employment Area Concept Plan, that the annexation petition (LU 2020-010 AN Polley), be approved by the City Council.

V. EXHIBITS

- A. Map of Project Area
- B. Legal Description of Area to Be Annexed
- C. Comprehensive Plan and Zoning Map adopted via Ord. 2010-014
- D. Sherwood Engineering Department Comment Letter
- E. Tualatin Valley Fire & Rescue Comments
- F. Department of Revenue Preliminary Approval Letter
- G. Applicant's Submittal



Feet



different formats and standards. While the data provided is generally believed to be accurate, occasionally it proves to be



AKS ENGINEERING & FORESTRY, LLC 12965 SW Herman Road, Suite 100, Tualatin, OR 97062 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Legal Description
City of Sherwood Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 484.43 feet to the southwest corner of Document Number 2008-025922 and the True Point of Beginning; thence along the westerly line of said Deed and the northerly extension thereof, North 24°57'57" West 110.53 feet to the centerline of SW Oregon Street and the City of Sherwood city limits line; thence along said centerline and said city limits line on a non-tangent curve to the left (with radial bearing North 34°03'55" West) with a Radius 236.00 feet, Delta of 09°08'42", Length of 37.67 feet, and a Chord of North 51°21'44" East 37.63 feet; thence continuing along said centerline and said city limits line, North 46°47'23" East 515.84 feet; thence along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and said city limits line, South 49°05'29" East 37.00 feet to the northeast corner of said Deed on the southeasterly right-of-way line of SW Oregon Street (37.00 feet from centerline); thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence along said south line, North 88°50'36" West 824.61 feet to the True Point of Beginning.

The above described tract contains 10.9 acres, more or less.

06/09/2020

REGISTERED PROFESSIONAL AND SURVEYOR

OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS

NK Ka

RENEWS: 6/30/21

ANNEXATION CERTIFIED

3Y____

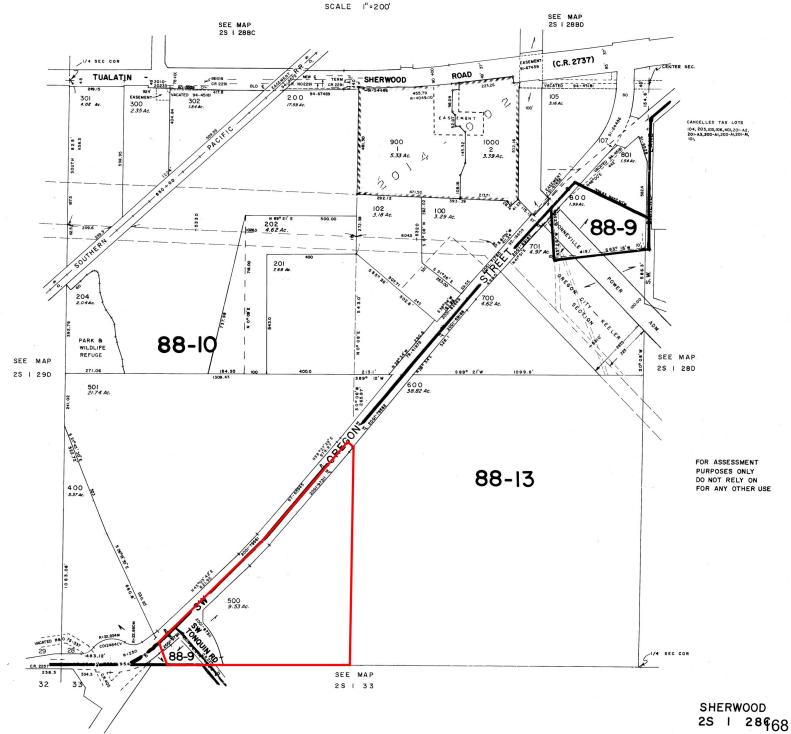
JUN 15 2020

WASHINGTON COUNTY A & T CARTOGRAPHY

EXHIBIT B A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON **ANNEXATION CERTIFIED** S49'05'29"E JUN 15 2020 37.00 **WASHINGTON COUNTY A & T** CARTOGRAPHY SCALE: 1"= 200 FEET DOC. NO. 94-047965 DOC. NO. 0 40 2018-077469 S01'32'54"W 989.74' DOC. NO. 2008-025922 CITY OF AREA: 10.9 ACRES± **SHERWOOD** CITY LIMITS POINT OF **BEGINNING** SW CORNER OF SEC. 28 29 1/28 S88'50'36"E 484.43' N24°57'57"W -N88'50'36"W 824.61' SOUTH LINE OF 110.53 TRUE POINT THE SW 1/4 OF SEC. 28 OF BEGINNING CURVE TABLE **LENGTH CURVE RADIUS DELTA CHORD** 06/09/2020 9'08'42" N51'21'44"E 37.63' REGISTERED PROFESSIONAL LAND SURVEYOR C1 236.00' 37.67 1312.33' 5'31'00" 126.36 N44'01'53"E 126.31' UKKel EXHIBIT **CITY ANNEXATION AREA** B OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS DRWN: MHJ AKS ENGINEERING & FORESTRY, LLC CHKD: MSK 12965 SW HERMAN RD, STE 100 AKS JOB: TUALATIN, OR 97062 RENEWS: 6/30/21 7971 503.563.6151 WWW.AKS-ENG.COM

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WASHINGTON COUNTY OREGON





AKS ENGINEERING & FORESTRY, LLC 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

P: (503) 563-6151 F: (503) 563-6152

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

AKS Job #7971

EXHIBIT A

Legal Description
Clean Water Services Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 651.35 feet to the southwesterly right-of-way line of SW Tonquin Road (variable width right-of-way) and the Clean Water Services district boundary line and the True Point of Beginning; thence along said boundary line and said southwesterly right-of-way line on a non-tangent curve to the left (radial bearing South 50°32'27" West) with a Radius of 1412.56 feet, Delta of 04°10'05", Length of 102.76 feet, and a Chord of North 41°32'35" West 102.74 feet; thence continuing along said southwesterly right-ofway line and said boundary line and the northwesterly extension thereof, North 43°37'37" West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North 46°47'23" East 466.48 feet; thence continuing along said centerline and said boundary line, along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South 49°05'29" East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence leaving said boundary line and along said south line. North 88°50'36" West 657.70 feet to the True Point of Beginning.

The above described tract contains 10.5 acres, more or less.

06/09/2020

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS

DENEWS: 6/30/21

ANNEXATION CERTIFIED

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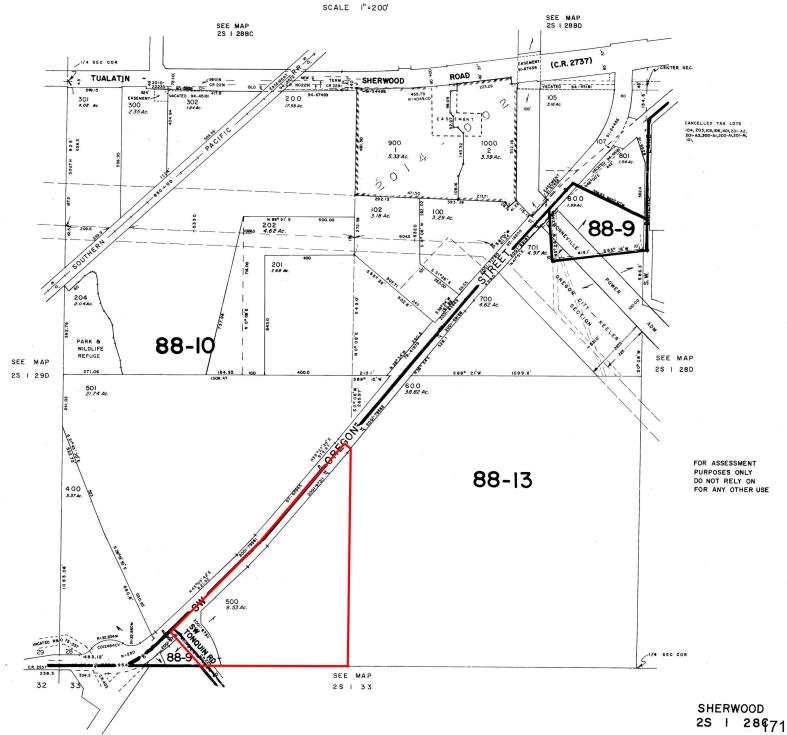
JUN 15 2020

WASHINGTON COUNTY A & T CARTOGRAPHY

EXHIBIT B A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON ANNEXATION CERTIFIED S49'05'29"E JUN 15 2020 37.00 **WASHINGTON COUNTY A & T** CARTOGRAPHY SCALE: 1"= 200 FEET DOC. NO. 94-047965 DOC. NO. 200 0 40 2018-077469 S01'32'54"W 989.74 DOC. NO. 2008-025922 **CLEAN WATER** SERVICES DISTRICT AREA: 10.5 ACRES± **BOUNDARY** POINT OF BEGINNING SW CORNER N43'37'37"W OF SEC. 28 116.00 S88'50'36"E 651.35' C1 L=102.76 N88'50'36"W 657.70' SOUTH LINE OF -TRUE POINT THE SW 1/4 OF BEGINNING OF SEC. 28 CURVE TABLE **RADIUS LENGTH** CHORD **CURVE** DELTA 06/09/2020 410'05" 1412.56 102.76 N41'32'35"W 102.74' C1 **REGISTERED** PROFESSIONAL LAND SURVEYOR 5'31'00" N44°01'53"E 126.31' 1312.33' 126,36 **EXHIBIT CWS ANNEXATION AREA** В JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS AKS ENGINEERING & FORESTRY, LLC DRWN: MHJ CHKD: MSK 12965 SW HERMAN RD, STE 100 AKS JOB: TUALATIN, OR 97062 RENEWS: 6/30/21 797 503.563.6151 WWW.AKS-ENG.COM

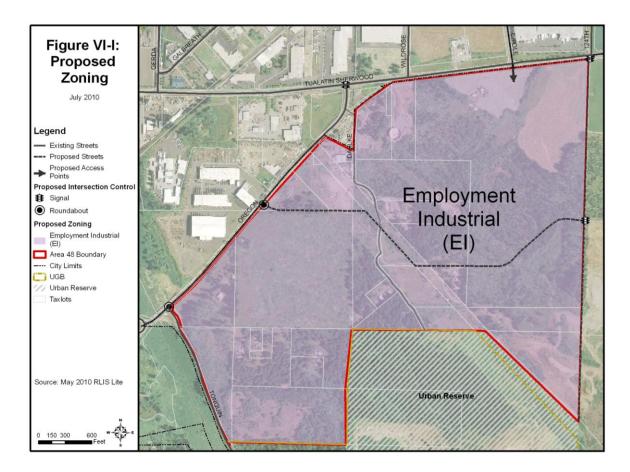
DWG: 7971 ANNEX-CWS | EXHIBIT

WASHINGTON COUNTY OREGON



City of Sherwood September 2010

Figure VI-1: Proposed Zoning



To: Eric Rutledge, Associate Planner

From: Bob Galati P.E., City Engineer

Project: Polley Annexation (LU 2020-010 AN)

Date: July 28, 2020

Engineering staff has reviewed the information provided for the above referenced private development project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R), in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

General Observations

The project site (2S128C000500) is located at 21720 SW Oregon Street and is approximately 9.23 acres is size. The lot fronts SW Oregon Street and SW Tonquin Road, with a small portion of the overall tax lot (0.2 acres) bifurcated across SW Tonquin Road.

The proposed site development does not include any improvements shown for this bifurcated portion of the overall site.

Transportation

A high level transportation analysis was performed as part of the Tonquin Employment Area (TEA) Concept Plan, which dates back more than 9-years to 2010. As stated in the Concept Plan Report, the transportation portion of the plan was not forecasted to develop as an urban industrial area in the year 2020 forecasts that were utilized to develop the Sherwood and Washington County TSP's. The land use forecasts were used to develop the 2030 and 2035 forecasts for Metro RTP updates.

The proposed site development plans show that the subject site has access to SW Oregon Street and SW Tonquin Road. As such the site meets the requirements for annexation.

The City's TSP and CIP has identified a roundabout improvement for the intersection of SW Oregon Street and SW Tonquin Road (Project No. D3). Previous traffic studies have shown that the current intersection does not meet mobility targets and is marginal in meeting design safety requirements. It can be anticipated that dedication of right-of-way to accommodate the roundabout CIP will be required.

Site access is shown as being off SW Oregon Street near the northeast corner of the site. Access spacing standards will have to meet WACO requirements for access spacing onto SW Oregon Street. An un-named public road located at the south end of the site is a possible second access point to the site.

Annexation Conclusion: Generally speaking, the site currently has access to SW Oregon Street and SW Tonguin Road and meets annexation requirements for transportation.

Sanitary Sewer

The nearest public sanitary sewer system is located with the right-of-way of the Oregon Street/Murdock Road roundabout. This point is approximately 380 feet southwest of the major lot nearest site property corner located along Oregon Street. Access to existing public sanitary

sewer facilities would require the construction of 1,420 feet of public sanitary sewer mainline along Oregon Street. The additional distance is necessary to meet the "to and through" requirement for providing public facilities to upstream adjacent development lands.

The existing downstream portion of the public sanitary sewer connection point resides in a public utility easement dedicated to the City from Allied Systems Company. Connection to the downstream system would require dedication of another public utility easement from a private entity, which is not in compliance with annexation requirements.

Annexation Conclusion: Generally speaking, the site currently has access to public sanitary sewer due to the ability to extend public sanitary mainlines within public right-of-way, even though the distance is significant (1,420 feet).

Storm Sewer

The majority of the site is between elevation 206 and 138. The Oregon Street frontage has elevations of between 206 and 138. The southeast corner of the site sits at elevation 192. Provision of a storm water treatment facility should be placed at the low end of the site, and would discharge to the Rock Creek stream corridor across SW Tonquin Road.

The nearest existing public storm water system is located within Oregon Street along the northern edge. It is a 12-inch diameter line with flow through catch basins, and is sized to serve the Oregon Street impervious surface area. This line is not sized to provide service to adjacent development areas.

To provide service to the site, a new public storm water trunk line would need to be constructed within the SW Oregon Street and SW Tonquin Road right-of-way, and extended to a discharge point on the Rock Creek stream corridor. This trunk line would need to be sized to provide adequate capacity to serve adjacent downstream and upstream development areas.

The storm water system would need to be designed to meet hydromodification requirements, as specified by CWS.

City GIS information indicates that the lower portion of the site adjacent to SW Tonquin Road/SW Oregon Street intersection is within the 100-year floodplain. Generally, design standards don't allow development of stormwater quality facilities within the 100-year floodplain.

Annexation Conclusion: Generally speaking, the site currently has access to public storm water systems due to the ability to extend public storm water mainlines within public right-ofway to the Rock Creek stream corridor.

Water

The proposed annexation site has direct access to public water systems in the form of a 12-inch diameter water line located within Oregon Street. It is anticipated that internal public water systems will need to be looped to provide the system redundancy required by the City.

Annexation Conclusion: Generally speaking, the site currently has access to public water systems due to the ability to connect to existing public water systems located within public road right-of-way which fronts the site.

From: Mooney, Thomas A.

To: Eric Rutledge

Subject: Re: Annexation Notice - Request for Comment (LU 2020-010 AN Polley)

Date: Friday, August 7, 2020 3:04:46 PM

Attachments: image001.jpg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Yes that still applies.

Thanks

Tom Mooney, MIAAI-CFI
Deputy Fire Marshal | Tualatin Valley Fire & Rescue
Direct: 503-259-1419

www.tvfr.com

From: Eric Rutledge < Rutledge E@SherwoodOregon.gov>

Sent: Friday, August 7, 2020 3:03:36 PM

To: Mooney, Thomas A. <Thomas.Mooney@tvfr.com>

Subject: RE: Annexation Notice - Request for Comment (LU 2020-010 AN Polley)

The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe

Hi Tom,

Any comments on this application? Here's what we have for fire from a previous report that likely applies:

Fire The territory is within the boundary of the Tualatin Valley Fire and Rescue District, which is served by Station 33 located on SW Oregon Street. Station 35 in King City and Station 34 in Tualatin are also in close proximity. This will not change with annexation.

Thanks,

Eric Rutledge
City of Sherwood
Associate Planner
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Cell 971.979.2315

Covid-19 Update: The City's Planning Department is fully operational, however, with limited face to face contact. We are processing permits via email/phone where possible and by appointment when "in person" interaction is required. Please stay safe and healthy.

From: Eric Rutledge

Sent: Monday, July 27, 2020 8:37 AM

To: Bryan Robb@co.washington.or.us; d5b@nwnatural.com; r2g@nwnatural.com; henry.english@pgn.com; Travis Smallwood <Travis.Smallwood@pgn.com>; Jose Marquez <Jose.Marquez@pgn.com>; Jackie Humphreys <HumphreysJ@CleanWaterServices.org>; spieringm@CleanWaterServices.org; Rolph, Kevin <Kevin Rolph@kindermorgan.com>; Kristen Tabscott <kTabscott@pridedisposal.com>; raindrops2refuge@gmail.com; Larry Klimek@fws.gov; mwerner@gwrr.com; Clark,James L (BPA) - TERR-CHEMAWA < jlclark@bpa.gov>; jerose@sherwood.k12.or.us; pjohanson@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; michaela.skiles@oregonmetro.gov; landusenotifications@oregonmetro.gov; kurt.A.MOHS@odot.state.or.us; HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.state.or.us>; ODOT_R1_DevRev <ODOT R1 DevRev@odot.state.or.us>; Naomi Vogel < Naomi Vogel@co.washington.or.us>; stephen roberts@co.washington.or.us; Theresa Cherniak <Theresa_Cherniak@co.washington.or.us>; Tom Mooney <thomas.mooney@tvfr.com>; Bob Galati <GalatiB@SherwoodOregon.gov>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen < Christensen C@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Jeff Groth <GrothJ@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov

Subject: Annexation Notice - Request for Comment (LU 2020-010 AN Polley)

Hi Agency Partners:

The Sherwood Planning Department is requesting agency comments on the following annexation proposal:

- **Proposal:** The applicant is seeking approval for the City of Sherwood to annex ±9.53 acres of land located at 21720 SW Oregon Street in unincorporated Washington County, Oregon. This property is currently zoned FD-20 and is covered by the Washington County Sherwood Urban Planning Area Agreement. The property is also within the Tonquin Employment Area and was added to the Urban Growth Boundary (UGB) by the Metro Council in 2004. The annexation is proposed utilizing the SB 1573 method which requires petition from 100% of landowners. The applicant is also requesting annexation of the property into Clean Water Services boundary for the provision of sanitary sewer, stormwater, and surface water management pursuant to ORS 199.510(C). No development is proposed at this time. Please see the application material for a full description of the proposal.
- Location: 21720 SW Oregon Street / Tax Lot ID 2S128C000500. Link to property on WACO

Intermap.

- Comment Deadline: Monday, August 10, 2020 for consideration in the staff report.
- **Hearing Date**: Virtual Hearing before the Sherwood City Council on Tuesday September 1, 20202 at 7pm. A second hearing it tentatively scheduled for September 15, 2020 at 7pm (if required). Agencies impacted by the proposal are welcome to attend online, however, all testimony must be submitted in writing prior to the hearing. All hearings can be viewed at https://www.youtube.com/user/CityofSherwood
- Applicable code criteria: ORS 222 (includes SB 1573) for City annexation; ORS 199.510(C) for CWS annexation; Metro Code 3.09; City of Sherwood Comprehensive Plan Chapters 3 and 8
- **Application materials:** https://www.sherwoodoregon.gov/planning/project/polley-annexation

Eric Rutledge
City of Sherwood
Associate Planner
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Cell 971.979.2315



Covid-19 Update: The City's Planning Department is fully operational, however, with limited face to face contact. We are processing permits via email/phone where possible and by appointment when "in person" interaction is required. Please stay safe and healthy.

Boundary Change Preliminary Review



Cadastral Information Systems Unit PO Box 14380 Salem, OR 97309-5075 fax 503-945-8737 boundary.changes@oregon.gov

City of Sherwood Comm. Dev. Div.--Planning Dept. 22560 SW Pine St Sherwood OR 97140

July 20, 2020

Documents received: 7/1/2020, 7/17/2020

From: Eric Rutledge

This letter is to inform you that the Description and Map for your planned Annex to City of Sherwood (2020-010 AN (SW Tonquin Rd)(Polley)) in Washington County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Washington County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

DOR received 2 Revised red-line assessor's maps on 7-17-2020. These should be used in the Final packet with the ordinance along with the surveyor's maps and descriptions. These are for annexations to the city and Clean Water Services.



If you have any questions please contact Elise Bruch, Elise.A.Bruch@oregon.gov

21720 SW Oregon Street Annexation Application

Date: June 2020,

Revised July 2020

Submitted to: City of Sherwood

Planning Department 22560 SW Pine Street Sherwood, OR 97140

Applicants: Bruce & Karen Polley

PO Box 1489

Sherwood, OR 97140

AKS Job Number: 7971

Table of Contents

I.	Executive Sui	mmary	
II.		ion/Setting	
	•	ditions	
		es	
		on	
III.		eview Criteria	
		/ISED STATUTES	
	Senate Bill 1573:		3
	METRO CODE		5
	Chapter 3.0	09 – Local Government Boundary Changes	5
		RWOOD COMPREHENSIVE PLAN	
	Chapter 3	Growth Management	g
	Chapter 8	Urban Growth Boundary Additions	11
IV.	Conclusion	·	11

Exhibits

Exhibit A: City of Sherwood Petition for Annexation and Land Use Application

Exhibit B: Washington County Assessor's Map

Exhibit C: Legal Description and Map
Exhibit D: Boundary Change Data Sheet
Exhibit E: Annexation Questionnaire

Exhibit F: Worksheet for Annexation to the City of Sherwood

Exhibit G: Certification of Property Ownership

Exhibit H: Certification of Legal Description and Map

Exhibit I: Ownership Information

Exhibit J: Additional Referenced Documents

Exhibit K: Washington County-Sherwood Urban Planning Agreement

Exhibit L: Public Notice Information

Annexation Application for 21720 SW Oregon Street

Submitted to: City of Sherwood

Planning Department 22560 SW Pine Street Sherwood, OR 97140

Applicants/ Bruce & Karen Polley

Property Owners: PO Box 1489

Sherwood, OR 97140

Applicant's Consultant: AKS Engineering & Forestry, LLC

12965 SW Herman Road, Suite 100

Tualatin, OR 97062

Contact: Mimi Doukas, AICP, RLA Email: mimid@aks-eng.com
Phone: (503) 563-6151

Site Location: 21720 SW Oregon Street, Sherwood, OR 97140

Southeast of SW Oregon Street, southwest and

northeast of SW Tonquin Road, Sherwood, OR

Assessor's Map: Washington County Assessor's Map 2S 1 28C Lot 500

Site Size: ±9.53 acres

County Plan Designation: Future Development, 20 acre (FD-20)

City Zoning Upon

Annexation: Employment Industrial (EI)

I. Executive Summary

The Applicant is seeking approval for the City of Sherwood to annex ±9.53 acres of land located at 21720 SW Oregon Street in unincorporated Washington County, Oregon. This property is located within the Tonquin Employment Area that was added to the Urban Growth Boundary (UGB) by the Metro Council in 2004. In conjunction with Metro adding this area to the UGB, the City of Sherwood undertook extensive planning of the Tonquin Employment Area, including transportation and infrastructure and adopted a Preferred Concept Plan consistent with growth in the Urban Reserve. Annexation of this parcel to the City of Sherwood is the next step in progression and helps to facilitate the City's vision of this area.

Senate Bill 1573 (2016) outlines the process for cities to annex territory without an election by voters. The steps for this process are outlined and addressed below and the proposed annexation meets the requirements of Senate Bill (SB) 1573.

This written narrative, together with the preliminary plans and other documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the basis for the City to recommend approval of the application.

Pursuant to Oregon Revised Statute (ORS) 199.510(c), this application includes a simultaneous annexation of the property into the boundaries of Clean Water Services (CWS) for the provision of sanitary sewer, stormwater, and surface water management.

II. Site Description/Setting

This property is located southeast of SW Oregon Street and is largely vacant with the exception of the applicant's industrial use and business. The subject property is within Washington County jurisdiction and has a Future Development, 20-acre (FD-20) plan designation. The site is identified in Area 48 – Tonquin Employment Area (TEA), and further designated as Employment Industrial (EI) on the Sherwood Comprehensive Plan.

Existing Conditions

The site currently has several structures located on it. These buildings serve the applicant's industrial business on the property. The largest shop building at the center of the property serves an industrial use, while the former single-family residence on the site serves as associated offices for that use. There are several other accessory structures, some of which are in disuse or are also related to the industrial use on the property.

Public Utilities

The property can be served by existing public utilities located adjacent or in close proximity to the site. There is an existing 12-inch water line in SW Oregon Street adjacent to this sites frontage that can provide service to this site. An existing 15-inch public sanitary sewer line is located approximately 380 feet southwest of the site. There is an existing 12-inch storm sewer main located in SW Oregon Street that is available for connection.

Service	Provider	Size	Location	Distance from Site
Water	City of Sherwood	24 inches	SW Oregon Street	Adjacent
Water	City of Sherwood	12 inches	SW Oregon Street	Adjacent
Sanitary Sewer	City of Sherwood	15 inches	SW Oregon Street	±380 feet
			Roundabout	southwest of site
Storm Sewer	Clean Water	12 inches	SW Oregon Street	Adjacent
	Services			

Transportation

The site is located south of SW Oregon Street and is bisected by SW Tonquin Road. The site has frontage on SW Oregon Street which is under the jurisdiction of Washington County and is classified as an arterial street with three lanes and a posted speed limit of 35 miles per hour. SW Tonquin Road is also classified as an arterial street. SW Tualatin-Sherwood Road is located less than a half mile from the site. The proximity of these two existing arterial streets to the site provides suitable access for this site and other properties within the Tonquin Employment Area. As part of the concept planning when the Tonquin Employment Area was added to the UGB, the City completed a transportation analysis.

III. Applicable Review Criteria

OREGON REVISED STATUTES

Senate Bill 1573:

In response to Senate Bill 1573, which went into effect March 15, 2016, and, "applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city," the following criteria found in Sections 2 and 3 of Senate Bill 1573 have been addressed.

Section 2.

(1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

Response:

Prior to adoption of SB 1573, all territory annexations to the City of Sherwood required approval by electors of the City. The property owners are petitioning the City of Sherwood for annexation via the SB 1573 Method rather than the Double, Triple, or Super Majority Methods, which require a vote by the citizens of the City of Sherwood.

- (2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:
 - (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015

Response:

This annexation involves one property located within the Portland Metropolitan UGB and the Sherwood UGB. The property is within the Tonquin Employment Area, addressed within the Tonquin Employment Area Concept Plan. The area was brought into the Sherwood UGB in 2004 via Metro Ordinance 04-1040B to provide needed industrial land. One hundred percent of the landowners have signed an annexation petition, which is

included in the application materials as Exhibit A. Additionally, there are no contrary provisions of the City of Sherwood City Charter or existing City ordinances. These criteria are satisfied.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city.

Response:

The Tonquin Employment Area Concept Plan, which includes a Comprehensive Plan Zoning Map, was adopted by the Sherwood City Council on October 5, 2010. This property is in the Tonquin Employment Area, and upon approval of this annexation application this property will be zoned Employment Industrial (EI), as shown on Figure VI-I, Proposed Zoning of the Tonquin Employment Area Concept Plan Zoning Map, included in the Tonquin Employment Area Concept Plan.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water.

Response:

As shown on the legal description and map, the property included in this application is contiguous to the City limits along SW Oregon Street. This criterion is met.

(d) The proposal conforms to all other requirements of the city's ordinances.

Response:

Required information, forms, and documents found in the "Checklist for Annexation Request to the City of Sherwood" are included in this annexation application. This provision is satisfied.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

Response:

The territory to be annexed includes all territories that must be annexed in order to locate infrastructure and right-of-way access for services necessary for development of the territory at a density equal to the average residential density within the annexing City, per the Tonquin Employment Area Concept Plan. Access is available from SW Oregon Street. Sewer is available via an existing sanitary sewer line located southwest of the property and water is available in SW Oregon Street. Annexation and development of this property will permit further infrastructure development by the City of Sherwood at the intersection of SW Oregon Street and SW Tonquin Road. This criterion is satisfied.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

Response:

The criteria of subsection (2) of this section are met through information provided in individual responses to each of the criterion. Therefore, a legal description and map for the property planned for annexation prepared by a Professional Land Surveyor is included in the application materials (Exhibit C).

Section 3

This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Response: SB 1573 was signed by the Governor and became effective on March 15, 2016.

ORS 199.510 Financial effects of transfer or withdrawal; exceptions.

199.510 (2)

(c) When a city receives services from a district and is part of that district, any territory thereafter annexed to the city shall be included in the boundaries of the district and shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

Response:

The property, after annexation, will receive services from the City of Sherwood but will also continue to receive services from larger districts such as Tualatin Valley Fire & Rescue (TVFR), Sherwood School District, and Washington County Cooperative Library Services. CWS does not currently provide water resources management services to the property; however, a portion of the property is already within the CWS service district. Upon annexation to the City, the remainder of the property will be added to the boundaries of the CWS service district. This criterion is met.

METRO CODE

Chapter 3.09 - Local Government Boundary Changes

3.09.040 Requirements for Petitions

- A. A petition for a boundary change must contain the following information:
 - 1. The jurisdiction of the reviewing entity to act on the petition;
 - 2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
 - 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
 - 4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.
- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

Response:

The City is the reviewing entity that will act on this petition. Necessary application forms and exhibits, as well as associated review fees, have been submitted with this application. A map and legal description of the affected territory are included in Exhibit C. The names and mailing addresses of persons owning property in the affected territory, per County Tax Assessor and County Clerk records, are included in Exhibit I. Finally, a statement of consent from the requisite owners and electors is included in Exhibit A. The criteria are met.

3.09.045 Expedited Decisions

- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.
- B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.
- C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:
 - 1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
 - 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
 - 3. The proposed effective date of the boundary change.

Response:

This annexation is not an expedited decision and therefore these criteria do not apply.

- D. To approve a boundary change through an expedited process, the city shall:
 - 1. Find that the change is consistent with expressly applicable provisions in:
 - Any applicable urban service agreement adopted pursuant to ORS 195.065;

Response:

This criterion relates to state statutes requiring local governments and special districts to provide urban services to an area within an urban growth boundary with a population greater than 2,500. Properties within the urban growth boundary of the City of Sherwood are subject to the Washington County/Sherwood Urban Planning Area Agreement. The City of Sherwood, per this agreement, has prepared the appropriate comprehensive plan and public facilities plan updates needed for all areas within the City's UGB. The Tonquin Employment Area Concept Plan was developed to address and plan for annexation within this area with the Urban Planning Area Agreement in mind.

This petition for annexation has considered each of these services and any involved special districts or local governments. This annexation into the boundaries of Sherwood and the CWS service district complies with this criterion.

b. Any applicable annexation plan adopted pursuant to ORS 195.205;

Response:

ORS 195.205 allows for an annexation vote by the electorate, however this method of annexation has been superseded by Senate Bill 1573. The Sherwood City Council will vote on whether to annex this property to the City. Additionally, the citizens of Sherwood have voted to support annexation within this area of the UGB through Measure No. 34-202, passed in 2012. This requirement is met.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Response:

The City of Sherwood has entered into cooperative planning agreements with all applicable and necessary parties which provide services to the area. The City is part of the CWS service district and the TVFR district. Annexation into the City of Sherwood will also

annex the property into the CWS service district. The annexation will not affect the provision of fire services, which will continue to be provided by the TVFR upon annexation.

The property is also currently within the Washington County Enhanced Sheriff's Patrol District. Upon annexation, the property will be removed from the district and policing services provided by the Sherwood Police Department.

This application is consistent with the provisions of these planning agreements.

d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Response:

The Tonquin Employment Area Concept Plan was adopted by the City of Sherwood in October 2010 through a public process and is consistent with Statewide Planning Goals, the City's Comprehensive Plan, and applicable master plans. This annexation complies with all applicable master plans of the City of Sherwood, the City's Comprehensive Plan, the Tonquin Employment Area Concept Plan, and the Sherwood Municipal Code.

e. Any applicable comprehensive plan;

Response:

Compliance with the City's Comprehensive Plan is addressed later within this narrative. This criterion is met.

f. Any applicable concept plan; and

Response:

Compliance with the Tonquin Employment Area Concept Plan is reviewed later within this narrative. This criterion is satisfied.

- 2. Consider whether the boundary change would:
 - Promote the timely, orderly and economic provision of public facilities and services;

Response:

Provision of public facilities and services to the annexed territory can occur in a timely and orderly manner. Utilities and street access are available adjacent to the site or within a short distance from the site. Adjacent properties have been annexed to the City of Sherwood or are likely to be within the near future. Annexation of this site was anticipated and is a step towards development and growth of the area. This boundary change meets these requirements.

b. Affect the quality and quantity of urban services; and

Response:

The annexation will not affect the quality or quantity of urban services provided by the City of Sherwood or to surrounding properties. Increased urban infrastructure and service provisions will be reviewed as part of future development review. Systems Development Charges and property taxes will be assessed to offset the impact of development of this property. It is not expected that development of this site will have any affect on or decrease in quality or quantity of urban services provided by the City of Sherwood.

c. Eliminate or avoid unnecessary duplication of facilities or services.

Response:

There are currently no City services being used by the territory. Annexing the territory to the City and removing it from the Washington County Enhanced Sheriff's Patrol District

will avoid duplication of policing services. After annexation, the territory will be served by the Sherwood Police Department.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Response:

The territory of proposed annexation is entirely within the Sherwood UGB. This criterion is satisfied.

3.09.050

Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

Response:

This narrative and accompanying exhibits respond to applicable state and local requirements pertaining to boundary changes. Additionally, Metro Code Section 3.09 and the Sherwood Development Code implement the applicable annexation provisions from ORS Chapters 198, 221, and 222. This narrative demonstrates that the applicable boundary change requirements have been satisfied. The criterion is met.

- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:
 - 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

Response:

Urban services are or will be made available to serve the affected territory to a level consistent with City and CWS standards per the City's Tonquin Employment Area Concept Plan, Water System Master Plan, Stormwater Master Plan, and Sanitary System Master Plan. Utilities are available to serve the site within the SW Oregon Street right-of-way or within close proximity to the site.

Water and storm sewer utilities are available within the adjacent SW Oregon Street right-of-way. Sanitary sewer is available within the right-of-way of the SW Oregon Street/SW Murdock Road roundabout ±380 feet southwest of the site.

Parks and recreation and transportation planning services will be provided by the City of Sherwood upon annexation. The annexation application does not trigger park requirements. A Transportation Impact Analysis (TIA) will be required with site development. A transportation analysis for the Tonquin Employment Area was completed as part of the Tonquin Employment Area Concept Plan.

Fire and Police services are currently available to the property through the TVFR and the Washington County Enhanced Sheriff's Patrol District. While the area to be annexed will be removed from the Washington County Enhanced Sheriff's Patrol District, the area will continue to be served by TVFR upon annexation. The Sherwood Police Department will provide police services upon annexation.

These requirements are satisfied.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

Response:

Metro Code Section 3.09.020 defines the following terms: "affected territory" means a territory described in a petition; "necessary party" means any county, city, or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory, or who provides any urban service to any portion of the affected territory, including Metro, or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory. The annexation will add approximately 9.53 acres of land to Sherwood for the provision of urban services but will not withdraw the affected territory from the legal boundary of any party other than the Washington County Enhanced Sheriff's Patrol District, as outlined above. The legal description of the area is included in Exhibit C.

3. The proposed effective date of the boundary change.

Response:

The Applicant anticipates approval of the Annexation application upon adoption by the City of Sherwood City Council, by October 2020. The criterion is met.

C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

Response:

This application includes responses demonstrating compliance to applicable boundary change criteria. The criterion is met.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.

Response: Responses to Metro Code Sections 3.09.045 (D) and (E) are included above.

CITY OF SHERWOOD COMPREHENSIVE PLAN

Chapter 3 Growth Management

3.1 Growth Management

B. POLICY GOALS AND OBJECTIVES

1. POLICY GOAL

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

2. POLICY OBJECTIVES

a. Focus growth into areas contiguous to existing development rather than "leap frogging" over developable property.

Response:

The property included in this application is contiguous with Sherwood city limits. Therefore, this application does not require "leap frogging" over developable property. This provision is satisfied.

b. Encourage development within the present city limits, especially on large passed-over parcels that are available.

Response:

This application involves a property that is located within the Tonquin Employment Area and annexation of this property will allow industrial land use to occur within city limits in a location that would be compatible with other nearby industrially-zoned properties. This criterion is met.

c. Encourage annexation inside the UGB where services are available.

Response:

The property included in this annexation application was brought into the UGB in 2004. Services have been identified in the City's Tonquin Employment Area Concept Plan to be available or available for extension to this area. This criterion is met.

d. When designating urban growth areas, consider lands with poorer agricultural soils before prime agricultural lands.

Response:

The property included in this annexation application is part of the City's Tonquin Employment Area Concept Plan and was brought into the UGB in 2004. By including the subject area within the UGB, both Metro and the City of Sherwood have identified this land as more appropriate for future urbanization than for the conservation of the area for agricultural uses. This provision is satisfied.

e. Achieve the maximum preservation of natural features.

Response:

Upon annexation of this property into city limits, the City of Sherwood's regulations for natural features will apply, whereas currently they do not. This includes the City's Zoning and Development Code and the rules and regulations of CWS, which apply to sensitive areas. This criterion is satisfied.

f. Provide proper access and traffic circulation to all new development.

Response:

Transportation and circulation improvements needed to serve the future development of the annexed area have been identified in the City's Tonquin Employment Area Concept Plan and Transportation System Plan and will further be reviewed at the time of a future development application. This criterion is met.

g. Establish policies for the orderly extension of community services and public facilities to areas where new growth is to be encouraged, consistent with the ability of the community to provide necessary services. New public facilities should be available in conjunction with urbanization in order to meet future needs. The City, Washington County, and special service districts should cooperate in the development of a capital improvements program in areas of mutual concern. Lands within the urban growth boundary shall be available for urban development concurrent with the provision of the key urban facilities and services.

Response:

Extending community services and public facilities to serve the Tonquin area was considered concurrently with the Tonquin Employment Area Concept Plan and the services were found to be available or able to be appropriately extended with the future development in the area. These criteria are met.

h. Provide for phased and orderly transition from rural to suburban or urban uses.

Response:

This property is located within the Tonquin Employment Area and is designated as Employment Industrial (EI) on the City's Comprehensive Plan. The Tonquin Employment Area was extensively planned by the City to help guide future development of the area in an orderly fashion. This criterion is met.

F. GROWTH MANAGEMENT POLICY

The following policies and strategies are established for the management of urban growth in the Planning Area.

1. GROWTH AREAS

Policy 5

Changes in the City limits may be proposed by the City, County, special districts or individuals in conformance with City policies and procedures for the review of annexation requests and County procedures for amendment of its comprehensive plan.

Response:

This application request and supporting materials are in conformance with City policies and procedures for annexations. This provision is met.

Policy 7

All new development must have access to adequate urban public sewer and water service.

Response:

As previously discussed, this site is in close proximity to existing services and can connect to existing public sewer and water services. This criterion is met.

Chapter 8

Urban Growth Boundary Additions

D. 4. Area 48- Tonquin Employment Area

Implementation

The City of Sherwood shall amend the Zoning and Community Development Code to include an Employment Industrial zone that implements the goals and policies in this section.

Response:

The City of Sherwood has amended the Zoning and Community Development Code to include an Employment Industrial (EI) zone through Ordinance 2010-014. This provision is satisfied.

2. The Employment Industrial zone may be applied only to those properties within city limits, or upon their annexation to the city.

Response:

Upon annexation of this property into the City of Sherwood, this property will be zoned Employment Industrial (EI). This criterion is met.

IV. Conclusion

The submittal requirements have been met and the required findings made for the applicable approval criteria. These findings serve as the basis for the City to approve the application and are supported by substantial evidence in the application materials.

Exhibit A:

City of Sherwood Petition for Annexation and Land Use Application



CHECKLIST FOR ANNEXATION REQUEST TO THE CITY OF SHERWOOD

Submit the following to the City of Sherwood Planning Department, 22560 SW Pine Street, Sherwood, OR 97140: (503) 625-5522. \Box **Fee- \$7,500**. Applicants are required to pay the \$7,500 filing fee which will be applied to all costs related to processing the annexation application. Money not used for costs will be returned to the applicant. An original and one copy of the enclosed packet titled **Annexations to City of** Sherwood. Mailing labels: Submit two (2) sets of mailing labels for property owners within 1000 feet of the outside edge of the territory to be annexed. Mailing labels can be obtained from a private title insurance company. Additionally, you must submit a list of all property owners and registered voters in П the area to be annexed regardless of whether they signed the annexation petition or not.

Annexations to the City of Sherwood

There are generally four methods of owner initiated annexation. These methods are described below, and the information needed to initiate either method is covered in this application. It should be noted that a vote of the citizens of the City of Sherwood are required in three of the four methods.

Double Majority- An annexation where the majority of electors and a majority of the landowners in the proposed annexation area have agreed to annex into the City. In this instance, a majority of the landowners, and at least 51% of the registered voters within the area to be annexed must support the annexation. This method requires a vote of the citizens of the City of Sherwood.

Triple Majority- An annexation method that requires consent from a majority of the land owners who own a majority of real property and a majority of the assessed value of land within the area that is to be annexed. This method does not require that 51% of the registered voters in the area to be annexed support the application. This method requires a vote of the citizens of the City of Sherwood.

Super Majority- An annexation method where more than 50% of the registered voters within the affected territory, and 100% of the property owners within the affected territory support annexation. This method requires a vote of the citizens of the City of Sherwood.

SB1573 Method- When 100% of the property owners file a petition to be annexed, and if all criteria outlined in SB1573 are satisfied, then the requirement from the City Charter for a mandated City wide vote is exempted (this is required in all three other methods). The City Council becomes the acting authority and no vote of the public is required or permitted.

I. Application Process for Property Owners and Registered Voters

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

Please complete the attached Petition form.

Who May Sign: An elector registered to vote in the territory to be annexed; a property owner who is the legal owner of record or, where there is a recorded land contract, the purchaser thereunder. If there is multiple ownership each signer is counted in proportion to the size of their ownership. If a corporation owns land, the corporation is considered the individual owner and the form must be signed by an officer of the corporation who has the right to sign on behalf of the corporation.

Have the County Assessor's Office:

- 1. Certify the property owner signatures using the attached *Certification of Property Ownership* form (all methods).
- 2. Certify the assessed value for the properties on the attached *Certification of Assessed Value* form (for the Triple Majority Method only).
- 3. Buy two ¼ Section Maps showing the property to be annexed (all methods).
- 4. Certify the map and legal description using the attached *Certification of Assessed Value* form (all methods).
- 5. Proceed to the County Elections Department and have them certify the signatures of the registered voters by completing the attached *Certification of Registered Voters* form (for the Double Majority and Super Majority Method only). Do this even if the property is vacant. In that case they certify that there are no registered voters in the affected territory.

Step 2. Legal Description

The legal description noted above must be a metes and bounds legal description of the territory to be annexed. This description should be inserted in or attached to the Petition. In addition, one separate copy of the metes and

bounds description should be submitted to the City along with the application. (A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's Office.) If the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

Step 3. Map

As noted above you must submit two copies of the 1/4 Section map. This should be the latest County Assessor's quarter section map (or maps) which indicates the territory to be annexed. Outline the area to be annexed on the maps with a red marker or pencil.

Step 4. Notice List & Labels

You must submit two (2) sets of mailing labels for property owners within 1000 feet of the outside edge of the territory to be annexed. Mailing labels can be obtained from a private title insurance company. Additionally, you must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not.

Step 5. Information Sheet

Complete the attached *Boundary Change Data Sheet*.

Step 6. Work Sheet

A *Worksheet* is attached. Fill out the worksheet to help verify that all requirements are met.

Step 7. Annexation Questionnaire

Complete the Annexation Questionnaire.

Step 8. Draft a Narrative

The application must include a detailed narrative of how the project complies with criteria for approval. There are three levels of criteria/requirements, State, Regional and City. It is the applicant's responsibility to justify the petition.

For the State, Oregon Revised Statutes guide the process for annexations, ORS 222. See:

https://www.oregonlegislature.gov/bills_laws/ors/ors222.html.

For the fourth method outlined above, Senate Bill 1573 was added to, and made a part of, ORS 222.111 to 222.180 and provides specific criteria for deciding city boundary changes. See:

https://www.oregonlaws.org/ors/222.111.

For the regional level Metro is governing agency. Metro has criteria for reviewing annexations (Metro Code 3.09). See:

http://www.oregonmetro.gov/sites/default/files/309_eff_071112_final.pdf.

In addition, the City of Sherwood Comprehensive Plan goals and policies, specifically those in Chapter 3 and Chapter 8 are applicable and should be addressed in the narrative. See:

https://www.sherwoodoregon.gov/planning/page/comprehensive-plan-ii.

Step 9. Submit Application to City

Submit all materials to City Planning Department.

II. City Review

BELOW IS A SUMMARY OF THE STEPS WHICH WILL BE TAKEN REGARDING ANNEXATIONS INITIATED BY ANY OF THESE FOUR METHODS.

Step 1. Compliance Review

Submitted materials will be checked for compliance with requirements of state statutes and the Metro Code Section 3.09 requirements.

Step 2. Public Hearing Date Set

The proposal will be set for a hearing by the city council at the next hearing date for which all the requirements of the Metro Code and state statutes can be met. The **setting** of the hearing date must occur within 45 days of the day the proposal is judged to be complete pursuant to Metro rules.

Step 3. Public Hearing Notice

Notice of the public hearing will be sent to service providers in the area, to the applicant, to adjacent property owners and to appropriate neighborhood or community organizations. Notice of the hearing will be posted in and around the territory to be annexed. The hearing will also be advertised twice in a newspaper of general circulation in the area

Step 4. Staff Study and Report

A staff report will be prepared. This report will cover all applicable criteria specified in State ORS 222, the Metro Code, and all applicable criteria and goals form the City of Sherwood Comprehensive Plan. This report will be made available to the public 15 days prior to the hearing.

Step 5. Public Hearing

The City Council holds a public hearing. At the hearing the Council will consider applicable criteria. For the SB1573 Method, this is the final decision making body that acts on the petition.

For the other three methods, at the conclusion of the public hearing, if Council supports the annexation, they will forward the issue to the voters at the next available election (usually no less than 60 days).

All annexations, except those that use the SB1573 Method, in Sherwood require a majority approval of the voters. After the election, the Council will accept the certified election results and, if approved, by the voters, proclaim the annexation.

III. Additional Information

- 1. In order to officially change the boundary, Staff must send the order must be sent to Secretary of State, County Recorder and County Assessor, State Revenue Department, and City Recorder. Other interested parties (such as the utilities) are notified as well. Staff will mail the notice of decision to several local, regional, and State agencies and departments as required by law to complete the annexation.
- 2. Annexation to the City of Sherwood boundary allows for City Services. Additional service district boundary annexations may be necessary (e.g. Clean Water Services, Metro Regional Boundary, etc.).
- 3. All annexations fees to the City are deposit based, meaning the City will charge all required time and materials against the funds, and request additional form the applicant should additional funds be required.
- 4. Metro requires a fee to process city-approved annexations for individual applicants. That fee will be paid by the City as a pass through, and varies depending on the size and type of the annexation. The Metro fee will be taken from the applicants application deposit.



CITY OF SHERWOOD PETITION FOR ANNEXATION TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property Owner & Registered Voter IAMA PROPERTY DESCRIPTION SIGNATURE PRINTED NAME PO RV OV **ADDRESS** Parcel Parcel Size Assessed Number Value 21720 SW Oregon St., Sherwood Bruce Polley 2S 1 28C Lot 500 ±9.53 acres \$231020 21720 SW Oregon St., Sherwood Karen Polley 2S 1 28C Lot 500 ±9.53 acres \$231020

6

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.

198



Case No.	
Fee	
Receipt #	
Date	
TYPE	

Home of the Iualatin River National Wildlife Refuge

City of Sherwood Application for Land Use Action

Application for L	and Use Action
Type of Land Use Action Requested: (check all that apply)	
	nditional Use
Plan Amendment (Proposed Zone) Part	tition (# of lots) division (# of lots)
	er:
☐ Variance (list standards to be varied in description)	C1.
By submitting this form the Owner, or Owner's authorized agent	/representative, acknowledges
and agrees that City of Sherwood employees, and appointed or	r elected City Officials, have
authority to enter the project site at all reasonable times for the	purpose of inspecting project
site conditions and gathering information related specific	cally to the project site.
Note: See City of Sherwood current Fee Schedule, which includes	the "Publication/Distribution of
Notice" fee, at www.sherwoodoregon.gov. Click on Government/Fi	
Owner/Applicant Information:	
Applicant: Mimi Doukas, AICP, RLA	Phone: 503-563-6151
Applicant Address: 12965 SW Herman Road, Suite 100, Tualatin, OR 97062	Email: mimid@aks-eng.com
Owner: Bruce and Karen Polley	Phone: Please contact owner's representative
Owner Address: PO Box 1489, Sherwood, OR 97140	Email: Please contact owner's representative
Contact for Additional Information: Mimi Doukas, AICP, RLA - AKS Engine	eering & Forestry, LLC
Property Information:	
Street Location: 21720 SW Oregon Street, Sherwood, OR 97140	
Tax Lot and Map No: Washington County Assessor's Map 2S 1 28C Lot 500	
Existing Structures/Use: Industrial shop and office.	
Existing Plan/Zone Designation: Future Development, 20 acre (FD-20) (Wa	ashington County)
Size of Property(ies) ±9.53 acres	
D 14.7	
Proposed Action:	
Purpose and Description of Proposed Action:	
Annexation of ±9.53 acres located at 21720 SW Oregon Str	eet to the City of Sherwood.
Proposed Use: N/A - No change in use is proposed at this time.	
Proposed No. of Phases (one year each): N/A	

LAND USE APPLICATION FORM

Authorizing Signatures:	

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

7/17/20
Date
7-15-20
Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

☐ 3 Copies of Application Form* completely filled out and signed by the property owner (or person with authority to make decisions on the property.
Copy of Deed to verify ownership, easements, etc.
At least 3 folded sets of plans*
☐ At least 3 copies of narrative addressing application criteria*
Fee (along with calculations utilized to determine fee if applicable)
Neighborhood Meeting Verification including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* Note that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

Exhibit B: Washington County Assessor's Map

WASHINGTON COUNTY OREGON

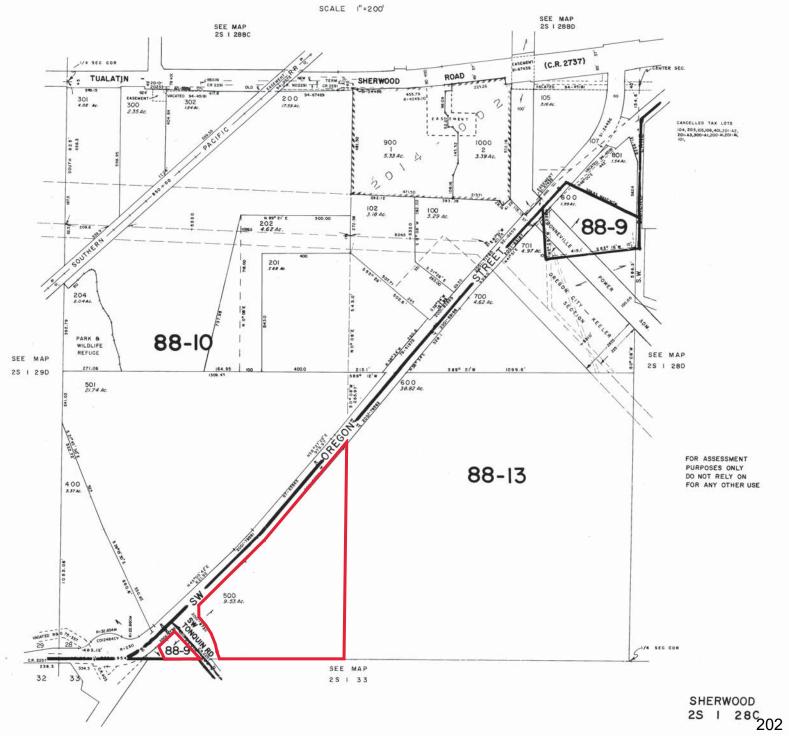


Exhibit C: Legal Description and Map

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Legal Description
City of Sherwood Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 484.43 feet to the southwest corner of Document Number 2008-025922 and the True Point of Beginning; thence along the westerly line of said Deed and the northerly extension thereof, North 24°57'57" West 110.53 feet to the centerline of SW Oregon Street and the City of Sherwood city limits line; thence along said centerline and said city limits line on a non-tangent curve to the left (with radial bearing North 34°03'55" West) with a Radius 236.00 feet, Delta of 09°08'42", Length of 37.67 feet, and a Chord of North 51°21'44" East 37.63 feet; thence continuing along said centerline and said city limits line, North 46°47'23" East 515.84 feet; thence along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and said city limits line, South 49°05'29" East 37.00 feet to the northeast corner of said Deed on the southeasterly right-of-way line of SW Oregon Street (37.00 feet from centerline); thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence along said south line, North 88°50'36" West 824.61 feet to the True Point of Beginning.

The above described tract contains 10.9 acres, more or less.

06/09/2020

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS

UK K.

RENEWS: 6/30/21

EXHIBIT B A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON S49°05'29"E 37.00 SCALE: 1"= 200 FEET DOC. NO. 94-047965 DOC. NO. 200 0 40 100 200 2018-077469 S01'32'54"W 989.74' DOC. NO. 2008-025922 CITY OF AREA: 10.9 ACRES± **SHERWOOD** CITY LIMITS POINT OF **BEGINNING** SW CORNER OF SEC. 28 28 S88'50'36"E 484.43' N24°57'57"W -N88°50'36"W 824.61' SOUTH LINE OF 110.53 TRUE POINT THE SW 1/4 OF SEC. 28 OF BEGINNING CURVE TABLE **CURVE RADIUS DELTA LENGTH CHORD** 06/09/2020 C1 236.00 9'08'42" N51°21'44"E 37.63' REGISTERED PROFESSIONAL LAND SURVEYOR 37.67 C2 1312.33 5'31'00" 126.36 N44°01'53"E 126.31' **EXHIBIT CITY ANNEXATION AREA** В OREGON JANUARY 12, 2016 MICHAEL S. KALINA DRWN: MHJ AKS ENGINEERING & FORESTRY, LLC CHKD: MSK 12965 SW HERMAN RD, STE 100 89558PLS AKS JOB: TUALATIN, OR 97062 RENEWS: 6/30/21 7971 503.563.6151 WWW.AKS-ENG.COM

DWG: 7971 ANNEX-CITY | EXHIBIT

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Legal Description
Clean Water Services Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 651.35 feet to the southwesterly right-of-way line of SW Tonquin Road (variable width right-of-way) and the Clean Water Services district boundary line and the True Point of Beginning; thence along said boundary line and said southwesterly right-of-way line on a non-tangent curve to the left (radial bearing South 50°32'27" West) with a Radius of 1412.56 feet, Delta of 04°10'05", Length of 102.76 feet, and a Chord of North 41°32'35" West 102.74 feet; thence continuing along said southwesterly right-ofway line and said boundary line and the northwesterly extension thereof, North 43°37'37" West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North 46°47'23" East 466.48 feet; thence continuing along said centerline and said boundary line, along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South 49°05'29" East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence leaving said boundary line and along said south line, North 88°50'36" West 657.70 feet to the True Point of Beginning.

The above described tract contains 10.5 acres, more or less.

06/09/2020

REGISTERED PROFESSIONAL LAND SURVEYOR

UK Ka

OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS

RENEWS: 6/30/21

EXHIBIT B A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON S49°05'29"E 37.00 SCALE: 1"= 200 FEET DOC. NO. 94-047965 DOC. NO. 200 0 40 100 200 2018-077469 S01'32'54"W 989.74' DOC. NO. 2008-025922 CLEAN WATER SERVICES DISTRICT AREA: 10.5 ACRES± **BOUNDARY** POINT OF **BEGINNING** SW CORNER N43°37'37"W OF SEC. 28 116.00 29 /28 S88°50'36"E 651.35' C1 L=102.76' ·N88°50'36"W 657.70'-SOUTH LINE OF TRUE POINT THE SW 1/4 OF BEGINNING OF SEC. 28 CURVE TABLE **CURVE RADIUS LENGTH DELTA CHORD** 06/09/2020 N41°32'35"W 102.74' C1 1412.56 410'05" 102.76 REGISTERED PROFESSIONAL LAND SURVEYOR C2 1312.33 5'31'00" 126.36 N44°01'53"E 126.31' **EXHIBIT CWS ANNEXATION AREA** В OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS DRWN: MHJ AKS ENGINEERING & FORESTRY, LLC CHKD: MSK 12965 SW HERMAN RD, STE 100 AKS JOB: TUALATIN, OR 97062 RENEWS: 6/30/21 7971 503.563.6151 WWW.AKS-ENG.COM

DWG: 7971 ANNEX-CWS | EXHIBIT

Exhibit D: Boundary Change Data Sheet

BOUNDARY CHANGE DATA SHEET

I. EX	(ISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN
A.	General location:
B.	Land Area: Acres or Square Miles
C.	General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal.)
D.	Describe Land uses on surrounding parcels. Use tax lots as reference points.
	North:
	East:
	Couth
	South:
	West:
E.	Existing Land Use:
	Number of single-family units Number of multi-family units
	Number of commercial structures Number of industrial structures
	Public facilities or other uses
	What is the current use the land proposed to be annexed:
	Total current year Assessed Valuation: \$
G.	Total existing population:

II. REASON FOR BOUNDARY CHANGE

А	these criteria, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary.
В	If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.
III. T <i>i</i>	AND USE AND PLANNING_
	. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary?
В	What is the applicable County Planning Designation? Or City Planning Designation? Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.
С	. What is the zoning on the territory to be served?
D	Can the proposed development be accomplished under current county zoning? Yes No
	If No, has a zone change been sought from the county either formally or informally? Yes No Please describe outcome of zone change request if answer to previous questions was Yes

E.	Please indicate all permits and/or approvals from a City, County or Regional
	Government which will be needed for the proposed development. If already granted,
	please indicate date of approval and identifying number:

	PROJECT	DATE OF	FUTURE
APPROVAL	FILE NO.	APPROVAL	REQUIREMENT
Metro UGB Amendment			
City of County Plan Amendment			
Pre-Application Hearing (City or			
County)			
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

F.		city and/or county-sanctioned citizens' group exists in the area of the annexation, ase list its name and address of a contact person.
V. SE	RVI	CES AND UTILITIES
A.	Ple	ease indicate the following:
	1.	Location and size of nearest water line that can serve the subject area.
	2.	Location and size of nearest sewer line which can serve the subject area.
	3.	Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area.

	4.	The time at which services can be r	reasonably provided by the city or district.				
	ch facilities and/or services and what is to be the upporting documents.)						
	Availability of desired service from any other unit of local government. (Please indicate the government.)						
В.	bei go	If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units please so indicate by stating the name or names of the governmental units involved.					
	Cit	у	_ Rural Fire Dist				
	County Service Dist		_ Sanitary District				
	Hw	vy. Lighting Dist	Water District				
	Gra	ade School Dist.	_ Drainage District				
	Hiç	gh School Dist	Diking District				
	Lib	orary Dist	_Park & Rec. Dist				
	Sp	ecial Road Dist	Other District Supplying Water Service				
C.	If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe.						

V. APPLICANT INFORMATION	
APPLICANT'S NAME	
MAILING ADDRESS	
TELEPHONE NUMBER	(Work)
A call a calle Occasi librari	(Res.)
Applicant's Consultant REPRESENTING	
DATE	

Phone: 503-563-6151 Fax: 503-563-6152

12965 SW Herman Road, Suite 100

Tualatin, OR 97062

Exhibit E: Annexation Questionnaire

ANNEXATION QUESTIONNAIRE

It is the applicant's responsibility to obtain the information requested on the attached annexation questionnaire. The information is used by the Center for Population Research and Census (CPRC) at Portland State University to update the estimate of the population for the City of Sherwood after annexations.

The information collected is confidential and is used for no other purpose. Please obtain the information prior to submitting the annexation petition. It is your responsibility to update this information if changes are made between the original application filing and the effective date of the application.

Fill out one sheet per property that is being annexed.							
Addre	ss:						
Hous	ing ty	ype: Single-family home Multi-family residence Manufactured home - Currently used as office for business onsite.					
Occu	pancy	y: Owner occupied Renter occupied Vacant Seasonal					

Resident Information:

LAST NAME	FIRST NAME	SEX	AGE

Exhibit F:

Worksheet for Annexation to the City of Sherwood

WORKSHEET FOR ANNEXATION TO THE CITY OF SHERWOOD

Please list all properties/registered voters included in the proposal. (If needed, use separate sheets for additional listings.)

Property Information (ALL METHODS)

	PROPERTY DESIGNATION (Tax Lot Numbers)	NAME OF PROPERTY OWNER	TOTAL ACRES	ASSESSED VALUE OF THE PROPERTY	SIGNED PETITION YES NO	
Totals:						

Registered Voters (DOUBLE MAJORITY METHOD ONLY)

	ADDRESS OF REGISTERED VOTER	NAME OF REGISTERED VOTER	SIGN PETIT YES	ION
_				
Totals:				

Summary

TOTAL NUMBER OF REGISTERED VOTERS IN THE PROPOSAL:
NUMBER OF REGISTERED VOTERS WHO SIGNED PETITION:
PERCENTAGE OF REGISTERED VOTERS WHO SIGNED PETITION:
TOTAL ACREAGE IN THE PROPOSAL:
ACREAGE SIGNED FOR:

PERCENTAGE OF ACREAGE SIGNED FOR:
TOTAL NUMBER OF SINGLE-FAMILY UNITS:
TOTAL NUMBER OF MULTI-FAMILY UNITS:
TOTAL NUMBER OF COMMERCIAL STRUCTURES:
TOTAL NUMBER OF INDUSTRIAL STRUCTURES:
217

Exhibit G: Certification of Property Ownership

THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE

CERTIFICATION OF PROPERTY OWNERSHIP

(All Methods)

I hereby certify that the attached petition for a proposed boundary change (annexation) of the territory described in Attachment A of the petition contains the names of the owners* of at least one-half of the land area within the annexation area described, as shown on the last available complete assessment roll.

NAME: TED FOSTER		_
TITLE: GIS TECH		_
DEPARTMENT: CARTOGRAPHY	<u> </u>	
COUNTY OF: WASHINGTON		
DATE: 6/15/20		

* *Owner" means the legal owner of record or, where there is a recorded a land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

ANNEXATION CERTIFIED

JUN 1 5 2020

WASHINGTON COUNTY A & T CARTOGRAPHY



CITY OF SHERWOOD PETITION FOR ANNEXATION TO THE COUNCIL OF THE CITY OF SHERWOOD, OREGON:

We, the undersigned owner(s) of the property described in **Attachment A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Sherwood.

LEGEND: PO - Property Owner RV - Registered Voter OV - Property C

ter OV - Property Owner & Registered Voter

	de la companya de la							
			I AM A			PROPERTY DESCRIPTION	ESCRIPTION	
SIGNATURE	PRINTED NAME	9 0	8	∂	ADDRESS	Parcel Number	Parcel Size	Assessed Value
My Klille	Bruce Polley	7			21720 SW Oregon St., Sherwood	2S 1 28C Lot 500	±9.53 acres	\$231020
1 Cool	Karen Polley	7			21720 SW Oregon St., Sherwood	2S 1 28C Lot 500	±9.53 acres	\$231020
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Exhibit H: Certification of Legal Description and Map

CERTIFICATION OF LEGAL DESCRIPTION AND MAP (All Methods)

I hereby certify that the description of the property included within the
attached petition (located on Assessor's Map 2S 1 28 C)
has been checked by me and it is a true and exact description of the property
under consideration, and the description corresponds to the attached map
indicating the property under consideration.
NAME_ TED FOSTER
TITLE CUS TECH
DEPARTMENT CARTO GRAPHY
COUNTY OF WASHING TON
DATE 6/15/20
ANNEXATION CERTIFIED
BY.
JUN 1 5 2020

WASHINGTON COUNTY A & T CARTOGRAPHY



AKS ENGINEERING & FORESTRY, LLC 12965 SW Herman Road, Suite 100, Tualatin, OR 97062 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Legal Description
City of Sherwood Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 484.43 feet to the southwest corner of Document Number 2008-025922 and the True Point of Beginning; thence along the westerly line of said Deed and the northerly extension thereof, North 24°57'57" West 110.53 feet to the centerline of SW Oregon Street and the City of Sherwood city limits line; thence along said centerline and said city limits line on a non-tangent curve to the left (with radial bearing North 34°03'55" West) with a Radius 236.00 feet, Delta of 09°08'42", Length of 37.67 feet, and a Chord of North 51°21'44" East 37.63 feet; thence continuing along said centerline and said city limits line, North 46°47'23" East 515.84 feet; thence along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and said city limits line, South 49°05'29" East 37.00 feet to the northeast corner of said Deed on the southeasterly right-of-way line of SW Oregon Street (37.00 feet from centerline); thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence along said south line, North 88°50'36" West 824.61 feet to the True Point of Beginning.

The above described tract contains 10.9 acres, more or less.

06/09/2020

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS

ik Ka

RENEWS: 6/30/21

ANNEXATION CERTIFIED

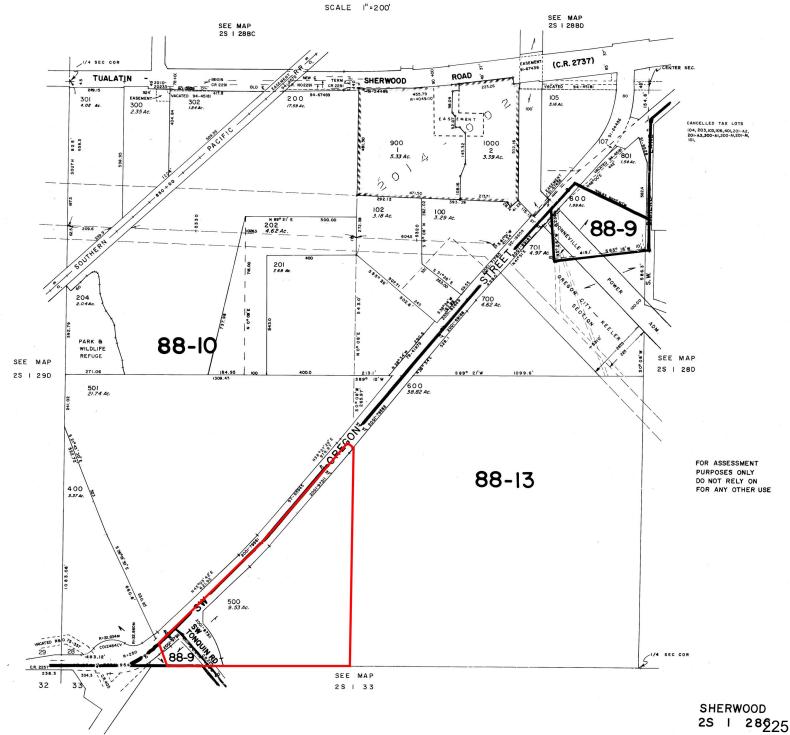
BY____

JUN 15 2020

WASHINGTON COUNTY A & T CARTOGRAPHY

EXHIBIT B A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON **ANNEXATION CERTIFIED** S49'05'29"E JUN 15 2020 37.00 **WASHINGTON COUNTY A & T CARTOGRAPHY** SCALE: 1"= 200 FEET DOC. NO. 94-047965 DOC. NO. 0 40 2018-077469 S01'32'54"W 989.74' DOC. NO. 2008-025922 CITY OF AREA: 10.9 ACRES± **SHERWOOD** CITY LIMITS POINT OF **BEGINNING** SW CORNER OF SEC. 28 29 1/28 S88'50'36"E 484.43' N24°57'57"W -N88'50'36"W 824.61' SOUTH LINE OF 110.53 TRUE POINT THE SW 1/4 OF SEC. 28 OF BEGINNING CURVE TABLE **LENGTH CURVE RADIUS DELTA CHORD** 06/09/2020 9'08'42" N51'21'44"E 37.63' REGISTERED PROFESSIONAL LAND SURVEYOR C1 236.00' 37.67 1312.33' 5'31'00" 126.36 N44'01'53"E 126.31' UKKal **EXHIBIT CITY ANNEXATION AREA** B OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS DRWN: MHJ AKS ENGINEERING & FORESTRY, LLC CHKD: MSK 12965 SW HERMAN RD, STE 100 AKS JOB: TUALATIN, OR 97062 RENEWS: 6/30/21 7971 503.563.6151 WWW.AKS-ENG.COM

WASHINGTON COUNTY OREGON





AKS ENGINEERING & FORESTRY, LLC

12965 SW Herman Road, Suite 100, Tualatin, OR 97062 P: (503) 563-6151 F: (503) 563-6152

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

AKS Job #7971

EXHIBIT A

Legal Description Clean Water Services Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 651.35 feet to the southwesterly right-of-way line of SW Tonquin Road (variable width right-of-way) and the Clean Water Services district boundary line and the True Point of Beginning; thence along said boundary line and said southwesterly right-of-way line on a non-tangent curve to the left (radial bearing South 50°32'27" West) with a Radius of 1412.56 feet, Delta of 04°10'05", Length of 102.76 feet, and a Chord of North 41°32'35" West 102.74 feet; thence continuing along said southwesterly right-ofway line and said boundary line and the northwesterly extension thereof, North 43°37'37" West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North 46°47'23" East 466.48 feet; thence continuing along said centerline and said boundary line, along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South 49°05'29" East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence leaving said boundary line and along said south line. North 88°50'36" West 657.70 feet to the True Point of Beginning.

The above described tract contains 10.5 acres, more or less.

06/09/2020

REGISTERED PROFESSIONAL LAND SURVEYOR

JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS

DENEWS: 6/30/2

ANNEXATION CERTIFIED

JUN 15 2020

WASHINGTON COUNTY A & T CARTOGRAPHY

EXHIBIT B A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON ANNEXATION CERTIFIED S49'05'29"E JUN 15 2020 37.00 **WASHINGTON COUNTY A & T** CARTOGRAPHY SCALE: 1"= 200 FEET DOC. NO. 94-047965 DOC. NO. 200 0 40 2018-077469 S01'32'54"W 989.74 DOC. NO. 2008-025922 **CLEAN WATER** SERVICES DISTRICT AREA: 10.5 ACRES± **BOUNDARY** POINT OF BEGINNING SW CORNER N43'37'37"W OF SEC. 28 116.00 S88'50'36"E 651.35' C1 L=102.76 N88'50'36"W 657.70' SOUTH LINE OF -TRUE POINT THE SW 1/4 OF BEGINNING OF SEC. 28 CURVE TABLE **RADIUS LENGTH** CHORD **CURVE** DELTA 06/09/2020 410'05" 102.76 N41'32'35"W 102.74' C1 1412.56 **REGISTERED** PROFESSIONAL LAND SURVEYOR 5'31'00" N44°01'53"E 126.31' 1312.33' 126,36 **EXHIBIT CWS ANNEXATION AREA** В JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS AKS ENGINEERING & FORESTRY, LLC DRWN: MHJ CHKD: MSK 12965 SW HERMAN RD, STE 100 AKS JOB: TUALATIN, OR 97062 RENEWS: 6/30/21 797 503.563.6151 WWW.AKS-ENG.COM

DWG: 7971 ANNEX-CWS | EXHIBIT

WASHINGTON COUNTY OREGON

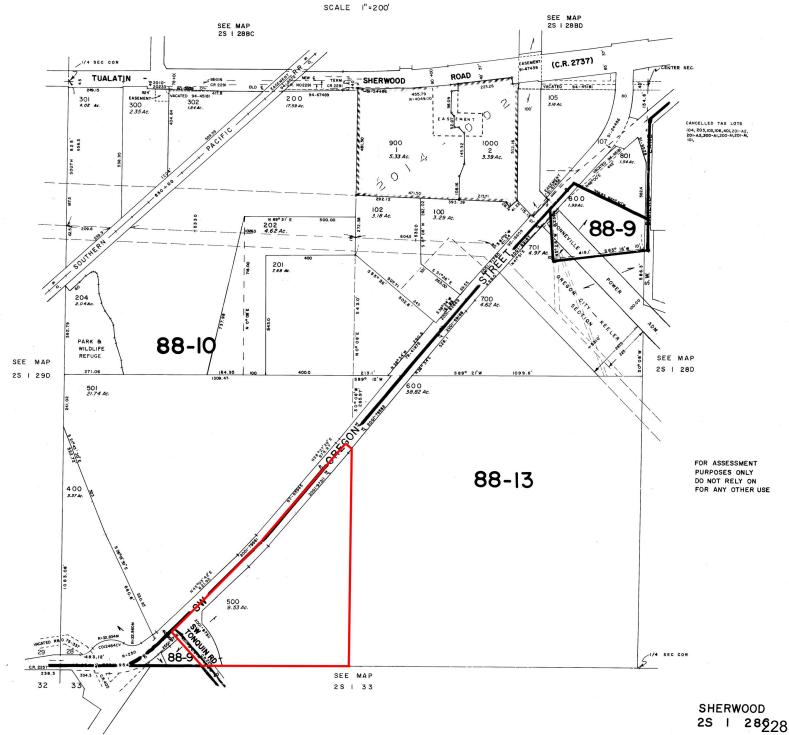


Exhibit I: Ownership Information



121 SW Morrison Street, Suite 300 Portland, OR 97204 Phn - (503)222-3651 (800)929-3651

Fax - (877)242-3513

PUBLIC RECORD REPORT FOR NEW SUBDIVISION OR LAND PARTITION

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

AKS Engineering & Forestry LLC 12965 SW Herman RD STE 100 Tualatin, OR 97062

Phone: (503)563-6151 Fax: (503)563-6152

Date Prepared: March 02, 2020

Effective Date : 8:00 A.M on February 21, 2020

Order No. : 7019-3402741

Subdivision :

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

A. The Land referred to in this report is located in the County of Washington, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

EXHIBIT "A" (Land Description Map Tax and Account)

THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

EXCEPTING THEREFROM THAT TRACT CONVEYED TO JOHN CAMPBELL BY DEED RECORDED IN BOOK 56, PAGE 232, WASHINGTON COUNTY, OREGON, WHICH TRACT IS DESCRIBED AS FOLLOWS:

PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON. BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 28, AND THENCE NORTH ON THE WEST SECTION LINE 16.41 CHAINS TO THE CENTER OF THE DITCH; THENCE UP SAID DITCH SOUTH 21° 1/2" EAST 7.92 CHAINS AND SOUTH 26° EAST 10.01 CHAINS TO THE SOUTH LINE OF SAID SECTION 28; THENCE WEST ON SAID LINE 7.32 CHAINS TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28; THENCE SOUTH 0° 08' 14" EAST ALONG THE WEST LINE OF SAID SECTION 28, 241.02 FEET TO THE MOST NORTHERLY POINT OF THAT PARCEL DEEDED BY P.P. BAILEY AND WIFE TO JOHN CAMPBELL, RECORDED BY DEED DATED MARCH 9, 1901, RECORDED MARCH 26, 1901, IN BOOK 56, PAGE 232, OF WASHINGTON COUNTY DEED RECORDS, SAID POINT ALSO BEING IN THE CENTER OF A DITCH DESCRIBED IN SAID BAILEY DEED; THENCE SOUTH 21° 43' 30" EAST FOLLOWING SAID DITCH CENTERLINE 523.00 FEET (522.72 DEED); THENCE CONTINUING ALONG SAID DITCH CENTERLINE SOUTH 26° 13' 30" EAST 530.95 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 492; THENCE NORTH 45° 19' EAST ALONG SAID COUNTY ROAD RIGHT OF WAY LINE 664.92 FEET; THENCE CONTINUING ALONG SAID COUNTY ROAD RIGHT OF WAY LINE NORTH 38° 09' 44" EAST 723.79 FEET TO THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28; THENCE NORTH 0° 08' 44" WEST ALONG SAID EAST LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 28, 218.67 FEET TO A STONE AND THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89° 52' 44" WEST ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28, 1309.43 FEET TO THE POINT OF BEGINNING.

AND FURTHER EXCEPTING A PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE AT THE NORTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28; THENCE SOUTH 0° 08' 44" EAST ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28, 218.67 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 492; THENCE NORTH 38° 09' 44" EAST ALONG SAID COUNTY ROAD RIGHT OF WAY 281.47 FEET TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28; THENCE SOUTH 89° 08' 16" WEST ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 28, 174.49 FEET TO THE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

Map No.: 2S128C-00500

Tax Account No.: R1492192 and R547466

First American Title Insurance Company Public Record Report for New Subdivision or Land Partition Order No. 7019-3402741

EXHIBIT "B" (Vesting)

Bruce D. Polley and Karen M. Polley, as tenants by the entirety

EXHIBIT "C" (Liens and Encumbrances)

- 1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
- 2. A Potential Additional Tax liability is due in the amount of \$2,896.94 for the tax year 2019-2020 (Affects APN #R1492192)
- 3. A Potential Additional Tax liability is due in the amount of \$367.19 for the tax year 2019-2020 (Affects APN #R547466)
- 4. Statutory powers and assessments of Clean Water Services.
- 5. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 6. Easement, including terms and provisions contained therein:

Recording Information: January 14, 1954 as Book 352, Page 329

In Favor of: Portland General Electric Company, a corporation of Oregon

For: Electrical lines, telephone lines and appurtenances

Affects: Exact location not disclosed

7. Easement, including terms and provisions contained therein:

Recording Information: April 07, 1959 as Book 416, Page 167

In Favor of: Portland General Electric Company, an Oregon corporation

For: Electric power transmission lines
Affects: Exact location not disclosed

8. Unrecorded leases or periodic tenancies, if any.

NOTE: Taxes for the year 2019-2020 PAID IN FULL

 Tax Amount:
 \$3,575.87

 Map No.:
 2S128C-00500

 Property ID:
 R1492192

 Tax Code No.:
 088.13

NOTE: Taxes for the year 2019-2020 PAID IN FULL

 Tax Amount:
 \$100.74

 Map No.:
 2S128C-00500

 Property ID:
 R547466

 Tax Code No.:
 088.09

NOTE: This Public Record Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Crops on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

First American Title Insurance Company Public Record Report for New Subdivision or Land Partition Order No. 7019-3402741

DEFINITIONS, CONDITIONS AND STIPULATIONS

- 1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

Liability of the Company.

- (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
- (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
- (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
- Charge. The charge for this report does not include supplemental reports, updates or other additional services of the Company.



First American Title Insurance Company

121 SW Morrison Street, Suite 300 Portland, OR 97204 Phone: (503)222-3651 / Fax: (877)242-3513

PR: NWEST **Ofc:** 7019 (1011)

Final Invoice

To: AKS Engineering & Forestry LLC

12965 SW Herman RD STE 100

Tualatin, OR 97062

Invoice No.: 1011 - 7019153171

Date: 03/02/2020

Our File No.: 7019-3402741
Title Officer: Dona Lane

Escrow Officer:

Customer ID: 994563

Liability Amounts

Attention: Michael Kalina

Your Ref.: Property:

21720 SW Oregon Street, Sherwood, OR 97140

Buyers:

Sellers: Bruce Polley, Karen Polley

Description of Charge	Invoice Amount
Guarantee: Subdivision/Plat Certificate	\$275.00

INVOICE TOTAL \$275.00

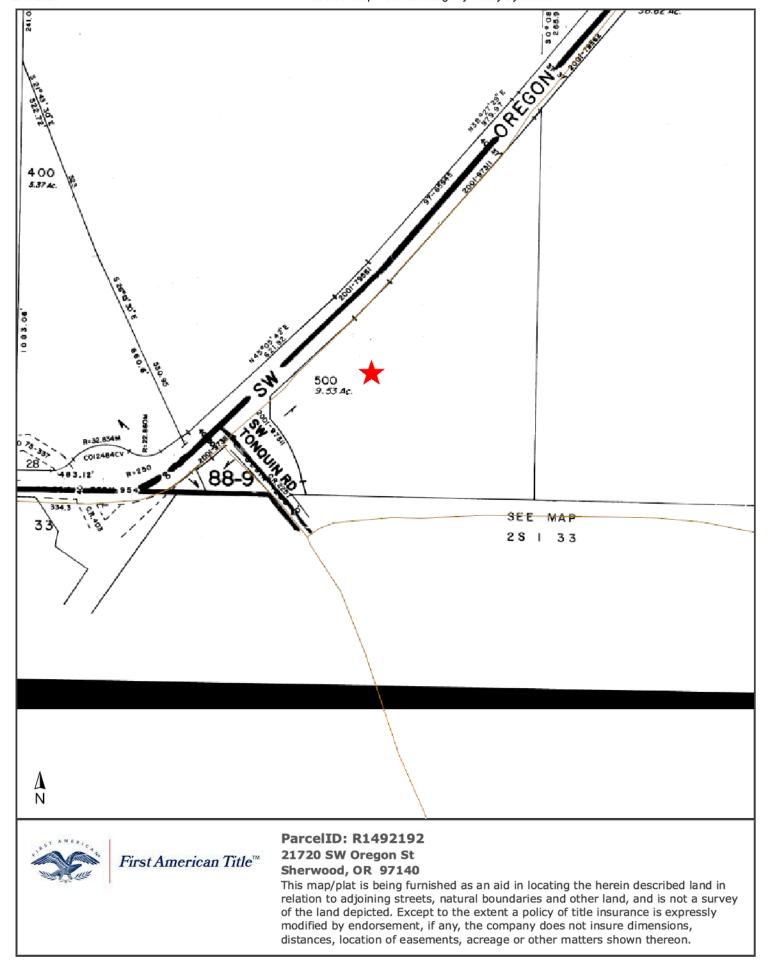
Comments:

RE:

Thank you for your business!

To assure proper credit, please send a copy of this Invoice and Payment to:
Attention: Accounts Receivable Department
PO Box 31001-2281
Pasadena, CA 91110-2281

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(hersinafter called "the Grantors," whether one or more than one); for and in consideration of the payment of the sum of	
Ten and no/100ths Dollars (s 10,00),	
the receipt of which is hereby acknowledged, hereby grant, sell and convey to Portland General Electric Company, an Oregon	
Corporation, (hereinster called "the drantee"), its successors and satigma a parpetual easement and right of way over, under	5.77
and across the following described parcel of land situated in Washington County, Oregon, being a strip of land. 50 feet in width, extending 18 feet on sizes	
the south side and 32 feet on the north side:	
Beginning at a point in the lands of the grantors described in Book 149	
on Page 215 and Book 135 on Page 191, Bead Records of Washington County, Graph a,	
being on the west boundary of County about no. 1207, to not but many being on the west boundary of the section 20. THENTY from said barining point.	574. 874
over, under and across the lands of the greaters 6 89° 39° 36° W, parallel said section line, a distance of 234.04 feet, more or less, to the easterly boundary of County Road No. 492. The above described centerline is shown colored red on	
of County Road No. 492. The soft under the purposes of description is attached print of drawing numbered ED 4090 and for purposes of description is attached heroto and made a part hereof.	281 7
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TO HAVE AND TO HOLD the above described easement and right of way that the Grantze, its successors and savigna, together with the present and suture right to ten, lumbor fell all growing and dead trees and emage acid trees and emage have together with the present and suture right to ten. In the control of the grantze, the conditional control of the grantzes and the control of th	5-1 s 5-2
way, which danger trees with one of neutral to said right of way. The Grantes shall pay the person who is the trees on the right of way and all danger trees adjacent to said right of way. The Grantes shall pay the person who is the trees on the right of way and all danger trees at the date of their cutting the addition to the purchase, price burning agreed to be made within a construction of the cutting of their cutting of the Grantes, such payment to be made within a	610 500
reasonable period of time after they have been so cut. reasonable period of time after they have been as cut. Said easement and right of way shall be for the following purposes, namely: the perpetual right to enter upon and to Said easement and right of way shall be for the following purposes, namely: the perpetual right to enter upon and to	
erect, maintain, repair, rebuilt, operate used holes, towers, transmission structures, wires; cables, guys, supports and appured lines, including the right to erect such poles, towers, transmission structures, wires; cables, guys, supports and appured lines, include any areas as are necessary thereto, together with the present and future right to clear said right of way and keep the same	
clear of brush, timber, structures and fire hazards, provided that fire nazards shall not growing crops other than trees, growing crops and to growing crops there than trees. To a berefix arread by the Grantors that, (1) title to all brush, timber, or structures existing upon the right of way and to	
growing crops other tian tree. It is hereby agreed by the Grantors that, (1) tills to all brush, timber, or structures existing upon the right of way and to all present danger trees shall vest immediately in the Grantors; (3) all future danger trees cut pursuant to the terms hereof shall remain the property of the owner thereof on the date of their cutting. Considers hereby acknowledge that the purchase price mantiding.	
shall remain the property of the owner thereof on use date or time quantity. The Grantors hereby acknowledge that its purchase price named herein is accepted by the Grantors as full compensation for all damages incidental to the exercise of any of said examents, loss of growing crops on right of way during contion for all damages incidental to the exercise of the date examents, loss of growing crops or right of way during continuous control of the damages trees right, succept payment for any additional danger trees raise as defined hereinabove which may be cut under authority of the Grantos as provided hereinabove under the control of the grantos of the purposes above mentioned for a	
If the Grantes, its successors and activities of said power lines, then and in that event this right of way and easemient continuous, period of sive years after construction of said power lines, then and in that event this right of way and easemient continuous, period of sive years after construction of said power lines, then and in that event this right of way and easemient	
The Grantors bereby warrant that they are possessed of a marketance into the project of	
have the right to grant the same. The Origitative, for themselves and their heirs and assigns, covenant to and with the Grantee, its successors and assigns, that the Grantee, its successors and assigns, shall peaceably enjoy the rights and privileges havein granted. IN WITHERS WHEREOF, the Granters have caused this easement to be executed this. dey of	
MATTHEW WILLIAM TO THE COLUMN	
John Cereghino (BEAL)	
Gladys Ceneghina (BEAL)	
(SEAL)	
800K 416 AC 167	

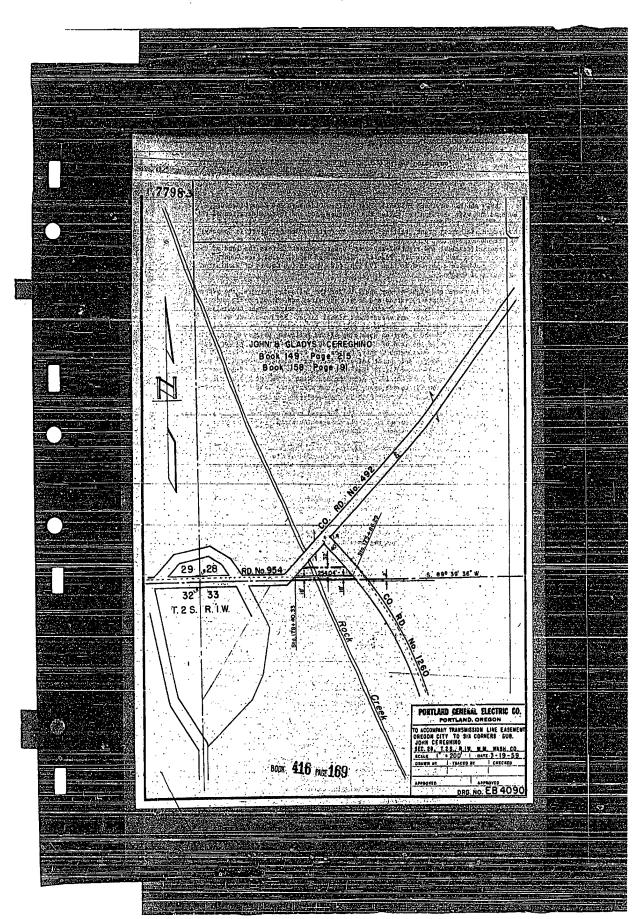
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Page 1 of 3

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	On this 2 day 2 The State of the Understand, a Notary Public in	
· / - / - / - / - / - / - / - / -	and for said County and State, personally appeared John Corrections and States Correction	A
	The Energy is to the individuals described in and who executed the same break and voluntarily for the purposes and uses	<u> </u>
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	THE CHARLEST PRINCIPLES, I have becomed set my stand and animal my notarial seal this, the day and year in this Sandragate principles of the standard princi	And The Control of th
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	And the same of the company to the company of the c	
	30 no. 168	
	STATE OF OREGON	
	County of	100
	On this day of 19 before me, the undersigned, a Notary Public in	
	and for said County and State, personally appeared	
	to me known to be the individuals described in and who executed the same freely and voluntarily for the purposes and uses aftermentioned.	
	IN TRETISONY WHEREOF, I have bereunto set my hand and adjust my potental seal this, the day and year in this instrument first written.	
	Notary Public for Oregon	100
	My commission expires:	
	ton each an inches the second of the second	
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Non-Order Search Doc: ORWASH:RDED 416-00167

Page 2 of 3



in consideration of One. andrn/100. and other good and valuable conlerations PORTLAND GENERAL ELECTRIC CO	(husband and wife) of Washington County, (the receipt of which is bereby scknowledged, hereby grant, the receipt of which is bereby scknowledged, hereby grant, MPANY, a corporation of Oregon, its successors and sasigm, an ease the purposes of this essement at such location as may be determined to ng described real property.	Auliars, Windows	Approved:
Across the South, Range	lands of the grantors in Section 28, Townshire 2 of West, W.M. as described in Volume 158, Fage dashington County Deed Records. Passement may be used by the Granter to serve the Granter, his heirs, of the Grantee owning, occupying or possessing property in the virial	butinn.	A little and the second
TO HAVE AND TO HOLD the above and assigns, together with the right of ingr the adjacent land of the Grantor.3, for thereover, of electrical lines, telephone lines connected therewith or appurtenant thereto keep cut and/or trimmed any tree growth.	described casement and right-of-way unto the said Grantee, its success and egress to and from the above described right-of-way, over and the purpose of the erection, maintenance and operation therein, thereo together with such poles, wires, guys, and facilities em may be rease, together with such poles, wires, guys, and facilities em may be rease provided, that the Grantee shall have the right to cut and/or trimpon or adjacent to said right-of-way which my many the contract of the contract	ressors across in and mand	
The Grantor. 8, for themselves the successors and assigns, that the Granter herein granted. IN WITNESS WHEREUF, the Granter Liftersburg., 199 Witnesses:	, its successors and easigns, shall peaceably enjoy the rights and privi r 8 has caused this easement to be executed this 1844 di	intoc.	
	John Careghino(SE Hadye Careghins ISE (SE)	VF)	

TATE OF OREGON. STATE OF OREGON. County of Maphington And who suscuted the foregoing conveyance and acknowledged to me that. Unity accorded the same freely and voluntarily for the purposes and uses of oresentlened. IN TESTIMONY WIERROP, I have hereunto set my hand and affired my notarial seed this, the day and year in this instrument first written. Notary Public for Oregon. Notary Public for Oregon. Notary Public for Oregon. Plad the second of the purposes and second or the secon

Washington County, Oregon 03/24/2008 02:58:44 PM

2008-025922

Cnt=1 Stn=9 C TOMPKINS D-DW \$15.00 \$5.00 \$11.00 - Total = \$31.00

In a second of the second of t

Wilsonville, OR 97070

POBOX 1489 SHERWOOD OR

After recording return to (Name, Address, Zip):

Bruce D. & Karen M. Polley

Until requested otherwise send all tax statements to (Name, Bruce D. & Karen M. Polley

9600 S.W. Seely Ave.

Wilsonville, OR 97070

Grantee's Name and Address

WARRANTY DEED

	(I	ù)
4	ंग	ij

KNOW ALL MEN BY THESE PRESENTS, That		
ALLEN J. CHRISTOPHER AND SHIRLEY M. CHRISTOPHER, husband and wife		
hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by		
BRUCE D. POLLEY AND KAREN M. POLLEY, husband and wife		

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in <u>WASHINGTON</u> County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

To Have and to Hold the same unto the gand grantor hereby covenants to and with	NT, CONTINUE DESCRIPTION ON REVERSE SIDE) rantee and grantee's heirs, successors and assigns forever. I grantee and grantee's heirs, successors and assigns, that grantor is I premises, free from all encumbrances
and demands of all persons whomsoever, except the true and actual consideration paid to the whole consideration (indicate which). (The sent the whole consideration (indicate which). (The sent the whole consideration (indicate which). (The sent the construing this deed, where the context changes shall be made so that this deed shall are the context of the context changes shall be made so that this deed shall are the context of the context of the grantor has executed if a corporate grantor, it has caused its name to duly authorized to do so by order of its board of the context of the co	be signed and its seal, if any, affixed by an officer or other person directors. BED IN THIS GULATIONS. Allen J. thristopher BINING FEE DR COUNTY SMINE ANY DEFINED IN Grant Stacknowledged before me on February Description of Shirley B. Christopher Stacknowledged before me on February Description of Shirley B. Christopher County of Grant Stacknowledged before me on February Description of Shirley B. Christopher County of Grant Stacknowledged before me on February Description of Shirley B. Christopher
	Notary Public for Oregon My commission expires
Allen J. & Shirley M. Christopher P.O. BOX 207 Long Creek, OR 97856 Grantor's Name and Address Bruce D. & Karen M. Polley 9600 S.W. Seely Ave	STATE OF OREGON, County of

SPACE RESERVED

RECORDER'S USE

...., Deputy.

TITLE

book/reel/volume No..... on page

.....and/or as fee/file/instru-

ment/microfilm/reception No.....

Witness my hand and seal of

Record of Deeds of said County.

County affixed.

NAME



EXHIBIT 'A'

LEGAL DESCRIPTION

The Southwest one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon.

EXCEPTING THEREFROM that tract conveyed to John Campbell by deed recorded in Book 56, Page 232, Washington County, Oregon, which tract is described as follows:

Part of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon. Beginning at the Southwest corner of said Section 28, and thence North on the West section line 16.41 chains to the center of the ditch; thence up said ditch South 21° 1/2" East 7.92 chains and South 26° East 10.01 chains to the South line of said Section 28; thence West on said line 7.32 chains to the point of beginning.

ALSO EXCEPTING THEREFROM part of the Southwest one-quarter of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at the Northwest corner of the Southwest one-quarter of the Southwest one-quarter of said Section 28; thence South 0° 08' 14" East along the West line of said Section 28, 241.02 feet to the most Northerly point of that Parcel deeded by P.P. Bailey and wife to John Campbell, recorded by deed dated March 9, 1901, recorded March 26, 1901, in Book 56, Page 232, of Washington County Deed Records, said point also being in the center of a ditch described in said Bailey deed; thence South 21° 43' 30" East following said ditch centerline 523.00 feet (522.72 deed); thence continuing along said ditch centerline South 26° 13' 30" East 530.95 feet to the Northerly right of way line of County Road No. 492; thence North 45° 19' East along said County Road right of way line 664.92 feet; thence continuing along said County Road right of way line North 38° 09' 44" East 723.79 feet to the East line of the Southwest one-quarter of the Southwest one-quarter of said Section 28; thence North 0° 08' 44" West along said East line of the Southwest one-quarter of the Southwest one-quarter of Section 28, 218.67 feet to a stone and the Northeast corner thereof; thence South 89° 52' 44" West along the North line of the Southwest one-quarter of the Southwest one-quarter of said Section 28, 1309.43 feet to the point of beginning.

AND FURTHER EXCEPTING a part of the Southwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a stone at the Northwest corner of the Southeast one-quarter of the Southwest one-quarter of said Section 28; thence South 0° 08' 44" East along the West line of the Southeast one-quarter of the Southwest one-quarter of said Section 28, 218.67 feet to the Northerly right of way line of County Road No. 492; thence North 38° 09' 44" East along said County Road right of way 281.47 feet to the North line of the Southeast one-quarter of the Southwest one-quarter of said Section 28; thence South 89° 08' 16" West along the North line of the Southeast one-quarter of said Section 28, 174.49 feet to the point of beginning.

FORM NO. 403 8/94 245

Exhibit J: Additional Referenced Documents

5000

After recording, please return to:

Washington County
LUT, Right-of-Way Section
1400 SW. Walnut St. Mail Stop #18
Hillsboro, OR 97124-5625

WASHINGTON COUNTY 2001-097311

DEDICATION DEED

STATE OF OREGON
County of Washington

SS

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

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

Doc: 2001097311

Inv : 9915

72.00

09/25/2001 03:52:34pm

ALLEN J. CHRISTOPHER AND SHIRLEY M. CHRISTOPHER, as tenants by the entirety, and **Bruce D. Polley and Karen M. Polley**, husband and wife, Grantors, grant to WASHINGTON COUNTY, a political subdivision of the State of Oregon, Grantee, on behalf of the public, for the use of the public forever, the following easements in that certain real property situated in the County of Washington and State of Oregon, described on the attached Exhibit "A." and shown on the attached Exhibit "B."

The true consideration for this conveyance is \$ 51,300.00

PARCEL 1 - DEDICATION OF RIGHT-OF-WAY

Including the right to construct, operate, and maintain a public road, all customary associated uses, and appurtenant facilities;

PARCEL 2 - PERMANENT SLOPE EASEMENT

Including the right to construct and maintain slopes necessitated by the construction, operation, and maintenance of the public road, all public facilities, and improvements in the adjacent right-of-way. Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor(s) by reasons of any change of grade of the roadway abutting on said property.

AND - PERMANENT PUBLIC UTILITIES EASEMENT

Including the right to install, maintain, and repair public utilities over, under, and across the property described;

PARCEL 3 - CONSERVATION EASEMENT

Grantors shall maintain, preserve, and protect the significant natural resources and wetlands within the easement area. Grantors shall not modify or alter the natural resources or wetlands in any manner, and shall not permit others to do so, without first obtaining all necessary government permits and approvals. Grantors shall not conduct, permit, or allow additional wetland mitigation activities in the easement area, other than those performed by, or specifically authorized by Grantee. No agricultural, commercial, industrial, or residential activity shall be allowed in the easement area.

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DJE 07/26/01

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Grantee shall have the right to maintain, preserve, protect and modify wetlands and significant natural resources within the easement area as it determines to be in the public interest and in accordance with all governmental laws, regulations, and permits. Grantee may correct any violations of this easement or damage caused or suffered by Grantors and shall be entitled to recover its costs from Grantors. Grantee shall have no duty to inspect or maintain this easement, and no liability whatsoever for the use and maintenance of this easement by Grantors or any third party, excepting only for actions arising solely from Grantee's own negligence. There shall be no fees charged for use of this easement by Grantee.

For the purposes of this easement, significant natural resources shall be defined as those resources which provide for the identification, protection, enhancement and perpetuation of natural sites, features, objects, and organisms within the County, identified as important for their uniqueness, psychological or scientific value, fish and wildlife habitat, education opportunities or ecological role.

Wetlands are defined as those officially so designated by the federal government, State of Oregon, or Washington County pursuant to duly established laws and regulations of said entities.

This easement does not grant or convey to Grantee any water rights, nor does it grant to the general public the right of access or use of the area described herein.

Nothing in this easement limits, restricts, or preempts the Grantee's exercise of its governmental authority applicable to the easement area.

This agreement shall be a covenant running with the land benefiting Grantee and may be modified or removed only with the authorization of Grantee.

For purposes of this Agreement, Grantors shall include their heirs, successors and assigns; Grantee shall include its successors and public agency assigns. Grantee is not authorized to transfer its right to any private party without the approval of Grantors.

PARCEL 4 - PERMANENT PUBLIC UTILITIES EASEMENT

Including the right to install, maintain, and repair public utilities over, under, and across the property described;

This document is intended to grant easements on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easements granted shall not prevent Grantors from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easements granted herein.

Grantors hereby covenant to and with Grantee that they are the owners of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

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DJE 07/26/01

IN WITNESS WHEREOF, the above named	Grantors, have caused this instrument to be signed.
DATED this 9-100 day of	, , 2001.
	All A (Christialis)
	Allen J. Christopher
_	Shirley Christopher
	Shirley 包. Christopher
STATE OF New Mexico) ss.	_D
County of Acut) ss.	
This instrument was acknowledged before me this	16 day of September, 2001, by
Allen J. Christopher and Shirley M. Christopher.	2 / 6
A LAND V ALARSH	Kojana U Marsh
The second purpose of	Notany Public
41)-03	
-	1
DATED this 25 day of Septem	<u>buc</u> , 2001.
f	me I lac
	Bruce D. Polley
	Xan Po
STATE OF OREGON)	Karen M. Polley
) ss.	
County of Washington)	25 Calenber
This instrument was acknowledged before me this Bruce D. Polley and Karen M. Polley.	25 day of September , 2001, by
OFFICIAL SEAL TERESA L. SIVLEY	Jeresa K. Siver
NOTARY PUBLIC-OREGON COMMISSION NO. 308608	Notary Public
MY COMMISSION EXPIRES JAN. 21, 2002	Accepted on behalf of Washington County, Oregon.
	Accepted on benan of washington county, Oregon.
	By Townell It saul
	Title: County Surveyor
	Dated this 25th day of September, 2001
Approved As To Form Loretta S. Skurdahl	
Sr. Assistant County Counsel	
Dated & Signed: October 29, 1998	ADEED doc 3
\\LUT2\DATA\SHARED\ROW\2551OregonSt-Murdock-Tonquin\2551-04	4DEED.doc Page
DJE 07/26/01	



EXHIBIT A

N. E. Oregon Street Washington County, Oregon April 20, 2001 Revised May 14, 2001 Revised July 25, 2001 Parcels 1, 2, 3 & 4

Project No. 2551 File No. 04 Tax Map No: 2S128C 500

PARCEL 1 (DEDICATION)

A parcel of land in the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a statutory warranty deed to Allen J. Christopher and Shirley M. Christopher, husband and wife, recorded February 6, 1996 as Document No. 96010802, Washington County Book of Records and in a contract sale to Bruce D. Polley and Karen M. Polley, husband and wife, recorded January 31, 1996 as Document No. 96008842, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land variable in width, and lying on the Southerly side of the relocated centerline of N. E. Oregon Street and located between lines at right angles to said centerline at the following Engineer's Station listed below and which centerline is described as follows:

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on the Southerly side of Centerline
1+060.000		1+100.000	15.240
1+270.000		1+470.000	11.278

Also the said parcel being that portion of said property included in a strip of land variable in width, and lying on the Easterly and Westerly side of the relocated centerline of S. W. Tonquin Road and located between lines at right angles to said centerline at the following Engineer's Station listed below and which centerline is described as follows:

4

Page 1 of 6



The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on the Easterly side of Centerline
1+910.000		1+976.428	11.278
1+976.428		1+990.000	11.278 in a straight line to 25.065
Station	to	Station	Width on the Westerly side of Centerline
1+910.000		2+000.000	0.000 in a straight line to 17.000

CENTERLINE DESCRIPTION OF A PORTION OF N.E. OREGON STREET (COUNTY ROAD NOS. 954, 2257, AND 492)

Beginning at a point in N.E. Oregon Street (C.R. No. 954), which is North 89° 38' 42" West 108.685 meters from the section corner common to Sections 28, 29, 32, and 33, Township 2 South, Range 1 West, W.M., and 1.829 meters northerly of the existing centerline of said street, said point also being at Station 0+820.000 for the purposes of this project; thence North 89° 23' 28" East 108.695 meters and parallel to said centerline to an angle point at Station 0+928.695 (C.R. No. 2257); thence South 89° 02' 51" East 47.308 meters and parallel to said centerline to a point of curvature at Station 0+976.003 and no longer parallel to said centerline; thence along the arc of a 130 meter radius curve to the left, through a central angle of 45° 51' 27", an arc distance of 104.047 meters (the long chord bears North 68° 01' 26" East 101.292 meters) to a point of tangency at Station (1+080.050); thence North 45° 05' 42" East 157.229 meters to a point of curvature at Station 1+237.279; thence along the arc of a 400 meter radius curve to the left, through a central angle of 5° 31' 00", an arc distance of 38.514 meters (the long chord bears North 42° 20' 12" East 38.499 meters) to a point of tangency at Station 1+275.793; thence North 39° 34' 42" East 171.537 meters to a point of curvature at Station 1+447.330; thence along the arc of a 400 meter radius curve to the left, through a central angle of 1° 07' 13", an arc distance of 7.821 meters (the long chord bears North 39° 01' 05" East 7.820 meters) to a point of tangency at Station 1+455.151; thence North 38° 27' 29" East 250.530 meters to a point of curvature at Station 1+705.681; thence along the arc of a 400 meter radius curve to the right, through a central angle of 2° 54' 44", an arc distance of 20.331 meters (the long chord bears North 39° 54' 51" East 20.329 meters) to a point of tangency at Station 1+726.012 and returning to the centerline as monumented in survey number 25,092; thence North 41° 22' 13" East 261.727 meters along said centerline to a point of curvature at Station 1+987.739; thence along the arc of a 137.160 meter radius curve to the left, through a central angle of 49° 22' 42", an arc distance of 118.208 meters (the long chord bears North 16° 40' 52" East 114.581 meters) to a point of tangency at Station 2+105.945; thence North 8° 00' 29" West 23.467 meters to the intersection on the centerline of C.R. No. 2737 at Station 2+129.412 as monumented in survey number 25,092 and the terminus of this centerline description.

Page 2 of 6





Except therefrom that portion of said parcel lying within the existing right-of-way of County Road 492 (N. E. Oregon Street) and County Road No. 2257 (S. W. Tonquin Road).

The parcel of land to which this description applies contains 2,101.6 square meters (22,621 square feet), more or less.

<u>CENTERLINE DESCRIPTION OF A PORTION OF S.W. TONQUIN ROAD (COUNTY ROAD NO. 2257)</u>

A road centerline situated within the northwest one-quarter of Section 33 and the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the centerline of S.W. Tonquin Road (County Road no. 2257), said point being South 64° 40' 06" East 316.003 meters from the section corner common to Sections 28, 29, 32, and 33, Township 2 South, Range 1 West, W.M., and being the point of tangency (71+56.08) as shown on the survey of C.R. 2257 said point also being at Station 1+763.329 for the purposes of this project; thence along the arc of a 436.592 meter radius curve to the left along said centerline, through a central angle of 16° 25' 31", an arc distance of 125.160 meters (the long chord bears North 27° 45' 24" West 124.732 meters) to a point of reverse curvature at Station 1+888.489 and leaving said centerline; thence along the arc of a 92 meter radius curve to the right, through a central angle of 23° 31' 10", an arc distance of 37.765 meters (the long chord bears North 24° 12' 34" West 37.501 meters) to a point of reverse curvature at Station 1+926.255; thence along the arc of a 92 meter radius curve to the left, through a central angle of 32° 27' 19", an arc distance of 52.114 meters (the long chord bears North 28° 40' 39" West 51.420 meters) to a point of tangency at Station 1+978.368; thence North 44° 54' 18" West 21.632 meters to Station 2+000 and the intersection with the centerline of N.E. Oregon Street at Station 1+123.770 as described above and the terminus of this centerline description.

PARCEL 2 (SLOPE AND UTILITY EASEMENT)

A parcel of land in the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a statutory warranty deed to Allen J. Christopher and Shirley M. Christopher, husband and wife, recorded February 6, 1996 as Document No. 96010802, Washington County Book of Records and in a contract sale to Bruce D. Polley and Karen M. Polley, husband and wife, recorded January 31, 1996 as Document No. 96008842, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land variable in width, and lying on the Easterly side of the relocated centerline of S. W. Tonquin Road and the Southerly side of the relocated centerline of N. E. Oregon Street and located between lines at right angles to said centerlines at the following Engineer's Stations listed below and which centerlines are described in Parcel 1 above:

Page 3 of 6





The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on the Easterly side of the relocated centerlineof S. W. Tonquin Road
1+958.000		1+972.500	13.500
Station	to	Station	Width on the Easterly side of the relocated centerline S. W.Tonquin Road to the Southerly side of the relocated centerline of N. E. Oregon Street
1+972.500		1+154.000	13.500 in a straight line to 17.000
1+154.000		1+210.000	17.000
1+210.000		1+270.000	17.000 in a straight line to 11.278

Also the said parcel being that portion of said property included in a strip of land lying on the Easterly side of the relocated centerline of S. W. Tonquin Road described as follows: beginning at the intersection of the easterly right of way of said road and the southerly line of said property at approximately Engineer's Station 1+918 of the relocated centerline of S. W. Tonquin Road; thence easterly along the south line of said property 31.960 meters; thence northerly and perpendicular to the south line 10.500 meters; thence westerly and parallel with the south line 34.600 meters more or less to the relocated centerline of S. W. Tonquin Road; thence southerly along said relocated centerline to the point of beginning.

Except therefrom Parcel 1 and that portion of said parcel lying within the existing right-of-way of County Road 492 (N. E. Oregon Street) and County Road No. 2257 (S. W. Tonquin Road).

The parcel of land to which this description applies contains 876.5 square meters (9,435 square feet), more or less.

PARCEL 3 (CONSERVATION EASEMENT)

A parcel of land in the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a statutory warranty deed to Allen J. Christopher and Shirley M. Christopher, husband and wife, recorded February 6, 1996 as Document No. 96010802, Washington County Book of Records and in a contract sale to Bruce D. Polley and Karen M. Polley, husband and wife, recorded January 31, 1996 as Document No. 96008842, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land variable in width, and lying on the Southerly side of the relocated centerline of N. E. Oregon Street and

Page 4 of 6



located between lines at right angles to said centerline at the following Engineer's Station listed below and which centerline is described above:

The widths in meters of the strip of land above referred to are as follows:

Station to Station Width on the Southerly side of Centerline

1+060.000 1+100.000 30.458 in a straight line to 72.106

Except therefrom Parcel 1 and that portion of said parcel lying within the existing right-of-way of County Road 492 (N. E. Oregon Street) and County Road No. 2257 (S. W. Tonquin Road).

The parcel of land to which this description applies contains 1,242.0 square meters (13,368 square feet), more or less.

PARCEL 4 (UTILITY EASEMENT)

A parcel of land in the southwest one-quarter of Section 28 in Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon and being a portion of that property described in a statutory warranty deed to Allen J. Christopher and Shirley M. Christopher, husband and wife, recorded February 6, 1996 as Document No. 96010802, Washington County Book of Records and in a contract sale to Bruce D. Polley and Karen M. Polley, husband and wife, recorded January 31, 1996 as Document No. 96008842, Washington County Book of Records; the said parcel being that portion of said property included in a strip of land 5.486 meters in width, and lying adjacent to the southerly property line of said parcel and lying on the Southerly side of the relocated centerline of N. E. Oregon Street and located between lines at right angles to said centerline at Engineer's Station 1+060 and 1+100, which centerline is described in Parcel 1 above.

The parcel of land to which this description applies contains 283.4 square meters (3,051 square feet), more or less.

Except therefrom that portion of said parcel lying within the existing right-of-way of County Road No. 2257 (S. W. Tonquin Road).

The bearings of this description are based on the bearing between monuments numbered 740 and 741 which is South 38° 27' 29" West as shown in Record of Survey No. 22,598 as recorded at the Washington County Surveyor's Office. This project is on a local datum. Metric conversion factor: 1 meter = 39.37 inches.

8

Page 5 of 6



REGISTERED **PROFESSIONAL** AND SURVEYOR

OREGON
JULY 25, 1991
PATRICK N. SMITH
2526

RENEWAL 6/30/02

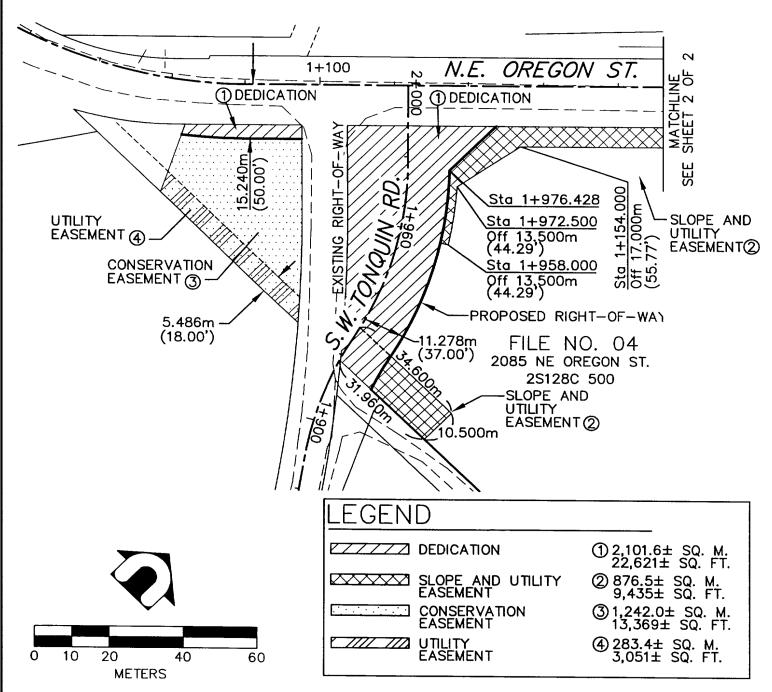
PNS,DEA Inc. 5/14/01

PNS:ljg

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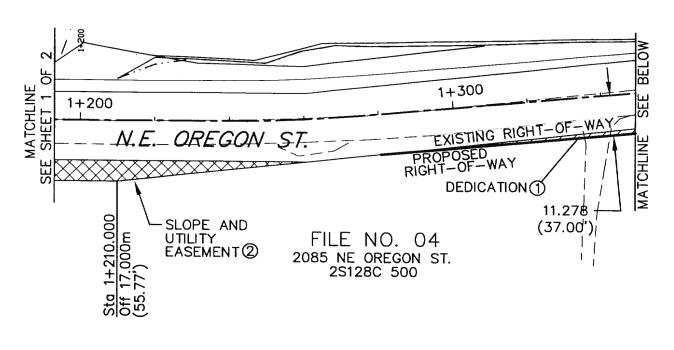


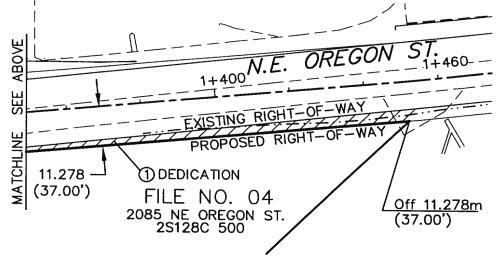


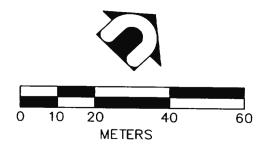


PROJECT SHEET **N.E. OREGON STREET** EXHIBIT B Washington County Project No. 2551 DWG. REF. DEA PROJECT NO. AMENDMENT NO. WPW84SEM51-04 WPWX0000-0084 1.0 DRAWN BY DESIGN BY APPROVED BY DATE JHL / TAS **PNS PNS** 07/25/01

10









PROJECT	I.E. OREGOI	N STREE	T	
	EXHIBI	ТВ		
Washingt	on County	Project	No.	2551
DWG. REF. WPW84SEM51-04	DEA PROJECT NO. WPWX0000-008			AMENDMENT NO 1.0
DRAWN BY JHL / TAS	design by PNS	APPROVED BY PNS		DATE 07/25/01

Exhibit K: Washington County-Sherwood Urban Planning Agreement

BCC 17-1260 Washington County - City of Sherwood Urban Planning Area Agreement Page 1 of 10

Washington County – Sherwood Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF SHERWOOD, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that city, county, state and federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon State Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary (UGB) will be implemented; and

WHEREAS, following the Urbanization Forum process, the COUNTY through Resolution & Order 09-63, and the CITY through Resolution 2009-046, agreed that all future additions to the UGB during or after 2010 must be governed and urbanized by the CITY in the COUNTY and also agreed to urge Metro to expand the UGB only to such areas as are contiguous to incorporated areas of Washington County; and

WHEREAS, the State legislature, with House Bill 4078-A in 2014 and House Bill 2047 in 2015, validated the acknowledged UGB and Urban and Rural Reserves established through the Metro Regional process involving both the COUNTY and the CITY; and

WHEREAS, the COUNTY and CITY desire to amend the Urban Planning Area Agreement (UPAA) to reflect the changes to the UGB, the CITY's Urban Planning Area, and the need for urban planning of the new urban reserve lands; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

An Urban Planning Area Agreement incorporating both a site-specific Urban Planning Area within the UGB within which both the COUNTY and the CITY maintain an interest in comprehensive planning and an Urban Reserve Planning Area outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning; and

- 2. A process for coordinating comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and
- 3. Policies regarding comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and
- 4. A process to amend the Urban Planning Area Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and Urban Reserve Planning Area, mutually defined by the COUNTY and the CITY, include the areas designated on the Washington County - Sherwood UPAA Map "Exhibit A" to this Agreement.

- II. Coordination of Comprehensive Planning and Development
 - A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation
 - 1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approvals or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation.

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, by first class mail or as an attachment to electronic mail of the proposed action at the time such planning efforts are initiated, but in no case less than thirty-five (35) days prior to the first hearing on adoption. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall provide the responding agency with the opportunity to participate in the originating agency's planning process prior to the notification period, such as serving on the originating agency's advisory committee.
- b. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall transmit the draft amendments to the responding agency for its review and comment before finalizing. The responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.
- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or
 b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.
- B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small

tract zoning or comprehensive plan map amendments, conditional or special use permits, land divisions, planned unit developments, variances, and other similar actions requiring a quasi-judicial hearings process.

- 2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area and Urban Reserve Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an effect on unincorporated portions of designated Urban Planning Area or the COUNTY's transportation network.
- 3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice or comment period notice with no public hearing which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing or end of the comment period. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
 - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the

notification and participation requirements contained in subsections A and B above.

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of all public hearing agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
- c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

- 1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:
 - a. Future expansion over a long-term period (40-50 years), and
 - b. The cost-effective provision of public facilities and services when the lands are included within the UGB.
- 2. Urban Reserve Planning Area means those Urban Reserves identified as ultimately being governed by the CITY at such time as the UGB is amended to include the Urban Reserve Area.
- 3. Urban Reserve Planning Responsibility Undefined means those Urban Reserves that the CITY and at least one other city may have an interest in ultimately governing, but no final agreement has been reached. These areas are not considered part of the Urban Reserve Planning Area.
- B. The CITY's Urban Reserve Planning Area and the Urban Reserve Planning Responsibility Undefined are identified on "Exhibit A" to this Agreement.

- C. The CITY and COUNTY shall be jointly responsible for developing a concept plan for the Urban Reserve Planning Area in coordination with Metro and appropriate service districts. The concept plan shall include the following:
 - 1. An agreement between the COUNTY and CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for county roads in the Urban Reserve Planning Area. The agreement should describe any changes to the CITY and/or COUNTY Transportation System Plans, other Comprehensive Plan documents, or codes that have been adopted or will be necessary to implement this agreement.
 - 2. An agreement between the COUNTY and CITY that preliminarily identifies the likely providers of urban services, as defined in ORS 195.065.(4), when the area is urbanized.
- D. The concept plan shall be approved by the CITY and acknowledged by the COUNTY.
- E. Upon completion and acknowledgement of the concept plan by the CITY and COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the Urban Reserve Planning Area shall be designated as part of the Urban Planning Area. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this agreement.
- IV. Comprehensive Planning and Development Policies for Urban Planning Areas

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY's Urban Planning Area is designated on "Exhibit A" to this Agreement.

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.
- C. The CITY and COUNTY will implement the applicable Urban Reserve concept plan and related agreements as the comprehensive plan is prepared for the Urban Planning Area to ensure consistency and continuing applicability with the original concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding.
- D. The CITY shall be responsible for the preparation, adoption and amendment of the

 Agreement amended by

 Washington County Land Use A-Engrossed Ordinance No. 821

 Adopted September 26, 2017

public facility plan required by OAR 660-011 within the Urban Planning Area.

- E. As required by OAR 660-011-0010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the Urban Planning Area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.
- F. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 20-Acre District (FD-20).
- G. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.
- H. The COUNTY will not oppose any orderly, logical annexation of land to the CITY within the CITY's Urban Planning Area.
- V. Amendments to the Urban Planning Area Agreement
 - A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:
 - 1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
 - 2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map that clearly indicates the proposed change and surrounding area.
 - 3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within forty-five (45) days of the date the request is received.

- 4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section V. A. (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within thirty (30) days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within ninety (90) days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.
- B. The parties will jointly review this Agreement periodically, or as needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of a sixty (60) day review period inconsistencies still remain, either party may terminate this Agreement.
- C. Any boundary changes due to annexation into the CITY or updates to the UGB are automatic and do not require an amendment to "Exhibit A".
- VI. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County-Sherwood Urban Planning Area Agreement effective March 3, 2010. The effective date of this Agreement shall be the last date of signature on the signature page.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF SHERWOOD

Jamesfer Hamis, Council President Approved as to Form: _____ Date ____ Date 10/33/17

Date 10/35/2017 WASHINGTON COUNTY Andy Duyck Date 11-7-17
Ro 17-99 9-26-17 Approved as to Form: Date 11/3/17Date Recording Secretary

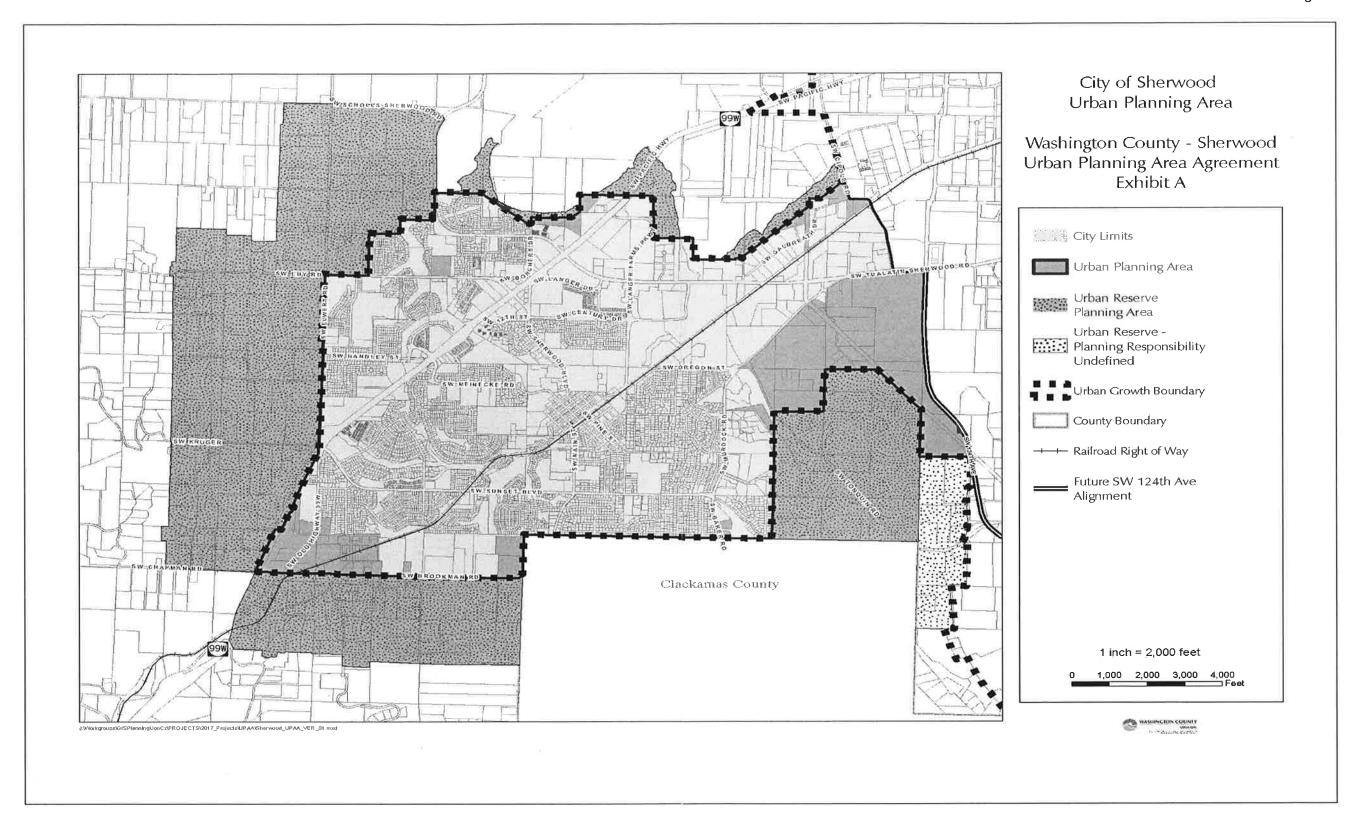


Exhibit L: Public Notice Information

2S128C0-00100

Pride Properties Investments Llc

Po Box 820

Sherwood, OR 97140

2S128C0-00102

Orwa Sherwood Llc 8320 NE Highway 99

Vancouver, WA 98665 Seattle, WA 98108

2S128C0-00200

Sherwood Road Industrial Llc

6900 Fox Ave S Seattle, WA 98108 2S128C0-00201 J & L Rink Llc

21433 SW Oregon St Sherwood, OR 97140 2S128C0-00201

2S128C0-00200

6900 Fox Ave S

Sherwood Road Industrial Llc & Bldg B

J & L Rink Llc 21433 SW Oregon St

Sherwood, OR 97140

2S128C0-00201

J & L Rink Llc

21433 SW Oregon St Sherwood, OR 97140 2S128C0-00201 J & L Rink Llc

21433 SW Oregon St

Sherwood, OR 97140

2S128C0-00202

J & L Rink Llc

21433 SW Oregon St Sherwood, OR 97140

2S128C0-00204

Sherwood City Of

22560 SW Pine St

Sherwood, OR 97140

2S128C0-00400

Washington County Facilites Mgmt

169 N 1st Ave # 42 Hillsboro, OR 97124

2S128C0-00500

Po Box 1489

Bruce & Karen Polley

Sherwood, OR 97140

2S128C0-00400

Washington County Facilites Mgmt

169 N 1st Ave # 42 Hillsboro, OR 97124

2S128C0-00500

Bruce & Karen Polley

Po Box 1489

Sherwood, OR 97140

2S128C0-00500

Bruce & Karen Polley

Po Box 1489

Sherwood, OR 97140

2S128C0-00501

Key Equipment Finance Inc

66 S Pearl St FL 8 Albany, NY 12207 2S128C0-00501

Keybank National Assoc

Po Box 22055 Albany, NY 12201 2S128C0-00501

Allied Systems Company 21433 SW Oregon St

Sherwood, OR 97140

2S128C0-00600

John Niemeyer

15 82nd Dr STE 210

Gladstone, OR 97027

2S128C0-00700

Kenneth & Carol Vandomelen

4825 SW Evans St Portland, OR 97219

2S132AA-00190

Sherwood City Of

22560 SW Pine St

2S132AA-06500

Keith Beaumont

Sherwood, OR 97140

2S128C0-00701

Dahlke Lane Properties Llc 4677 SE Concord Rd

Portland, OR 97267

2S129D0-00600

Washington County Facilites Mgmt

169 N 1st Ave # 42

Hillsboro, OR 97124

2S132AA-01101

Michael D & Lawrence D Kay Llc

22210 SW Murdock Rd

Sherwood, OR 97140

2S132AA-06200

Sherwood City Of

22560 SW Pine St

Sherwood, OR 97140

14602 SW Brickyard Dr Sherwood, OR 97140 2S132AA-06600 Jean Almond

14616 SW Brickyard Dr

Sherwood, OR 97140

2S132AA-06600

Jean Almond

14616 SW Brickyard Dr Sherwood, OR 97140 2S132AA-06700

Bonnie Miller

14630 SW Brickyard Dr Sherwood, OR 97140 2S132AA-06800

Cindy Nevill

14642 SW Brickyard Dr Sherwood, OR 97140

vood, OIX 37 140

2S132AA-06900 Orfilio & John Naranjo 14650 SW Brickyard Dr Sherwood, OR 97140

2S132AA-07200 David Krempley 14680 SW Brickyard Dr Sherwood, OR 97140

2S132AA-07500 Stanley & Roxane Risner 14718 SW Brickyard Dr Sherwood, OR 97140

2S132AA-09000 Colleen & Debra Clemens 14723 SW Brickyard Dr Sherwood, OR 97140

2S132AA-09200 Kenneth & Patricia Higgason 14673 SW Brickyard Dr Sherwood, OR 97140

2S132AA-09500 James Mcburnett 14637 SW Brickyard Dr Sherwood, OR 97140

2S132AA-09800 Blake & Joan Elison 14615 SW Brickyard Dr Sherwood, OR 97140

2S132AA-10000 Orland Villa Llc 22106 SW Orland St Sherwood, OR 97140

2S132AA-11100 Thomas & Suzanne Feller 16980 SW Red Rock Way Beaverton, OR 97007

2S132AA-11400 Rose & Shawn Mcgrady 22075 SW Chesapeake PI # 22077 Sherwood, OR 97140 2S132AA-07000 Audrey O Leary & Dawn Leary 14658 SW Brickyard Dr Sherwood, OR 97140

2S132AA-07300 Abdallah Salame 14694 SW Brickyard Dr Sherwood, OR 97140

2S132AA-07600 Donald & Renate Liss 707 N 7th St Carlton, OR 97111

2S132AA-09000 Colleen & Debra Clemens 14723 SW Brickyard Dr Sherwood, OR 97140

2S132AA-09300 Holly Jackson & William Lewis 32055 NE Corral Creek Rd Newberg, OR 97132

2S132AA-09600 James & Gail Mcgill 14625 SW Brickyard Dr Sherwood, OR 97140

2S132AA-09900 Dennis & Kristen Titko 14603 SW Brickyard Dr Sherwood, OR 97140

2S132AA-10200 Atley Estates Homeowners Assoc 14673 SW Brickyard Dr Sherwood, OR 97140

2S132AA-11200 Rebecca Osmond & Jason Berg 22095 SW Chesapeake PI Sherwood, OR 97140

2S132AA-11500 Robert & Amanda Taylor 14596 SW Oregon St Sherwood, OR 97140 2S132AA-07100 Meghan Jackson 14672 SW Brickyard Dr Sherwood, OR 97140

2S132AA-07400 Zeb & Alyssa Menle 14706 SW Brickyard Dr Sherwood, OR 97140

2S132AA-07700 Paul & Stephanie Spath 14738 SW Brickyard Dr Sherwood, OR 97140

2S132AA-09100 Daniel Goodyear 14685 SW Brickyard Dr Sherwood, OR 97140

2S132AA-09400 Thomas & Penny Wade 14645 SW Brickyard Dr Sherwood, OR 97140

2S132AA-09700 Carol Riggs 14619 SW Brickyard Dr Sherwood, OR 97140

2S132AA-10000 Mary Consani 2909 NE 166th Way Ridgefield, WA 98642

2S132AA-11000 Sandra & Richard Miles 22115 SW Chesapeake PI Sherwood, OR 97140

2S132AA-11300 Samuel & Stesha Powers 22085 SW Chesapeake PI Sherwood, OR 97140

2S132AA-11600 Empyrean Real Estate Llc 13751 SW Rock Creek Rd Sheridan, OR 97378 2S132AA-11700 James & Colleen Buckner 59 Margate St Daly City, CA 94015

2S132AA-12000 Lisa & James Burton 22080 SW Chesapeake PI Sherwood, OR 97140

2S13300-00200 Gertrude Barnard 14260 SW Tonquin Rd Sherwood, OR 97140

2S13300-00400 Woodburn Industrial Capital Grou 395 Shenandoah Ln NE Woodburn, OR 97071

2S13300-02500 United States Of America Dept Of 911 NE 11th Ave Portland, OR 97232

2S133BB-00200 United States Of America Dept Of 911 NE 11th Ave Portland, OR 97232 2S132AA-11800 22060 Chesapeake Place Llc Po Box 1626 Sherwood, OR 97140

2S132AA-12100 Preston & Rochelle Griffin 22090 SW Chesapeake PI Sherwood, OR 97140

2S13300-00201 Gertrude Barnard 14260 SW Tonquin Rd Sherwood, OR 97140

2S13300-00401 Martin & Cynthia Walker 14240 SW Tonquin Rd Sherwood, OR 97140

2S13300-02500 United States Of America & Dept Of The 911 NE 11th Ave Portland, OR 97232

2S133BB-00300 Sherwood City Of 22560 SW Pine St Sherwood, OR 97140 2S132AA-11900 Calla Lilly 22070 SW Chesapeake Pl Sherwood, OR 97140

David Hiser 22100 SW Chesapeake Pl Sherwood, OR 97140

2S132AA-12200

2S13300-00300 Wayne & Karen Depriest 14250 SW Tonquin Rd Sherwood, OR 97140

2S13300-00403 Wayne & Karen Depriest 14250 SW Tonquin Rd Sherwood, OR 97140

2S133BB-00100 Woodburn Industrial Capital Grou Po Box 1060 Woodburn, OR 97071

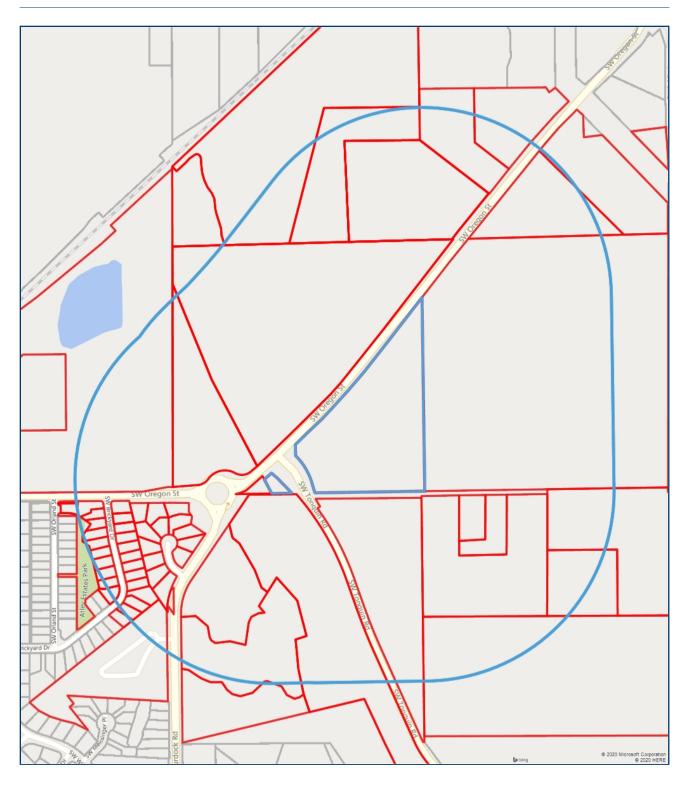
2S133BB-00400 United States Of America Dept Of 911 NE 11th Ave Portland, OR 97232



1000 ft Buffer

21720 SW Oregon St, Sherwood, OR 97140

Report Generated: 6/16/2020



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ORDINANCE 2020-008

APPROVING ANNEXATION OF 10.90 ACRES TO THE CITY OF SHERWOOD AND 10.50 ACRES TO CLEAN WATER SERVICES WITHIN THE TONQUIN EMPLOYMENT AREA, COMPRISED OF ONE TAX LOT AND THE ADJACENT SW OREGON STREET AND SW TONQUIN ROAD RIGHT-OF-WAY

WHEREAS, Bruce and Karen Polley, property owners of 21720 SW Oregon St. (TL 2S128C000500), have applied for annexation of certain land, as described in Exhibits A, B, C, & D to this Ordinance, to the City of Sherwood; and

WHEREAS, the property owner initiated this annexation in accordance with ORS Chapter 222 and SB 1573 (2016); and

WHEREAS, SB 1573 requires City approval without submission to the electors, regardless of any local charter or ordinance requirements to the contrary, of annexation requests submitted by all owners of land in the territory proposed to be annexed, when:

- (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;
- **(b)** The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;
- **(c)** At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right-of-way or body or water; and
- (d) The proposal conforms to all other requirements of the city's ordinances; and

WHEREAS, the Tonquin Employment Area Concept Plan, which includes the territory proposed to be annexed, was brought into the Urban Growth Boundary in 2004 by Metro via Ordinance 04-1040B; and

WHEREAS, the City of Sherwood developed a concept plan for that area and adopted the concept plan and implementing ordinances in 2010 via Ordinance 2010-014; and

WHEREAS, the lot (the territory) that is proposed to be annexed is contiguous to the current city limits; and

WHEREAS, the total land proposed to be annexed to the City of Sherwood is 10.90 acres which includes a 9.53-acre parcel and 1.37 acres of adjacent right-of-way and;

WHEREAS, a portion of the subject territory is not currently within Clean Water Services boundaries and 10.50 acres will be added to the Clean Water Services district boundary upon annexation under the authority of ORS 199.510(2)(c); and

WHEREAS, the City does not presently have any other ordinance requirements applicable to this annexation request; and

WHEREAS, the properties proposed to be annexed are currently in unincorporated Washington County and part of the Washington County Service Districts for Enhanced Law Enforcement; and

WHEREAS, Washington County and the City of Sherwood have entered into an agreement acknowledging that the City of Sherwood should be the ultimate provider of urban services in the Tonquin Employment Area; and

WHEREAS, these properties must be within the City limits in order to be developed for the urban uses and densities planned for in the Tonquin Employment Area Concept Plan; and

WHEREAS, after proper legal notice, a public hearing was held on the proposed annexation by the City Council on September 1, 2020, at which public comments and testimony were received and considered; and

WHEREAS, the Council reviewed and considered the staff report with proposed findings and conclusions for the decision which is included as Exhibit 1 to the Council staff report.

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

- Section 1. The territory proposed to be annexed to the City of Sherwood is specifically identified in a legal description (Exhibit A) and map (Exhibit B), and the territory proposed to be annexed to Clean Water Services is specifically identified in a separate legal description (Exhibit C) and map (Exhibit D), each of which are attached to this Ordinance.
- <u>Section 2.</u> The subject territory annexed by this Ordinance and described in Section 1 and Exhibits C and D will be added to the Clean Water Services district under ORS 199.510(2)(c).
- <u>Section 3.</u> The applicant has demonstrated that the annexation all of the territory proposed to be annexed meets all applicable requirements, as documented in Exhibit 1 to the City Council Staff Report.
- Section 4. Upon annexation, the Comprehensive Plan zoning designation of Employment Industrial (EI) adopted via Ordinance 2010-014 implementing the Tonquin Employment Area Concept Plan, will apply to all of the territory proposed to be annexed.
- Section 5. Pursuant to ORS 222.520 and 222.120(5), the City Council declares that upon the effective date of the annexation, all of the annexed territory will be withdrawn from the Washington County Service Districts for Enhanced Law Enforcement.
- <u>Section 6.</u> All of the territory proposed to be annexed is hereby declared annexed to the City of Sherwood.
- **Section 7.** This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 1st of December, 2020.

	Keith Mays, Mayor		Date
Attest:			
Sylvia Murphy, MMC, City Recorder		<u>AYE</u>	NAY
	Scott Griffin Brouse Young		
	Garland Rosener Mays		



AKS ENGINEERING & FORESTRY, LLC 12965 SW Herman Road, Suite 100, Tualatin, OR 97062 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Legal Description
City of Sherwood Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 484.43 feet to the southwest corner of Document Number 2008-025922 and the True Point of Beginning; thence along the westerly line of said Deed and the northerly extension thereof. North 24°57'57" West 110.53 feet to the centerline of SW Oregon Street and the City of Sherwood city limits line; thence along said centerline and said city limits line on a non-tangent curve to the left (with radial bearing North 34°03'55" West) with a Radius 236.00 feet, Delta of 09°08'42", Length of 37.67 feet, and a Chord of North 51°21'44" East 37.63 feet; thence continuing along said centerline and said city limits line, North 46°47'23" East 515.84 feet; thence along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and said city limits line, South 49°05'29" East 37.00 feet to the northeast corner of said Deed on the southeasterly right-of-way line of SW Oregon Street (37.00 feet from centerline); thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Quarter of Section 28; thence along said south line, North 88°50'36" West 824.61 feet to the True Point of Beginning.

The above described tract contains 10.9 acres, more or less.

06/09/2020

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS

UKKe

RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY____

JUN 15 2020

WASHINGTON COUNTY A & T CARTOGRAPHY

EXHIBIT B A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON **ANNEXATION CERTIFIED** S49'05'29"E JUN 15 2020 37.00' WASHINGTON COUNTY A & T **CARTOGRAPHY** DOC. NO. SCALE: 1"= 200 FEET 94-047965 DOC. NO. 2018-077469 40 S01'32'54"W 989.74' DOC. NO. 2008-025922 CITY OF AREA: 10.9 ACRES± SHERWOOD CITY LIMITS POINT OF **BEGINNING** SW CORNER OF SEC. 28 29 28 S88'50'36"E 484.43' N24°57'57"W N88'50'36"W 824.61' SOUTH LINE OF 110.53 TRUE POINT THE SW 1/4 OF BEGINNING OF SEC. 28 CURVE TABLE **LENGTH CHORD RADIUS DELTA** CURVE 06/09/2020 N51'21'44"E 37.63' 9'08'42" 37.67 C1 236.00' REGISTERED PROFESSIONAL AND SURVEYOR 126.36 N44'01'53"E 126.31' 1312.33' 5'31'00" lik Kal EXHIBIT CITY ANNEXATION AREA B DRWN: MHJ JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS AKS ENGINEERING & FORESTRY, LLC CHKD: MSK 12965 SW HERMAN RD, STE 100 AKS JOB: TUALATIN, OR 97062 RENEWS: 6/30/21 7971 503.563.6151 WWW.AKS-ENG.COM

DWC: 7971 ANN 2-CITY EXHIBITION 2000, 2011



AKS ENGINEERING & FORESTRY, LLC 12965 SW Herman Road, Suite 100, Tualatin, OR 97062 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7971

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

Exhibit C

Legal Description
Clean Water Services Annexation

A tract of land located in the Southwest One-Quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of said Section 28; thence along the south line of said Southwest One-Quarter of Section 28, South 88°50'36" East 651.35 feet to the southwesterly right-of-way line of SW Tonquin Road (variable width right-of-way) and the Clean Water Services district boundary line and the True Point of Beginning; thence along said boundary line and said southwesterly right-of-way line on a non-tangent curve to the left (radial bearing South 50°32'27" West) with a Radius of 1412.56 feet, Delta of 04°10'05", Length of 102.76 feet, and a Chord of North 41°32'35" West 102.74 feet; thence continuing along said southwesterly right-ofway line and said boundary line and the northwesterly extension thereof, North 43°37'37" West 116.00 feet to the centerline of SW Oregon Street; thence along said centerline and continuing along said boundary line, North 46°47'23" East 466.48 feet; thence continuing along said centerline and said boundary line, along a curve to the left with a Radius of 1312.33 feet, Delta of 05°31'00", Length of 126.36 feet, and a Chord of North 44°01'53" East 126.31 feet; thence North 41°16'23" East 562.79 feet; thence North 41°05'27" East 8.35 feet; thence leaving said centerline and continuing along said boundary line, South 49°05'29" East 37.00 feet to the northeast corner of Document Number 2008-025922; thence along the east line of said Deed, South 01°32'54" West 989.74 feet to the south line of the Southwest One-Ouarter of Section 28: thence leaving said boundary line and along said south line, North 88°50'36" West 657.70 feet to the True Point of Beginning.

The above described tract contains 10.5 acres, more or less.

06/09/2020

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JANUARY 12, 2016 MICHAEL S. KALINA

DENEWS: 6/30/21

ANNEXATION CERTIFIED

3Y_____

JUN 15 2020

WASHINGTON COUNTY A & T CARTOGRAPHY

Exhibit D A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 28, T2S, R1W, W.M., WASHINGTON COUNTY, OREGON ANNEXATION CERTIFIED S49'05'29"E JUN 15 2020 37.00' **WASHINGTON COUNTY A & T CARTOGRAPHY** SCALE: 1"= 200 FEET DOC. NO. 94-047965 DOC. NO. 200 0 40 2018-077469 S01'32'54"W 989.74 DOC. NO. 2008-025922 CLEAN WATER SERVICES DISTRICT AREA: 10.5 ACRES± **BOUNDARY** POINT OF **BEGINNING** SW CORNER N43'37'37"W OF SEC. 28 116.00 S88'50'36"E 651.35' C1 L=102.76 N88'50'36"W 657.70' SOUTH LINE OF-TRUE POINT THE SW 1/4 OF SEC. 28 OF BEGINNING CURVE TABLE **CURVE RADIUS DELTA LENGTH** CHORD 06/09/2020 410'05" N41'32'35"W 102.74' C1 1412.56 102.76 **REGISTERED** PROFESSIONAL LAND SURVEYOR 5'31'00" 1312.33' 126.36 N44°01'53"E 126.31' **EXHIBIT CWS ANNEXATION AREA** В OREGON JANUARY 12, 2016 MICHAEL S. KALINA 89558PLS AKS ENGINEERING & FORESTRY, LLC DRWN: MHJ CHKD: MSK 12965 SW HERMAN RD, STE 100 AKS JOB: TUALATIN, OR 97062 RENEWS: 6/30/21 7971 503.563.6151 WWW.AKS-ENG.COM

280

DWC: 7971 ANNE OCH PROPERTY 2020-008, EXH's A-D November 17, 2020, Page 4 of 4

City Council Meeting Date: December 1, 2020

Agenda Item: Public Hearing (2nd Reading)

TO: Sherwood City Council

FROM: Erika Palmer, Planning Manager

Through: Joseph Gall, ICMA-CM, City Manager Julia Hajduk, Community Development Director,

Josh Soper, City Attorney

SUBJECT: Ordinance 2020-010, Adopting the Sherwood 2019-2039 Housing Needs Analysis as

a Sub-Element of the Comprehensive Plan

Issue:

Shall the City Council adopt the Housing Needs Analysis 2019-2039 as a sub-element of the City's Comprehensive Plan?

Background:

A Housing Needs Analysis (HNA) is a document used by cities throughout the state to demonstrate compliance with Statewide Planning Goal 10 (Housing) and which provides jurisdictions with a factual basis to support future residential housing planning efforts. The HNA 2019-2039 prepared for Sherwood describes the current housing market, historical and recent housing trends, and current and future demographic characteristics of Sherwood. The HNA also forecasts future housing needs based on these considerations and the Metro 2018 Urban Growth Report forecasted growth rate. The HNA contains a Buildable Lands Inventory and addresses residential land sufficiency inside the urban growth boundary (UGB) to meet Sherwood's housing needs for the 20-year planning horizon.

This HNA was initially developed as part of the Sherwood West Preliminary Concept Plan in 2015, but the City's HNA 2015-2035 was not adopted or processed as an amendment to the City's Comprehensive Plan. In 2018, as a requirement of Metro's legislative urban growth boundary expansion request process, the HNA was updated. However, the City ultimately did not move forward with making a formal request to expand the UGB at this time, and Council reviewed the 2018-2019 HNA and remanded it back to Planning Commission for additional review and modifications.

As part of the Sherwood 2040 Comprehensive Plan update process, adopting an HNA is a requirement to meet Statewide Planning Goal 10, "Housing," and its implementing Oregon Administrative Rule (OAR) 660-007, the Metropolitan Housing Rule.

With guidance from the Planning Commission and staff, the consultants previously hired by the City to develop the HNA, ECONorthwest, prepared a modified HNA. The Planning Commission held a work session on August 11, 2020, to review the document and the requested changes.

Amendments to the Comprehensive Plan require a public hearing and recommendation from the Planning Commission before being considered by the City Council. On October 27, 2020, in conformance with the

Sherwood Community and Zoning Code 16.80, Plan Amendments, the Planning Commission held a public hearing and recommended that the Council adopt the proposed HNA.

If adopted by Council, this HNA will become a sub-element of the City's current Comprehensive Plan. This HNA is not proposing any changes to the current Comprehensive Plan housing policies. Instead, through the Sherwood 2040 Comprehensive Planning update, new housing goals and policies will be drafted. This HNA 2019-2039 will also be incorporated as a sub-element of this new plan when it is adopted in the Spring of 2021.

Financial Impacts:

There are no additional financial impacts as a result of the approval of this ordinance.

Recommendation:

Staff respectfully recommends City Council hold the 2nd reading on Ordinance 2020-010, adopting the Sherwood 2019-2039 Housing Needs Analysis as a sub-element of the Comprehensive Plan.

Attachments:

Public Testimony

- 1) Kelly Ritz, November 14, 2020
- 2) John (Jack) Kearny, November 16, 2020



Tomorrow's Communities

Today November 14, 2020

Mayor Mays and Council City of Sherwood 22560 SW Pine Street Sherwood, OR 97140

Re: Housing Needs Analysis

Honorable Mayor and Council:

My name is Kelly Ritz, President of Venture Properties, Inc. and our associated home building company, Stone Bridge Homes NW, LLC. In 2015, we began development of the Mandel Farms subdivision, an 86-lot detached home community at Edy and Elwert Roads. We closed on our last home in October 2019. It was a successful project for us, and we are very appreciative of the support we have received from the community and City staff. We look forward to our next project here.

Being a part of the housing industry in Sherwood, we are interested in the City's future planning efforts and housing policies. Of primary interest to us, naturally, is the future availability of residential development land. We met recently with Erika Palmer and Julia Hajduk to discuss the City's Comprehensive Plan efforts and the recently-updated Housing Needs Analysis (HNA) being presented to City Council for approval. Staff encouraged us to review the study and submit any thoughts and critique as testimony for Council to consider.

My staff and I read the entire report. We found it to be thorough, well researched and documented, logical in its analysis and presentation of the data, and a readable narrative. Of particular interest to us are the conclusions as they pertain to the supply and demand for residential development land. Following is Table 9 from page 40:

Table 9. Comparison of capacity of existing residential land with demand for new dwelling units, dwelling units, Sherwood planning area, 2019-2039

	Capacity		Comparison Capacity minus Demand
	(Needed	Housing	(dwelling
Zone	Densities)	Demand	units)
Very Low Density Residential	76	95	-19
Low Density Residential	144	182	-38
Medium Density Residential-Low	382	536	-154
Medium Density Residential-High	266	518	-252
High Density Residential	253	398	-145
Total	1,121	1,729	-608

Source: ECONorthwest Note: DU is dwelling unit.

As shown, over the 20-year, 2019-2039 forecast period, total growth in households (Housing Demand) is forecasted at 1,729 housing units. The total supply of vacant land (Capacity) currently existing within the Sherwood metro UGB is estimated to support 1,121 housing units. So, projected new housing demand over the next 20 years exceeds the capacity of existing undeveloped land available to support this growth by **a deficit of 608 units**.

Our observations and comments:

- As noted on Table 1 on page 13, the 20-year household growth projection of 1,729 units is based on Metro's 2040 Forecast (as extrapolated by the consultant). This represents a 1.1% average annual rate of growth for the period.
- This forecast is conservative, probably significantly so. As the study states, the 1.1% Metro forecast compares to Sherwood's actual 3.4% annual population growth from 2000-2013, and 8.0% between 1990-2013. Even the smaller of these historical growth rates is more than 300% of the Metro forecast. If we conservatively assume 200% of the Metro rate, the 20-year forecast increases to nearly 3,500 units, which in turn increases the land deficit to 2,379 units. At these rates, the available vacant land in the Sherwood metro UGB would be fully absorbed in a little over six years.
- On the supply side, while the vacant land inventory may provide Capacity for 1,121 units, the *availability* of this land for development is unpredictable, particularly as to timing. It is dependent in large part on the current owners' motivations and ability to sell, which can vary significantly from one owner to the next. Some properties may be available now, others may not come to the market for years or even decades.

• The combined effect of these demand and supply characteristics is to push the near-term land deficit higher and to accelerate the point in time at which land could become virtually unavailable for new development. This result would have serious implications for Sherwood's ability to accommodate new household growth and to maintain housing affordability.

The take-away from our analysis is that action by the City is required now to assure future availability of residential land in Sherwood beyond the next 4-5 years. The HNA acknowledges this fact, stating on p. 40 that "the current inventory of buildable land is **not** sufficient to accommodate Sherwood's expected growth. To comply with Goal 10, the City will need to either change its policies to allow for more development on the inventory of vacant land, request a UGB expansion from Metro, or both."

We agree. Regarding the latter recommendation, there is an immediate opportunity for Sherwood to initiate efforts toward a small UGB expansion that could result in new homes in as soon as four years. In 2017, the Oregon legislature authorized a mid-cycle UGB amendment process (ORS 197.299.5-6) that allows Metro to consider expansion proposals to provide nearer-term housing in advance of the cyclical growth management review that Metro undertakes every six years. That next review would not occur until 2024.

We realize that considerable work must go into such a proposal, but the reward for this effort is that Sherwood could potentially obtain a three-year jump start on a minor, near-term UGB expansion to help reduce the land deficit identified in the HNA. Please strongly consider supporting the submittal of a mid-cycle UGB expansion proposal.

Thank you for your consideration of our testimony.

Sincerely

Kelly Ritz, President Venture Properties, Inc. John M. (Jack) Kearney Principal Broker and Owner You Realty 650 NE Holladay St., Ste 1600 Portland, OR 97232

November 16, 2020

Mayor Mays and Council City of Sherwood 22560 SW Pine Street Sherwood, OR 97140

Re: Housing Needs Analysis and Mid-Cycle UGB Expansion Request

Honorable Mayor and Council:

My name is Jack Kearney, Principal Broker and Owner of You Realty. I am writing on behalf of my clients, the Christens and the Schmidts, who own the properties at 18201 and 18107 SW Edy Road. These properties total approximately 14.6 acres that are contiguous to the Sherwood city limits. Both properties are outside the Urban Growth Boundary (UGB) and within the Sherwood West Preliminary Concept Plan.

Since 2016, we have been under contract to sell the properties to Venture Properties for a future housing development. As with many land agreements for development, closing will not occur until a land-use application is approved. We understood at the outset that this could take many years, mainly due to the uncertainties associated with bringing the properties into the UGB.

We have been working toward bringing the properties into the UGB for several years. This has been done in coordination with Dennis Christen's participation in the Citizen Planning Committee for Sherwood West. We were optimistic expansion would occur in 2018 when the city proposed a request to Metro that portions of Sherwood West, including our land, be included in cyclical six-year urban land review process. We understand political uncertainties and other factor caused the withdrawal of that request. There is another opportunity for Sherwood to submit a UGB expansion request under a new mid-cycle review process.

We have a copy of Metro's "Mid-Cycle UGB Expansion Proposal Guidance" document ("Proposal Guide"). From our review of it, we found several compelling reasons for Sherwood to consider submitting an expansion request. We feel the Christen-Schmidt properties are well-suited to Metro's intent and purpose for this new program. Below are our thoughts on this:

 As stated in the Proposal Guide, Metro is willing to consider "expansion proposals that can provide nearer-term housing opportunities than the cyclical growth management decisions that the Council makes at least every six years." That is, Metro is looking for development opportunities for new housing that cannot wait for the next formal review cycle (2024). Part of the purposes is to allow cities to fine-tune past requests or it initiate new, smaller-scale requests for expansion. Metro area housing is needed now, so the ideal properties for consideration will be those that are close to development-ready and can produce new homes within a few years.

- The Christen-Schmidt properties are fully served with existing utilities along Edy Road. Our buyer, Venture Properties, developed the Mandel Farms subdivision across Edy Road. Their engineer determined that nearly all of the site can be served by sanitary sewer Venture installed in Edy Road. Once the UGB is expanded and the Comprehensive Plan amended, the site would be eligible for annexation, land-use review, and site development. There would be no wait for utility extensions. New housing could potentially be permitted (and construction started) in as little as four years.
- The City's Housing Needs Analysis ("HNA") and Staff Report ("SR") indicate that at the historic rate of growth, Sherwood will face a shortage of buildable land in as few as four years (SR, p. 12). According to the Residential Land Sufficiency chart (HNA, p. 40), Sherwood will have a shortfall of 608 dwelling units spread over several zoning classes. The bulk of the shortfall will come in the Medium Density Residential (MDR) classes of MDR-Low (154 units) and MDR-High (252 units). Based on the city's studies and reports from the 2018 expansion request, the Christen and Schmidt properties will likely fall into either or both of these MDR zoning classes. These two zones represent 406 units of the 608-unit shortfall (a little more than 2/3rds). These properties could potentially be buildable within four years. This coincides with the time that the HNA and SR indicate the housing shortfall will start. This four-year delay would not interfere with building within the current UGB and would be the soonest these homes could be permitted.
- Sherwood has an affordability issue. This runs counter to the Comprehensive Plan, Chapter 4 Residential Land Use, Policy 3 which states that "the city will insure the availability of affordable housing and locational choice for all income group." (SR, pp. 5-6). Attached as Appendix I is a report of homes available for sale with Sherwood mailing addresses. Appendix I shows 29 listings that are both within and without city limits. At the low end of pricing is a two-bedroom condominium for sale at \$155,000. The next lowest is a manufactured home that cannot be financed that is offered at \$324,900 (the proposed value for the 1.3 acres on which it sits). The lowest-priced single-family detached home in Sherwood is offered at \$450,000. The next lowest is another tear-down house on 0.6 acres offered at \$524,950. According to this list, there is only one single-family detached home available in Sherwood that has a listing price under \$500,000. The remaining Sherwood listings are all above \$650,000. Even including the lower-priced properties above, the median list price in Sherwood is \$698,000 and the average list price is \$966,638.

- Attached is the Portland Metro Market Action Report for October 2020 ("MAR"). For the entire Metro Area, the average sale price in October was \$516,500 and the median sale price was \$460,000 (MAR, p. 1). Sherwood is located in Area 151 which also includes Tigard, Tualatin, King City, Wilsonville, Aurora, and small portions of Portland and Lake Oswego. The average sale price in Area 151 for October was \$516,700 (MAR, p. 2 which does not include a median sale price for October). The average sale price for Metro and Area 151 were very comparable at \$516,500 and \$516,700. They are not comparable to the average list price in Sherwood (\$966,638) which is 87% higher than the average sale price for Area 151 (\$966,638 divided by \$516,700 = 187%). If you compare the Sherwood median list price (\$698,000) to the Metro median sale price (\$460,000), Sherwood is 151.7% higher. According to these figures, Sherwood far outpaces the Metro Region and the other cities and towns in Area 151. This is strong evidence of an affordability issue which can be addressed by allowing more homes in the MDR zoning classes.
- Expanding the UGB to include more dwelling units in the MDR zoning classes will help the city to address (a) the potential housing shortage, and (b) the affordability issue. With mid-size and smaller lots, the nearly 15 acres owned by the Christens and Schmidts could be developed to provide 60 to 80 units. This represents a range of 15% to 20% of the projected short fall of 406 MDR dwelling units. Homes on smaller lots are generally more affordable than homes on larger lots. That will help address the affordability issue and provide dwelling units for a broader economic range. This will help satisfy Metro guidelines, the Comprehensive Plan, and the HNA goals.

We ask that you consider a mid-cycle UGB expansion for the Schmidt and Christen properties. Their size, location, access to utilities and infrastructure, potential zoning and affordability, and other factors indicate that they would satisfy Metro UGB expansion goals and allow Sherwood to stay on track for growth while also providing more affordable housing.

Thank you for your consideration of our testimony.

John M. Kearney

John M. (Jack) Kearney Principal Broker and Owner You Realty

Average SQFT:

Median SQFT:

2963

2557

Average L\$/SQFT:

\$326

John Kearney 503-455-5500

Residential You Realty

11/16/2020 10:26:17 AM 29 Matches

Active

MLS#	Р	Туре	Address	City	/	Area	Bedrm	Bath	Sqft	Price
20354362	12	CONDO	16850 SW GLENEAGLE DR #20	She	rwood	151	2	1.1	903	\$155,000
20212046	27	RES-MFG	26795 SW CHEHALEM STATION	RD She	rwood	151	3	2	2352	\$324,900
20480471	25	DETACHD	18427 SW SWANSTROM DR	She	rwood	151	3	2.1	1670	\$450,000
20342545	1	DETACHD	11290 SW TONQUIN LOOP	She	rwood	151	2	1	870	\$524,950
20254759	30	DETACHD	23913 SW Heron Lakes DR	She	rwood	151	4	2.1	2557	\$654,900
20118910	26	DETACHD	23924 SW Heron Lakes DR	She	rwood	151	4	2.1	2512	\$658,900
20108074	29	DETACHD	23912 SW Heron Lakes DR	She	rwood	151	4	2.1	2564	\$663,900
20031559	7	DETACHD	21855 SW Meadow TER	She	rwood	151	4	1.1	2138	\$672,000
20449249	7	DETACHD	21801 SW Meadow TER	She	rwood	151	4	2.1	2138	\$675,000
20106746	7	DETACHD	21773 SW Meadow TER	She	rwood	151	4	2.1	2138	\$678,000
20491032	24	DETACHD	23904 SW Old Highway 99	She	rwood	151	4	3	2980	\$684,500
20611676	7	DETACHD	23882 SW Old Highway 99W	She	rwood	151	4	3	2980	\$684,500
20183145	30	DETACHD	23936 SW Old Highway 99W	She	rwood	151	5	3	2980	\$685,500
20180379	7	DETACHD	21888 SW Meadow TER	She	rwood	151	5	2.1	2533	\$695,000
20698096	7	DETACHD	21796 SW Meadow TER	She	rwood	151	5	2.1	2533	\$698,000
20018407	7	DETACHD	21842 SW Meadow TER	She	rwood	151	5	2.1	2800	\$715,000
20096894	7	DETACHD	21784 SW meadow TER	She	rwood	151	5	2.1	2800	\$718,000
20427362	24	DETACHD	18096 SW HANDLEY ST	She	rwood	151	5	3	4091	\$744,444
20291306	32	DETACHD	29757 SW HEATER RD	She	rwood	151	2	1	1202	\$765,000
20565421	22	DETACHD	11300 SW NOOTKA ST	She	rwood	151	3	3	2269	\$795,000
20148775	32	DETACHD	22844 SW CHAPMAN RD	She	rwood	151	4	3	3483	\$1,000,000
20599820	32	DETACHD	27260 SW 207TH AVE	She	rwood	151	3	2.1	3400	\$1,149,999
20640692	32	RES-MFG	17930 SW SEIFFERT RD	She	rwood	151	3	2	1296	\$1,150,000
20580288	32	DETACHD	27875 SW LADD HILL RD	She	rwood	151	4	3.1	2908	\$1,200,000
20175754	23	DETACHD	12477 SW KAME TERRACE CT	She	rwood	151	4	2.4	4639	\$1,395,000
20068453	5	DETACHD	22262 SW SCHMELTZER RD	She	rwood	151	4	4.1	4034	\$1,500,000
20371828	32	DETACHD	16850 SW PARRETT MOUNTAIN	RD She	rwood	151	7	7	9357	\$1,700,000
20433823	32	DETACHD	22345 SW CHAPMAN RD	She	rwood	151	4	4.1	7713	\$1,995,000
19052215	32	DETACHD	28303 SW BAKER RD	She	rwood	151	3	2	2100	\$4,300,000
Total: 29	Acti	ve	Average DOM: 82	Averag	e List:	\$96	66,638			
			Median DOM: 44	Media	n List:	\$69	98,000			

289

A Publication of RMLS™, The Source for Real Estate Statistics in Your Community

Residential Review: Metro Portland, Oregon

October 2020 Reporting Period

October Residential Highlights

New listings (3,515) increased 14.7% from the 3,064 listed in October 2019, and increased 7.7% from the 3,264 listed in September 2020.

Pending sales (3,199) increased 24.2% from the 2,575 offers accepted in October 2019, and increased 1.5% from the 3,152 offers accepted in September 2020.

21.9% from the 2,588 closings in October 2019, and decreased 3.0% from the 3,251 closings in September 2020.

<u>Inventory and Total Market Time</u>

Inventory held steady at 1.1 months in October, and continues to be the lowest on RMLS[™] record. Total market time held steady at 38 days.

Year-to-Date Summary

Comparing the first ten months of 2020 to the same period in 2019, new listings (34,307) decreased 7.5%, pending sales (28,518) increased 7.2%, and closed sales (26,298) increased 4.8%.

Average and Median Sale Prices

Comparing 2020 to 2019 through October, the average sale price has Closed sales (3,155) increased increased 6.5% from \$459,000 to \$489,000. In the same comparison, the median sale price has increased 6.1% from \$410,000 to \$435,000.

Inventory in	Month	ıs*	
	2018	2019	2020
January	2.2	3.3	2.2
February	1.9	2.7	1.9
March	1.6	2.2	1.8
April	1.8	2.2	2.4
May	1.9	2.1	2.3
June	2.1	2.4	1.5
July	2.4	2.3	1.2
August	2.3	2.3	1.3
September	3.1	2.8	1.1
October	2.7	2.4	1.1
November	2.8	2.4	
December	2.5	1.8	

*Inventory in Months is calculated by dividing the Active Residential Listings at the end of the month in question by the number of closed sales for that month. This includes proposed and under construction homes

Percent Change of 12-Month Sale Price **Compared With The Previous 12 Months**

> Average Sale Price % Change: +6.1% (\$484,600 v. \$456,600) Median Sale Price % Change: +6.4% (\$431,000 v. \$405,000)

For further explanation of this measure, see the second footnote on page 2.

Re	ortland Metro esidential ghlights	New Listings	Pending Sales	Closed Sales	Average Sale Price	Median Sale Price	Total Market Time
	October	3,515	3,199	3,155	516,500	460,000	38
2020	September	3,264	3,152	3,251	510,000	451,000	38
	Year-to-date	34,307	28,518	26,298	489,000	435,000	47
2019	October	3,064	2,575	2,588	461,400	410,500	54
20	Year-to-date	37,091	26,599	25,085	459,000	410,000	55
Φ	October	14.7%	24.2%	21.9%	11.9%	12.1%	-28.8%
Change	Prev Mo 2020	7.7%	1.5%	-3.0%	1.3%	2.0%	0.0%
O	Year-to-date	-7.5%	7.2%	4.8%	6.5%	6.1%	-15.4%

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AREA REPORT • OCTOBER 2020

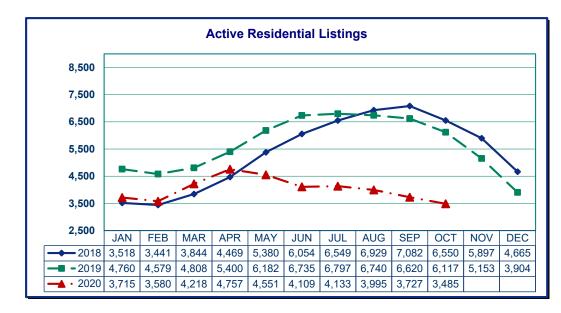
Portland Metropolitan Area, Oregon

									RESI	DENTIAL	AL :						CON	MERCIAL		LAND	MULTIFAMILY	
		Current Month					Year-To-Date						Yea	ır-To-Date	Yea	ır-To-Date	Yea	ar-To-Date				
		Active Listings	New Listings	Expired.Canceled Listings	Pending Sales	Pending Sales 2020 v. 2019¹	Closed Sales	Average Sale Price	Total Market Time ³	New Listings	Pending Sales	Pending Sales 2020 v. 2019 ¹	Closed Sales	Average Sale Price	Median Sale Price	Avg. Sale Price $\%$ Change 2	Closed Sales	Average Sale Price	Closed Sales	Average Sale Price	Closed Sales	Average Sale Price
141	N Portland	177	178	34	144	19.0%	142	450,300	28	1,604	1,250	13.3%	1,174	444,900	430,000	6.5%	9	872,600	18	313,500	32	887,700
142	NE Portland	316	370	67	311	32.9%	299	531,200	31	3,145	2,499	6.9%	2,300	504,200	452,500	4.6%	20	715,900	23	212,500	82	728,500
143	SE Portland	356	462	81	415	34.3%	326	477,300	26	3,958	3,239	3.5%	2,979	457,600	405,000	6.7%	18	502,400	43	278,200	115	687,700
144	Gresham/ Troutdale	217	226	33	202	0.5%	242	412,900	26	2,224	2,019	8.8%	1,909	385,600	374,900	4.8%	15	435,800	34	280,200	30	428,500
145	Milwaukie/ Clackamas	297	283	42	289	27.9%	291	512,100	33	2,947	2,513	14.8%	2,286	474,600	449,900	6.8%	6	531,200	65	297,100	19	575,600
146	Oregon City/ Canby	150	170	22	168	16.7%	145	511,300	41	1,707	1,569	3.4%	1,446	464,000	440,000	5.8%	10	917,700	59	325,700	12	461,700
147	Lake Oswego/ West Linn	213	197	46	193	53.2%	173	756,600	59	1,939	1,488	5.6%	1,326	757,500	639,500	9.9%	1	1,200,000	41	634,700	4	575,000
148	W Portland	821	439	170	310	34.8%	309	685,900	70	4,100	2,605	2.6%	2,428	627,800	550,000	4.5%	9	828,800	40	236,400	27	832,300
149	NW Wash Co.	148	144	23	139	20.9%	166	595,600	36	1,648	1,382	-0.9%	1,313	567,500	524,900	5.2%	2	273,500	36	306,900	11	583,800
150	Beaverton/ Aloha	145	271	38	265	1.9%	269	451,200	28	2,753	2,512	4.6%	2,332	429,700	415,300	4.9%	5	551,000	11	303,100	24	831,300
151	Tigard/ Wilsonville	202	306	27	278	39.7%	266	516,700	34	2,841	2,491	5.0%	2,293	512,700	475,000	8.0%	6	544,200	30	476,900	15	876,700
152	Hillsboro/ Forest Grove	201	233	21	233	33.1%	228	445,600	35	2,650	2,390	25.1%	2,155	433,500	409,900	5.6%	14	505,900	55	276,500	22	569,800
153	Mt. Hood	19	23	2	23	21.1%	18	352,600	50	203	178	-5.8%	167	348,400	341,000	8.9%	-	-	28	128,600	1	332,000
155	Columbia Co.	91	80	11	87	4.8%	99	385,000	27	909	846	8.6%	760	358,800	343,800	10.9%	6	556,700	81	146,500	8	312,000
156	Yamhill Co.	132	133	21	142	6.8%	182	447,400	64	1,679	1,537	4.4%	1,430	424,200	375,000	12.0%	12	1,276,000	89	367,000	17	452,500

¹ Percent change in number of pending sales this year compared to last year. The Current Month section compares October 2020 with October 2019. The Year-To-Date section compares 2020 year-to-date statistics through October with 2019 year-to-date statistics through October.

² % Change is based on a comparison of the rolling average sale price for the last 12 months (11/1/19-10/31/20) with 12 months before (11/1/18-10/31/19).

³ Total Market Time is the number of days from when a property is listed to when an offer is accepted on that same property. If a property is re-listed within 31 days, Total Market Time continues to accrue; however, it does not include the time that it was off the market.



ACTIVE RESIDENTIAL LISTINGS

PORTLAND, OR

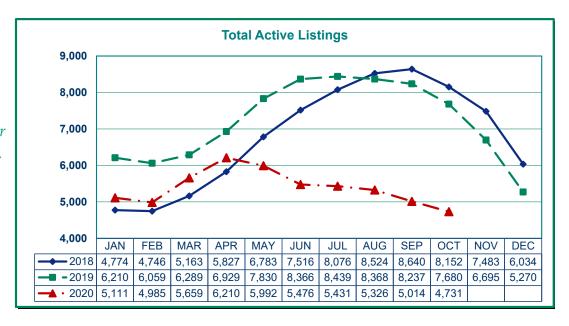
This graph shows the active residential listings over the past three calendar years in the greater Portland,

Oregon metropolitan area.

LISTINGS

PORTLAND, OR

This graph shows the total active listings over the past three calendar years in the greater Portland, Oregon metropolitan area.

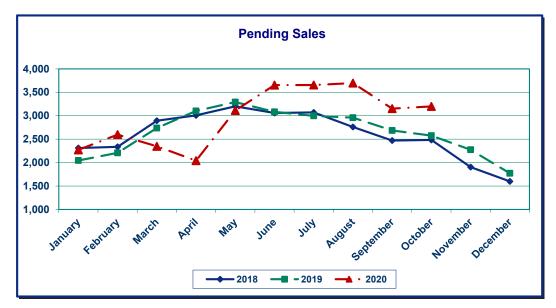




NEW LISTINGS

PORTLAND, OR

This graph shows the new residential listings over the past three calendar years in the greater Portland, Oregon metropolitan area.



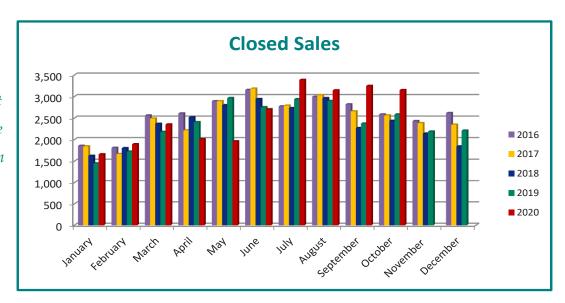
PENDING LISTINGS

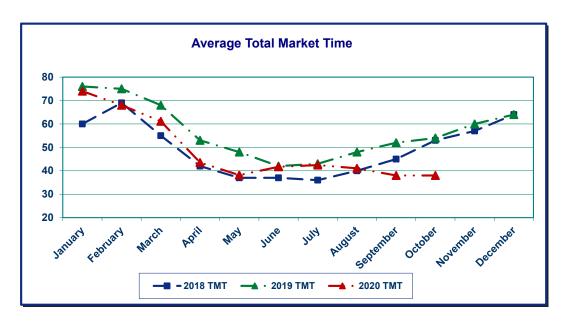
PORTLAND, OR

This graph represents
monthly accepted offers
in the Portland, Oregon
metropolitan area over
the past three calendar
years.

CLOSED SALES PORTLAND, OR

This graph shows the closed sales over the past five calendar years in the greater Portland, Oregon metropolitan area.





DAYS ON MARKET

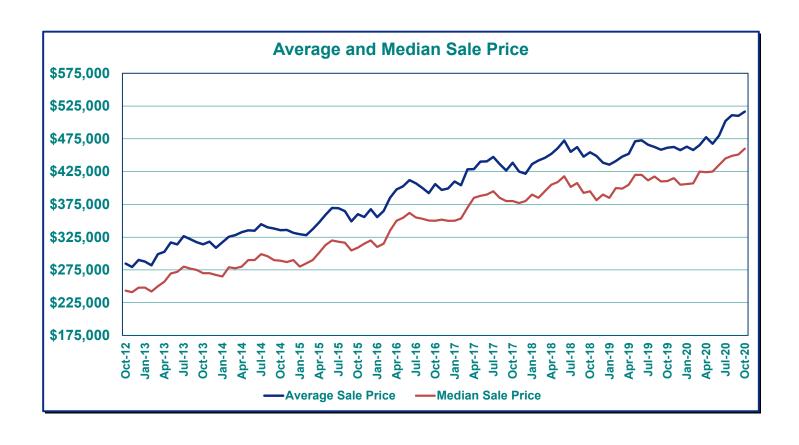
PORTLAND, OR

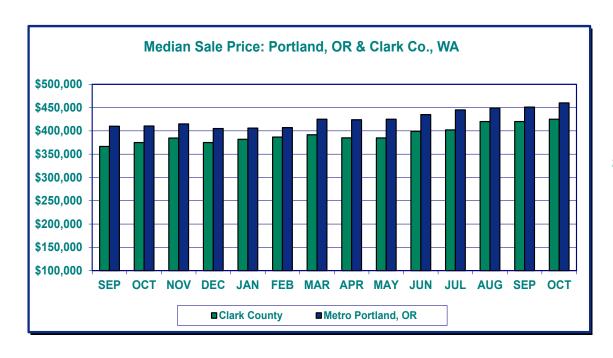
This graph shows the average market time for sales in the Portland,

Oregon metropolitan area over the past three calendar years.

SALE PRICE PORTLAND, OR

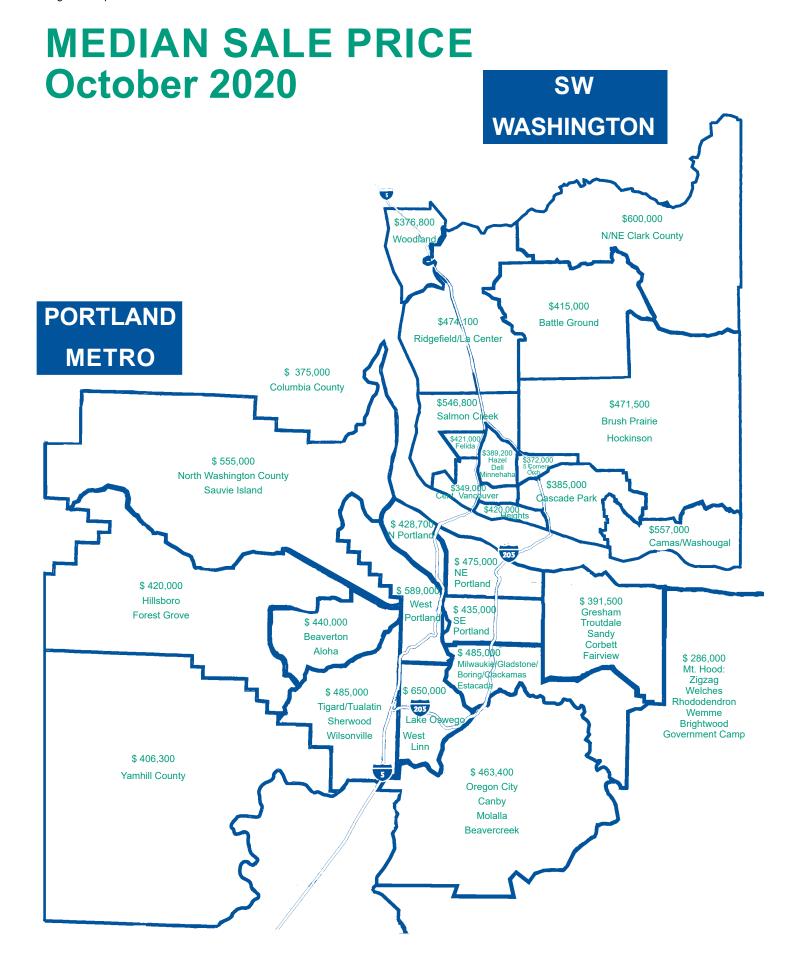
This graph represents the average and median sale price for all homes sold in the Portland, Oregon metropolitan area.





MEDIAN SALE PRICE PORTLAND, OR

This graph shows the median sale price over the past 12 months in the greater Portland,
Oregon, metropolitan area and Clark
County.





ACTIVE & CLOSED CONDOS

PORTLAND, OR

This graph shows the number of active and closed condos in the Portland, Oregon, metropolitan area.

Contact RMLS[™]
16101 SW 72nd Ave.
Suite 200
Portland, OR 97224
(503) 236-7657
communications@rmls.com

The statistics presented in Market Action are compiled monthly based on figures generated by RMLS™.

Market Action Reports are compiled for the following areas: Portland metropolitan area, Southwest Washington, Mid-Columbia, Columbia Basin, Baker County, Coos County, Curry County, Douglas County, Grant County, Josephine County, Lane County, North Coastal Counties, Polk & Marion County, and Wallowa County.

RMLS[™] was formed by area Boards and Associations of REALTORS[®] in 1991.

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AFFORDABILITY

PORTLAND, OR

This graph shows the affordability for housing in Portland, Oregon in September 2020.



AFFORDABILITY - According to a formula from the National Association of REALTORS®, buying a house in the Portland metro area is affordable for a family earning the median income. A family earning the median income (\$92,100 in 2020, per HUD) can afford 128% of a monthly mortgage payment on a median priced home (\$451,000 in September). The formula assumes that the buyer has a 20% down payment and a 30 year fixed rate of 2.89% (per Freddie Mac).



Rick Jenkins, Chairman of the Board Kurt von Wasmuth, President/CEO Tyler Chaudhary, Editor



ORDINANCE 2020-010

ADOPTING THE SHERWOOD 2019-2039 HOUSING NEEDS ANALYSIS AS A SUB-ELEMENT OF THE COMPREHENSIVE PLAN

WHEREAS, Oregon law requires that state, regional and local governments plan for the housing needs of the people of the state; and

WHEREAS, Sherwood has not adopted an updated housing needs analysis since updating and adopting the existing Comprehensive Plan (Part 2) in 1992 by Ordinance 91-922; and

WHEREAS, Sherwood has experienced significant growth since then; and

WHEREAS, the City contracted with ECONorthwest to conduct a Housing Needs Analysis (HNA) that will inform and provide context for the planning of Sherwood's future growth; and

WHEREAS, the adoption of this updated HNA (HNA 2019-2039) will inform updated goals and policies in the Sherwood 2040 Comprehensive plan, and satisfies Statewide Planning Goal 10 – Housing; and

WHEREAS, the Sherwood Planning Commission conducted a work session to review HNA 2019-2039 on August 11, 2020; and

WHEREAS, the Planning Commission, after Public Hearing Notice was provided to a list of partner agencies, posted in locations in the City and on the City website, and advertised in The Times, a newspaper of general circulation in the City, held a public hearing on October 27, 2020 to review HNA 2019-2039 and to gather additional testimony and evidence regarding the proposed amendment; and

WHEREAS, the Planning Commission duly considered the subject, including the staff recommendation and public testimony, and recommended that the City Council adopted HNA 2019-2039 as a sub-element of the Sherwood Comprehensive Plan; and

WHEREAS, after Public Hearing Notice was provided to a list of partner agencies, posted in locations in the City and on the City website, and advertised in The Times, a newspaper of general circulation in the City, the City Council held public hearings on HNA 2019-2039 on November 17, 2020 and December 1, 2020; and

WHEREAS, the City Council has considered the Planning Commission's recommendation, the staff reports, and testimony in this matter and has evaluated HNA 2019-2039 against the Statewide Planning Goals and regional requirements.

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

<u>Section 1.</u> Findings. The City Council hereby adopts as findings in this matter the Planning Commission staff report (Case File 2020-018-PA), attached hereto as Exhibit 1 and incorporated by reference.

DRAFT

<u>Section 2.</u> Amendments. The City Council hereby adopts the Sherwood Housing Needs Analysis 2019-2039, attached hereto as Exhibit 2 and incorporated by reference, as an amendment to and sub-element of the Comprehensive Plan, and which shall replace and supersede all prior Housing Needs Analyses adopted by ordinance, resolution, or motion.

<u>Section 3.</u> <u>Staff Directive.</u> To reflect the adoption of the Sherwood Housing Needs Analysis 2019-2039, staff is directed to make conforming changes to the Comprehensive Plan necessary to incorporate the amendments adopted herein.

Section 4. Effective Date. This Ordinance shall become effective 30 days from its adoption.

CITY OF SHERWOOD

Staff Report LU 2020-018 PA Recommendation to Adopt Housing Need Analysis 2019-2039

Recommendation of the Planning Commission:

The Planning Commission held a public hearing on October 27, 2020, to take testimony and consider the application (LU 2020-018 PA). After receiving no public testimony, the Commission voted to close the public hearing to consider the Housing Needs Analysis (HNA) 2019-2039 and the findings in the staff report. The Planning Commission voted to recommend the HNA's approval with the following changes to the document to the Sherwood City Council. The Planning Commission recommendation is based on the facts and findings in this staff report.

Final recommended changes to the HNA 2019-2039

- Page iii (Executive Summary): Calls out the 30% HUD cost metric for cost burdened households in the footnote
- Page VII (Executive Summary): Adds two additional bullets.
 - 1) To look at future impacts from COVID-19; and
 - 2) Add future assumptions regarding HB 2001 when this analysis is refreshed.
- Page 25: Calls out the general HUD 30% cost metric for cost burdened housing in the subheading and within the footnote
- Page 37: Reformat Table 6
- Page 42: The heading now reads, Conclusions and Recommended Options
- Page 43: Include MDRL in the bullet that speaks to a limited supply of land for moderate and higher-density residential
- Page 43: Last sub-bullet to include the following wording: Sherwood's development code does not provide opportunities for a <u>wider range of housing types</u> and development of housing at moderate multifamily densities of 11.1 to 16.7 dwelling units per acre, the gap in densities between MDRH and HDR. As part of a Comprehensive Plan update, the City may choose to evaluate the need for a zone that allows development in this density, which might include townhouses and moderate-sized apartment or condominium buildings.
- Table B-1: Multi-Family Housing totals 100%.

Erika Palmer, Planning Manager

From:

Proposal: The Planning Commission to review, consider, and recommend adopting the Sherwood Housing Needs Analysis (HNA) for the 2019 to 2039 planning period as a sub-element to the Comprehensive Plan.

I. OVERVIEW

- A. Applicant: The City of Sherwood
- B. <u>Location</u>: The HNA is a technical long-range planning document to be adopted as a sub-element of the Comprehensive Plan; therefore, it applies citywide.
- C. <u>Review Type</u>: The proposal requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council, who will make the final decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals.
- D. <u>Public Notice and Hearing</u>: The project is a legislative amendment. Notice of the first evidentiary hearing was provided to the Department of Land Conservation and Development (DLCD) and Metro on December 24, 2019. Notice of the October 27, 2020, Planning Commission hearing was published in The Times, a newspaper of general circulation, on October 8th and 22nd, 2020. Notice was also posted in public locations around town, and a project page was created on the city's website on October 5, 2020.

E. Review Criteria:

The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC). In addition, the amendment must be consistent with Goals 1, 2, and 10 of the Statewide Planning Goals and Metro's Functional Plan.

F. Background:

This HNA was initially drafted to inform the Sherwood West Preliminary Concept Plan in 2015; however, it was not adopted at that time. The HNA was revised in the Fall of 2017 due to the requirement for an adopted and acknowledged HNA to submitted with an urban growth boundary (UGB) expansion 'Ask' application to Metro. The Planning Commission and City Council held public hearings on the HNA as part of this process. In the Spring of 2017, Council decided not to pursue the UGB Ask application. Council remanded the HNA to the Planning Commission for further refinement as the Commission had significant concerns about the document. In September 2018, the HNA was revised by city staff to address some of the Planning Commission's concerns, and a joint work session with the Sherwood Vision 2040 Community Advisory Committee (CAC) was held with the consultant to review the findings of the document, receive information on the regulatory context and to ask and answer questions. The Planning Commission held a follow-up work session on December 11, 2018, where they provided staff direction on changes they wanted made to the HNA.

The Planning Commission requested a revised HNA with a change in the mix of forecasted housing types. The Commission also asked the housing mix adjusted to 50% single-family detached, 25% single-family attached, and 25% multi-family.

Staff requested the consultant to revise the HNA per the request of the Planning Commission. The HNA in this packet reflects these changes.

The HNA 2019-2039 describes the current housing market, historical and recent housing trends, and Sherwood's current and future demographic characteristics. It forecasts future housing needs based on these considerations and the Metro 2016 Urban Growth Report forecasted growth rate. The HNA contains a Buildable Lands Inventory and addresses residential land sufficiency inside the UGB to meet Sherwood's housing needs for the 20-year planning horizon. The HNA is a technical policy document that will guide future discussions on residential development – Where should the growth occur? What housing types are needed in Sherwood, and where should they be located? What other programs or regulatory tools should the city review and consider promoting needed housing?

The proposed amendment to the Comprehensive Plan for the inclusion of the HNA 2019-2039 does not contain updates to Sherwood's Comprehensive Plan goals and policies, updates to the Plan and Zoning Map, or any updates to the Zoning and Development Code.

The HNA is a technical background supporting document to the City's Comprehensive Plan. The document prepares for the update and revision to the City's Comprehensive Plan's housing element. A complete update of Sherwood's Comprehensive Plan is happening now; the housing goals and policies will be updated based upon information from the 2019-2039 HNA.

II. PUBLIC COMMENTS

Notice was posted in The Times, a general newspaper of local circulation, in town and online, as stated above.

III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected departments and agencies on October 7, 2020. As of the date of this report, no comments have been received.

IV. APPLICABLE DEVELOPMENT CODE CRITERIA

Sherwood Zoning and Community Development Code Chapter 16.80 Plan Amendments

16.80.030 - Review Criteria

A. Text Amendment

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

The last complete HNA update for Sherwood occurred in 1990. The 2015 HNA update became a priority when Metro awarded the city a CET grant for the concept planning of Sherwood's Urban Reserve Area 5B. The 2015 HNA update provided background-housing data for the Sherwood West Preliminary Concept Plan. This new update to the HNA, funded by the City, reflects the 2019-2039 planning period. This HNA will support an update to the City's housing goals and policies to meet State Land Use Goal 10, Housing statutory requirements.

This HNA was developed to comply with requirements of statewide planning policies that govern planning for housing and residential development, Goal 10, its implementing Metropolitan Housing Rule (OAR 660-007), and Metro's 2040 Functional Plan.

FINDING: The proposed Comprehensive Plan Part II amendment to include the HNA 2019-2039 as Exhibit A, is needed to update housing goals and policies to the City's Comprehensive Plan, *Sherwood 2040*, which is expected to be adopted in spring 2021. The updated goals and policies in the Sherwood 2040 plan will be reconciled with the information in this HNA to be consistent. This HNA was developed to understand the city's housing needs, ensuring compliance with Goal 10. The findings of the HNA is that the city is generally in compliance with Goal 10.

B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

- 1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.
- 2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.
- 3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.
- 4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

The proposed amendment to the Sherwood Comprehensive Plan does not include a map amendment(s).

FINDING: Provisions of B1-4 above are not applicable to this request.

C. Transportation Planning Rule Consistency

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

The proposed adoption of the HNA 2019-2039 and text amendment to the Comprehensive Plan provides background data and analysis on housing needs. The update provides factual basis for

future planning efforts related to growth and housing and prepares for a Comprehensive Plan update. No housing goals, policies or land use regulations are being proposed or amended as part of this plan amendment.

FINDING: The adoption of the updated HNA provides the city with the technical and factual background relating to current and future housing needs. No changes to comprehensive plan policies or land use regulations are proposed at this time, but the updated goals and policies in the *Sherwood 2040 Plan* will be reconciled with the HNA 2019-2039 to remain consistent. The amendment will have no effect on transportation facilities.

APPLICABLE COMPREHENSIVE PLAN POLICIES

Chapter 4 - Residential Land Use

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

 Strategy:
 - Higher density residential development will be located so as to take advantage
 of arterial and major collector streets; nearby shopping, parks, mass transit
 and other major public facilities and services.
 - All residential development will be located so as to minimize the impact of nonresidential uses and traffic.
 - New housing will be located so as to be compatible with existing housing.
 Infill and redevelopment projects will not adversely affect established neighborhoods, and additional public notice will be required for infill projects, as depicted on the "Infill Notification Area" map, Map IV-1.
 - Buffering techniques shall be used to prevent the adverse effects of one use upon another. These techniques may include varying densities and types of residential use, design features and special construction standards.
 - The City will encourage the use of the Planned Unit Development (PUD) on parcels of five acres or more in all residential land use categories in order to allow flexibility and innovation in site development and land use compatibility.
- Policy 2 The City will insure that an adequate distribution of housing styles and tenures are available.

Strategy:

- New developments will be encouraged to provide an adequate distribution of owner occupied and renter occupied units of all types and densities.
- The City will allocate land to residential densities and housing types in accordance with a periodic assessment of housing needs.
- The City will maintain a minimum overall density of six (6) dwelling units an acre
- Policy 3 The City will insure the availability of affordable housing and locational choice for all income groups.

Strategy:

- The City will participate in the regional "fair share" housing program to provide housing opportunities for the low and moderate income, elderly, large family and handicapped household.
- The City will reduce housing costs by allocating land for smaller lot single family and manufactured housing uses, providing multi-family housing opportunities,

- expediting the development review process, and assuring that an adequate supply of buildable land is available for all residential categories of use.
- Housing shall be of a design and quality compatible with the neighborhood in which it is located.
- Policy 4 The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

 Strategy:
 - Residential homes for physically or mentally handicapped persons shall be a permitted use in single family zones.
 - Residential care facilities for mentally handicapped persons shall be permitted as a conditional use in the City's medium and high density zones.
 - Family Day Care Providers which accommodate fewer than 13 children or less in the provider's home, shall be permitted in residential and commercial zones.
 - For elderly family members, accessory units, elder cottages, homesharing or share-living residences may be a conditional use in some residential zones.
- Policy 5 The City shall encourage government assisted housing for low to moderate income families.
- Policy 6 The City will create, designate and administer five residential zones specifying the purpose and standards of each consistent with the need for a balance in housing densities, styles, prices and tenures.
 - c. RESIDENTIAL ZONES OBJECTIVES

The following subsection defines the five residential land use classifications to be used in the land use element giving the purpose and standards of each. All density ranges are for minimum lot sizes and shall not restrict larger lots within that residential designation. For each residential designation on the Plan/Zone Map, maximum density has been indicated. The maximum density represents the upper limit which may be allowed - it is not a commitment that all land in that area can or should develop to that density. The implementing ordinances contained in the City Zoning Code define the circumstances under which the maximum density is permissible. Density transfers are applied in instances where appropriate to achieve the purposes of the Plan such as the encouragement of quality planned unit developments, flood plain protection, greenway and park acquisition, and the use of efficient energy systems. Unless these circumstances pertain, the maximum density allowable will be specific in the zoning standards for each designation.

1) Very Low Density Residential (VLDR)
Minimum Site Standards:

1 DU/Acre, 1 acre minimum lot size

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

- Where natural features such as topography, soil conditions or natural hazards make development to higher densities undesirable.
 This zone is appropriate for the Tonguin Scabland Natural Area.
- Along the fringe of expanding urban development where the transition from rural to urban densities is occurring.
- Where a full range of urban services may not be available but where a minimum of urban sewer and water service is available or can be

provided in conjunction with urban development.

2) Low Density Residential (LDR)

Minimum Site Standards:

5 DU/Acre, 7000 sf lot minimum

This designation is intended to provide for the most common urban single family detached home. The designation is applicable in the following general areas:

- Where single family development on individual lots will be compatible with existing natural features and surrounding uses.
- Where a full range of urban facilities and services are provided or can be provided in conjunction with development.
- Where major streets serving development are adequate or can be provided in conjunction with development.
- 3) Medium Density Residential Low (MDRL)

Minimum Site Standards:

8 DU/Acre, 5,000 sq. ft. lot minimum

This designation is intended to provide for dwellings on smaller lots, duplexes, manufactured homes on individual lots, and manufactured home parks. The designation is applicable in the following general areas:

- Where there is easy access to shopping.
- Where a full range of urban facilities and services are provided in conjunction with development.
- Where major streets are adequate or can be provided in conjunction with development.
- 4) Medium Density Residential High (MDRH)

Minimum Site Standards:

11 DU/Acre, 3,200-5,000 sf lot minimum.

This designation is intended to provide for a variety of medium density housing styles, designs, and amenities in keeping with sound site planning. Included in this designation are, low density apartments and condominiums, manufactured homes on individual lots, and row housing. This designation is applicable in the following general areas:

- Where related institutional, public and commercial uses may be appropriately mixed or are in close proximity to compatible medium density residential uses.
- Where a full range of urban facilities and services are provided in conjunction with development.
- Where medium urban densities can be maintained and supported without significant adverse impacts on neighborhood character or environmental quality.
- 5) High Density Residential (HDR)

Minimum Site Standards:

16 DU/Acre, 2,000-5,000 sf lot minimum

This designation is intended to provide for high density multi-family urban housing with a diversity in style, design and amenities in keeping with sound site planning principles in the following general areas:

 Where related public, institutional and commercial uses may be mixed with or are in close proximity to compatible high density residential uses.

- Where a full range of urban facilities and services are available at adequate levels to support high density residential development.
- Where direct access to major fully improved streets is available.
- Where higher density development will not exceed land, air or water carrying capacities.
- Policy 7 In addition to and consistent with the General Land Use policies, the City will encourage appropriate residential densities in the Town Center Overlay District, consistent with the vision, policies, and strategies in the Sherwood Town Center Plan.

The policies above are the residential land use policies from Sherwood's current Comprehensive Plan, Part II. No additions, changes, or modifications, to the policies in the Comprehensive Plan are part of this text amendment. No amendments to the Zoning and Development Code are proposed as part of this Comprehensive Plan amendment. The policies listed above will remain the governing housing policies in Sherwood's Comprehensive Plan until the updated plan, *Sherwood 2040* is adopted in the spring of 2021. The updated housing policies in the *Sherwood 2040 Plan* will be reconciled with this HNA to remain consistent.

The HNA 2019-2039 amends the factual background information and data on which future planning efforts related to housing will be based. The HNA prepares the city for an upcoming Comprehensive Plan update, which will update the residential land use policies to reflect the conclusions on housing needs in the HNA and reflect the community's vision. A completely revised and up to date housing element chapter of the Comprehensive Plan will be included as part of the Comprehensive Plan update.

The Comprehensive Plan's current residential land use policies and the Zoning and Development Code are consistent with Statewide Planning Goal 10, Metropolitan Housing Rule (OAR 660-007), and Metro's 2040 Functional Plan. No changes to the city's current housing goals and policies and to the city's Zoning and Development Code are required as part of the adoption of the HNA 2019-2039 and proposed amendment.

FINDING: The existing housing policies in the current adopted Comprehensive Plan, Part II, will remain and will continue to be the guiding housing policies for the City until the adoption of the Comprehensive Plan update, *Sherwood 2040*. The proposed Comprehensive Plan, Part II: Exhibit A text amendment is not substantive in nature, as it does not amend the Sherwood Comprehensive Plan goals and policies, the Sherwood Plan and Zoning Map, or the Sherwood Zoning and Development Code. The proposed adoption of Sherwood's HNA 2019-2039 and text amendment will provide for factual background information only and will not substantively change current Comprehensive Plan goals and policies or land use regulations.

APPLICABLE STATEWIDE PLANNING GOALS

Goal 1 (Citizen Involvement)

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

FINDING: Staff utilized the public notice requirements of the Sherwood Zoning and Community Development Code, Chapter 16.72, to notify the public of the proposed plan amendment. The City's public notice requirements comply with Goal 1. In addition, the Community Advisory Committee for the city's Visioning process reviewed this document prior to recommended changes from the

Planning Commission in 2018. A Planning Commission work session was held on August 11, 2020, for review and discussion of the document.

The Planning Commission and City Council will hold public hearings on this request prior to adopting the HNA and amendment to the Comprehensive Plan. Public comments received will be addressed and included as part of the record to this plan amendment.

The adoption of the HNA provides technical and factual information and contains no updates or revisions to Comprehensive Plan goals and policies or land use regulations. A complete and robust public involvement program, consistent with Goal 1, is being implemented as part of the Comprehensive Plan update, *Sherwood 2040*, which will address housing goals and policies.

Goal 2 (Land Use Planning)

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

FINDING: The proposed amendment does not alter any goals and policies in the Comprehensive Plan, or changes to Sherwood Plan and Zoning Map and Zoning and Development Code that are already consistent with Goal 2. The HNA will provide a factual basis for future planning decisions and actions as the City's Comprehensive Plan is updated.

Notice was provided to DLCD 35 days prior to the first schedule public hearing as required. The HNA was developed in coordination with Metro, DLCD, to be consistent with applicable regulations.

Goal 3 (Agricultural Lands)
Goal 4 (Forest Lands)

FINDING: Goals 3-4 not applicable to Sherwood.

Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)
Goal 6 (Air, Water and Land Resources Quality)
Goal 7 (Areas Subject to Natural Hazards)
Goal 8 (Recreational Needs)

FINDING: The Statewide Planning Goals 5-8 do not specifically apply to the proposed plan amendment. The information from the HNA, such as the household forecast, residential land sufficiency and buildable lands inventory provide a factual basis of information for the Comprehensive Plan update, *Sherwood 2040*. There is no evidence to suggest that the proposed text amendment is in conflict with these goals. The proposed text amendment does not make any substantive changes to the Sherwood Comprehensive Plan or implementing ordinances that affect compliance with Goals 5-8.

Goal 9 (Economic Development)

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

FINDING: Information in the HNA, such as the household forecast, residential land sufficiency and buildable lands inventory, provides the factual basis of information for the Comprehensive Plan update which will include updating and City's goals and policies related to Goals 9 and the Economic

Opportunities Analysis. The proposed text amendment does not make any substantive changes to the Sherwood Comprehensive Plan or implementing ordinances that affect compliance with Goal 9.

Goal 10 (Housing)

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

Buildable land for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Response:

The City's primary obligations under Goal 10 and its implementing Metropolitan Housing Rule (OAR 660-007) are to (1) provide and plan for enough residential land to accommodate forecasted housing needs for the next 20-years; (2) designate land in a way that provides the opportunity for 50% new housing to be either multi-family or single family attached housing; and (3) achieve an average density of six dwelling units per net acre.

Goal 10 requires incorporated cities to complete an inventory of buildable residential lands and to encourage the availability of adequate numbers of housing units in price and rent ranges commensurate with the financial capabilities of its households. Goal 10 defines needed housing types as "all housing [types] on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at [particular] price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development" ORS 197.303 defines needed housing types:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.

In summary, Sherwood must identify needs for all of the housing types listed above as well as adopt policies that increase the likelihood that needed housing types will be developed. The goals and policies in the city's current Comprehensive Plan meet Goal 10. It is expected that the updated goals and policies in the *Sherwood 2040* comprehensive plan will also meet Goal 10.

FINDING: The Housing Needs Analysis 2019-2039 provides information about the factors that could affect housing development including: historical and recent development trends; projections of new housing units needed in the next 20 years; demographic and socioeconomic factors affecting housing choice, and regional and local trends in housing cost and affordability. The HNA provides a forecast of housing by type and density of housing. The HNA, demonstrates how the existing city zones provides for the needed housing types outline in ORS 197.303. The forecasted growth rate in the HNA 2019-2039 is 1.1% based on Metro's forecast. The HNA includes a Buildable Lands Inventory (BLI) for housing within Urban Growth Boundary. The BLI demonstrates that current land use designation provide an adequate short- and long-term land supply for housing development for meeting existing needs and 65% projected growth over the next 20-years. However, Sherwood has

a deficit of land for 608 dwelling units. Annexations will need to continue in Brookman to provide an adequate land supply.

The HNA analyzes existing development patterns and intensity, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land that is likely to be redeveloped, and compares the exiting supply of land to emerging development trends and projection of needed housing units.

The HNA 2019-2039, which includes the buildable lands inventory (BLI), provides a factual basis that will inform the update to the housing element of the *Sherwood 2040* Comprehensive Plan, as well as updates to its City's implementing ordinances. No changes to the housing goals and policies of the Comprehensive Plan are proposed at this time. No changes to the implementing ordinances of the Comprehensive Plan, Sherwood's Plan and Zoning Map and Sherwood's Zoning the Development Code, are proposed with the adoption of the HNA 2019-2039.

The HNA 2019-2039 makes the following conclusions regarding compliance with Goal 10:

Sherwood will need to plan for enough residential land to accommodate forecasted housing needs for the next 20-years:

- Sherwood is forecast to add 1,728 new households between 2019 and 2039. Of these 700 new households are inside existing city limits; 1,029 new households are outside current city limits.
- Sherwood's land base can accommodate most of the forecast for growth. Vacant and partially
 vacant land in the Sherwood Planning Area has the capacity to accommodate about 65% of
 the forecast for new housing on areas within the city limits and the Sherwood Planning Area.
- Sherwood has a deficit of land for housing. The deficit of land is for 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units); Medium Density Residential-High (252); and High Density Residential (145 dwelling units).
- To provide adequate land supply Sherwood will need to continue to annex the Brookman Area which is primary designated residential in the Sherwood Planning Area. Without Brookman area developing, the City has a projected deficit of 1,155 dwelling units.

Comparison of capacity of existing residential land with demand for new dwelling units, dwelling units, Sherwood planning area, 2019-2039

Zone	Capacity (Needed Densities)	Housing Demand	Comparison Capacity minus Demand (dwelling units)
Very Low Density Residential	76	95	-19
Low Density Residential	144	182	-38
Medium Density Residential-Low	382	536	-154
Medium Density Residential-High	266	518	-252
High Density Residential	253	398	-145
Total	1,121	1,729	-608

Page 40, Sherwood HNA 2019-2039

Source: ECONorthwest

The implications for Sherwood's housing policies as the City moves forward with the Comprehensive Plan update:

- Sherwood will need Sherwood West to accommodate future growth beyond the existing city limits and Sherwood Planning Area (Brookman) inside the UGB. There is deficit of 608 dwelling units over the next 20-years in Sherwood city limits and Brookman Area. The growth rate of Metro's forecast for household growth (1.1% average annual growth) is considerably lower than the City's historical population growth rate over the last 2 decades (8% average annual growth). At the historic growth rate, Sherwood will be out of buildable lands for residential development within 4-10 years. To comply with Goal 10, the City will need to either change its policies to allow for more development on the inventory of vacant land, request a UGB expansion from Metro, or both.
- Sherwood has a relatively limited supply of land for moderate and higher density housing.
 The limited supply of land in these zones is a barrier to development of townhouses and
 multi-family housing, which is needed to meet the housing demand for growth of people over
 65, young families, and moderate-income households. Sherwood will need to plan for a
 greater variety of housing types.
- Sherwood will have an ongoing need for providing affordable housing to lower-income households. About 31% of households in Sherwood have incomes below 80% of the MFI. These household will need a range of housing types, such as lower-cost single family housing, townhouses, or multi-family housing. Sherwood currently has a limited supply of land available in its planning area for moderate and high-density housing.

METROPOLITAN HOUSING RULE

OAR 660-007 (the Metropolitan Housing rule) is designed to "assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary."

OAR 660-007 also specifies the mix and density of new residential construction for cities within the Metro Urban Growth Boundary (UGB):

"Provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances" (OAR 660-007-0030 (1).

OAR 660-007-0035 sets specific density targets for cities in the Metro UGB. Sherwood average density target is six dwelling units per net buildable acre.

FINDING:

The HNA forecast of needed housing unit by mix, Sherwood Planning Area, 2019-2039

	New	
	Dwelling	
Housing Type	Units (DU)	Percent
Single-family detached	865	50%
Single-family attached	432	25%
Multifamily	432	25%
Total	1,729	

Page 27, Sherwood HNA 2019-2039

Source: ECONorthwest

The assumed housing mix meets the requirements of OAR 6660-007-0030 to "designate sufficient buildable land the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing." Sherwood's Zoning and Development Code allows for the opportunity for attached and/or multi-family housing in the MDRL, MDRH, HDR zones. Approximately 126 of the 175 buildable acres in Sherwood City Limits and Planning Area are in these zones (see Table 8, page 39, Sherwood HNA 2019-2039).

The HNA demonstrates that development in Sherwood occurred at considerably higher densities than the minimum allowable densities in each zone. The overall development in Sherwood average from 2000-2014 averaged 8.2 dwelling units per net acre (See Table B-3, Appendix page B-9) The needed density in Sherwood is consistent with the densities achieved in residential zones Sherwood over the 2000-2014 period. These densities are (See Table B-4, Appendix page B-10):

Zone	Dwelling units per net acre
Very Low Density Residential	2.9
Medium Density Residential	6.5
Medium Density Residential High	7.7
High Density Residential	19.1

These densities, when applied to Sherwood's supply of buildable land in the capacity analysis results in an overall density of 7.3 dwelling units per net acre (See page 28, Sherwood HNA 2019-2039). This housing density meets the requirements of OAR 660-007-0035 to "provide for an overall density of six or more dwelling units per net buildable acre." The future density (7.3) is lower than the historical density (8.2) due to the deficit of available HDR and MDRH land. The deficit of HDR and MDRH land as well as the range of densities within the city's medium and high-density zones will be addressed in the upcoming comprehensive plan update.

The HNA concludes that both the maximum density (and minimum lot size) and the historical development density estimates exceed the State requirement (OAR 660-007-0035(2)) to "provide for an overall density of six or more dwelling units per net buildable acre." The estimate results in an average density of between 7.3 to 8.6 dwelling units per net acre.

Range of capacity estimates, Sherwood vacant and partially vacant land, gross acres and gross densities, 2015

		Capacity based Minimum De	_	Capacity based Maximum Der Minium Lo	nsities and	Capacity by Historical De Dens	evelopment	Difference in Capacity between Maximum Densities and Historical Densitites		
			Derived	Dwelling	Derived	Density	Dwelling	Difference in	Difference in	
Zone	Buildable Acres	Dwelling units	Density	units	Density	Assumption	units	Dwelling Units	Density	
Land within City	Limits									
VLDR	24	19	8.0	94	3.9	2.9	69	25	1.0	
VLDR_PUD	1	-	-	4	3.8	2.9	3	1	0.9	
LDR	22	71	3.2	113	5.1	6.5	144	(31)	(1.4)	
MDRL	14	75	5.2	112	7.8	6.1	88	24	1.7	
MDRH	21	111	5.3	223	10.7	7.7	161	62	3.0	
HDR	14	224	16.0	303	21.7	19.1	266	37	2.6	
Subtotal	96	500	5.2	849	8.8		731	118	8.8	
Brookman and (Other Unincorporated	l Areas							_	
VLDR	1	2	1.6	4	3.2	2.9	3	1	0.3	
MDRL	52	275	5.3	401	7.7	6.1	317	84	1.6	
MDRH	8	36	4.7	62	8.1	7.7	58	4	0.4	
MDRL/H*	15	78	5.3	109	7.5	7.5	109	-	=	
HDR	3	49	15.4	70	22.1	19.1	60	10	3.0	
Subtotal	79	440	5.6	661	8.4		547	114	8.4	
Total	175	940	5.4	1,510	8.6	7.3	1,278	232	1.3	

Page 37, Sherwood HNA 2019-2039

The conclusion of the housing needed analysis is that Sherwood's historical densities meet Sherwood's future housing needs. However, the upcoming update the Sherwood's Comprehensive Plan will address revisions to Sherwood's housing policies and implementation ordinances to address the barriers identified in the HNA to developing the forecasted needed housing types, specifically townhouses and multi-family housing, which is needed to meet the housing demand for growth of people over 65, young families, and moderate-income households. Sherwood has a deficit of moderate and high-density land in its current planning area.

Goal 11 (Public Facilities and Services)

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

FINDING: The information from the HNA, such as the household forecast, residential land sufficiency and buildable lands inventory will provide a factual basis of information for the Comprehensive Plan update with includes updating and City's goals and policies related to Goal 11 Public Facilities and Services as well as provide a data for on-going updates to public facility master plans and capital improvement plans. The proposed text amendment does not make any substantive changes to the Sherwood Comprehensive Plan or implementing ordinances that affect compliance with Goals 11.

Goal 12 (Transportation)

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

FINDING: The information from the HNA, such as the household forecast, residential land sufficiency and buildable lands inventory will provide a factual basis of information for the Comprehensive Plan update with includes updating and City's goals and policies related to Goals 11 Transportation. The HNA and accompanying text amendment do not propose any changes to the Comprehensive Plan transportation goals and policies, Sherwood Plan and Zoning Map, or the Zoning and Development Code. This application does not involve rezoning any lands, which would trigger the need for the Transportation Planning Rule analysis. The proposed text amendment does not conflict or make substantive changes to compliance with Goal 12.

Goal 13 (Energy Conservation)

Objective: To conserve energy.

FINDING: The proposed plan amendment proposes no changes to comprehensive plan goals and policies or the City's Zoning and Development Code that would trigger the implementation of Goal 13. The proposed text amendment does not conflict or make substantive changes to compliance with Goal 13.

Goal 14 (Urbanization)

Objective: To provide the orderly and efficient transition from rural to urban land uses.

FINDING: The information from the HNA, such as the household forecast, residential land sufficiency and buildable lands inventory will provide a factual basis of information for the Comprehensive Plan update which includes updating and City's goals and policies related to Goals 14. The HNA 2019-2039 concluded Sherwood has a deficit of approximately 608 homes in its 20-year supply. The conclusion is based off the Metro forecast of 1.1% growth which is significantly lower than Sherwood's historic growth rate over the past two decades of 8%. In order for the City to have sufficient lands to support the 20-year housing need, an expansion to Sherwood's UGB would be needed unless the City significantly increased densities in existing zones throughout the city. The HNA provides the factual information and background data for future decisions regarding the expansion of Sherwood's urban growth boundary and the efficient transition from rural to urban land uses.

The HNA does not propose any changes to the Comprehensive Plan transportation goals and policies, Sherwood Plan and Zoning Map, or the Zoning and Development Code. This application does not involve rezoning any lands. The proposed amendment does not conflict or make substantive changes to compliance with Goal 14 but provides a factual basis for future regional and local urbanization decisions.

Goal 15 (Willamette River Greenway)

Goal 16 (Estuarine Resources)

Goal 17 (Coastal Shorelands)

Goal 18 (Beaches and Dunes)

Goal 19 (Ocean Resources)

FINDING: Goals 15-19 not applicable to Sherwood.

METRO FUNCTIONAL PLAN REQUIREMENTS

Title 1: Housing Capacity

3.07.110 Purpose and Intent The Regional Framework Plan calls for a compact urban form and a "fair-share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120

FINDING: The HNA demonstrates that Sherwood is meeting regional goals while implementing locally adopted plans. Metro's *2016 Compliance Report* concludes that Sherwood is in compliance for the City's Title 1 responsibilities.

Title 7: Housing Choice

3.07.710 Intent The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

Finding: Title 7 of Metro's Urban Growth Management Functional Plan is designed to ensure the production of affordable housing in the Metro UGB. Each city and county within the Metro region is encouraged to adopt an affordable housing production goal voluntarily.

Each jurisdiction within the Metro region is required to ensure that their comprehensive plans and implementing ordinances include strategies to:

- Ensure the production of a diverse range of housing types,
- Maintain the existing supply of affordable housing, increase opportunities for new affordable housing dispersed throughout their boundaries, and
- Increase opportunities for households of all income levels to live in affordable housing (3.07.730)

Metro's 2016 Compliance Report concludes that Sherwood is in compliance for the City's Title 7 responsibilities.

Title 11: Planning for New Urban Areas

Title 11 of Metro's Urban Growth Management Functional Plan provides guidance on the conversion of land from rural to urban uses. Land brought into the Metro UGB is subject to the provisions of section 3.07.1130 of the Metro Code, which requires lands to be maintained at rural densities until the completion of a concept plan and annexation into the municipal boundary.

The concept plan requirements directly related to residential development are to prepare a plan that includes:

- (1) A mix and intensity of uses that make efficient use of public systems and facilities,
- (2) A range of housing for different types, tenure, and prices that addresses the housing needs of the governing city, and
- (3) Identify goals and strategies to meet the housing needs for the governing city in the expansion area.

Metro's 2016 Compliance Report concludes that Sherwood is in compliance for the City's Title 11 responsibilities.

V. RECOMMENDATION

The Sherwood Housing Needs Analysis 2019-2039 complies with applicable Statewide Planning Goals, Metro regulations, the Metropolitan Housing Rule (OAR, Division 7), and the City's Development Code's applicable provisions. This HNA will be used to update the housing element in the City's Comprehensive Plan, *Sherwood 2040*.

Based on a review of the applicable code provisions, agency comments, and staff review, staff finds that the Plan Amendment is consistent with the applicable criteria. Therefore, staff **recommends that the Planning Commission forward a recommendation of APPROVAL** of the Housing Needs Analysis 2019-2039 to the Sherwood City Council.

VI. EXHIBITS

A. Sherwood Housing Needs Analysis 2019-2039

Sherwood Housing Needs Analysis 2019 to 2039

Prepared for:

City of Sherwood

March 2019



Contact Information

Beth Goodman and Robert Parker, AICP, prepared this report as a subcontractor to Cogan Owens Greene and 3-J Consulting for the City of Sherwood. ECONorthwest is solely responsible for its content, any errors or omissions.

ECONorthwest specializes in economics, planning, and finance. Established in 1974, ECONorthwest has over three decades of experience helping clients make sound decisions based on rigorous economic, planning, and financial analysis.

For more information about this report, please contact:

Erika Palmer, Planning Manager 22560 SW Pine Street Sherwood, Oregon 97140 503-625-4208 PalmerE@SherwoodOregon.gov

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Brian Harper, Metro

State of Oregon

Anne Debbaut, Regional Representative, DLCD Gordon Howard, Urban Planning Specialist, DLCD

City of Sherwood

Julia Hajduk, Community Development Director Erika Palmer, Planning Manager Carrie Brennecke AICP, Senior Planner

Table of Contents

Exe	cutive Summary
	How has Sherwood's Population Changed in Recent Years?
	What Factors May Affect Future Growth in Sherwood?i
	What Are the Characteristics of Sherwood's Housing Market?ii
	How Much Housing Growth is Forecast, and Can that Growth be Accommodated within Sherwood?v
	What if Sherwood Grows Faster?v
	What are the Implications for Sherwood's Housing Policies?vi
1	Introduction1
	Background
	Organization of the Report
	Framework for a Housing Needs Analysis
	Oregon housing policy
2	Historical and Recent Development Trends
3	Housing Need in Sherwood12
	Projection of New Housing Units Needed in the Next 20 Years13
	Demographic and Socioeconomic Factors Affecting Housing Choice
	Regional and Local Trends in Housing Costs and Affordability24
	Forecast of Housing by Type and Density of Housing27
4	Residential Land Sufficiency32
	Residential Buildable Land32
	Residential Development Capacity35
	Residential Land Sufficiency
	Potential growth in Sherwood West41
	Conclusions and Recommendations
	pendix A. Appendix A. Residential Buildable
	nds InventoryA-1
App	oendix B. Trends Affecting Housing Need in Sherwood B-1

Executive Summary

This is an executive summary of the findings of the Sherwood Housing Needs Analysis for the 2019 to 2039 period. The housing needs analysis provides Sherwood with a factual basis to support future planning efforts related to housing, including Concept Planning for Sherwood West, and prepares to update and revise the City's Comprehensive Plan policies.

The housing needs analysis is intended to comply with requirements of statewide planning policies that govern planning for housing and residential development, Goal 10, it's implementing Metropolitan Housing Rule (OAR 660-007), and Metro's 2040 Functional Growth Management Plan. Taken together, the City's primary obligations from Goal 10 are to (1) designate land in a way that provides the <u>opportunity</u> for 50% of new housing to be either multifamily or single-family attached housing (e.g., townhouses); (2) achieve an average density of six dwelling units per net acre; and (3) provide enough land to accommodate forecasted housing needs for the next 20 years. Sherwood is already in compliance with these requirements and can accommodate most of the new housing forecast, as described in this summary.

How has Sherwood's Population Changed in Recent Years?

The basis for the housing needs analysis is an understanding of the demographic characteristics of Sherwood's residents.¹

- Sherwood's population grew relatively fast in recent years. Sherwood's population increased from 3,000 people in 1990 to nearly 18,600 people in 2013, averaging 8% annual growth. Sherwood's fastest period of growth was during the 1990s, consistent with statewide trends. Between 2000-2013, Sherwood grew by 6,600 people, at an average rate of nearly 3.5% per year. For comparison, Washington County grew at 2.5% annually between 1990-2013 and the Portland Region grew at 1.6% per year.
- Sherwood's population is aging. People aged 45 years and older were
 the fastest growing age group in Sherwood between 2000 and 2010,
 consistent with state and national trends. By 2035, people 60 years and
 older will account for 24% of the population in Washington County (up

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¹ The majority of data quoted in this analysis is from the U.S. Census American Community survey, with population data from the Population Research Center at Portland State University and development data from the City's Building Permit database.

from 18% in 2015) and 25% in the Portland Region (up from 19% in 2015). It is reasonable to assume that the share of people 60 years and older will grow relatively quickly in Sherwood as well.

- Sherwood is attracting younger people and more households with children. In 2010, the median age in Sherwood was 34.3 years old, compared to Washington County's median age of 35.3 years and the State median of 38.4. Sherwood has a larger share of households with children (47% of households), compared with Washington County (33%) or the Portland Region (29%). The Millennial generation—people born roughly between 1980 to 2000—are the largest age group in Oregon and will account for the majority of household growth in Sherwood over the next 20 years.
- Sherwood's population is becoming more ethnically diverse. About 6% of Sherwood's population is Latino, an increase from 4.7% in 2000. In comparison to Washington County and the Portland Region, Sherwood is less ethnically diverse. In the 2009-2013 period, 16% of Washington County residents, and 12% Portland Region residents, were Latino.

WHAT FACTORS MAY AFFECT FUTURE GROWTH IN SHERWOOD?

If these trends continue, population will result in changes in the types of housing demanded or "needed" in Sherwood in the future.

- The aging of the population is likely to result in increased demand for smaller single-family housing, multifamily housing, and housing for seniors. People over 65 years old will make a variety of housing choices, including: remaining in their homes as long as they are able, downsizing to smaller single-family homes (detached and attached) or multifamily units, or moving into group housing (such as assisted living facilities or nursing homes) as they continue to age.
- The growth of younger and diversified households is likely to result in increased demand for a wider variety of affordable housing appropriate for families with children, such as small single-family housing, townhouses, duplexes, and multifamily housing. If Sherwood continues to attract young residents, then it will continue to have demand for housing for families, especially housing affordable to younger families with moderate incomes. Growth in this population will result in growth

in demand for both ownership and rental opportunities, with an emphasis on housing that is comparatively affordable.²

- Changes in commuting patterns could affect future growth in Sherwood. Sherwood is part of a complex, interconnected regional economy. Demand for housing by workers at businesses in Sherwood may change with significant fluctuations in fuel and commuting costs, as well as substantial decreases in the capacity of highways to accommodate commuting.
- Sherwood households have relatively high income, which affects the type of housing that is affordable. Income is a key determinant of housing choice. Sherwood's median household income (\$78,400) is more than 20% higher than Washington County's median household income (\$64,200). In addition, Sherwood has a smaller share of population below the federal poverty line (7.6%) than the averages of Washington County (11.4%) and the Portland Region (13.9%).

WHAT ARE THE CHARACTERISTICS OF SHERWOOD'S HOUSING MARKET?

The existing housing stock in Sherwood, homeownership patterns, and existing housing costs will shape changes in Sherwood's housing market in the future.

- Sherwood's housing stock is predominantly single-family detached. About 75% of Sherwood's housing stock is single-family detached, 8% is single-family attached (such as townhomes), and 18% is multifamily (such as duplexes or apartments). Sixty-nine percent of new housing permitted in Sherwood between 2000 and 2014 was single-family detached housing.
- Almost three quarters of Sherwood's residents own their homes.
 Homeownership rates in Sherwood are above Washington County (54%),
 the Portland Region (60%), and Oregon (62%) averages.

² The housing needs analysis assumes that housing is affordable if housing costs are less than 30% of a household's gross income. The 30% metric is a general guideline from the U.S. Department of Housing and Urban Development (HUD). For a household earning \$6,500 (the median household income in Sherwood), monthly housing costs of less than \$1,960 are considered affordable.

- Homeownership costs increased in Sherwood, consistent with national trends. Median sales prices for homes in Sherwood increased by about 30% between 2004 and 2014, from about \$245,000 to \$316,500. The median home value in Sherwood is 3.8 times the median household income, up from 2.9 times the median household income in 2000.
- Housing sales prices are higher in Sherwood than the regional averages. As of January 2015, median sales price in Sherwood was \$316,500, which is higher than the Washington County (\$281,700), the Portland MSA (\$269,900), and Oregon (\$237,300) median sales prices. Median sales prices were higher in Sherwood than in other Portland westside communities such as Tigard, Tualatin, and Beaverton, but lower than Wilsonville or West Linn.
- Rental costs are higher overall in Sherwood than the regional averages, with a slightly lower-rental cost on a cost per square foot basis. The median rent in Sherwood was \$1,064, compared to Washington County's average of \$852. Average rent in the Tigard/Tualatin/Sherwood area submarket was \$1.13 per square foot in Fall 2014, lower than the regional average of \$1.22 per square foot. Between Spring 2010 and Spring 2013, average rent in Tigard/Tualatin/Sherwood area increased by 38%, consistent with the regional increase of 36%.
- More than one-third of Sherwood's households are cost-burdened. Thirty-eight percent of Sherwood's households were cost-burdened (i.e., paid more than 30% of their income on rent or homeownership costs). Renters were more likely to be cost-burdened (40% of renters were cost-burdened), compared to homeowners (35% were cost-burdened) in Sherwood. These levels of cost burden are consistent with regional averages. In Washington County in the 2009-2013 period, 38% of households were cost burdened, compared to 41% in the Portland Region.

Future housing affordability will depend on the relationship between income and housing price. The key question is whether housing prices will continue to outpace income growth. Answering this question is difficult because of the complexity of the factors that affect both income growth and housing prices. Sherwood will need to provide the opportunity for development of a wider variety of housing, including housing affordable to low- and moderate-income households.

Ordinance 2020-010, Exh 2 December 1, 2020, Page 9 of 114

How Much Housing Growth is Forecast, and Can that Growth be Accommodated within Sherwood?

The housing needs analysis in this report is based on Metro's coordinated forecast of household growth in Sherwood. The forecast includes growth in both areas within the city limits, as well as areas currently outside the city limits that the City expects to annex for residential uses (most notably the Brookman area).

- Sherwood is forecast to add 1,728 new households between 2019 and 2039. Of these, 700 new households are inside the existing city limits; 1,029 new households are outside the current city limits in the Brookman Area.
- Sherwood's land base can accommodate most of the forecast for growth. Vacant and partially vacant land in the Sherwood Planning Area has capacity to accommodate 1,121 new dwelling units. Sherwood can accommodate about 65% of the forecast for new housing on areas within the city limits and Brookman Area.
- Sherwood has a deficit of land for housing. Sherwood has a deficit of land for 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units), Medium Density Residential-High (252 dwelling units), and High Density Residential (145 dwelling units).
- To provide adequate land supply, Sherwood will need to continue to annex the Brookman area. Without the Brookman area developing, the City has a projected deficit of about 1,155 dwelling units. Sherwood will need to continue to annex the Brookman area in order to accommodate the City's forecast of residential growth. The City recently annexed about 98 acres in the Brookman Area. The annexed land is in the center of the Brookman Area and has relatively few owners (about 8 property owners). Annexing and developing other areas, with a larger number of owners, may be more challenging, to the extent that the property owners have to come to agreement about development.

What if Sherwood Grows Faster?

• The forecast for growth in Sherwood is considerably below historical growth rates. Metro's forecast for new housing in Sherwood shows that households will grow at an average annual growth rate of 1.1% per year. In comparison, Sherwood's population grew at 3.4% per year between 2000 and 2013 and 8% per year between 1990 and 2013. If Sherwood grows faster than Metro's forecast during the 2019 to 2039 period, then

- Sherwood will have a larger deficit of land needed to accommodate growth.
- At faster growth rates, Sherwood's land base has enough capacity for several years of growth. At growth rates between 2% to 4% of growth annually, land inside the Sherwood city limits can accommodate two to five years of growth. With capacity in the Brookman Area, Sherwood can accommodate four to ten years of growth at these growth rates.
- Additional housing growth in Sherwood depends the availability of development-ready land. The amount of growth likely to happen in Sherwood over the next few years is largely dependent on when the Brookman Area is annexed, when the Sherwood West area is brought into the urban growth boundary and annexed, and when urban services (such as roads, water, and sanitary sewer) are developed in each area. The City recently annexed about 98 acres in the Brookman Area.

WHAT ARE THE IMPLICATIONS FOR SHERWOOD'S HOUSING POLICIES?

- Sherwood will need Sherwood West to accommodate future growth beyond the existing city limits and Brookman area. The growth rate of Metro's forecast for household growth (1.1% average annual growth) is considerably lower than the City's historical population growth rate over the last two decades (8% average annual growth). Metro's forecast includes growth that can be generally accommodated within the Sherwood city limits and Brookman. Given the limited supply of buildable land within Sherwood, it is likely that the City's residential growth will slow until Sherwood West is made development-ready.
- Sherwood has a relatively limited supply of land for moderate- and higher-density multifamily housing. The limited supply of land in these zones is a barrier to development of townhouses and multifamily housing, which are needed to meet housing demand resulting from growth of people over 65, young families, and moderate-income households.
- The results of the Housing Needs Analysis highlight questions for the update of the City's Comprehensive Plan and the Concept Planning of Sherwood West.
 - Providing housing opportunities for first time home buyers and community elders (who prefer to age in place or downsize their housing) will require a wider range of housing types. Examples of

- these housing types include: single family homes on smaller lots, clustered housing, cottages or townhomes, duplexes, tri-plexes, four-plexes, garden apartments, or mid-rise apartments. Where should Sherwood consider providing a wider range of housing types? What types of housing should Sherwood plan for?
- o Changes in demographics and income for Sherwood and regional residents will require accommodating a wider range of housing types. How many of Sherwood's needed units should the city plan to accommodate within the city limits? How much of Sherwood's needed units should be accommodated in the Brookman Area and in Sherwood West?
- What design features and greenspaces would be important to consider for new housing?
- o What other design standards would be needed to "keep Sherwood Sherwood"?
- What is the appropriate mix of residential land and employment land in the city to balance the city's tax base?
- What is the mix of residential zones that reflect Sherwood's character?
- o COVID-19 has changed how people live and work. What are some of the long-term impacts of the pandemic on residential housing trends and needs?
- o The next update to the Housing Needs Analysis will need to consider recent state legislation of House Bill 2001, to review and analyze density expectations assumed to result from the provision of middle housing that meet regulatory requirements.

1 Introduction

This report presents the Sherwood Housing Needs Analysis 2019 to 2039. The housing needs analysis provides Sherwood with a factual basis to support future planning efforts related to housing, including Concept Planning for Sherwood West, and prepares to update and revise the City's Comprehensive Plan policies. This report was based on the draft Sherwood Housing Needs Analysis 2015 to 2035 report, from June 2015.

It is intended to comply with statewide planning policies that govern planning for housing and residential development, Goal 10, OAR 660-007, and Metro's Functional Growth Management Plan. The methods used for this study generally follow the *Planning for Residential Growth* guidebook, published by the Oregon Transportation and Growth Management Program (1996).

This report provides Sherwood with a factual basis to support future planning efforts related to housing and options for addressing unmet housing needs. It provides specific analysis that is required for a jurisdiction in Oregon to comply with state policies.

BACKGROUND

Sherwood is located at the southwestern edge of the Portland metropolitan urban growth boundary (UGB). Over the 2000 to 2014 period, Sherwood had a substantial amount of residential growth. Residential development included all of the different housing types with single family detached housing concentrated in the 2000 to 2005 period. In part due to this growth and limited land supply for new homes, Sherwood is embarking on a Concept Plan for the Sherwood West urban reserve. Concurrently, the City is updating its factual basis for an eventual update of its Comprehensive Plan.

This housing needs analysis provides a factual basis to inform both an update of the residential Comprehensive Plan polices and the Concept Plan for Sherwood West. This analysis provides:

- Information about the characteristics of Sherwood's housing market, in the context of Washington County, the Portland metropolitan region, and Oregon,
- Information about the types and density of housing developed since 2000, changes in homeownership patterns,
- Changes in housing cost and affordability, and other housing market characteristics; and
- A forecast of residential growth in Sherwood for the 2019 to 2039 period.

1

As required by OAR 660-024, this forecast is based on Metro's household forecast and demographics and economic trends that will affect housing demand over the next 20 years.

ORGANIZATION OF THE REPORT

The main body of this report presents a summary of key data and analysis used in the housing needs analysis. The appendices present detailed tables and charts for the housing needs analysis. This document is organized as follows:

- Chapter 2. Historical and Recent Development Trends presents a highlevel summary of residential development in Sherwood.
- Chapter 3. Housing Demand and Need presents a housing needs analysis consistent with requirements in the Planning for Residential Growth Workbook. Detailed tables and charts supporting the demographic and other information discussed in Chapter 4 is presented in Appendix B.
- Chapter 4. Residential Land Sufficiency estimates the residential land sufficiency in Sherwood needed to accommodate expected growth over the planning period.
- Appendix A. Residential Buildable Land Inventory Report
- Appendix B. Trends Affecting Housing Need in Sherwood

FRAMEWORK FOR A HOUSING NEEDS ANALYSIS

People view homes and communities in a wide range of ways. Economists view housing as a bundle of services for which people are willing to pay. Shelter is one service, but housing typically also includes:

- Proximity to other attractions (job, shopping, recreation),
- Amenities (type and quality of fixtures and appliances, landscaping, views), prestige, and
- Access to public services (quality of schools).

Because it is impossible to maximize all these services and simultaneously minimize costs, households must, and do, make tradeoffs. What individuals can purchase for their money is influenced by individuals' life circumstances as well as economic forces and government policy. Among households and income levels, preferences vary. Attributes homebuyers and renters seek are a function of many factors that may include income, age of household head, number of people and children in the household, number of workers and job locations, educational opportunities, number of automobiles, neighborhood amenities and so on.

Thus, the housing choices of individual households are influenced in complex ways by dozens of factors; and the housing market in the Portland Region, Washington County, and Sherwood is the result of the individual decisions of thousands of households. These points help to underscore the complexity of projecting what types of housing will be built in Sherwood between 2019 and 2039.

The complex nature of the housing market was demonstrated by the unprecedented boom and bust during the past decade. This complexity does not eliminate the need for some type of forecast of future housing demand and need and the resulting implications for land demand and consumption. Such forecasts are inherently uncertain. Their usefulness for public policy often derives more from the explanation of their underlying assumptions about the dynamics of markets and policies than from the specific estimates of future demand and need.

Thus, we begin our housing analysis with a framework for thinking about housing and residential markets, and how public policy affects those markets.

Sherwood's primarily obligations under Goal 10 are to:

- Designate land in a way that 50% of new housing could be either multifamily or single-family attached housing (e.g., townhouses)
- Provide opportunities to achieve an average density of six dwelling units per net acre
- Provide opportunities for development of needed housing types: single-family detached, single-family attached, and multifamily housing.

OREGON HOUSING POLICY

Statewide planning Goal 10

The passage of the Oregon Land Use Planning Act of 1974 (ORS Chapter 197), established the Land Conservation and Development Commission (LCDC), and the Department of Land Conservation and Development (DLCD). The Act required the Commission to develop and adopt a set of statewide planning goals. Goal 10 addresses housing in Oregon and provides guidelines for local governments to follow in developing their local comprehensive land use plans and implementing policies.

At a minimum, local housing policies must meet the requirements of Goal 10 and the statutes and administrative rules that implement it (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008).³ Jurisdictions located in the Metro UGB are also required to comply with Metropolitan Housing in OAR 660-007 and Title 7 of Metro's Urban Growth Management Functional Plan in the Metro Code (3.07 Title 7).

Goal 10 requires incorporated cities to complete an inventory of buildable residential lands and to encourage the availability of adequate numbers of housing units in price and rent ranges commensurate with the financial capabilities of its households.

Goal 10 defines needed housing types as "housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels." ORS 197.303 defines needed housing types:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;4
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.

³ ORS 197.296 only applies to cities with populations over 25,000.

⁴ Government assisted housing can be any housing type listed in ORS 197.303 (a), (c), or (d).

In summary, Sherwood must identify needs for all of the housing types listed above as well as adopt policies that increase the likelihood that needed housing types will be developed.

The Metropolitan Housing Rule

OAR 660-007 (the Metropolitan Housing rule) is designed to "assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary." OAR 660-0070-005(12) provides a Metro-specific definition of needed housing:

"Needed Housing" defined. Until the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels.

The Metropolitan Housing Rule also requires cities to develop residential plan designations:

(1) Plan designations that allow or require residential uses shall be assigned to all buildable land. Such designations may allow nonresidential uses as well as residential uses. Such designations may be considered to be "residential plan designations" for the purposes of this division. The plan designations assigned to buildable land shall be specific so as to accommodate the varying housing types and densities identified in OAR 660-007-0030 through 660-007-0037.

OAR 660-007 also specifies the mix and density of new residential construction for cities within the Metro Urban Growth Boundary (UGB):

"Provide the <u>opportunity</u> for at least 50 percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances" (OAR 660-007-0030 (1).

OAR 660-007-0035 sets specific density targets for cities in the Metro UGB. Sherwood average density target is six dwelling units per net buildable acre.⁵

⁵ OAR 660-024-0010(6) defines Net Buildable Acres as follows: "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads.

Metro Urban Growth Management Functional Plan

The Metro Urban Growth Management Functional Plan describes the policies that guide development for cities within the Metro UGB to implement the goals in the Metro 2040 Plan.

Title 1: Housing Capacity

Title 1 of Metro's Urban Growth Management Functional Plan is intended to promote efficient land use within the Metro UGB by increasing the capacity to accommodate housing capacity. Each city is required to determine its housing capacity based on the minimum number of dwelling units allowed in each zoning district that allows residential development, and maintain this capacity.

Title 1 requires that a city adopt minimum residential development density standards by March 2011. If the jurisdiction did not adopt a minimum density by March 2011, the jurisdiction must adopt a minimum density that is at least 80% of the maximum density.

Title 1 provides measures to decrease development capacity in selected areas by transferring the capacity to other areas of the community. This may be approved as long as the community's overall capacity is not reduced.

Metro's 2016 Compliance Report concludes that Sherwood is in compliance for the City's Title 1 responsibilities.

Title 7: Housing Choice

Title 7 of Metro's Urban Growth Management Functional Plan is designed to ensure the production of affordable housing in the Metro UGB. Each city and county within the Metro region is encouraged to voluntarily adopt an affordable housing production goal.

Each jurisdiction within the Metro region is required to ensure that their comprehensive plans and implementing ordinances include strategies to:

- Ensure the production of a diverse range of housing types,
- Maintain the existing supply of affordable housing, increase opportunities for new affordable housing dispersed throughout their boundaries, and
- Increase opportunities for households of all income levels to live in affordable housing (3.07.730)

Metro's 2016 Compliance Report concludes that Sherwood is in compliance for the City's Title 7 responsibilities.

Metro's 2016
Compliance Report
concludes that Sherwood
is in compliance for the
City's Title 1
responsibilities.

Metro's 2016 Compliance Report concludes that Sherwood is in compliance for the City's Title 7 responsibilities.

Title 11: Planning for New Urban Areas

Title 11 of Metro's Urban Growth Management Functional Plan provides guidance on the conversion of land from rural to urban uses. Land brought into the Metro UGB is subject to the provisions of section 3.07.1130 of the Metro Code, which requires lands to be maintained at rural densities until the completion of a concept plan and annexation into the municipal boundary.

The concept plan requirements directly related to residential development are to prepare a plan that includes:

- (1) A mix and intensity of uses that make efficient use of public systems and facilities,
- (2) A range of housing for different types, tenure, and prices that addresses the housing needs of the governing city, and
- (3) Identify goals and strategies to meet the housing needs for the governing city in the expansion area.

Metro's 2016 Compliance Report concludes that Sherwood is in compliance for the City's Title 11 responsibilities.

In addition, the City needs to comply with the Fair Housing Act, administered by the U.S. Department of Housing and Urban Service (HUD). Complying with this Act requires meeting the Affirmatively Furthering Fair Housing (AFFH) goal of the Fair Housing Act. The City must comply with these regulations to qualify for federal grant funds for housing.

2 Historical and Recent Development Trends

Analysis of historical development trends in Sherwood provides insights into how the local housing market functions. The intent of the analysis is to understand how local market dynamics may affect future housing—particularly the mix and density of housing by type. The housing mix and density by type are also key variables in forecasting future land need. The specific steps are described in Task 2 of the DLCD *Planning for Residential Lands* Workbook:

- 1. Determine the time period for which the data must be gathered.
- 2. Identify types of housing to address (at a minimum, all needed housing types identified in ORS 197.303).
- 3. Evaluate permit/subdivision data to calculate the actual mix, average actual gross density, and average actual net density of all housing types.

The period used in the analysis of housing density and mix is 2000 to 2014, which includes both times of high housing production and times of low housing production. The reasons for choosing this period were:

- (1) The 2000 to 2014 period includes more than one economic cycle, with extreme highs and extreme lows in the housing market and
- (2) Data prior to 2005 was less easily available and obtaining and compiling data for 2000 to 2004 was difficult to acquire.

The housing needs analysis presents information about residential development by housing types. For the purposes of this study, we grouped housing types based on: (1) whether the structure is stand-alone or attached to another structure and (2) the number of dwelling units in each structure. The housing types used in this analysis are:

- **Single-family detached:** single-family detached units and manufactured homes on lots and in mobile home parks.
- **Single-family attached:** all structures with a common wall where each dwelling unit occupies a separate lot, such as row houses or townhouses.
- Multifamily: all attached structures other than single-family detached units, manufactured units, or single-family attached units. Multifamily units include duplexes, tri-plexes, quad-plexes, and structures with more than five units (such as apartments).

The reason for choosing these categories of housing type for the analysis is that they meet the requirements definition of needed housing types in ORS 197.303.6

In general, this report uses data from the 2009-2013 American Community Survey (ACS) for Sherwood, as described in Appendix B. Where information is available, we report information from the 2010 Decennial Census. This section summarizes historical and recent development trends, described in detail in Appendix B.

The primary geographies used throughout this report are:

- **Sherwood.** This generally refers to the Sherwood city limits. Census data for Sherwood uses this geography.
- Sherwood Planning Area. This is the Sherwood city limits and land that is within the Metro urban growth boundary but outside of the Sherwood city limits, primarily the Brookman Area.
- Sherwood West. The urban reserve to the west of Sherwood that may be brought into the Metro urban growth boundary when needed regionally and determined beneficial locally.

While this report presents the forecast for housing growth in Sherwood for the 2019-2039 period, it is based on analysis completed for the 2015 HNA.

Residential development trends⁷

Single-family detached housing makes up the largest share of Sherwood's housing stock (Figure B- 1). Currently:

- Single-family detached housing accounts for about 75% of Sherwood's housing stock.
- Single-family attached housing accounts for about 7% of Sherwood's housing stock.
- Multifamily housing accounts for about 18% of Sherwood's housing stock.

Three-quarters of Sherwood's housing is single-family detached housing.

⁶ The analysis of development in Sherwood attempts to separate single-family detached and single-family attached housing. However, the City's building permit system does not distinguish between these two types of housing. City staff manually identified single-family attached housing where there was a concentration of it developed (i.e., a development of townhouses). City staff were unable to identify small-scale single-family attached development that was scattered throughout the city.

⁷ Except where otherwise noted, data in this section is from the U.S. Decennial Census (for 2010 data) or the U.S. Census's American Community Survey for 2009-2013.

Over the 2000-2014 period, 69% of new housing permitted by Sherwood was singlefamily detached housing. The majority of housing developed in Sherwood between 2000 and 2014 was single-family detached housing (Table B- 1 and Figure B- 2).8

- Over the 2000 to 2014 period, Sherwood issued permits for nearly 2,225 dwellings, with about 148 units permitted each year.
- Sixty-nine percent of new housing permitted in Sherwood between 2000 and 2014 was single-family. Roughly 1,721 single-family dwelling units were permitted over the 15-year period.
- Nine percent of the building permits issued in Sherwood over 2000 to 2014 were single-family attached (i.e., townhouses) and 23% were for multifamily housing.
- The majority of new housing in Sherwood was built between 2000 and 2006, before development decreased with the national housing crisis.
- The majority of new multifamily housing in Sherwood was permitted in 2006, 2009, and 2014. The majority of new single-family attached housing was permitted in 2004 and 2005.
- Between 2015 and 2018, Sherwood permitted about 160 new single-family detached units.

Almost three quarters of Sherwood's residents own their homes (Figure B- 3, Figure B- 4, and Figure B- 5). Homeownership rates in Sherwood are above Washington County and Oregon's averages.

- Homeownership rates declined slightly over the last decade. Roughly 79% of housing in Sherwood was owner-occupied in 2000 compared to about 75% in 2010.
- Most owner-occupied housing is single-family detached, about 89%.
- Renter-occupied housing is a mixture of multifamily (57%), single-family detached (35%), and single-family attached (9%).

Sherwood's vacancy rate is lower than Multnomah, Washington, and Clackamas counties, and lower than the State average (Table B- 2 and Figure B-6).

- In 2010, Sherwood's vacancy rate (3.9%) was below that of Multnomah (6.2%), Washington (5.4%), and Clackamas (7.1%) counties, and lower than Oregon's (9.3%).
- The vacancy rates for apartments in the Tigard/Tualatin/Sherwood area varied from a high of 5.8% in Spring 2010 to a low of 2.6% in Fall 2013

⁸ Building permit data is from the City of Sherwood Building Permit Database.

and were within 1% of the vacancy rate for the Portland/Vancouver metro area. 9

Sherwood's residential development between 2000 and 2014 averaged 8.2 dwelling units per net acre, above the State's requirement in OAR 660-007 for six dwelling units per net acre (Table B- 3 Table B-4).¹⁰

- Average density in Sherwood was 8.2 dwelling units per net acre over the 2000 to 2014 period.
- Density was lowest in the Very Low Density Residential Zone (2.9 dwelling units per net acre) and Medium Density Residential Low Zone (6.1 dwelling units per net acre).
- Density was highest in Office Commercial (24.4 dwelling units per net acre) and High Density Residential (19.1 dwelling units per net acre).

⁹ Multifamily NW Apartment Reports, Spring 2010 – Fall 2014.

¹⁰ City of Sherwood Building Permit Database.

3 Housing Need in Sherwood

This chapter presents the analysis of housing needs in Sherwood over the 2019 to 2039 period. Estimates of needed units by structure type and by density range follows.

Chapter 1 described the framework for conducting a housing "needs" analysis. The specific steps in conducting a housing needs analysis are:

- 1. Project number of new housing units needed in the next 20 years.
- 2. Identify relevant national, state, and local demographic and economic trends and factors that may affect the 20-year projection of structure type mix.
- 3. Describe the demographic characteristics of the population and, if possible, housing trends that relate to demand for different types of housing.
- 4. Determine the types of housing that are likely to be affordable to the projected households based on household income.
- 5. Estimate the number of additional needed units by structure type.
- 6. Determine the needed density ranges for each plan designation and the average needed net density for all structure types.

This chapter presents information for these steps for Sherwood's housing needs analysis.

The housing needs analysis in this report is based on the Metroscope forecast of household growth in Sherwood over the next 25 years.

The housing needs analysis focuses on housing growth in Sherwood over the 2019 to 2039 period.

The forecast shows that Sherwood will add 1,729 new households over the 20-year period.

The forecast shows growth of 4,337 new dwelling units in Sherwood West. While Metro's forecast assumes that growth will take place over the next 20-years, it may occur over a 50-year period.

PROJECTION OF NEW HOUSING UNITS NEEDED IN THE NEXT 20 YEARS

As required by OAR 660-024, the housing needs analysis in this report is based on a coordinated forecast from Metro (the Metro 2040 TAZ Forecast by Households, January 2016), which is a necessary prerequisite to estimate housing needs. The projection of household growth includes areas currently within the city limits, as well as areas currently outside the city limits that the City expects will be annexed for residential uses (most notably the Brookman area). In 2017, a portion of the Brookman area annexed into the city limits. We call these areas combined the "Sherwood planning area."

While the housing needs analysis presents information for Sherwood West, this area is currently outside of the regional UGB. Housing need in Sherwood West is not considered part of Sherwood's overall housing need for the purposes of this study. The information in this report, however, can inform the ongoing Concept Planning for Sherwood West.

Table B-6 in Appendix B presents Metro's forecast for housing in Sherwood for the 2010 to 2040 period. Table 1 presents ECONorthwest's extrapolation of Metro's forecast for Sherwood to the 2019 to 2039 period. Table 1 shows that the Sherwood planning area is expected to add 1,729 new households between 2019 and 2039. Regional models and informed projections suggest 700 new households will be accommodated inside the existing city limits. Approximately 1,029 new households are expected to be accommodated outside the current city limits in the Brookman Area.

Table 1. Extrapolated Metro forecast for household growth, Sherwood planning area. 2019 to 2039

Sherwood planning area, 2019 to 2039						
	Households					
Year	Sherwood City Limits	Brookman Area	Sherwood Planning Area	Sherwood West (50-Year Forecast)		
2019	6,916	304	7,220	293		
2039	7,616	1,333	8,949	4,630		
Change 2019 to 20	039					
Households	700	1,029	1,729	4,337		
Percent	10%	338%	24%	1480%		
AAGR	0.5%	7.7%	1.1%	14.8%		

Source: Metro 2040 TAZ Forecast by Households, January 2016

Extrapolation from the 2015 forecast (the base year in the Metro forecast) to 2019 (not shown in

Metro's forecast) by ECONorthwest

DEMOGRAPHIC AND SOCIOECONOMIC FACTORS AFFECTING HOUSING CHOICE

Demographic trends are important to a thorough understanding of the dynamics of the Sherwood housing market. Sherwood exists in a regional economy; trends in the region impact the local housing market. This section documents national, state, and regional demographic, socioeconomic, and other trends relevant to Sherwood.

The Factors that Affect Housing Choice

Analysts typically describe housing demand as the preferences for different types of housing (i.e., single-family detached or apartment), and the ability to pay for that housing (the ability to exercise those preferences in a housing market by purchasing or renting housing—in other words, income or wealth).

Metro, the agency responsible for regional planning within the Portland metropolitan UGB, uses a decision support tool called Metroscope to model changes in measures of economic, demographic, land use, and transportation activity. Metroscope includes a residential location model, which projects the locations of future households based on factors such as land availability and capacity, cost of development, changes in demographics, changes in employment, and changes in transportation and transit infrastructure. The housing needs analysis in this report is based on the Metroscope forecast of household growth in Sherwood over the next 25 years.

Many demographic and socioeconomic variables affect housing choice. However, the literature about housing markets finds that age of the householder, size of the household, and income are most strongly correlated with housing choice.¹¹

largest impact on a household's housing choice are: age of the householder, household size and composition, and income.

The factors that have the

¹¹ The research in this chapter is based on numerous articles and sources of information about housing, including:

The Case for Multi-family Housing. Urban Land Institute. 2003

E. Zietz. *Multi-family Housing: A Review of Theory and Evidence*. Journal of Real Estate Research, Volume 25, Number 2. 2003.

C. Rombouts. *Changing Demographics of Homebuyers and Renters*. Multi-family Trends. Winter 2004.

J. McIlwain. Housing in America: The New Decade. Urban Land Institute. 2010.

D. Myers and S. Ryu. *Aging Baby Boomers and the Generational Housing Bubble*. Journal of the American Planning Association. Winter 2008.

M. Riche. *The Implications of Changing U.S. Demographics for Housing Choice and Location in Cities*. The Brookings Institution Center on Urban and Metropolitan Policy. March 2001.

- **Age of householder** is the age of the person identified (in the Census) as the head of household. Households make different housing choices at different stages of life.
- **Size of household** is the number of people living in the household. Younger and older people are more likely to live in single-person households. People in their middle years are more likely to live in multiple person households (often with children).
- **Income** is the household income. Income is probably the most important determinant of housing choice. Income is strongly related to the type of housing a household chooses (e.g., single-family detached, duplex, or a building with more than five units) and to household tenure (e.g., rent or own).

This section focuses on these factors, presenting data that suggests how changes to these factors may affect housing need in Sherwood over the next 20 years.

National housing trends

Appendix B presents a full review of national housing trends. This brief summary builds on previous work by ECONorthwest, Urban Land Institute (ULI) reports, and conclusions from *The State of the Nation's Housing*, 2014 report from the Joint Center for Housing Studies of Harvard University. The Harvard report summarizes the national housing outlook as follows:

"With promising increases in home construction, sales, and prices, the housing market gained steam in early 2013. But when interest rates notched up at mid-year, momentum slowed. This moderation is likely to persist until job growth manages to lift household incomes. Even amid a broader recovery, though, many hard-hit communities still struggle and millions of households continue to pay excessive shares of income for housing."

Several challenges to a strong domestic housing market remain. Demand for housing is closely tied to jobs and incomes, which are taking longer to recover than in previous cycles. While trending downward, the number of underwater homeowners, delinquent loans, and vacancies remains high. *The State of the Nation's Housing* report projects that it will take several years for market conditions to return to normal and, until then, the housing recovery will likely unfold at a moderate pace.

L. Lachman and D. Brett. *Generation Y: America's New Housing Wave.* Urban Land Institute. 2010.

National housing market trends include: 12

- Post-recession recovery slows down. Despite strong growth in the housing market in 2012 and the first half of 2013, by the first quarter of 2014, housing starts and existing home sales were both down by 3% from the same time a year before, while existing home sales were down 7% from the year before. Increases in mortgage interest rates and meager job growth contributed to the stall in the housing market.
- Continued declines in homeownership. After 13 successive years of increases, the national homeownership rate declined each year from 2005 to 2013, and is currently at about 65%. The Urban Land Institute projects that homeownership will continue to decline to somewhere in the low 60% range.
- Housing affordability. In 2012, more than one-third of American households spent more than 30% of income on housing. Low-income households face an especially dire hurdle to afford housing. Among those earning less than \$15,000, more than 80% paid over 30% of their income and almost 70% of households paid more than half of their income. For households earning \$15,000 to \$29,000, more than 60% were cost burdened, with about 30% paying more than half of their income on housing.
- Changes in housing characteristics. National trends show that the size of single-family and multifamily units, and the number of household amenities (e.g., fireplace or two or more bathrooms) has increased since the early 1990s. Between 1990 and 2013 the median size of new single-family dwellings increased 25% nationally from 1,905 square feet to 2,384 square feet and 18% in the western region from 1,985 square feet to 2,359 square feet. Moreover, the percentage of units smaller than 1,400 square feet nationally decreased from 15% in 1999 to 8% in 2013. The percentage of units greater than 3,000 square feet increased from 17% in 1999 to 29% of new one-family homes completed in 2013. In addition to larger homes, a move towards smaller lot sizes is seen nationally. Between 2009 and 2013, the percentage of lots less than 7,000 square feet increased from 26% of lots to 30% of lots. Similarly, in the western region, the share of lots less than 7,000 square feet increased from 43% to 48% of lots.

In 2012, more than onethird of households across the US had housing affordability problems, with the lowest income households having the most difficulty finding affordable housing.

Since 1990, the average size of new dwelling units increased both for single-family and multifamily housing. At the same time, the average lot size for new housing decreased.

¹² These trends are based on information from: (1) The Joint Center for Housing Studies of Harvard University's publication "The State of the Nation's Housing 2013," (2) Urban Land Institute, "2011 Emerging Trends in Real Estate," and (3) the U.S. Census.

Future housing preferences will be affected by demographic changes, such as the aging of the Baby Boomers, growing housing demand from Millennials, and growth of foreign-born immigrants.

- Long-term growth and housing demand. The Joint Center for Housing Studies forecasts that demand for new homes could total as many as 13.2 million units nationally between 2015 and 2025. Much of the demand will come from Baby Boomers, Millennials,¹³ and immigrants.
- Changes in housing preference. Housing preference will be affected by changes in demographics, most notably the aging of the Baby Boomers, housing demand from the Millennials, and growth of foreign-born immigrants. Baby Boomers' housing choices will affect housing preference and homeownership, with some boomers likely to stay in their home as long as they are able and some preferring other housing products, such as multifamily housing or age-restricted housing developments.

In the near-term, Millennials and new immigrants may increase demand for rental units. The long-term housing preference of Millennials and new immigrants is uncertain. They may have different housing preferences as a result of the current housing market turmoil and may prefer smaller, owner-occupied units or rental units. On the other hand, their housing preferences may be similar to the Baby Boomers, with a preference for larger units with more amenities. Recent surveys about housing preference suggest that Millennials want affordable single-family homes in areas that that offer transportation alternatives to cars, such as suburbs or small cities with walkable neighborhoods. ¹⁴

 $^{^{13}}$ Millennials are, broadly speaking, the children of Baby Boomers, born from the early 1980's through the early 2000's.

¹⁴ The American Planning Association, "Investing in Place; Two generations' view on the future of communities." 2014. "Survey Says: Home Trends and Buyer Preferences," National Association of Home Builders International Builders Show, accessed January, 2015, http://www.buildersshow.com/Search/isesProgram.aspx?id=17889&fromGSA=1. "Access to Public Transportation a Top Criterion for Millennials When Deciding Where to Live, New Survey Shows," Transportation for America, accessed January 2015, http://t4america.org/wp-content/uploads/2014/04/Press-Release_Millennials-Survey-Results-FINAL-with-embargo.pdf.

State Trends

Oregon's 2011-2015 Consolidated Plan includes a detailed housing needs analysis as well as strategies for addressing housing needs statewide. ¹⁵ The plan concludes that "Oregon's changing population demographics are having a significant impact on its housing market." It identified the following population and demographic trends that influence housing need statewide. Oregon is:

- Facing housing cost increases due to higher unemployment and lower wages, as compared to the nation.
- Since 2005, is experiencing higher foreclosure rates compared with the previous two decades.
- Losing federal subsidies on about 8% of federally-subsidized Section 8 housing units.
- Losing housing value throughout the State.
- Losing manufactured housing parks, with a 25% decrease in the number of manufactured home parks between 2003 and 2010.
- Increasingly older, more diverse, and has less affluent households. 16

Regional and Local Demographic Trends

Sherwood has a growing population (Table B- 5). Sherwood's growing population will drive future demand for Sherwood over the planning period.

- Sherwood grew by more than 15,000 people, a 501% increase in population, at an average annual rate of 8.1% over the 1990 to 2013 period. ¹⁷
- Sherwood grew at a faster rate than the nation as a whole (1.0% per year), Oregon (1.4% per year), and the Portland Region (1.6%) over this period.
- Metro forecasts that the number of households in the Sherwood Planning Area will grow by about 1,729 households over the 2019-2039 period, at an average annual growth rate of 1.1%.
- Metro forecasts that Sherwood West, an area that is adjacent to Sherwood but currently outside of the Metro Urban Growth Boundary, will grow by 4,337 households. Growth in Sherwood West will not begin until the area is included in the Metro UGB and annexed into Sherwood. While Metro's forecast assumes that Sherwood West may be fully

¹⁵ http://www.ohcs.oregon.gov/OHCS/HRS_Consolidated_Plan_5yearplan.shtml

¹⁶ State of Oregon Consolidated Plan 2011 to 2015.

http://www.oregon.gov/ohcs/hd/hrs/consplan/2011_2015_consolidated_plan.pdf

 $^{^{\}rm 17}$ 2013 Population Estimates in Oregon come from Portland State University's Population Research Center.

- developed by 2040, it may take longer, perhaps until 2065, for Sherwood West to fully develop.
- Metro's forecast of household growth considers residential capacity
 within Sherwood's city limits to accommodate growth. Much of
 Sherwood's future growth depends on bringing new land into the city
 limits, including the Brookman Area and Sherwood West.

Sherwood's population is younger than the state, on average (Table B- 7, Table B- 8, and Figure B- 8). Sherwood has a larger share of people younger than 30 years of age, and a relatively small share of people over 50 years. If Sherwood continues to attract young residents, then it will continue to have demand for housing for families, especially housing affordable to younger families with moderate incomes. Recent studies suggest that growth in younger residents (e.g., Millennials) will result in increased demand for both affordable single-family detached housing, as well as increased demand for affordable townhouses and multifamily housing. Growth in this population will result in growth in demand for both ownership and rental opportunities, with an emphasis on housing that is comparatively affordable.

- In 2010, the median age in Sherwood was 34.3 years old, compared to the State median of 38.4.
- A higher percentage of Sherwood's population is younger than 30 years (44%) compared to the state as a whole (39%). Furthermore, a smaller share of Sherwood's population is younger than 50 years (21%), compared to the state as a whole (34%).

Sherwood's population is growing older (Figure B- 9). Although Sherwood has a smaller share of people over 50 years old than the State average, Sherwood's population is growing older, consistent with State and national trends. Demand for housing for retirees will grow over the planning period, as the Baby Boomers continue to age and retire. However, Sherwood's demand for housing for seniors may grow at a slower rate than across the State.

Growth of seniors will have the biggest impacts on demand for new housing through demand for housing types specific to seniors, such as assisted living facilities or age-restricted developments. These households will make a variety of housing choices, including: remaining in their homes as long as they are able, downsizing to smaller single-family homes (detached and attached) or multifamily units, or moving into group housing (such as assisted living facilities or nursing homes), as their health fails.

• The fastest-growing age group over the 2000 to 2010 period in Sherwood was people aged 45 years and older, with the most growth in the number of people aged 45 to 64.

19

• In Sherwood, people aged 45 to 64 grew by 102%, from 1,936 to 3,917 people between 2000 and 2010.

The growth of younger and diversified households will result in increased demand for a wider variety of affordable housing appropriate for families with children, such as small single-family housing, townhouses, duplexes, and multifamily housing.

The aging of the population will result in increased demand for smaller single-family housing, multifamily housing, and housing for seniors.

- By 2035, people 60 years and older will account for 24% of the population in Washington County (up from 18% in 2015). The percent of total population in each age group younger than 60 years old will decrease. The age distribution in the Portland Region will change in a similar pattern.¹⁸
- Given the growth of people 45 years and older in Sherwood and the forecast for growth of people 60 years and older between 2019-2039 in Washington County and the Portland Region, it is reasonable to expect that Sherwood will have growth in the senior population.

Sherwood is becoming more ethnically diverse (Figure B- 10). Growth in Hispanic and Latino population will affect Sherwood's housing needs in a variety of ways. Growth in first and, to a lesser extent, second and third-generation Hispanic and Latino immigrants tend to increase demand for larger dwelling units to accommodate the on average larger household sizes for these households. Households for Hispanic and Latino immigrants are more likely to include multiple generations, requiring more space than smaller household sizes. As Hispanic and Latino households integrate over generations, household size typically decreases and housing needs become similar to housing needs for all households.

Growth in Hispanic and Latino households will result in increased demand for housing of all types, both for ownership and rentals, with an emphasis on housing that is comparatively affordable.

- Sherwood's Hispanic and Latino population grew by 99% from 2000 to the 2009-2013 period, from 557 to 1,107 people, increasing its share of the population from 4.7% to 6.0%.
- Nonetheless, Sherwood's percentage of Hispanic or Latino population remains below that of the state as a whole. In the 2009-2013 period, Hispanic and Latino population accounted for 12% of the state's population, compared to Sherwood's average of 6.0%.

Sherwood's household size is larger than State averages (Table B- 9). The larger household size is indicative of a larger share of households with children or multigenerational households.

- Sherwood's average household size was 2.89 persons per household, compared with the regional average of 2.54 persons per household, and the state average of 2.49 persons per household.
- The size of households in Sherwood grew from 2000 to the 2009-2013 period (2.77 to 2.89). Over the same period, the average household size

20

ECONorthwest

¹⁸ Demographic forecast for Washington County by the Oregon Office of Economic Analysis.

in the Portland Region rose slightly from 2.53 to 2.54, while the State's average fell from 2.51 to 2.49.

Sherwood has a relatively high share of households with children (Figure B-11). Households with children are more likely to prefer single-family detached housing, if it is relatively affordable.

- Sherwood has a larger share of households with children (47%) than the State average (27%), the Portland Region (29%), or Washington County (33%).
- In the 2009-2013 period, Sherwood had a smaller share of single-person households (19%) than the regional average (29%).
- In the 2009-2013 period, Sherwood had a smaller share of non-family households (23%) than the regional average (38%).

Sherwood is part of a complex, interconnected regional economy (Figure B- 12, Table B- 11, **and** Table B- 12). Most people working at businesses in Sherwood do not live in Sherwood. Demand for housing by workers at businesses in Sherwood may change with fluctuations in fuel and commuting costs, as well as the capacity of highways to accommodate commuting. ¹⁹

• Commuting is typical throughout the region: 91% of Sherwood's working residents commuted outside the city, and about 85% of those who work in the city live outside the city itself.

Summary of the Implications of Demographic and Socioeconomic Trends on Housing Choice

The purpose of the analysis thus far has been to provide background on the kinds of factors that influence housing choice, and in doing so, to convey why the number and interrelationships among those factors ensure that generalizations about housing choice are difficult and prone to inaccuracies.

There is no question that age affects housing type and tenure. Mobility is substantially higher for people aged 20 to 34. People in that age group will also have, on average, less income than people who are older. They are less likely to have children. All of these factors mean that younger households are much more likely to be renters, and renters are more likely to be in multifamily housing.

The data illustrate what more detailed research has shown and what most people understand intuitively: life cycle and housing choice interact in ways that are predictable in the aggregate; age of the household head is correlated with household size and income; household size and age of household head affect housing preferences; income affects the ability of a household to afford a

¹⁹ US Census Bureau, LED on the Map, http://lehdmap3.did.census.gov/themap3/.

preferred housing type. The connection between socioeconomic and demographic factors and housing choice is often described informally by giving names to households with certain combinations of characteristics: the "traditional family," the "never marrieds," the "dinks" (dual-income, no kids), the "empty nesters." Thus, simply looking at the long wave of demographic trends can provide good information for estimating future housing demand.

Thus, one is ultimately left with the need to make a qualitative assessment of the future housing market. The following is a discussion of how demographic and housing trends are likely to affect housing Sherwood over the next 20 years:

- Growth in housing will be driven by growth in population. Between 2000 and the 2009-2013 period, the number of housing units in Sherwood increased by 47% from about 4,500 to 6,600 (Figure B- 4), while its population grew by roughly 55% from 11,963 to 18,575 from 2000 to 2013 (Table B- 5).²¹
- On average, future housing will look a lot like past housing. That is the assumption that underlies any trend forecast, and one that allows some quantification of the composition of demand for new housing. As a first approximation, the next three to five years of residential growth will look a lot like the last three to five years.
- If the future differs from the past, it is likely to move in the direction (on average) of smaller units and more diverse housing types. Most of the evidence suggests that the bulk of the change will be in the direction of smaller average house and lot sizes for single-family housing.

 Key demographic trends that will affect Sherwood's future housing needs are: (1) the aging of the Baby Boomers, (2) aging of the Millennials, (3) growth of family households, and (4) continued growth in Hispanic and Latino population.
 - The Baby Boomer's population is continuing to age. By 2035, people 60 years and older will account for 24% of the population in Washington County (up from 18% in 2015). The changes that affect Sherwood's housing demand as the population ages are that household sizes decrease and homeownership rates decrease.
 - Millennials will continue to age. By 2035, Millennials will be roughly between about 35 years old to 55 years old. As they age, generally speaking, their household sizes will increase and homeownership rates will peak by about age 55. Between 2019 and 2039,

²⁰ See Planning for Residential Growth: A Workbook for Oregon's Urban Areas (June 1997).

²¹ 2013 Population Estimates come from come from the Portland State University Population Research Center's Annual Population Estimates.

- Millennials will be a key driver in demand for housing for families with children.
- Growth of households with children. Sherwood has an unusually high percentage of households with children, compared to the regional averages. If Sherwood continues to attract families with children, demand for housing for families, such as affordable single-family detached or townhouses, will increase.
- Hispanic and Latino population will continue to grow. The U.S. Census projects that by about 2040, Hispanic and Latino population will account for more than one-quarter of the nation's population. The share of Hispanic and Latino population in the western U.S. is likely to be higher. Growth in Hispanic and Latino population will drive demand for housing for families with children. Given the lower income for Hispanic and Latino households,²² growth in this group will also drive demand for affordable housing, both for ownership and renters.

In summary, an aging population, increasing housing costs, housing affordability concerns for Millennials and the Hispanic and Latino populations, and other variables are factors that support the conclusion of smaller and less expensive units and a broader array of housing choices.

Millennials and immigrants will drive demand for affordable housing types, including demand for small, affordable single-family units (many of which may be ownership units) and for affordable multifamily units (many of which may be rental units).

• No amount of analysis is likely to make the distant future any more certain: the purpose of the housing forecasting in this study is to get an approximate idea about the future so policy choices can be made today. Economic forecasters regard any economic forecast more than three (or at most five) years out as highly speculative. At one year, one is protected from being disastrously wrong by the shear inertia of the economic machine. But a variety of factors or events could cause growth forecasts to be substantially different.

Pew Research Center. Second-Generation Americans: A Portrait of the Adult Children of Immigrants, February 7, 2012

23

²² The following article describes household income trends for Hispanic and Latino families, including differences in income levels for first, second, and third generation households. In short, Hispanic and Latino households have lower median income than the national averages. First and second generation Hispanic and Latino households have median incomes below the average for all Hispanic and Latino households.

REGIONAL AND LOCAL TRENDS IN HOUSING COSTS AND AFFORDABILITY

Sherwood's income is higher than state averages (Figure B- 19). Income is a key determinant of housing affordability. Since 2000, Sherwood's income has decreased (in inflation-adjusted dollars), consistent with state trends.

- Sherwood's median household income (\$78,400) was about 55% higher than the state median (\$50,229) in the 2009-2013 period.
- Inflation-adjusted income for households in Sherwood decreased by about 10% from about \$87,500 in 2000 to \$78,400 (in 2013 dollars) from 2000 to the 2009-2013 period. This is consistent with state and regional trends.
- Poverty rates increased in Sherwood from 2.7% of the population below poverty in 2000 to 7.6% in 2010. The increase is consistent with state and regional trends.
- Sherwood had a smaller share of population below the federal poverty line in the 2009-2013 period (7.6%) than the state average (16.2 %).

Homeownership costs have increased in Sherwood (Figure B- 13, Figure B- 14, Figure B- 15 and Figure B- 16). Sales prices for single-family housing increased over the period from 2004 to 2014, consistent with national trends. While housing prices peaked in 2007, before falling during the recession, sales prices grew by about 30% from 2004 to 2014. Sales prices have continue to increase through 2017 and may be above the 2007 peak.

The increases in housing costs have made Sherwood less affordable than most other communities on the southwest side of Portland.

- Median sales prices for homes in Sherwood increased by about 30% between 2004 and 2014, from about \$245,000 to \$318,000.²³
- As of January 2015, median sales prices in Sherwood were about \$316,500, higher than in Washington County (\$281,700), the Portland MSA (\$269,900), and Oregon (\$237,300). Median sales prices were higher in Sherwood than in other Portland westside communities such as Tigard, Tualatin, and Beaverton but lower than Wilsonville or West Linn.
- Prices per square foot rose in Sherwood from \$130 per square foot in October 2004 about \$170 dollars in October 2014, comparable to the price in Washington County and the Portland Region (both about \$170). The cost of housing per square foot was comparable in Sherwood to other

Housing costs in Sherwood increased by 30% since 2000.

Sales prices in Sherwood are higher than the regional averages.

²³ Recent median home sale price, including price per square foot, comes from Zillow Real Estate Research.

- cities on the southwest side of Portland, such as Tigard, Tualatin, Beaverton, and Wilsonville.
- The sales price data suggest that, overall, owner-occupied housing being produced in Sherwood was more expensive because it is larger than housing built in other cities in the southwestern Portland area.
- The ratio of home value to income increased by 32% from 2000 to 2009-2013. In 2000, the median home value was 2.9 times the median household income. By 2009-2013, the median home value was 3.8 times the median household income. In comparison, in 2009-2013, the typical value of an owner-occupied house in Washington County was 4.4 times the median income and the state average was 4.74 times the median income.

Rental costs are higher in Sherwood than the average in Washington County, with a slightly lower rental cost on a cost per square foot basis (Table B- 14, and Figure B- 17 and Figure B- 18).

- The median contract rent in Sherwood in the 2009-2013 period was \$1,064, compared to Washington County's average of \$852.
- Average rent in the Tigard/Tualatin/Sherwood area submarket was \$1.13 per square foot in Fall 2014, lower than the regional average of \$1.22 per square foot. Between Spring 2010 and Spring 2013, average rent in Tigard/Tualatin/Sherwood area increased by 38%, consistent with the regional increase of 36%.

More than one-third of Sherwood's households have housing affordability problems, based on the common 30% metric from HUD (Figure B- 20 and Figure B- 21).

- Thirty-eight percent of Sherwood's households were cost burdened (i.e., paid more than 30% of their income on rent or homeownership costs) in the 2009-2013 period.²⁴ This is consistent with the state averages.
- Roughly 40% of Sherwood's renter households were cost burdened in the 2009-2013 period. About one-fifth of renters were severely cost burdened (i.e., pay more than 50% of their income on rent).
- About 35% of Sherwood's homeowners were cost burdened in the 2009-2013 period. Only about 1% of homeowners were severely cost

Rental costs are about 25% higher than the regional average.

More than one-third of Sherwood's households have housing affordability problems, similar to regional averages.

²⁴A household is considered cost burdened if they pay more than 30% of their gross income on housing costs. For renters, housing costs include the following: monthly rent, utilities (electricity, gas, and water and sewer), and fuels (wood, oil, etc.). The 30% metric is a general guideline from the U.S. Department of Housing and Urban Development (HUD). For homeowners, housing costs include the following: mortgage payments, real estate taxes, insurance, mobile home costs, condominium fees, utilities, and fuels.

- burdened (i.e., paid more than 50% of their income on homeownership costs).
- When considering housing and transportation costs combined, the
 average household in Sherwood spends 54% of its income on housing
 costs and transportation costs. Metro considered a household that
 spends 45% or more of its income on transportation and housing as
 paying more they can afford. For context, the average households in
 Tualatin, Wilsonville, and Tigard pay 50% to 52% of their income for
 housing and transportation costs.

Future housing affordability will depend on the relationship between income and housing price. Households in Sherwood generally have higher than average incomes and housing prices are higher than average. In addition, Sherwood is at the edge of the Metro UGB, making transportation costs higher for households in Sherwood, compared to households who live in more central parts of the region. Determining whether housing in Sherwood will be more or less affordable is difficult to answer when based on historical data. The key questions are whether housing prices will continue to outpace income growth and whether transportation costs will continue to grow in the future.

FORECAST OF HOUSING BY TYPE AND DENSITY OF HOUSING

Table 2 shows the forecast of needed housing units in Sherwood based on the total estimate of housing need shown in Table 1. The forecast in Table 2 assumes: that the forecast for new housing will be: 50% single-family detached, 25% single-family attached, and 25% multifamily. This forecast is consistent with the requirements of OAR 660-007-0035.

The forecast shows increased demand for lower-cost housing types such as single-family attached and multifamily units, which meets the needs resulting in the changing demographics in Sherwood and the Portland region. The changes in demographics are the aging of the Baby Boomers, growth in Millennial households, and increases in ethnic diversity. The previous section described these trends and the implications for housing need in Sherwood.

The forecast assumes an equal share of single-family attached and multifamily housing based on the existing types of housing in Sherwood, which are predominantly single-family detached. Both single-family attached and multifamily housing provide opportunities for housing costing less than single-family detached housing, both for owners and renters.

Table 2. Forecast of needed housing units by mix, Sherwood planning area, 2019-2039

	New			
	Dwelling			
Housing Type	Units (DU)	Percent		
Single-family detached	865	50%		
Single-family attached	432	25%		
Multifamily	432	25%		
Total	1,729			

Source: ECONorthwest

The assumed housing mix meets the requirement of OAR 660-007-0030 to "designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing."

The needed density in Sherwood is consistent with the densities achieved in residential zones Sherwood over the 2000-2014 period (Table B-4). These densities are:

• Very Low Density Residential (VLDR): 2.9 dwelling units per net acre

- Low Density Residential (LDR): 6.5 dwelling units per net acre²⁵
- Medium Density Residential Low (MDRL): 6.1 dwelling units per net acre
- Medium Density Residential High (MDRH): 7.7 dwelling units per net acre
- High Density Residential (HDR): 19.1 dwelling units per net acre

These densities, when applied to Sherwood's supply of buildable land in the capacity analysis (Table 6) results in an overall density of 7.3 dwelling units per net acre. This housing density meets the requirements of OAR 660-007-0035 to "provide for an overall density of six or more dwelling units per net buildable acre."

Table 3 allocates the needed housing units to Sherwood's zones. The allocation is based on allowed uses in Sherwood's zoning code, historical development trends, and Sherwood's inventory of vacant buildable residential land.

Table 3. Allocation of needed housing units to zones, Sherwood planning area, 2019-2039

	Zone					
	Very Low Density Residential	Low Density Residential	Medium Density Residential- Low	Medium Density Residential- High	High Density Residential	Total
Dwelling Units						
Single-family detached	95	182	450	121	17	865
Single-family attached	-	-	-	259	173	432
Multifamily	-	-	86	138	208	432
Total	95	182	536	518	398	1,729
Percent of Units						
Single-family detached	5%	11%	26%	7%	1%	50%
Single-family attached	0%	0%	0%	15%	10%	25%
Multifamily	0%	0%	5%	8%	12%	25%
Total	5%	11%	31%	30%	23%	100%

Source: ECONorthwest

Needed housing by income level

Step four of the housing needs analysis is to develop an estimate of need for housing by income and housing type. This requires an estimate of the income distribution of current and future households in the community. The estimates

28

²⁵ The historical density achieved in LDR, 6.5 dwelling units per acre, is higher than the maximum allowable density in LDR, 5 dwelling units per net acre. This fact can be explained in large part by the fact that 60% of new development in LDR was part of a Planned Unit Development (PUD), which averaged 7.6 dwelling units per acre.

presented in this section are based on (1) secondary data from the Census, and (2) analysis by ECONorthwest.

The analysis in Table 4 based on American Community Survey data about income levels in Sherwood, using income information shown in Table B- 17. Income is categorized into market segments consistent with HUD income level categories, using the Portland Region's 2014 Median Family Income (MFI) of \$69,400. Table 4 is based on current household income distribution, assuming approximately that the same percentage of households will be in each market segment in the future.

Based on Sherwood's current household income distribution, Table 4 shows that about 31% of households in Sherwood have incomes below 80% of the MFI. These households will need a range of housing, such as lower-cost single-family detached housing, townhouses, manufactured homes, or multifamily housing. These households will predominantly be renters. Sixty-nine percent of households have incomes above 80% of MFI. These households will be a mix of owners and renters. Their housing needs will include single-family detached, townhouses, and multifamily housing.

Growth in lower-income demographic groups, such as the Millennials, or in Baby Boomers who want to downsize their homes, may increase demand for smaller single-family detached houses, townhouses, and multifamily housing.

Table 4. Estimate of needed new dwelling units by income level, Sherwood, 2019-2039

				Commonly Financially Attainable Housing Products		
Market Segment by Income Portland MSA MFI: \$69,400	Income Range	Number of New Households in Sherwood	Percent of Households in Sherwood (currently)	Owner-occupied	Renter- occupied	
High (120% or more of MFI)	\$83,280 or more	725	42%	All housing types; higher	All housing types; higher	<u></u>
Upper Middle (80%- 120% of MFI)	\$55,520 to \$83,280	467	27%	All housing types; lower	All housing types; lower	Primarily Nev Housing
Lower Middle (50%-80% of MFI)	\$34,700 to \$55,520	232	13%	Single-family attached;	Single-family attached;	Primarily Use Housing
Lower (30%-50% of less of MFI)	\$20,820 to \$34,700	117	7%	Manufactured in parks	Apartments; manufactured	
Very Low (Less than 30% of MFI)	Less than \$20,820	188	11%	None	Apartments; new and used	

Source: ECONorthwest MFI is Median Family Income

Need for government assisted and manufactured housing

ORS 197.303 requires cities to plan for government-assisted housing, manufactured housing on lots, and manufactured housing in parks.

- Government-assisted housing. Government subsidies can apply to all housing types (e.g., single family detached, apartments, etc.) Sherwood allows development of government-assisted housing in all Residential zones, with the same development standards for market-rate housing. This analysis assumes that Sherwood will continue to allow governmentassisted housing in all its Residential zones. Because government-assisted housing is similar in character to other housing (with the exception of the subsidies), it is not necessary to develop separate forecasts for governmentassisted housing.
- Manufactured housing on lots. Sherwood allows manufactured housing in all residential zones as a permitted use. As manufactured homes are allowed as a permitted use in all zones, it is not necessary to develop separate forecasts for manufactured housing on lots.
- Manufactured housing in parks (Table B- 13). OAR 197.480(4) requires cities to inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high-density residential development. According to the Oregon Housing and Community Services' Manufactured Dwelling Park Directory,²⁶ Sherwood has three manufactured dwelling parks:
 - Carriage Park Estates with 58 spaces, all occupied
 - Orland Villa with 24 spaces, all occupied
 - Smith Farm Estates with 90 spaces, all occupied

ORS 197.480(2) requires Sherwood to project need for mobile home or manufactured dwelling parks based on: (1) population projections, (2) household income levels, (3) housing market trends, and (4) an inventory of manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial, or high-density residential.

- Table 1 shows that the Sherwood planning area will grow by 1,729 dwelling units over the 2019 to 2039 period.
- Analysis of housing affordability (in Table 4) shows that about 18% of Sherwood's new households will be low income, earning 50% or less

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²⁶ Oregon Housing and Community Services, Oregon Manufactured Dwelling Park Directory, http://o.hcs.state.or.us/MDPCRParks/ParkDirQuery.jsp

- of the County's median family income. One type of housing affordable to these households is manufactured housing.
- Manufactured housing in parks accounts for about 2.4% (258 dwelling units) of Sherwood's current housing stock, according to 2009-2013 Census data.
- National, state, and regional trends during the 2000 to 2010 period showed that manufactured housing parks were closing, rather than being created. For example, between 2003 and 2010, Oregon had a statewide decrease of 25% in the number of manufactured home parks. The trend of closing of manufactured housing parks slowed during the housing recession but is likely to increase as housing prices and land prices increase.
- The longer-term trend for closing manufactured home parks is the result of manufactured home park landowners selling or redeveloping their land for uses with higher rates of return, rather than lack of demand for spaces in manufactured home parks. Manufactured home parks contribute to the supply of lower-cost affordable housing options, especially for affordable home ownership. The trend in closure of manufactured home parks increases the shortage of manufactured home park spaces. Without some form of public investment to encourage continued operation of existing manufactured home parks and construction of new manufactured home parks, this shortage will continue.

Table 4 shows that the households most likely to live in manufactured homes in parks are those with incomes between \$20,820 and \$34,700 (30 to 50% of median family income). Assuming that about 1.5% to 2.5% of Sherwood's new households (1,729 new dwellings) choose to live in manufactured housing parks, the City may need 26 to 43 new manufactured home spaces. At an average of 8 dwelling units per net acre, this results in demand for 3.3 to 5.4 acres of land.

The City allows development of manufactured housing parks in MDRL zones, where the City has 66 vacant suitable buildable acres of land. Development of a new manufactured home park in Sherwood over the planning period seems unlikely. The land needed for development of a manufactured housing park is part of the forecast in Table 2.

4 Residential Land Sufficiency

This chapter presents an evaluation of the sufficiency of vacant residential land in Sherwood to accommodate expected residential growth over the 2019 to 2039 period. This chapter includes an estimate of residential development capacity (measured in new dwelling units) and an estimate of Sherwood's ability to accommodate needed new housing units for the 2019 to 2039 period. The chapter also includes conclusions and recommendations based on the results of the housing needs analysis.

RESIDENTIAL BUILDABLE LAND

Table 5 presents the City's inventory of buildable land. The buildable lands inventory is based on City of Sherwood and Metro GIS data. Appendix A presents a complete description of the methodology used to develop the buildable lands inventory. The key assumptions in the inventory are:

- Vacant land was defined as land that is fully vacant (as determined by Metro's Regional Land Information System (RLIS) GIS data and local data), or tax lots that are at least 95% vacant, or tax lots that have less than 2,000 square feet developed, with development covering less than 10% of the entire lot.
- Unbuildable land was removed from the inventory, including land with:
 public tax exemptions (i.e., land owned by the city or state), schools,
 churches, and other tax-exempt social organizations, private streets, rail
 properties, parks, and tax lots that do not meet the City's requirements for
 infill development.
- Environmental resources and constraints were deducted from the inventory of vacant land, including floodways and slopes over 25%.
- **Future rights-of-way** were accounted for based on lot sizes, with tax lots larger than one acre assumed to have 18.5% of land set aside for future rights-of-way.

Table 5 shows that Sherwood has 175 net acres of suitable buildable residential land. Fifty-five percent of Sherwood's vacant land (96 acres) is within the city limits and 45% (79 acres) is within the Brookman Area or other unincorporated areas within the current Urban Growth Boundary.

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

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

Source: City of Sherwood

Map 1 shows the inventory of vacant and partially vacant land in Sherwood. Notable areas where development has occurred since 2014 are circled in red on Map 1. In total, 160 new single-family detached units were permitted between January 1, 2015 and December 31, 2018.

^{*}Note: There is one lot split between MDRL and MDRH.

Sherwood Residential Buildable Lands Inventory Legend Vacant Residential Property in the UGB Sherwood Unannexed Area within the Urban Growth Boundary Sensitive Areas High Value Medium Value 0.125 0.25

Map 1. Inventory of suitable buildable residential land, net acres, Sherwood city limits and areas within the UGB, 2014

Source: City of Sherwood

RESIDENTIAL DEVELOPMENT CAPACITY

This section presents a summary of the analysis used to estimate Sherwood's residential development capacity.

The capacity analysis estimates the number of new dwelling units that can be accommodated on Sherwood's residential land supply.²⁷ The capacity analysis evaluates ways that vacant suitable residential land may build out by applying different assumptions.

In short, land capacity is a function of buildable land, housing mix (as determined by plan designation or zoning), and density. The basic form of any method to estimate capacity requires (1) an estimate of *buildable* land, and (2) assumptions about density. The arithmetic is straightforward:

Buildable Land (ac) * Density (du/ac) = Capacity (in dwelling units)

For example:

100 acres * 8 du/ac = 800 dwelling units of capacity

The example is a simplification of the method, which skips some of the nuances that can be incorporated into a detailed capacity analysis such as variations in densities and housing mix among different Comprehensive Plan Designations.

Capacity analysis results

The capacity analysis estimates the development potential of vacant residential land to accommodate new housing based a range of density assumptions by zoning designation. Table 6 shows the capacity of Sherwood's residential land based on the buildable vacant and partially vacant land in Sherwood and a range of potential density assumptions.

The analysis of capacity in Table 6 is meant to illustrate the potential capacity of Sherwood's land based on current development policies and on historical development densities. Table 6 shows development capacity using: (1) the minimum allowable densities and (2) the maximum allowable densities (ensuring that lots meet the minimum lot size requirements. Table 6 also shows capacity based on historical densities.

• **Buildable Acres.** The Buildable Lands Inventory identified 175 net acres of vacant and partially vacant land, with 96 acres within Sherwood's city limits and 79 acres in the Brookman and other unincorporated areas within the Metro UGB.

²⁷ In this report, the term "capacity analysis" is used as shorthand for estimating how many new dwelling units the vacant residential land in the UGB is likely to accommodate.

- Capacity based on Zoning: Minimum Densities. The analysis considered the capacity of Sherwood's land based on minimum densities in Sherwood's zoning code. This analysis shows that Sherwood has capacity of 940 new dwelling units at 5.4 dwelling units per net acre based on minimum zoning in all districts.
- Capacity based on Zoning: Maximum Densities and Minimum Lot Sizes. The analysis considered the capacity of Sherwood's land based on maximum densities in Sherwood's zoning code and the minimum lot size. This analysis was developed based on parcel-specific data. The amount of buildable land was identified in each parcel and the potential capacity was evaluated based on development standards in Sherwood's zoning code.

The maximum capacity estimate estimates the capacity of Sherwood's land based on the maximum density allowed by zone by parcel, assuming that each parcel of buildable land meets the minimum lot size of the zone it is in.

Table 6 shows that Sherwood's buildable land has capacity to accommodate 1,510 new dwelling units under these assumptions. This estimate results in an overall average of 8.6 dwelling units per net acre. About 44% of Sherwood's development capacity is in the Brookman area and other unincorporated areas within the Metro UGB.

• **Historical Development Densities.** The analysis considered the capacity of Sherwood's land based on historical development density by zone. In this analysis, we applied the historical density to the total vacant land in each zone to estimate the number of dwelling units that could be accommodated.

Table 6 shows that Sherwood's buildable land has capacity to accommodate 1,286 new dwelling units based on historical development densities. This estimate results in an overall average of 7.3 dwelling units per net acre. About 44% of Sherwood's development capacity is in the Brookman area and other unincorporated areas within the Metro UGB.

Table 6. Range of capacity estimates, Sherwood vacant and partially vacant land, gross acres and gross densities, 2015

			Capacity based on		Capacity based on		Difference in Capacity between		
		Capacity ba	sed on Zoning:	Zoning	: Maximum	Historical Development		Maximum Densities and	
		Minimur	m Densities	Dens	ities and	De	ensities	Historic	al Densities
				Dwelling	Derived	Dwelling	Density	Difference in	Difference in
Zone	Buildable Acres	Dwelling units	Derived Density	Units	Density	Units	Assumption	Dwelling Units	Density
Land within	City Limits								
VLDR	24	19	0.8	94	3.9	69	2.9	25	1
VLDR_PUD	1	-	-	4	3.8	3	2.9	1	0.9
LDR	22	71	3.2	113	5.1	144	6.5	(31)	(1.4)
MDRL	14	75	5.2	112	7.8	88	6.1	24	1.7
MDRH	21	111	5.3	223	10.7	161	7.7	62	3
HDR	14	224	16	303	21.7	266	19.1	37	2.6
Subtotal	96	500	5.2	849	8.8	731		118	8.8
Brookman a	nd Other Incorpo	rated Areas							
VLDR	1	2	1.6	4	3.2	3	2.9	1	0.3
MDRL	52	275	5.3	401	7.7	317	6.1	84	1.6
MDRH	8	36	4.7	62	8.1	58	7.7	4	0.4
MDRL/H*	15	78	5.3	109	7.5	109	7.5	-	-
HDR	3	49	15.4	70	22.1	60	19.1	10	3
Subtotal	79	440	5.6	661	8.4	547		114	8.4
Total	175	940	5.4	1,510	8.6	1,278	7.3	232	1.3

Source: Sherwood buildable lands inventory; Sherwood zoning code; Analysis of historical development densities; and Analysis by ECONorthwest *Note: There is one lot in the Brookman Area that is split zoned MDRL/MDRH. Of this 15 acre lot, 13 acres is assumed MDRH and two acres is assumed MDRL. The density assumptions for that lot are consistent with the density assumptions shown in Table 6.

Table 6 compares the difference in the capacity estimates for the "maximum density (and minimum lot size) capacity" estimate and the "historical development density" estimate. Table 6 shows that the capacity estimate based on historical development densities results in 232 fewer dwelling units than the capacity based on maximum densities. The average density using the historical development densities is 1.3 dwelling units per acre lower than the maximum density analysis.

This difference shows that development in Sherwood is generally occurring at lower than the maximum allowed densities, showing underbuild in Sherwood. Further analysis shows that residential development between 2000 and 2014 occurred at between 70% to 80% of the maximum allowable densities. The exception is Low Density Residential, where development occurred at higher than allowable densities approximately 60% of LDR development between 2000 and 2014 was in Planned Unit Developments – neighborhoods that were approved to provide a more compact development option.

Underbuild is expected as a result of development constraints that lower development capacity, such as slopes. In addition, parcel configuration contributes to underbuild, with parcels that are oddly shaped or have more land than the minimum requirement but not enough for additional housing.

Table 6 demonstrates that development in Sherwood occurred at considerably higher densities than the minimum allowable densities in each zone.

Based on the analysis in Table 6, we conclude that **both the maximum density (and minimum lot size) and the historical development density estimates exceed the State requirement** (OAR 660-007-0035(2)) to "provide for an overall density of six or more dwelling units per <u>net</u> buildable acre." The estimate results in an average density of between 7.3 to 8.6 dwelling units per net acre.

The conclusion of the housing needed analysis is that Sherwood's historical densities by housing type (shown in Table B- 3) meet Sherwood's future housing needs. Table B- 3 shows Sherwood's historical densities as 6.5 dwelling units per acre for single-family detached, 17.9 dwelling units per acre for single-family attached, and 20.5 dwelling units per acre for multifamily. If future residential development continues to occur at approximately these densities and with the mix of housing shown in Table 2, then Sherwood will be meeting its Goal 10 requirements.

In addition to the capacity shown in Table 6, Sherwood could have additional residential development capacity resulting in development of housing in commercial zones and from redevelopment of residential properties with existing development (where redevelopment results in a net increase in the number of dwelling units on the property).

About 9% of Sherwood's residential development over the 2000 to 2014 period occurred in commercial zones. It is reasonable to assume that some residential development over the next 20 years would occur in commercial zones, as long as housing is considered a secondary use to the commercial use, as required by Sherwood's development code.

Sherwood has limited opportunities for redevelopment because much of Sherwood's housing stock was developed over the last two decades. In addition, residential land in Sherwood is parcelized and meeting existing density requirements in areas with existing development would be difficult.

Table 7 presents a revision of the capacity shown in Table 6 for capacity based on historical densities. Between January 1, 2015 and December 31, 2018, Sherwood issued 160 permits for housing, all in the MDRL, MDRH, and HDR zones. Table 7 reduces the capacity estimate by 160 units, resulting in a capacity of 571 units on land within the city limits.

Table 7. Revised capacity based on historical development densities accounting for building permits issued in 2015 to 2018, dwelling units, 2018

	Capacity based on Historical	Building Permits	
	Development	Issued 2015 to	Revised
Zone	Densities	2018	Capacity
Land within City	y Limits		
VLDR	69		69
VLDR_PUD	3		3
LDR	144		144
MDRL	88	34	54
MDRH	161	52	109
HDR	266	74	192
Subtotal	731	160	571

Source: Sherwood buildable lands inventory; Sherwood zoning code; Analysis of historical development densities; and Analysis by ECONorthwest

Table 8 summarizes Sherwood's development capacity based on the analysis in Table 6 (using the Historical Densities analysis) and reduction in capacity for development between 2015 and 2018 in Table 7.

Table 8. Summary of development capacity based on changes from 2015 to 2018, dwelling units, Sherwood city limits and Brookman and other Unincorporated areas, 2017

	Buildable Acres	Density Assumption	Dwelling units
Very Low Density Residential	26	2.9	76
Low Density Residential	22	6.5	144
Medium Density Residential-Low	68	6.1	382
Medium Density Residential-High	41	7.7	266
High Density Residential	17	19.1	253
Total	175	6.4	1,121

Source: Sherwood buildable lands inventory; Sherwood zoning code; Analysis of historical development densities; and Analysis by ECONorthwest

RESIDENTIAL LAND SUFFICIENCY

The last step in the analysis of the sufficiency of residential land within Sherwood is to compare the demand for land by zone (Table 3) with the capacity of land by zone based on historical development densities (Table 6 and Table 7). Table 9 shows that Sherwood has a deficit of capacity in each zone, for a total deficit of about 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units), Medium Density Residential-High (252 dwelling units), and High Density Residential (145 dwelling units).

The conclusion from Table 9 is that the current inventory of buildable residential land is **not** sufficient to accommodate Sherwood's expected growth. To comply with Goal 10, the City will need to either change its policies to allow for more development on the inventory of vacant land, request a UGB expansion from Metro, or both. The types of land with the largest deficit are Medium Density Residential-Low, Medium Density Residential-high, and High Density Residential.

Table 9. Comparison of capacity of existing residential land with demand for new dwelling

units, dwelling units, Sherwood planning area, 2019-2039

			Comparison
			Capacity
			minus
	Capacity		Demand
	(Needed	Housing	(dwelling
Zone	Densities)	Demand	units)
Very Low Density Residential	76	95	-19
Low Density Residential	144	182	-38
Medium Density Residential-Low	382	536	-154
Medium Density Residential-High	266	518	-252
High Density Residential	253	398	-145
Total	1,121	1,729	-608

Source: ECONorthwest Note: DU is dwelling unit.

POTENTIAL GROWTH IN SHERWOOD WEST

Development capacity in Sherwood West will vary from 3,300 to 6,500 dwelling units. The Concept Plan will begin to identify housing types and development scenarios that fit with the community's vision for Sherwood West and that are possible, given likely development and infrastructure costs

The Concept Planning work for Sherwood West is ongoing. The results of the Concept Planning work and later concept and master planning phases will determine more precisely the type and amount of housing in Sherwood West. Table 10 presents estimates of capacity in Sherwood West based on a range of density assumptions, from an average of 6.0 to 12.0 dwelling units per acre. The purpose of the information in Table 10 is to provide some idea of potential development capacity in Sherwood West.

The timing of development in Sherwood West is being discussed through the Concept Planning process. A number of factors will affect the timing of development in Sherwood West, such as when the area is brought into the Metro UGB, provisions of services, and future concept planning for the area. Sherwood

West may not be fully built out until 2065. The areas expected to develop first in Sherwood West are Areas A, B, and a portion of C in the Concept Plan, which are located in the southeast part of Sherwood West, adjacent to the Brookman Area. The Sherwood School District has plans to develop a high school in Area A in the next few years.

Table 10. Potential residential development capacity, Sherwood West

Table 10. Potential residentia	al developn	nent capacity, Sherwood West
	Dwelling Units	Notes
Estimate of Buildable Land		
Gross Acres	670	
Net Acres	546	We assumed an average net-to-gross factor of 18.5% for rights-of- way, regardless of parcel size.
Potential Capacity based on		
Density Assumptions		
Required average from OAR 660-007 - 6 DU/net acre	3,276	Under this assumption, Sherwood West would be primarily built-out with single-family detached housing. Given Sherwood's historical development densities and the City's requirement to provide opportunity that half of new development is single-family attached and multifamily, this density seems too low for Sherwood West. Issues related to costs of services and development density will be discussed in the pre-concept planning process (and again in the concept planning process) may indicate that this density assumption is too low to support development costs for Sherwood West.
Historical Development Density* - 7.8 DU/net acre	4,259	Issues related to costs of services and development density will be discussed in the pre-concept planning process (and again in the concept planning process) may indicate that this density assumption is too low to support development costs for Sherwood West.
10 DU/net acre	5,460	Metro's forecast for capacity in Sherwood West (4,844) would be accommodated at an average of 10 dwelling units per acre, with some additional capacity for other development.
12 DU/net acre	6,552	

Source: Buildable Lands Estimate from OTAK and analysis by ECONorthwest

*Note: Historical Development Density includes only development in residential zones over the 2000-2014 period.

CONCLUSIONS AND RECOMMENDED OPTIONS

The key findings and recommendations from the housing needs analysis are as follows:

Sherwood is able to accommodate 65% of the forecast for growth within the Sherwood Planning Area.

- Sherwood is able to meet state requirements for housing mix and density. The City's primary obligations are to (1) designate land in a way that 50% of new housing could be either multifamily or single-family attached housing (e.g., townhouses) and (2) achieve an average density of six dwelling units per net acre. Put another way, the City is required to plan that 50% of their new housing will have the opportunity to be multifamily or single-family attached housing (e.g., townhouses), with all housing at an average density of 6 dwelling units per net acre. Sherwood is able to meet these requirements.
- Sherwood is meeting its obligation to plan for needed housing types for households at all income levels. Sherwood's residential development policies include those that allow for development of a range of housing types (e.g., duplexes, manufactured housing, and apartments) and that allow government-subsidized housing. This conclusion is supported by the fact that Metro's 2016 *Compliance Report* concluded that Sherwood was in compliance with Metro Functional Plan and Title 7 (Housing Choice). Sherwood will have an ongoing need for providing affordable housing to households with all income levels.
- Sherwood has a deficit of land for housing. Sherwood can accommodate about 65% of the forecast for new housing on areas within the city limits and Brookman Area. However, Sherwood has a deficit of land for 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units), Medium Density Residential-High (252 dwelling units), and High Density Residential (145 dwelling units).
- To provide adequate supply, Sherwood will need to continue to annex the Brookman area. Sherwood will need to continue to annex the Brookman area in order to accommodate the City's forecast of residential growth. The City recently annexed about 98 acres in the Brookman Area. The annexed land is in the center of the Brookman Area and has relatively few owners (about 8 property owners). Annexing and developing other parts of the Brookman area, with a larger number of owners, may be more challenging, to the extent that the property owners have to come to agreement about development.
- Sherwood will need Sherwood West to accommodate future growth beyond the existing city limits and Brookman Area. The growth rate of Metro's forecast for household growth (1.1% average annual growth) is considerably lower than the City's historical population growth rate over the last two decades (8% average annual growth). Metro's forecast only includes growth that can be accommodated with the Sherwood Planning area, which does not include Sherwood West.

Sherwood's fast growth during the last two decades was driven by historically fast inmigration in to the Portland region, a trend that Metro's forecast shows slowing, and the availability of vacant buildable residential land in Sherwood.

Sherwood will need Sherwood West to accommodate future growth beyond the existing city limits and Brookman Area.

Sherwood's development code does not provide opportunities for development of housing at moderate multifamily densities between 11 to 16 dwelling units per acre.

Providing opportunities for housing in these densities may address and provide opportunities for development of a wider range of affordable housing types.

Given the limited supply of buildable land within Sherwood, it is likely that the City's residential growth will slow, especially if portions of Sherwood West are not brought into the Metro UGB in the earlier part of the 20-year planning period. It is likely that Sherwood's future growth over the 2019-2039 period would be considerably slower than its historical growth rate, if for no other fact than it is mathematically more difficult to maintain a high growth rate with a larger population. In addition, Sherwood's fast growth during the last two decades was driven by historically fast in-migration in to the Portland region, a trend that Metro's forecast shows slowing, and the availability of vacant buildable residential land in Sherwood.

- Sherwood has a relatively limited supply of land for moderate- and higherdensity multifamily housing. Sherwood has 68 vacant acres of MDRL land. Sherwood has 41 vacant acres of MDRH land and 17 acres of HDR land. If the City wants more multifamily housing growth in core areas of Sherwood, the City could evaluate whether to make policy changes that either increase the capacity of MDRH and HDR land or designate more land for these uses. Some specific considerations:
- MDRH allows up to 11 dwelling units per acre. However the lot development requirements²⁸ for multifamily make it difficult to achieve the maximum development density. The City may choose to evaluate the implications of changing MDRH development standards to allow densities of at least 11 dwelling units per acre or a moderate increase in the maximum allowable densities in MDRH.
- o The City's supply of HDR land is very limited, with 17 vacant acres of HDR. As part of the Comprehensive Plan update, the City may choose to evaluate opportunities to upzone land to HDR, to allow more multifamily land in areas such as centers or along transportation corridors.
- Sherwood's development code does not provide opportunities for a wider range of housing types and development of housing at moderate multifamily densities of 11.1 to 16.7 dwelling units per acre, the gap in densities between MDRH and HDR. As part of the Comprehensive Plan update, the City may choose to evaluate the need for a zone that allows development in this density, which might include townhouses and moderate-sized apartment or condominium buildings.
- About 9% of Sherwood's residential development over the 2000 to 2014 period occurred in commercial zones., Sherwood may be able to accommodate additional multifamily residential development in these zones.

²⁸ Sherwood has an 8,000 square foot minimum lot size for the first two multifamily units, with a requirement for 3,200 additional square feet for each multifamily unit beyond the first two units.

The City may choose to evaluate and identify opportunities for additional multifamily development in commercial zones, as part of the Comprehensive Plan update.

- Sherwood should monitor residential development. The city may wish to develop a monitoring program that will allow Sherwood to understand how fast land is developing. The monitoring program will inform Metro's UGB planning process by providing more detailed information about housing growth and development capacity in Sherwood. This information can help City staff and decision-makers make the case to Metro staff and decision-makers about the need for residential expansion areas. We recommend using the following metrics to monitor residential growth:
 - Population. The City already routinely monitors population growth by using the annual population estimates prepared by the Center for Population Research at Portland State University.
 - Building permits. The Housing Needs Analysis included a review of building permits by dwelling type, plan designation, zone, and net density. Because the City collects most of the data used in the analysis of historical development density, we recommend that city staff update this analysis on an annual basis.
 - Subdivision and partition activity. This metric is intended to measure the rate and density of land divisions in Sherwood. Specific data to include with subdivision and partition activity are the area of the parent lot, the area in child lots, the number of child lots, the average size or density of lots, and the area in dedicated right-of-way.
 - Land consumption. This metric relates closely to the building permit data. The building permit data should include tax lot identifiers for each permit. The City should match each permit to data in the buildable lands inventory and report how much land is being used by plan designation, zone, and land classification (e.g., vacant, redevelopable, infill, etc.). Additionally, we recommend the City map the location of development on an annual basis.

Ordinance 2020-010, Exh 2 December 1, 2020, Page 57 of 114

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Appendix A. Appendix A. Residential Buildable Lands Inventory

This appendix presents the methodology used to develop the buildable lands inventory and the results of the buildable lands inventory. The information in this appendix was developed by City of Sherwood staff.²⁹

METHODOLOGY

Definitions used in the inventory

Vacant land

- Any tax lot that is fully vacant as determined by RLIS GIS Data³⁰, aerial photography, field checks and local records.
- Tax lots that are at least 95% vacant are considered vacant land.
- Tax lots that are less than 2,000 sq. feet developed AND developed part is under 10% of entire lot

Developed land

• Part vacant/part developed tax lots are considered developed and will be treated in the redevelopment filter

Steps in developing the buildable land inventory

Step 1: Inventory and map fully vacant residential lands

a. Sort City tax lot data by zoning designation within the City boundary.

The residential zones including any planned unit development overlay utilized within this study include:

- Very Low Density Residential (VLDR)
- Low Density Residential (LDR)
- Medium Density Residential Low (MDRL)
- Medium Density Residential High (MDRH)
- High Density Residential (HDR)

b. Identify parcels that are fully vacant.

²⁹ Michelle Miller, AICP, Senior Planner at the City of Sherwood developed the buildable lands inventory.

³⁰ Metro's Data Resource Center collaborates with local partners to develop and deliver the Regional Land Information System (RLIS) – more than 100 layers of spatial data that supports strategic decision-making for governments, businesses and organizations across the region.

- 1. Remove developed parcels using most recent Metro's RLIS GIS data.
- 2. Planning staff review based on current aerial photography, field checks, and local records

Step 2: Subtract unbuildable acres

a. Remove tax lots that d/n have potential to provide residential growth.

- 1. Tax exempt with property codes for City, State, Federal and Native American designations
- 2. Schools
- 3. Churches and social organizations-based solely on tax exempt codes
- 4. Private streets
- 5. Rail properties
- 6. Tax lots under the minimum lot size of the zone or 4,250 sq. ft. for residential land due to infill standards
- 7. Parks

b. Calculate deductions for environmental resources³¹.

- 1. Remove Floodways-100% removed
- Recognize environmental constraints such as slopes over 25 % and constrained areas as defined by Cities and Counties under Metro Functional Plan Title 13-Riparian Corridors (Class I and II) and Upland Wildlife Habitat (Class A and B) -100%
- 3. By assumption, allow one dwelling unit per residentially zoned tax lot if environmental encumbrances would limit development such that by internal calculations no dwelling units would otherwise be permitted.

c. Calculate for future streets. 32

This methodology sets aside a portion of the vacant land supply (not redevelopment supply) in order to accommodate future streets and sidewalks. This assumption is calculated on a per tax lot basis.

- 1. Tax lots less than 3/8 acre assume 0% set aside future streets.33
- 2. Tax lots between 3/8 acre and 1 acre assume a 10% set aside for future streets
- 3. Tax lots greater than an acre assume an 18.5% set aside for future streets

³¹ Environmental resources are considered to include Title 3, Title 13 FEMA floodway and slopes over 25 %.

³² The BLI accounts for future streets on a tax lot by tax lot basis. The buildable area of each tax lot is reduced based on individual tax lot size.

³³ The basis for these net street deduction ratios derive from previous research completed by the Data Resource Center and local jurisdictions for the 2002 UGR.

4. Industrial zoning assumes a 10% set aside regardless of size.

Step 3: Inventory and map re-developable lands

a. Definition:

Re-developable: applies to lots that are classified as developed that are now likely to redevelop or during the 20-year planning period.

- b. Query performed that identifies previously developed lots that have potential to redevelop—over time due to the relationship between the size of the lot and the value of improvements.
 - 1. Sites between .26-.54 acres with improvements less than \$ 50 K
 - 2. Sites over .55 acres with improvement between \$50,001-100 K
 - 3. Sites over 1 acre with improvement values between \$ 100,001-150 K
 - Results of this query include land that is wholly re-developable, meaning existing improvements would be replaced, and land that is partially vacant, meaning the lot could be divided to allow for additional development.

Step 4: Planning staff review of draft map-(Investigative step)

- a. Remove under construction or pending construction as of October 1, 2014
- b. Added back and redefined areas of special concern (Areas like Brookman for example)³⁴
- Review and add City owned properties that are developable and not held for public purpose
- d. For parcels zoned MDRH and HDR determine densities based on location and likelihood that parcel will develop with multifamily or single-family dwelling units and base densities on minimum lot size for single-family and maximum density for multifamily.
- e. Re-developable or partially vacant sites that include:
 - Properties currently for sale
 - Lots that are more than twice the minimum lot size required to support the number of existing dwelling units including tax lots that have land division potential
 - Sites that should have been identified as partially vacant but not caught earlier
 - Lands with single-family development zoned for multifamily development

f. Remove from Map and defined the following as Not Likely to Redevelop

- Sites occupied by active religious institutions
- Sites with known deed restrictions
- Sites currently under development

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³⁴ Assume Brookman Concept Plan Zoning

- Sites occupied by utility infrastructure
- Commercially zoned land greater than ½ mile from either residential or town center lots-most likely won't be mixed use with residential

g. Redevelop Strike Price Analysis

 Perform on all tax lots planned for residential and commercial development, to identify Multifamily and Commercial sites with a market redevelopment strike price of less than \$10 per square foot.³⁵

Strike Price = (Improvement value + land value)
Total Sq. Ft of lot

h. Identify possible rezone properties that would either be added or subtracted from the inventory over time.

-

³⁵ This formula is part of the draft proposed Metro methodology for identifying sites zoned for Multifamily and Mixed Use Development that are likely to redevelop. \$10/sq.ft. is the estimated threshold for the market supporting redevelopment of suburban sites that are zoned for multifamily development.

RESULTS OF THE BUILDABLE LANDS INVENTORY

Table A- 1 presents the City's inventory of buildable land. The buildable lands inventory is based on City of Sherwood and Metro GIS data. Table A- 1 shows that Sherwood has 175 net acres of suitable buildable residential land. Fifty-five percent of Sherwood's vacant land (96 acres) is within the city limits and 45% (79 acres) is within the Brookman Area or other unincorporated areas within the current Urban Growth Boundary.

Table A- 1. Inventory of suitable buildable residential land, net acres, Sherwood city limits and areas within the UGB, 2014

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

Source: City of Sherwood

Table A- 2 presents a revision of the capacity shown in Table A- 1 for capacity based on historical densities. Between January 1, 2015 and December 31, 2018, Sherwood issued 160 permits for housing, all in the MDRL, MDRH, and HDR zones. Table A- 2 reduces the capacity estimate by 160 units, resulting in a capacity of 571 units on land within the city limits.

^{*}Note: There is one lot split between MDRL and MDRH.

Table A- 2.. Revised capacity based on historical development densities accounting for building permits issued in 2015 to 2018, dwelling units, 2018

	Capacity based on Historical	Building Permits	
	Development	Issued 2015 to	Revised
Zone	Densities	2018	Capacity
Land within City	y Limits		
VLDR	69		69
VLDR_PUD	3		3
LDR	144		144
MDRL	88	34	54
MDRH	161	52	109
HDR	266	74	192
Subtotal	731	160	571

Source: Sherwood buildable lands inventory; Sherwood zoning code; Analysis of historical development densities; and Analysis by ECONorthwest

Map A-1 shows vacant and partially vacant land in Sherwood. Notable areas where development has occurred since 2015 are circled in red on Map 1. In total, 160 new single-family detached units were permitted between January 1, 2015 and December 31, 2018.

Sherwood Residential Buildable Lands Inventory Legend Property in the UGB Sherwood Unannexed Area within the Urban Growth Boundary Sensitive Areas High Value Medium Value 0 0.125 0.25

Map A-1. Inventory of suitable buildable residential land, net acres, Sherwood city limits and areas within the UGB, 2014

Source: City of Sherwood

Appendix B. Trends Affecting Housing Need in Sherwood

HISTORICAL AND RECENT DEVELOPMENT TRENDS

Analysis of historical development trends in Sherwood provides insights into how the local housing market functions. The intent of the analysis is to understand how local market dynamics may affect future housing—particularly the mix and density of housing by type. The housing mix and density by type are also key variables in forecasting future land need. The specific steps are described in Task 2 of the DLCD *Planning for Residential Lands* Workbook:

- Determine the time period for which the data must be gathered.
- Identify types of housing to address (at a minimum, all needed housing types identified in ORS 197.303).
- Evaluate permit/subdivision data to calculate the actual mix, average actual gross density, and average actual net density of all housing types.

The period used in the analysis of housing density and mix is 2000 to 2014, which includes both times of high housing production and times of low housing production. This reasons for choosing this period were: (1) the 2000 to 2014 period includes more than one economic cycle, with extreme highs and extreme lows in the housing market and (2) data prior to 2005 was less easily available and obtaining data for 2000 to 2004 required a considerable amount of work by City staff to compile the data.

The housing needs analysis presents information about residential development by housing types. For the purposes of this study, we grouped housing types based on: (1) whether the structure is stand-alone or attached to another structure and (2) the number of dwelling units in each structure. The housing types used in this analysis are:

- **Single-family detached:** single-family detached units and manufactured homes on lots and in mobile home parks.
- **Single-family attached:** all structures with a common wall where each dwelling unit occupies a separate lot, such as row houses or townhouses.
- **Multifamily**: all attached structures other than single-family detached units, manufactured units, or single-family attached units.

These categories of housing type were chosen for the analysis because they meet the requirements of needed housing types in ORS 197.303.³⁶

Data used in this analysis

Throughout this analysis, we use data from multiple well-recognized and reliable data sources. One of the key sources for data about housing and household data is the U.S. Census. This report primarily uses data from two Census sources:

- The Decennial Census, which is completed every ten years and is a survey of all households in the U.S. The Decennial Census is considered the best available data for information such as demographics (e.g., number of people, age distribution, or ethnic or racial composition); household characteristics (e.g., household size and composition); and housing occupancy characteristics. As of the 2010 Decennial Census, it does not collect more detailed household information, such as income, housing costs, housing characteristics, and other important household information. Decennial Census data is available for 1990, 2000, and 2010.
- The American Community Survey (ACS), which is completed every year and is a sample of households in the U.S. The 2009-2013 ACS sampled about 16.2 million households, or about 2.8% of the households in the nation. The ACS collects detailed information about households, such as demographics (e.g., number of people, age distribution, ethnic or racial composition, country of origin, language spoken at home, and educational attainment); household characteristics (e.g., household size and composition); housing characteristics (e.g., type of housing unit, year unit built, or number of bedrooms); housing costs (e.g., rent, mortgage, utility, and insurance); housing value; income; and other characteristics.

In general, this report uses data from the 2009-2013 ACS for Sherwood. Where information is available, we report information from the 2010 Decennial Census.

Trends in housing mix in Sherwood

According to the American Community Survey, Sherwood had more than 6,500 housing units in the 2009-2013 period. Figure B- 1 shows that Sherwood's housing stock is predominantly single-family detached housing. In 2000, 79% of

³⁶ The analysis of development in Sherwood attempts to separate single-family detached and single-family attached housing. However, the City's building permit system does not distinguish between these two types of housing. City staff manually identified single-family attached housing that was developed with a concentration of single-family attached housing. City staff were unable to identify small-scale, single-family attached development scattered throughout the city.

Sherwood's housing stock was single-family detached and 77% was single-family detached in 2009-2013. The share of multifamily units increased from 17% of Sherwood's housing stock in 2000 to 18% in 2009-2013.

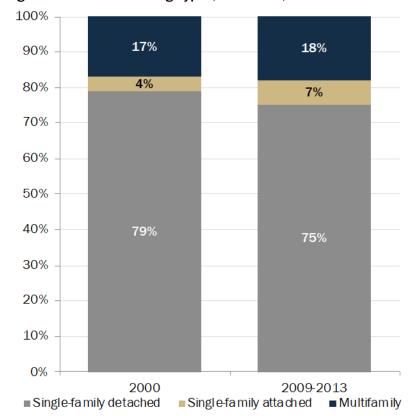


Figure B- 1. Mix of Housing Types, Sherwood, 2000 to 2009-2013

Source: U.S. Census 2000 SF3 Table H030, American Community Survey 2009-2013, Table B25024.

Table B- 1 and Figure B- 2 show that the mix of housing developed over the 2000 to 2014 period was predominantly single-family housing (including single-family detached, single-family attached, and manufactured housing), accompanied by intermittent growth in multifamily.

Over the entire 2000 to 2014 period, Sherwood issued permits for nearly 2,225 dwelling units, with about 148 permits issued per year. About 69% of dwellings permitted were single-family detached, 9% were single-family attached, and 23% were multifamily.

In addition, 160 units were permitted during the January 1, 2015 to December 31, 2018 period. All units permitted were single-family detached. These permits are not shown in Table B- 1 and Figure B- 2.

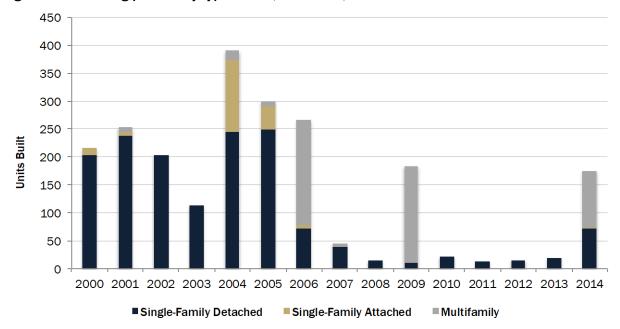
Table B- 1. Building permits by type of unit, Sherwood, 2000-2014

Housing Type	New Units Permitted	Average of New Units Permitted Annually	Mix of New Units
Single-Family Detached	1,525	102	69%
Single-Family Attached	196	13	9%
Multifamily	504	34	23%
Total	2,225	148	100%

Source: City of Sherwood Building Permit Database.

Notes: Single-Family Detached includes manufactured housing.

Figure B- 2. Building permits by type of unit, Sherwood, 2000 to 2014



Source: City of Sherwood Building Permit Database.

Notes: Single-Family Detached includes manufactured housing.

Trends in Tenure

Figure B- 3 shows housing tenure in Oregon, Washington County, and Sherwood for the 2009-2013 period. Sherwood has a higher rate of ownership (74%) than the county (54%) and the state (62%).

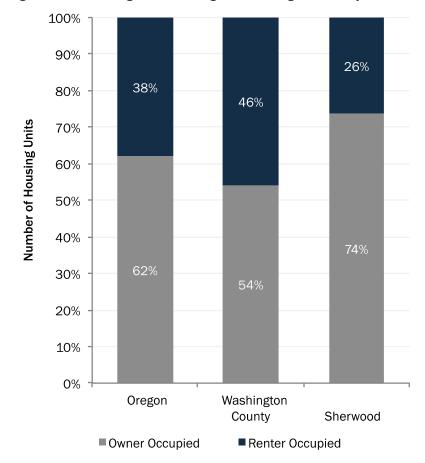


Figure B- 3. Housing Tenure, Oregon, Washington County, Sherwood, 2009-2013

Source: American Community Survey 2009-2013, Table B25003.

Figure B- 4 shows change in tenure (owner versus renter-occupied housing units) for the City of Sherwood over the 2000 to 2009-2013 period. The overall homeownership rate declined, from 79% to 74% between 2000 to 2009-2013, while renting increased by 5%. This change is consistent with national and statewide trends in homeownership.

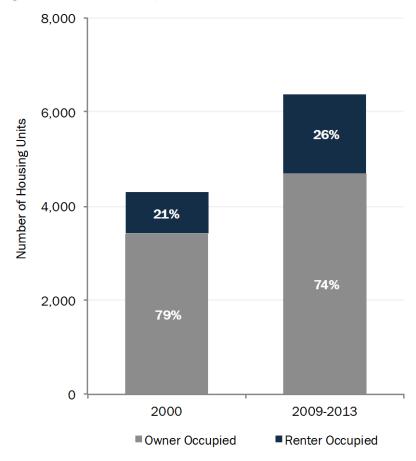


Figure B- 4. Tenure, occupied units, Sherwood, 2000 to 2009-2013

Source: U.S. Census 2000 SF3 Table H032, American Community Survey 2009-2013 Table B25003.

Figure B- 5 shows the types of dwelling in Sherwood in 2009-2013 by tenure (owner/renter-occupied). The results indicate that in Sherwood, single-family housing types are most frequently owner-occupied (70% of all housing is single-family, owner-occupied housing) and multifamily housing is most frequently renter-occupied (15% of all housing is multifamily renter-occupied housing).

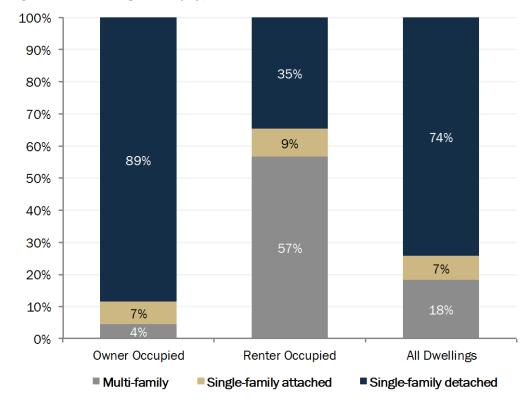


Figure B- 5. Housing units by type and tenure, Sherwood, 2009-2013

Source: American Community Survey 2009-2013 Table B25032.

Housing Vacancy Rates

Table B- 2 shows vacancy rates in Oregon, Multnomah, Washington, and Clackamas counties, and Sherwood between 2000 and 2009-2013. Vacancy rates increased in in Oregon, and Clackamas counties, but fell in Multnomah and Washington counties, and in Sherwood. As the 2009-2013 period, Sherwood had a relatively low vacancy rate (2.7%) compared to the regional counties, whose rates ranged from 5.5% to 7.0%, and to Oregon (9.6%).

Table B- 2. Housing vacancy rate, Oregon, Multnomah, Washington and Clackamas Counties, and Sherwood, 2000 to 2009-2013

	Oregon	Multnomah County	Washington County	Clackamas County	Sherwood
2000	8.2%	6.4%	5 ₋ 7%	5.5%	3.6%
2009 - 2013	9.6%	5.9%	5 ₋ 5%	7.0%	2.7%
Change 2000					_
to 2009-2013	17.1%	-7.5%	-3.6%	28.3%	-24.7%

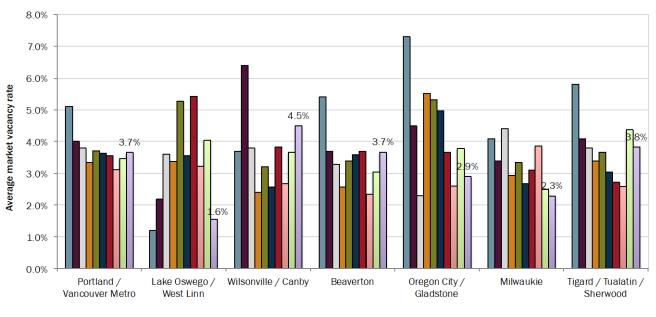
Source: U.S. Census 2000 SF1 Table H003, American Community Survey 2009-2013 Table B25002.

Multifamily NW tracks trends in the Portland area rental market and publishes a semi-annual report. Figure B- 6 shows average market vacancy rates for apartments for the Portland/Vancouver region and selected submarkets in the south-central Portland Region. The vacancy rates in the

Tigard/Tualatin/Sherwood area varied from a high of 5.8% in Spring 2010 to a low of 2.6% in Fall 2013. The vacancy rate in this area was within 1% (above or below) the vacancy rate for the Portland /Vancouver metro area. According to the Fall 2014 Apartment Report, the vacancy rate for apartments in the Tigard/Tualatin/Sherwood area was 3.8%, slightly higher than the regional average of 3.7%.

Multifamily vacancy rates vary, in part, as a result of building new multifamily developments. When a new multifamily development comes on the market, it may take months (or longer) for the new units to be absorbed into the housing market through rental of new units. During this absorption period, the vacancy rate will generally increase for multifamily housing.

Figure B- 6. Average market vacancy rates for apartments, Portland/Vancouver Metro area and selected submarkets, 2010-2014



■ Spring 2010 ■ Fall 2010 ■ Spring 2011 ■ Fall 2011 ■ Spring 2012 ■ Fall 2012 ■ Spring 2013 ■ Fall 2013 ■ Spring 2014 ■ Fall 2014

Multifamily NW Apartment Reports, Spring 2010 - Fall 2014.

Density

Housing density is the density of housing by structure type, expressed in dwelling units per net or gross acre.³⁷ The U.S. Census does not track residential development density.

This study analyzes housing density based on new residential development within Sherwood between 2000 and 2014, similar to the analysis of achieved mix. The analysis of housing density uses data from the City of Sherwood's building permits database.

Table B- 3 shows that development that was permitted between 2000 and 2014 achieved overall average densities of 8.2 dwelling units per net acre. The majority of permitted housing was single-family detached housing, which averaged 6.5 dwelling units per net acre. Multifamily housing achieved an average of 20.5 and single-family attached achieved and average of 17.9 dwelling units per net acre.

Table B- 3. Estimated density by type of unit, net acres, Sherwood, 2000-2014

Housing Type	New and Existing Units	Acres	Density (dwelling unit per acre)
Single-Family Detached	1,641	251	6.5
Single-Family Attached	196	11	17.9
Multifamily	504	25	20.5
Total	2,341	286	8.2

Source: City of Sherwood Building Permit Database.

Note: Single-Family Detached includes manufactured housing

Note: The number of new single-family detached housing is higher in Table B- 3 than in Table B- 1 because Table B- 3 includes 116 existing manufactured dwellings in manufactured housing parks. These dwellings were included as part of the density calculation to correctly calculate the densities of manufactured housing in the manufactured housing parks with one or more newly permitted dwellings over the 2000 to 2014 period.

Table B-4 shows an analysis of residential development density (dwelling units per net acre) over the 15-year period for Sherwood by zoning designation. Table B-4 shows:

- Ninety-two percent of residential development was in residential zones, which had an overall density of 7.8 dwelling units per net acre.
- Density in residential zones varied from 2.9 dwelling units per net acre in the Very Low Density Residential zone to 19.1 dwelling units per net acre in the High Density Residential zone.

³⁷ OAR 660-024-0010(6) uses the following definition of net buildable acre. "Net Buildable Acre" "...consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads." While the administrative rule does not include a definition of a gross buildable acre, using the definition above, a gross buildable acre will include areas used for rights-of-way for streets and roads. Areas used for rights-of-way are considered unbuildable.

- Density in the Low Density Residential zone averaged 6.5 dwelling units per net acre. Development in Planned Unit Developments (PUD) in this zone achieved an average of 7.6 dwelling units per net acre, which explains the relatively high density in this zone.
- Density in Commercial and Mixed-Use zones averaged 15.6 dwelling units per net acre.

Table B-4. Housing density by Zone, net acres, Sherwood, 2000 to 2014

Zone	New and Existing Units	Acres	Density (dwelling unit per acre)
Residential Zones			
Very Low Density Residential	53	18	2.9
Low Density Residential	807	124	6.5
PUD	487	64	7.6
Non-PUD	320	59	5.4
Medium Density Residential-High	301	39	7.7
Medium Density Residential-Low	368	60	6.1
High Density Residential	605	32	19.1
Residential subtotal	2,134	273	7.8
Commercial and Mixed Use Zones			_
Office Commercial	150	6	24.4
Mixed-use Commercial and Condo	55	7	7.9
Retail Commercial	2	0	17.4
Commercial subtotal	207	13	15.6
Total	2,341	286	8.2

Source: City of Sherwood Building Permit Database

NATIONAL HOUSING TRENDS

The overview of national, state, and local housing trends builds from previous work by ECONorthwest, Urban Land Institute (ULI) reports, and conclusions from *The State of the Nation's Housing*, 2014 report from the Joint Center for Housing Studies at Harvard University.³⁸ The Harvard report summarizes the national housing outlook as follows:

"With promising increases in home construction, sales, and prices, the housing market gained steam in early 2013. But when interest rates notched up at mid-year, momentum slowed. This moderation is likely to persist until job growth manages to lift household incomes. Even amid a broader recovery, though, many hard-hit communities still struggle and millions of households continue to pay excessive shares of income for housing."

Several challenges to a strong domestic housing market remain. Demand for housing follows trends in jobs and incomes, which are taking longer to recover than in previous cycles. While trending downward, the numbers of underwater homeowners, delinquent loans, and vacancies remain high. *The State of the Nation's Housing* report projects that it will take several years for market conditions to return to normal and, until then, the housing recovery will likely unfold at a moderate pace.

Trends in housing development

The single-family housing market began strong in 2013, but by the arrival of 2014, housing starts were down 3% and new home sales had fallen 7% from the year before. The *State of the Nation's Housing Report* attributes most of the decline to increases in mortgage interest rates and meager improvements in employment and wages.

Thirty-year mortgage interest rose in 2014, bucking a downward trend. After falling to a low of around 3.4% in 2013, rates rose to around 5% in 2014. The rise of mortgage interest rates increased the cost of investment in a home and contributed to the fall in the rate of housing starts. In addition to the rise of mortgage interest rates, "steady but unspectacular job growth" presented a fundamental obstacle to the housing market's progress, according to the report. Employment grew, but slowly, and incomes continued to fall. As long as job and wage growth remain slow, potential homebuyers will not create sufficient demand for robust growth in the housing market.

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³⁸ The State of the Nation's Housing, Harvard University, 2014, accessed January 2014. http://www.jchs.harvard.edu/research/state_nations_housing

Other recent trends in the housing market included: home inventories remained low (homes now spend less than six months on the market), investors purchased fewer distressed properties, the renter market grew, and a larger share of young people chose to live with their parents.

Supplies of existing homes for sale remained low in 2013, which may reflect the unwillingness or inability of owners to sell at current prices (Figure A- 1). As home prices return to levels that are more acceptable to sellers, more homes will go on the market.

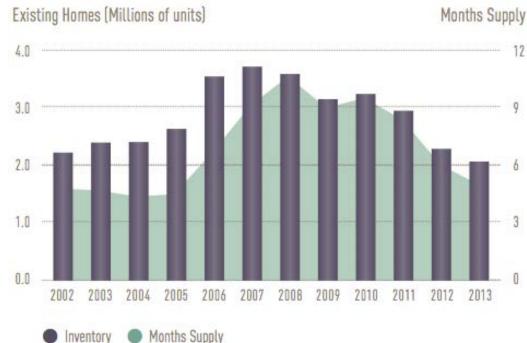


Figure A- 1. Inventories of Homes for Sale Against Months Supply, 2002-2013

Source: The State of The Nation's Housing, 2014, The Joint Center for Housing Studies of Harvard University, p. 10. http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/sonhr14-color-full.pdf.

Multifamily home construction continued robust growth for a third consecutive year. Multifamily starts increased 25% to over 300,000 in 2013, approaching prerecession levels of around 350,000. In contrast to strong multifamily housing growth, single-family home starts grew slowly, at only about 15%, well below pre-recession levels of production: less than 620,000 starts in 2013, compared to over 1.5 million in 2006. These growth trends are shown in Figure A- 2.

2,000 400 1,750 350 300 1,500 1.250 250 200 1,000 750 150 100 500 250 50 0 2010 2012 2013 2014 2003 2005 2006 2007 2008 2009 2011 Single-Family (Left scale) Multifamily (Right scale)

Figure A- 2. Housing Starts, 2003-2014

Starts (Thousands of units)

Source: The State of The Nation's Housing, 2014, The Joint Center for Housing Studies of Harvard University, p. 10. http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/sonhr14-color-full.pdf.

Long run trends in home ownership and demand

The housing market downturn and foreclosure crisis had an immediate and potentially lasting impact on homeownership. After 13 successive years of increases, the national homeownership rate declined each year from 2005 to 2013, and is currently at approximately 65%. However, while the rate declined again in 2013, it was the smallest drop since 2008. As seen in Figure A- 3, the US homeownership rate fell only 0.3 percentage points.

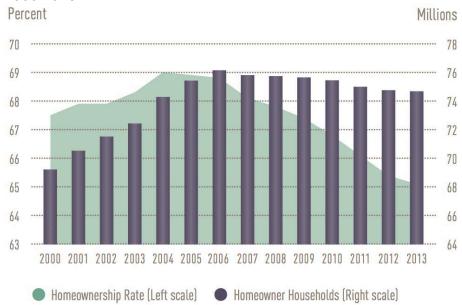


Figure A- 3. Homeownership Rates and the Number of Homeowner Households, 2000-2013

Source: The State of The Nation's Housing, 2014, The Joint Center for Housing Studies of Harvard University, p. 10. http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/sonhr14-color-full.pdf.

The long-term market outlook shows that homeownership is still the preferred tenure. While further homeownership gains are likely during the next decade, they are not assured. Additional increases depend, in part, on the effect of foreclosures on potential owner's ability to purchase homes in the future, as well as whether the conditions that have led to homeownership growth can be sustained.

The Joint Center for Housing Studies indicates that demand for new homes could total as many as 13 million units nationally between 2015 and 2025. The location of these homes may differ from recent trends, which favored lower-density development on the urban fringe and suburban areas. The Urban Land Institute identifies the markets that have the most growth potential as "global gateway, 24-hour markets," which are primary coastal cities with international airport hubs (e.g., Washington D.C., New York City, San Francisco, or Seattle). Development in these areas may be nearer city centers, with denser infill types of development.³⁹

The Joint Center for Housing Studies also indicates that demand for higher density housing types exists among certain demographics. They conclude that because of persistent income disparities, as well as the movement of the

³⁹ Urban Land Institute, "2011 Emerging Trends in Real Estate" and "2012 Emerging Trends in Real Estate"

Millennials into young adulthood, housing demand may shift away from single-family detached homes toward more affordable multifamily apartments, town homes, and manufactured homes.

Home rental trends

Nationally, the rental market continues to grow. In 2013, the number of households living in rental units increased by half a million, marking the ninth consecutive year of expansion. In addition to growth in rentals in 2013, the million-plus annual increases observed in 2011 and 2012 puts current growth rates on pace to easily surpass the record 5.1 million gain in the 2000s.

Rental markets across the country have been tightening, pushing up rents across the majority of markets. Rental vacancy rates also continued to drop in 2013, both nationwide and in most metros. The US rental vacancy rate stood at 8.3% in 2013 and, while this is the lowest level observed since 2001, this was still high relative to the 7.6% averaged in the 1990s.

Over the longer term, the Joint Center for Housing expects demand for rental housing to continue to grow. Minorities will be the largest driver of rental demand because they are on average younger and less likely to own homes than whites. Demographics will also play a role. Growth in young adult households will increase demand for moderately priced rentals, in part because the oldest Millennials reached their late-20s around 2010. Meanwhile, growth among those between the ages of 45 and 64 will lift demand for higher-end rentals.

As the homeownership market recovers, the growth in renter households will likely slow. Since much of the increased demand for rental housing has been met through the conversion of single-family homes to rentals, future market adjustments may come from a return of these units to owner-occupancy. Additionally, the echo-boom generation should provide strong demand for rental units in the coming years.

Trends in housing affordability

Many homeowners pay a disproportionate share of their income on housing, with 35% of households in the U.S. who are cost burdened.⁴⁰ While the share of households that are cost burdened fell by about 4% in 2012, the share of households that were cost burdened increase between 2001 and 2011 (Figure A-4). More than 15% of U.S. households are severely cost burdened.

40 35 30 25 20 15 10 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 Severely Burdened Moderately Burdened

Figure A- 4. Share of Cost-burdened Households, 2001-2012 Share of Households (Percent)

Source: The State of The Nation's Housing, 2014, The Joint Center for Housing Studies of Harvard University, p. 10. http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/sonhr14-color-full.pdf.

The Joint Center for Housing Studies points to widening income disparities, decreasing federal assistance, and depletion of inventory through conversion or demolition as three factors exacerbating the lack of affordable housing. While the Harvard report presents a relatively optimistic long-run outlook for housing markets and for homeownership, it points to the significant difficulties low- and moderate-income households face in finding affordable housing and preserving the affordable units that do exist.

According to the Joint Center for Housing Studies, these statistics understate the true magnitude of the affordability problem because they do not capture the tradeoffs people make to hold down their housing costs. For example, these figures exclude people who live in crowded or structurally inadequate housing units. They also exclude the growing number of households that move to

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⁴⁰ Households are considered cost burdened if they spent 30% or more of their gross income on housing costs. Households who spent 50% or more of their gross income on housing costs are considered severely cost burdened.

locations distant from work where they can afford to pay for housing, but must spend more for transportation to work. Among households in the lowest expenditure quartile, those living in affordable housing, spent an average of \$100 more on transportation per month in 2010 than those who are severely housing cost-burdened. With total average monthly outlays of only \$1,000, these extra travel costs could amount to roughly 10 percent of the entire household budget.

Demographic trends in housing preference

Demographic changes likely to affect the housing market and homeownership are:

- The aging of the Baby Boomers, the oldest of whom were in their late-60's in 2012.
- Housing choices of younger Baby Boomers, who were in their early to mid-50's in 2010.
- The children of Baby Boomers, called the Millennials, who ranged from their late teens to late twenties in 2012.
- \bullet Immigrants and their descendants, who are a faster growing group than other households in the U.S. 41

The aging of the Baby Boomers will affect housing demand over the next decades. People prefer to remain in their community as they age.⁴² The challenges that aging seniors face in continuing to live in their community include: changes in healthcare needs, loss of mobility, the difficulty of home maintenance, financial concerns, and increases in property taxes.⁴³ Not all of these issues can be addressed through housing or land use policies. Communities can address some of these issues through adopting policies that:

- Diversify housing stock to allow development of smaller, comparatively easily-maintained houses in single-family zones, such as single-story townhouses, condominiums, and apartments.
- Allow commercial uses in residential zones, such as neighborhood markets.
- Allow a mixture of housing densities and structure types in single-family zones, such as single-family detached, single-family attached, condominiums, and apartments.

⁴¹ Urban Land Institute, "2011 Emerging Trends in Real Estate"

⁴² A survey conducted by the AARP indicates that 90% of people 50 years and older want to stay in their current home and community as they age. See http://www.aarp.org/research.

⁴³ "Aging in Place: A toolkit for Local Governments" by M. Scott Ball.

- Promote the development of group housing for seniors that are unable or do not choose to continue living in a private house. These facilities could include retirement communities for active seniors, assisted living facilities, or nursing homes.
- Design public facilities so that they can be used by seniors with limited mobility. For example, design and maintain sidewalks so that they can be used by people in wheelchairs or using walkers.

Household formation fell to around 600,000 to 800,000 in the 2007-2013 period, well below the average rate of growth in previous decades. Despite sluggish growth recently, several demographic factors indicate increases in housing growth to come. The Millennial generation (those born after 1985) is the age group most likely to form the majority of new households. While low incomes have kept current homeownership rates among young adults below their potential, Millennials may represent pent-up demand that will release when the economy fully recovers. As Millennials age, they may increase the number of households in their 30s by 2.4 to 3.0 million over the through 2025.

While the population of young adults between 20 and 29 years grew in the 2003-2013 decade by more than 4 million from the previous decade, the rate at which members of this age group formed their own households fell. As a result, household growth has not kept pace with overall population growth. Even if today's low household formation rates were to persist, however, the aging of the Millennials into their 30s will likely raise household headship rates due to lifecycle effects. About 60% of all 35–44 year-olds head an independent household, compared with less than 42% of all 25–34 year-olds. Thus, the Millennial generation, more populous than the Baby Boomers, is expected to be the primary driver of new household formation over the next twenty years.

25-34 Year Olds 35-44 Year Olds Thousands of 2012 Dollars Thousands of 2012 Dollars Percent Percent 6/ ☐ Median Household Income (Left scale) ☐ Homeownership Rate (Right scale)

Figure A- 5. Homeownership Rates and Incomes for Young and Middle-Aged Adults, 1994-2012

Source: The State of The Nation's Housing, 2014, The Joint Center for Housing Studies of Harvard University, p. 10. http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/sonhr14-color-full.pdf.

It is currently unclear what housing choices the Millennials will make. Some studies suggest that their parents' negative experience in the housing market, with housing values dropping so precipitously and so many foreclosures, will make Millennials less likely to become homeowners. In addition, high unemployment and underemployment may decrease Millennials' earning power and ability to save for a down payment. It is not clear, however, that Millennials' housing preferences will be significantly different from their parents over the long run.

Recent surveys suggest that as Millennials age and form families, they will increasingly prefer to live in single-family homes in suburban locations. A recent survey by the National Association of Homebuilders finds that roughly three-quarters of Millennials want to live in a single-family home and would prefer to live in a suburb, compared to just 10% that would prefer to live in a city center.

Other recent surveys suggest that Millennials prefer to live in walkable communities, where there are alternatives to driving. According to surveys from the American Planning Association and Transportation For America, at least three quarters of Millennials want their city to offer opportunities to live and work without relying on a car. While Millennials may choose housing that satisfies these preferences, the cost of living will place parameters on their housing choices. According to the APA survey, 71% percent of Millennials rated affordable housing as a high priority for metro areas.

In coming years Millennials will pursue homes that provide a combination of space, "walkability," and affordability. They will demonstrate these preferences in the market soon: according to the APA survey, more than half of Millennials

consider themselves at least somewhat likely to move within the next five years.⁴⁴

From 2004 to 2013, homeownership rates for 25-34 year olds and 35-44 year olds fell by around 8% and 9% respectively, with ownership rates for people 25 to 54 years old at the lowest point since recordkeeping started in 1976 (Figure A- 5). Nonetheless, the 25 and 34 year-old age group still makes up the majority of first-time homebuyers. Young adults in this cohort make up 54.3 percent of first-time homebuyers. Their majority among first-time homebuyers means that their ability to buy homes will play an important role in growth of the housing market in the near future.

The fall in homeownership among young adults results largely from the decline in income. Approximately 6 million more individuals between 20 and 29 years earned less than \$25,000 than in 2003, while the number of those earning between \$25,000 and \$50,000 fell by over a million. Furthermore, the share of households younger than 30 years with student loan debt increased by more than 7% since 2007, from 33.9% to 41.0%.

According to the Joint Center for Housing Studies, immigration and increased homeownership among minorities will also play a key role in accelerating household growth over the next 10 years. Current Population Survey estimates indicate that the number of foreign-born households rose by nearly 400,000 annually between 2001 and 2007, and accounted for nearly 30 percent of overall household growth. Beginning in 2008, the influx of immigrants was staunched by the effects of the Great Recession. After a period of declines, however, the foreign born are again contributing to household growth. Census Bureau estimates of net immigration in 2011–12 indicate an increase of 110,000 persons over the previous year, to a total of nearly 900,000. Furthermore, as shown in Figure A- 6, the Harvard report forecasts that minorities will make up about 76% of the household growth between 2015 and 2025. The greater diversity among young adults partly explains the increased share of growth that will belong to minorities. For example, about 45% of Millennials are minorities, compared to 28% of Baby Boomers.

⁴⁴ The American Planning Association, "Investing in Place; Two generations' view on the future of communities." 2014. "Survey Says: Home Trends and Buyer Preferences," National Association of Home Builders International Builders Show, accessed January, 2015, http://www.buildersshow.com/Search/isesProgram.aspx?id=17889&fromGSA=1. "Access to Public Transportation a Top Criterion for Millennials When Deciding Where to Live, New Survey Shows," Transportation for America, accessed January 2015, http://t4america.org/wpcontent/uploads/2014/04/Press-Release_Millennials-Survey-Results-FINAL-with-embargo.pdf.

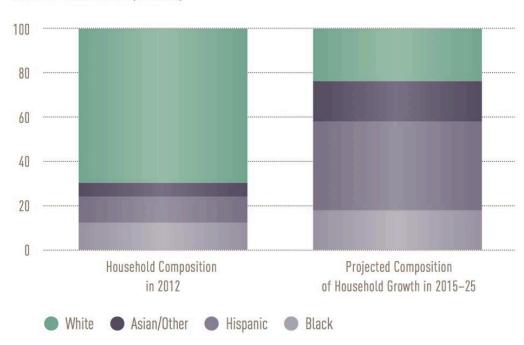


Figure A- 6. Share of Households by Racial/Ethnic Group, 2012 and 2015-25 Share of Households (Percent)

Source: The State of The Nation's Housing, 2014, The Joint Center for Housing Studies of Harvard University, p. 10. http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/sonhr14-color-full.pdf.

The growing diversity of American households will have a large impact on the domestic housing markets. Over the coming decade, minorities will make up a larger share of young households, and constitute an important source of demand for both rental housing and small homes. This makes the growing gap in homeownership rates between whites and blacks and whites and Hispanics troubling. Since 2001, the difference in homeownership rates between whites and blacks rose from 25.9 to 29.5 in 2013. Similarly the gap between white and Hispanic homeownership rates increased since 2008, from below 26%, to over 27% in 2013. This growing gap between racial and ethnic groups will hamper the country's homeownership rate as minority households constitute a larger share of the housing market.

Trends in Housing Characteristics

The U.S Census Bureau's Characteristics of New Housing Report (2013) presents data that show trends in the characteristics of new housing for the nation, state, and local areas. Several long-term trends in the characteristics of housing are evident from the New Housing Report:⁴⁵

⁴⁵ https://www.census.gov/construction/chars/highlights.html

- Larger single-family units on smaller lots. Between 1990 and 2013 the median size of new single-family dwellings increased 25% nationally from 1,905 sq. ft. to 2,384 sq. ft., and 19% in the western region from 1,985 sq. ft. to 2,359 sq. ft. Moreover, the percentage of units fewer than 1,400 sq. ft. nationally decreased by almost half, from 15% in 1999 to 8% in 2012. The percentage of units greater than 3,000 sq. ft. increased from 17% in 1999 to 29% of new one-family homes completed in 2013. In addition to larger homes, a move towards smaller lot sizes is seen nationally. Between 1990 and 2013, the percentage of lots less than 7,000 sq. ft. increased from 27% of lots to 36% of lots.
- Larger multifamily units. Between 1999 and 2013, the median size of new multiple family dwelling units increased by 2% nationally and 3% in the western region. The percentage of new multifamily units with more than 1,200 sq. ft. increased from 28% in 1999 to 32% in 2013 nationally, and increased from 25% to 32% in the western region.
- More household amenities. Between 1990 and 2013, the percentage of single-family units built with amenities such as central air conditioning, 2 or more car garages, or 2 or more baths all increased. The same trend in increased amenities is seen in multifamily units.

During the recession, the trend towards larger units with more amenities faltered. Between 2007 and 2009, for example, the median size of new single-family units decreased by 6% throughout the nation, including in the West. In addition, the share of new units with amenities (e.g., central air conditioning, fireplaces, 2 or more car garages, or 2 or more bath) all decreased slightly during this time. With the recovery, however, housing sizes have been increasing annually; median housing sizes increased by 12% between 2009 and 2013 nationwide, and 10% in the western region. The short term, post-recession trends regarding amenities are mixed, but generally appear to be increasing (albeit more slowly than housing sizes).

It appears that the decreases in unit size and amenities were a short-term trend, resulting from the housing crisis. However, numerous articles and national studies suggest that these changes may indicate a long-term change in the housing market, resulting from a combination of increased demand for rental units because of demographic changes (e.g., the aging of the baby boomers, new immigrants, and the echo-boomers), as well as changes in personal finance and availability of mortgages. 46

These studies may be correct and the housing market may be in the process of a long-term change, with some fluctuations over time in unit size and amenities.

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⁴⁶ These studies include "Hope for Housing?" by Greg Filsram in the October 2010 issue of Planning and "The Elusive Small-House Utopia" by Andrew Rice in the New York Times on October 15, 2010.

On the other hand, long-term demand for housing may not be substantially affected by the current housing market. The echo-boomers and new immigrants may choose single-family detached housing and mortgages may become easier to obtain.

Studies and data analysis have shown a clear linkage between demographic characteristics and housing choice. This is more typically referred to as the linkage between lifecycle and housing choice and is documented in detail in several publications. Analysis of data from the Public Use Microsample (PUMS) in the 2000 Census helps to describe the relationship between selected demographic characteristics and housing choice. Key relationships identified through this data include:

- Homeownership rates increase as income increases;
- Homeownership rates increase as age increases;
- Choice of single-family detached housing types increases as income increases;
- Renters are much more likely to choose multiple family housing types than single-family; and
- Income is a stronger determinate of tenure and housing type choice for all age categories.

STATE DEMOGRAPHIC TRENDS

Oregon's 2011-2015 Consolidated Plan includes a detailed housing needs analysis as well as strategies for addressing housing needs statewide. ⁴⁷ The plan concludes that, "Oregon's changing population demographics are having a significant impact on its housing market." It identified the following population and demographic trends that influence housing need statewide. Oregon is:

- Facing housing cost increases due to higher unemployment and lower wages, when compared to the nation.
- Experiencing higher foreclosure rates since 2005, compared with the previous two decades.
- Losing federal subsidies on about 8% of federally subsidized Section 8 housing units.
- Losing housing value throughout the State.
- Losing manufactured housing parks, with a 25% decrease in the number of manufactured home parks between 2003 and 2010.

⁴⁷ http://www.ohcs.oregon.gov/OHCS/HRS_Consolidated_Plan_5yearplan.shtml

• Increasingly older, more diverse, and has less affluent households. 48

REGIONAL AND LOCAL DEMOGRAPHIC TRENDS

Regional demographic trends largely follow the statewide trends discussed above, but provide additional insight into how demographic trends might affect housing in Sherwood. Demographic trends that might affect the key assumptions used in the baseline analysis of housing need are: (1) the aging population, (2) changes in household size and composition, and (3) increases in diversity. This section describes those trends.

The following section presents data tables. In a few places, additional explanatory text is included. For the most part, the text describing the implications of the tables is in the main part of the document.

Growing population

Sherwood has a growing population. Table B- 5 shows population growth in the U.S., Oregon, the Portland Region, Washington County, and Sherwood, between 1990 and 2013.

Table B- 5. Population in U.S., Oregon, the Portland Region, Washington County, and Sherwood, 1990-2013

		Population	Change :	1990 to 20	13	
Area	1990	2000	2013	Number	Percent	AAGR
U.S.	248,709,873	281,421,906	311,536,594	62,826,721	25%	1.0%
Oregon	2,842,321	3,421,399	3,919,020	1,076,699	38%	1.4%
Portland Region	1,174,291	1,444,219	1,693,600	519,309	44%	1.6%
Washington County	311,554	445,342	550,990	239,436	77%	2.5%
Sherwood	3,093	11,963	18,575	15,482	501%	8.1%

Source: US Census Bureau Decennial Census 1990 and 2000; Portland State University, Population Research Center Note: AAGR is average annual growth rate.

The housing needs analysis in this report is based on a coordinated household forecast from Metro (the January 2016 2040 TAZ Forecast), which is a necessary prerequisite to estimate housing needs. The projection of household growth includes areas currently within the city limits, as well as areas currently outside the city limits that the City expects to annex for residential uses (most notably the Brookman area). We call these areas combined the "Sherwood planning area."

Table B-6 presents Metro's forecast for household growth and new housing development in the Sherwood planning area for the 2010 to 2040 period. The table shows Metro's forecast for the Sherwood city limits, areas currently outside

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⁴⁸ State of Oregon *Consolidated Plan 2011 to 2015*. http://www.oregon.gov/ohcs/hd/hrs/consplan/2011_2015_consolidated_plan.pdf

the city limits that are expected to be annexed by 2040, which are together the Sherwood planning area. Table B-6 shows Metro's forecast for the number of households in each of the following years:

- **2010.** Metro's forecast uses an estimate of the number of households in 2010 as the starting point of the forecast.
- 2015. Estimate of number of households in 2015.
- **2040.** Metro's forecast estimates household growth of 2,078 dwelling units or 30%, by 2040. Part of the forecasting process was providing jurisdictions an opportunity to review and comment on the forecast for growth through 2040.

Table B-6 also shows Metro's forecast for the Sherwood West area, which is forecast to grow by 4,337 dwelling units by 2040. While Metro forecasts that this development will occur over the 2015 to 2040 period, the discussion of timing of this development in the Concept Planning process suggests that Sherwood West may take 50 years (2015 to 2065) to develop the 4,337 dwelling units in Metro's forecast.

Table B-6. Metro forecast for housing growth, Sherwood planning area, 2010 to 2040

2040								
	Households							
			Sherwood	West				
	Sherwood	Brookman	Planning	(50-Year				
Year	City Limits	Area	Area	Forecast)				
2010	6,476	242	6,718	270				
2015	6,784	226	7,010	293				
2040	7,653	1,435	9,088	4,811				
Change 2015 to 2	040							
Households	869	1,209	2,078	4,518				
Percent	13%	535%	30%	1542%				
AAGR	0.5%	7.7%	1.0%	11.8%				

Source: Metro 2040 TAZ Forecast by Households, January 2016

Note: The Sherwood City Limits are the following Metro Transportation Analysis Zones (TAZs): 989 to 997.

The Brookman area is predominantly in Transportation Analysis Zone 978, with a small area in 988. Brookman is an area that the City expects to annex for residential growth over the planning period. Sherwood West is parts of Transportation Analysis Zones 1428, 1429, and 1432.

Sherwood's housing needs analysis must be based on a 20-year period, but Metro's forecast describes growth over a 25-year period. Table B- 7 shows an extrapolation of Metro's forecast for the 2019 to 2039 period. ECONorthwest extrapolated Metro's forecast to 2018 based on the number of households in 2015 and the growth rate in the forecast between 2015 and 2040. We assumed that little to no growth happened in Sherwood West between 2015 and 2018, an

assumption that is supported by the relative lack of building permit activity in these areas.

Table B- 7 shows that the Sherwood planning area will add 1,729 new households between 2019 and 2039, with 700 new households inside the existing city limits and 1,029 new households in outside the current city limits in the Brookman Area.

Table B- 7. Extrapolated Metro forecast for housing growth, Sherwood planning area. 2019 to 2039

		Households						
Year	Sherwood City Limits	Brookman Area	Sherwood Planning Area	Sherwood West (50-Year Forecast)				
2019	6,916	304	7,220	293				
2039	7,616	1,333	8,949	4,630				
Change 2019 to	2039							
Households	700	1,029	1,729	4,337				
Percent	10%	338%	24%	1480%				
AAGR	0.5%	7.7%	1.1%	14.8%				

Source: Metro 2040 TAZ Forecast by Households, January 2016

Aging population

In 2010, the median age in Sherwood was 34.3 years old, compared to the median of 35.3 in Washington County, and the State median of 38.4. Figure B- 7 shows the populations of Oregon, the Portland Region, Washington County, and Sherwood by age in 2010.

70 and older 60-69 50-59 40-49 Age 30-39 20-29 10-19 Under 10 0% 5% 10% 15% 20% Percent of Population Sherwood ■ Oregon ■ Portland Region ■ Washington County

Figure B- 7. Population Distribution by Age for Oregon, Sherwood, Oregon, Portland Region, Washington County

Source: U.S. Census 2010, Profile of General Population and Housing Characteristics

Table B- 8 shows population by age in Sherwood for 2000 and 2010. Over the 2000 to 2010 period, the population of people aged 45 to 64 years old grew the fastest, increasing from 1,936 to 3,917, or 102%.

Table B- 8. Population by Age, Sherwood, 2000 and 2010

	2000		2010)	Change 2000-2010			
Age Group	Number	Percent	Number	Percent	Number	Percent	Share	
Under 5	1,351	11%	1,518	8%	167	12%	-3%	
5-17	2,383	20%	4,589	25%	2,206	93%	5%	
18-24	644	5%	939	5%	295	46%	0%	
25-44	4,854	41%	5,991	33%	1,137	23%	-8%	
45-64	1,936	16%	3,917	22%	1,981	102%	5%	
65 and over	623	5%	1,240	7%	617	99%	2%	
Total	11,791	100%	18,194	100%	6,403	54%	0%	

Source: U.S. Census 2000 Table P12, U.S. Census 2010 Table P12

Figure B- 8 shows the population distribution by generation and age in Oregon in 2015. The largest groups are the Millennials (27% of Oregon's population) and the Baby Boomers (25% of Oregon's population). By 2035, the end of the planning period for this analysis, Millennials will be between 35 and 54 years old. Baby Boomers will be 71 to 89 years old.

Oregon Population by Age, 2015 60,000 50,000 Number of Oregonians 40,000 30,000 Gen Z Gen X Boomers (2001+)(1965-80)(1946-64)20,000 870,869 714,772 983,708 18% 22% 25% Silent 10,000 421.004 11% 0 30 80 0 10 20 40 50 60 70 Single-Year Age

Figure B- 8. Population Distribution by Generation and Age, Oregon, 2015

Source: Oregon Office of Economic Analysis

Source: Oregon Office of Economic Analysis, "Population, Demographics, and Generations" by Josh Jehner, February 5, 2015.

http://oregoneconomicanalysis.com/2015/02/05/population-demographics-and-generations/

Figure B- 9 shows the Office of Economic Analysis's (OEA) forecast of population change by age group, from 2015 to 2035, for the Portland Region. By 2035, people 60 years and older will account for 24% of the population in Washington County (up from 18% in 2015). The percent of total population in each age group younger than 60 years old will decrease. The age distribution in the Portland Region will change in a similar pattern.

Portland Region Washington County 60 and older 60 and older 40-59 40-59 20-39 20-39 Under 20 Under 20 15% 20% 0% 10% 15% 20% 25% 30% Percent of Population Percent of Population **2015 2035 2015 2035**

Figure B- 9. Current and projected population by age, Portland Region and Washington County, 2015 and 2035

Source: Oregon Office of Economic Analysis.

http://www.oregon.gov/DAS/OEA/docs/demographic/pop_by_ageandsex.xls

Increased ethnic diversity

Figure B-10 shows the percentage of the total population that is of Hispanic or Latino origin for Oregon, the Portland Region, and Sherwood, in 2000 and 2009-2013. Between 2000 and 2009-2013, Hispanic or Latino population increased from 5% of the population to 6% of the population, adding 550 additional Hispanic or Latino residents. Sherwood has a smaller percentage of Hispanic or Latino population than the county or regional average.

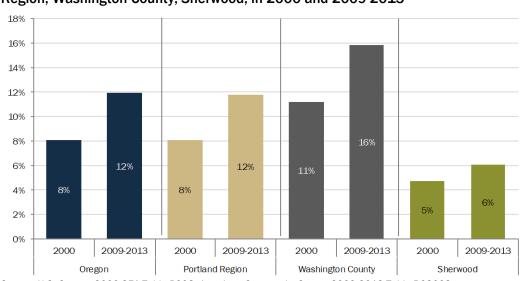


Figure B- 10 Hispanic or Latino population by percentage, Oregon, the Portland Region, Washington County, Sherwood, in 2000 and 2009-2013

Source: U.S. Census 2000 SF1 Table P008, American Community Survey 2009-2013 Table B03003.

Household size and composition

Household size

Table B- 9 shows average household sizes in Oregon, the Portland Region, Washington County, and Sherwood in 2000 and the 2009-2013 period.

Table B- 9. Average household size, Oregon, Portland Region, Washington County, and Sherwood, 2000 to 2009-2013.

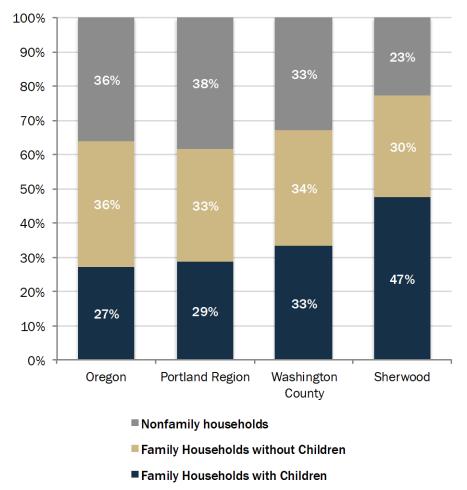
	Oregon	Oregon Portland Region		Sherwood	
2000					
Average household size	2.51	2.53	2.61	2.77	
Owner-occupied units	2.59	2.67	2.75	2.85	
Renter-occupied units	2.36	2.30	2.39	2.47	
2009-2013					
Average household size	2.49	2.54	2.64	2.89	
Owner-occupied units	2.55	2.64	2.72	3.00	
Renter-occupied units	2.41	2.37	2.53	2.57	
Change 2000 to 2009-2013					
Average household size	-0.02	0.00	0.03	0.12	
Owner-occupied units	-0.04	-0.02	-0.03	0.15	
Renter-occupied units	0.05	0.07	0.14	0.10	

Source: U.S. Census 2000 SF1 H012, American Community Survey 2009-2013 Table B25010.

Household composition

Figure B- 11 shows household composition in Oregon, the Portland Region, Washington County, and Sherwood in 2009-2013. A larger share of Sherwood's housing composition is family household with children (47%) compared to that of Washington County (33%), the Portland Region (29%), and Oregon (27%).

Figure B- 11. Household composition, Oregon, Portland Region, Washington County, and Sherwood, 2009-2013.



Source: American Community Survey 2009-2013 Tables DP02.

Group Quarters

Table B- 10 shows the population living in group quarters in Oregon, the Portland Region, Washington County, and Sherwood in 2000 and 2010. Only seven out of 18,194 Sherwood residents lived in group quarters in 2010, less than 0.0%. In contrast, 2.3% of Oregon's population and 1.8% of the Portland region's population lives in group quarters.

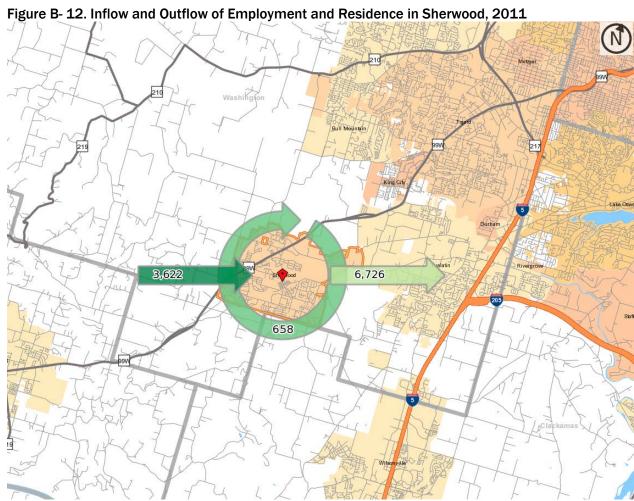
Table B- 10. Persons in group quarters, Oregon, Portland Region, Washington County, and Sherwood, 2000 to 2010.

	2000	2010
Oregon		
Total Population	3,421,399	3,831,074
Persons in Group Quarters	77,491	86,642
Percent in Group Quarters	2.3%	2.3%
Percent in correctional institutions	0.6%	0.6%
Portland Region		
Total Population	1,444,219	1,641,036
Persons in Group Quarters	23,667	29,124
Percent in Group Quarters	1.6%	1.8%
Percent in correctional institutions	0.0%	0.0%
Washington County		
Total Population	445,342	529,710
Persons in Group Quarters	4,101	6,788
Percent in Group Quarters	0.9%	1.3%
Percent in correctional institutions	0.1%	0.4%
Sherwood		
Total Population	11,791	18,194
Persons in Group Quarters	19	7
Percent in Group Quarters	0.2%	0.0%
Percent in correctional institutions	0.0%	0.0%

Source: U.S. Census 2000 SF1 Tables P1 and P37, U.S. Census 2010 SF1 Tables P1 and P42

Commuting trends

Commuting within the Portland region is common, with small cities like Sherwood seeing the vast majority of workers commute out of the city for work and the majority of people working in the city commuting in from other parts of the region. Figure B- 12 shows this pattern in Sherwood, with the majority of people living in Sherwood commuting out for work and the majority of people working in Sherwood commuting into the city for work.



Source: U.S. Census Bureau: LED on the Map, http://lehdmap3.did.census.gov/themap3/
The U.S, Census bases this data on Unemployment Insurance earnings data and the Quarterly Census of Employment and Wages (QCEW) data, combined with administrative data, additional administrative data and data from censuses and surveys. From these data, the program creates statistics on employment, earnings, and job flows at detailed levels of geography and industry and for different demographic groups.

Table B- 11 shows the places where Sherwood residents were employed in 2011. More than 90% of Sherwood residents worked outside of the city.

Table B- 11. Places that residents of Sherwood were employed in, 2011.

Number	Percent
3,616	49%
1,803	24%
1,147	16%
338	5%
330	4%
71	1%
13	0%
12	0%
54	1%
1,686	23%
660	9%
658	9%
575	8%
575	8%
3,230	44%
7,384	100%
	3,616 1,803 1,147 338 330 71 13 12 54 1,686 660 658 575 575 3,230

Source: U.S. Census Bureau: LED on the Map, http://lehdmap3.did.census.gov/themap3/.

Table B- 12 shows where employees of firms located Sherwood lived in 2011. More than 80% of people who worked in Sherwood commuted from outside the city.

Table B- 12. Places where workers in Sherwood lived in 2011

Location	Number	Percent
Counties		
Washington	2,013	47%
Clackamas	602	14%
Multnomah	467	11%
Yamhill	460	11%
Marion	224	5%
Clark	76	2%
Linn	52	1%
Lane	46	1%
Polk	44	1%
All other counties	296	7%
Cities		
Sherwood	658	15%
Portland	371	9%
Tigard	233	5%
Beaverton	224	5%
Newberg	207	5%
All other cities	2,587	60%
Total	4,280	100%

Source: U.S. Census Bureau: LED on the Map, http://lehdmap3.did.census.gov/themap3/

MANUFACTURED HOMES

Manufactured homes are and will be an important source of affordable housing in Sherwood. They provide a form of homeownership that can be made available to low- and moderate-income households. Cities are required to plan for manufactured homes—both on lots and in parks (ORS 197.475-492).

Generally, manufactured homes in parks are owned by the occupants who pay rent for the space. Monthly housing costs are typically lower for a homeowner in a manufactured home park for several reasons, including the fact that property taxes levied on the value of the land are paid by the property owner rather than the manufactured homeowner. The value of the manufactured home generally does not appreciate in the way a conventional home would, however.

Manufactured homeowners in parks are also subject to the mercy of the property owner in terms of rent rates and increases. It is generally not within the means of a manufactured homeowner to relocate a manufactured home to escape rent increases. Living in a park is desirable to some because it can provide a more secure community with on-site managers and amenities, such as laundry and recreation facilities.

Sherwood had 258 manufactured homes in 2000 and 155 manufactured homes in the 2009-2013 period, a decrease of 103 dwellings. According to Census data, roughly 83% of the manufactured homes in Sherwood were owner-occupied in the 2009-2013 period.

OAR 197.480(4) requires cities to inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial, or high-density residential development. Table B- 13 presents the inventory of mobile and manufactured home parks within Sherwood in 2014. The results show that Sherwood had 3 manufactured home parks with 172 spaces..

Name	Location	Park Type	Total Spaces	Vacant Spaces
Carriagae Park Estates	23077 SW Main St.	Family	58	0
Orland Villa	22200 SW Orland Street	Family	24	0
Smith Farm Estates	17197-17180 SW Smith Ave.	Family	90	0
Total			172	0

Source: Oregon Manufactured Dwelling Park Directory, http://o.hcs.state.or.us/MDPCRParks/ParkDirQuery.jsp.

Changes in housing cost

According to Zillow, the median sales price of a home in Sherwood increased by about 30% between 2004 and 2014. Housing prices rose steeply prior to 2007, reaching a high of roughly \$338,000, before the housing bubble and recession led to a period of declining housing prices. Housing prices in Sherwood, while following the same general pattern, remain higher than those observed in other parts of the region and the State as a whole.

Housing values

Figure B- 13 shows the median sales price in Oregon, the Portland MSA, Washington County, and Sherwood between 2004-2014. As of January 2015, median sales prices in Sherwood were \$331,300, higher than in Washington County (\$281,700), the Portland MSA (\$269,900), and Oregon (\$241,400).

Figure B- 13. Median Sales Price, Oregon, Portland MSA, Washington County and Sherwood, 2004-2014



Source: Zillow Real Estate Research.

Note: Gaps in Sherwood's median sales price occur where data was not available.

Figure B- 14 shows median home sales prices for Sherwood and regional cities in January 2015. In that month, median home sale prices in Sherwood were about \$316,500, above sales prices in other Portland westside communities such as Tigard, Tualatin, and Beaverton. Median sales prices in Wilsonville and West Linn were higher than those in Sherwood.

\$450,000 \$400.000 \$350,000 \$300,000 \$250,000 \$200,000 \$150,000 \$100,000 \$50,000 \$-**Forest** Hillsboro Beaverton **Tualatin Tigard** Portland Sherwood Wilsonville West Linn Grove

Figure B- 14. Median Home Sales Price, Sherwood, Tualatin, Tigard, Beaverton, Hillsboro, Forest Grove, Portland, January 2015

Source: Zillow Real Estate Research.

Figure B- 15 shows median home sales price per square foot for Oregon, the Portland MSA, Washington County and Sherwood from 2004-2013. Prices per square foot rose in Sherwood from \$130 per square foot in October 2004 to \$192 in July 2007. Prices fell after 2007 and rose again starting in 2011. In October 2014, the median price per square foot in Sherwood was about \$170 dollars, comparable to the price in Washington County and the Portland Region (both about \$170) and above that of the state as a whole (\$157 per square foot).

\$175

Side with side with

Figure B- 15. Median Sales Price per Square Foot, Oregon, Portland MSA, Washington County and Sherwood, 2004-2014

Source: Zillow Real Estate Research.

Note: Gaps in Sherwood's median sales price occur where data was not available.

Figure B- 16 shows median home sales price per square foot for Sherwood and regional cities in January 2015. Of the cities sampled, Sherwood had the third-highest price per square foot, at \$176 per square foot. Prices per square foot in West Linn and Portland were higher, at \$180 and \$237 respectively. While Sherwood's prices were the third highest, they compared very closely to other cities such as Tigard (\$174), Tualatin (\$174), Beaverton (\$173), and Wilsonville (\$171).

\$250
\$150
\$100
\$50
Forest Grove Hillsboro Wilsonville Beaverton Tualatin Tigard Sherwood West Linn Portland

Figure B- 16. Median Sales Price Per Square Foot, Forest Grove, Hillsboro, Wilsonville, Beaverton, Tualatin, Tigard, Sherwood, West Linn, and Portland, January 2015.

Source: Zillow Real Estate Research.

Housing rental costs

Table B- 14 shows the median contract rent in Oregon, Multnomah, Washington, and Clackamas counties, and Sherwood, in 2000 and 2009-2013. The median contract in Sherwood in 2009-2013 was \$212 above the median in Washington County.

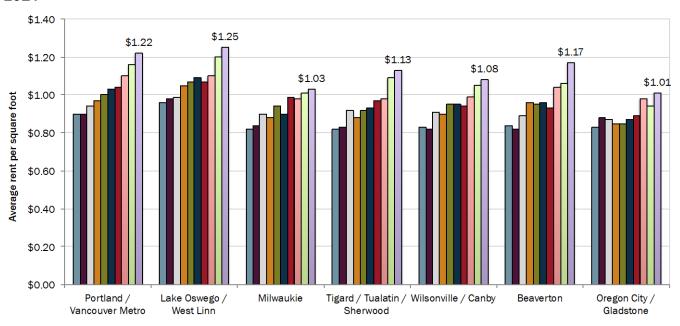
Table B- 13. Median contract rent, inflation-adjusted dollars, Oregon, Multnomah Washington, and Clackamas Counties, and Sherwood, 2000 to 2009-2013

Location	R	ent	Change 2000 to 2009- 2013		
Education	2000	2009- 2013	Amount	Percent	
Oregon	\$741	\$749	\$8	1%	
Multnomah County	\$771	\$799	\$28	4%	
Washington County	\$878	\$852	-\$26	-3%	
Clackamas County	\$853	\$858	\$5	1%	
Sherwood	\$880	\$1,064	\$184	21%	

Source: U.S. Census 2000 SF3 Table H56, American Community Survey 2012 Table B25058 Note: All data reported in 2013 dollars; 2000 figures were updated using Consumer Price Index.

Figure B- 17 shows average rent per square foot for apartments in the Portland/Vancouver Metro region and selected submarkets, according to Multifamily NW data between 2010 and 2014. Average rent in the Tigard/Tualatin/Sherwood area submarket was \$1.13 per square foot in Fall 2014, lower than the regional average of \$1.22 per square foot. Between Spring 2010 and Spring 2013, average rent in Tigard/Tualatin/Sherwood area increased by 38%, consistent with the regional increase of 36%.

Figure B- 17. Average rent per square foot, Portland/Vancouver Metro and selected submarkets, 2010-2014



■ Spring 2010 ■ Fall 2010 □ Spring 2011 ■ Fall 2011 ■ Spring 2012 ■ Fall 2012 ■ Spring 2013 □ Fall 2013 □ Spring 2014 □ Fall 2014

Source: Multifamily NW Apartment Reports, Spring 2010 through Fall 2014. Note: The average rent price shown on the graph is for Fall 2014

Figure B- 18 shows a comparison of gross rent for renter-occupied housing units in Oregon, the Portland Region, Washington County, and Sherwood in 2009-2013.⁴⁹

\$1,250 or more \$1,000 to \$1,250 \$800 to \$999 \$600 to \$799 \$400 to \$599 Less than \$400 No cash rent 0% 10% 20% 30% 40% 50% 60% Percent of Renter-Occupied Housing Units Oregon Portland Region ■ Washington County Sherwood

Figure B- 18. Gross rent, renter occupied housing units, Oregon, Portland Region, Washington County, and Sherwood, 2009-2013.

Source: American Community Survey 2009-2013 Table B25063.

ECONorthwest

⁴⁹ The U.S. Census defines gross rent as: "the amount of the contract rent plus the estimated average monthly cost of utilities (electricity, gas, and water and sewer) and fuels (oil, coal, kerosene, wood, etc.) if these are paid for by the renter (or paid for the renter by someone else)."

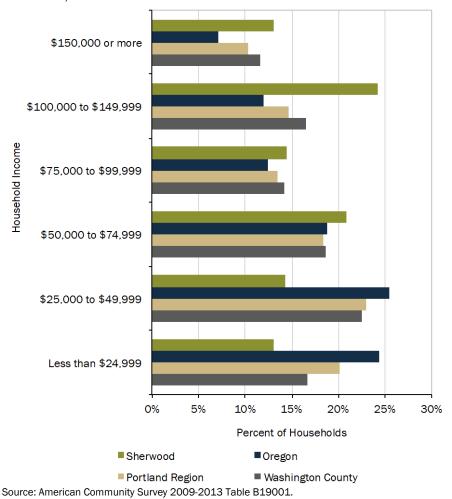
INCOME AND AFFORDABILITY OF HOUSING

This section summarizes regional and local income and housing cost trends. Income is a key determinant in housing choice and a households' ability to afford housing. A review of historical income and housing price trends provides insight into the local and regional housing markets.

The median household income in Sherwood was higher than in nearby counties and the state as a whole in the 2009-2013 period. Median household income in Sherwood was about \$78,400, compared to \$64,200 in Washington County, \$64,400 in Clackamas County, and \$52,500 in Multnomah County. Statewide, the median income was about \$50,300.

Figure B- 19 shows the distribution of household income in Oregon, the Portland Region, and Sherwood in the 2009-2013 period. Sherwood had the highest share of households earning over \$100,000 and the lowest share of households earning less than \$25,000.

Figure B- 19. Household Income, Oregon, Portland Region, Washington County, and Sherwood, 2009-2013.



Ordinance 2020-010, Exh 2 December 1, 2020, Page 107 of 114

A typical standard used to determine housing affordability is that a household should pay no more than a certain percentage of household income for housing, including payments and interest or rent, utilities, and insurance.⁵⁰ HUD guidelines indicate that households paying more than 30% of their income on housing experience "cost burden," and households paying more than 50% of their income on housing experience "severe cost burden." Using cost burden as an indicator of housing affordability is consistent with the Goal 10 requirement to provide housing that is affordable to all households in a community.

According to the U.S. Census, nearly 2,345 households in Sherwood—or 38%—paid more than 30% of their income for housing expenses in the 2009-2013 period. About 44% of renter households in Sherwood were cost burdened, compared with 35% of owner households. In comparison, 40% of Oregon's households were cost burdened in the 2009-2013 period, with 54% of renter households and 32% of owner households cost burdened.

⁵⁰ Cost burden for renters accounts for the following housing costs: monthly rent, utilities (electricity, gas, and water and sewer), and fuels (wood, oil, etc.). Cost burden for homeowners accounts for the following housing costs: mortgage payments, real estate taxes, insurance, mobile home costs, condominium fees, utilities, and fuels.

Figure B- 20 shows the percentage of the population experiencing housing cost burdens in Oregon, the Portland Region, Washington County, and Sherwood in 2009-2013.

100% 90% 80% 70% 62% 59% 60% 62% 60% 50% 40% 30% 41% 40% 20% 38% 38% 10% 0% Sherwood Washington County Portland Region Oregon ■ Cost Burdened ■ Not Cost Burdened

Figure B- 20. Housing cost burden, Oregon, Portland Region, Washington County and Sherwood, 2009-2013.

Source: American Community Survey 2009-2013 Tables B25070 and B25091. Note: Households which the Census classifies as "Not computed" were excluded from the above calculations.

Figure B- 21 shows housing cost burden, by tenure, for Sherwood households in 2009-2013. Forty-four percent of Sherwood's renter households are cost burdened, compared to 49% of renter households in Washington County. Thirty-five percent of owner households are cost burdened, compared to 31% of owner households in Washington County.

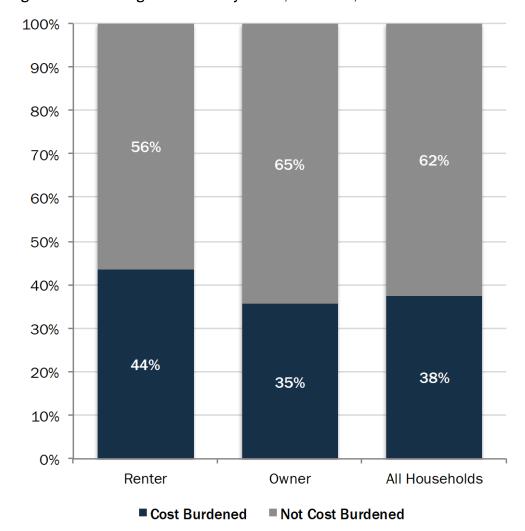


Figure B- 21. Housing cost burden by tenure, Sherwood, 2009-2013.

Source: American Community Survey 2009-2013 Tables B25070 and B25091.

Another way to measure cost burden is to consider the costs of housing combined with the costs of transportation. In the *Draft 2014 Urban Growth Report*, Metro considered this perspective on cost burden. Metro considered a household that spends 45% or more of its income on transportation and housing as cost burdened.

According to data from the Location Affordability Portal, from HUD and the U.S. Department of Transportation, the average household in Sherwood spends 54% of its income on housing costs and transportation costs. Figure B- 22 and Figure

B- 23 show the percentage of income spent on housing and transportation costs in Sherwood and the southwestern part of the Portland region. In comparison to cities such as Tualatin, Wilsonville, and Tigard, households in Sherwood pay a slightly larger percentage of their income on housing and transportation costs. On average, households in these cities pay 50% to 52% of their income on housing and transportation costs.

Location Affordability (Housing and Transportation, % of Income) Median-Income Family Household □ 0%-26% □ 27%-37% □ 38%-44% □ 45%-52% ■ 53%-61% ■ 62%-71% ■ 72%-87% ■ 88%+ SW:Tualatin Sh Edy Rd SHERWOOD TUALATIN NORTH SW Murdock-Rd Sherwood SW Sunset Blvd SW Morgan Ro Map data @2015 Google Terms of Use Report a map error

Figure B- 22. Housing and transportation costs as a percentage of median family income, Sherwood, 2014

http://locationaffordability.info/

Source: HUD and US DOT's Location Affordability Portal

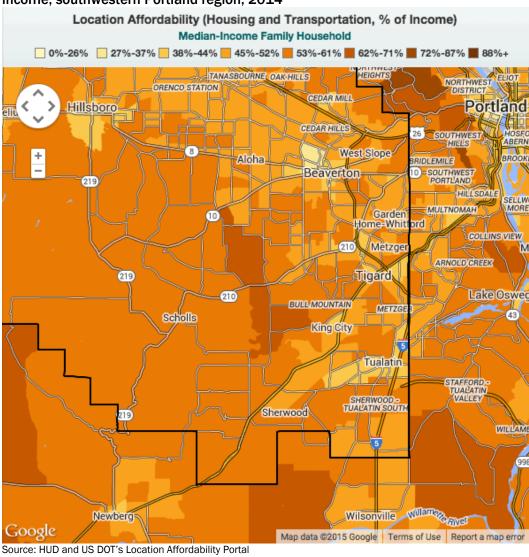


Figure B- 23. Housing and transportation costs as a percentage of median family income, southwestern Portland region, 2014

http://locationaffordability.info/

While cost burden is a common measure of housing affordability, it does have some limitations. Two important limitations are:

- A household is defined as cost burdened if the housing costs exceed 30% of their income, regardless of actual income. The remaining 70% of income is expected to be spent on non-discretionary expenses, such as food or medical care, and on discretionary expenses. Households with higher income may be able to pay more than 30% of their income on housing without impacting the household's ability to pay for necessary non-discretionary expenses.
- Cost burden compares income to housing costs and does not account for accumulated wealth. As a result, the estimate of how much a household can afford to pay for housing does not include the impact of accumulated

wealth on a household's ability to pay for housing. For example, a household with retired people may have relatively low income but may have accumulated assets (such as profits from selling another house) that allow them to purchase a house that would be considered unaffordable to them based on the cost burden indicator.

Cost burden is only one indicator of housing affordability. Another way of exploring the issue of financial need is to review wage rates and housing affordability. Table B- 15 shows an illustration of affordable housing wage and rent gap for households in the Portland MSA at different percentages of median family income (MFI). The data are for a typical family of four. The results indicate that a household must earn \$17.73 an hour to afford a two-bedroom unit according to HUD's market rate rent estimate.

Table B- 14. Affordable Housing Wage Gap, Portland MSA, 2014

Value	Minimum Wage	30% MFI	50% MFI	80% MFI	100% MFI	120% MFI
Annual Hours	2,080	2,080	2,080	2,080	2,080	2,080
Derived Hourly Wage	\$9.10	\$10.01	\$16.68	\$26.69	\$33.37	\$40.04
Annual Wage	\$18,928	\$20,820	\$34,700	\$55,520	\$69,400	\$83,280
Annual Affordable Rent	\$ 5,678	\$6,246	\$10,410	\$16,656	\$20,820	\$24,984
Monthly Affordable Rent	\$473	\$ 521	\$868	\$1,388	\$ 1,735	\$2,082
HUD Fair Market Rent (2 Bedroom)	\$922	\$922	\$922	\$922	\$922	\$922
Is HUD Fair Market Rent Higher Than The Monthly Affordable Rent?	Yes	Yes	Yes	No	No	No
Rent Paid Monthly OVER 30% of Income	\$449	\$402	na	na	na	na
Rent Paid Annually OVER 30% of Income	\$5,386	\$4,818	na	na	na	na
Percentage of Income Paid OVER 30% of Income for Rent	28%	23%	na	na	na	na
Percentage of Income Spent on Housing	58%	53%	32%	20%	16%	13%
For this area what would the "Affordable Housing Wage" be?	\$17.73	\$17.73	\$17.73	\$17.73	\$17.73	\$17.73
The Affordable Housing Wage Gap IS:	\$8.63	\$7.72	\$1.05	na	na	na

Source: FMR comes from HUD's FY 2014 Two-Bedroom FMR for Portland-Vancouver-Hillsboro MSA. Minimum wage from Oregon's Bureau of Labor and Industries. MFI from HUD's FY 2014 MFI for Portland- Vancouver -Hillsboro MSA.

Table B- 16 shows a rough estimate of affordable housing cost and units by income levels for Sherwood in 2014 based on Census data about household income, the value of owner-occupied housing in Sherwood, and rental costs in Sherwood. Several points should be kept in mind when interpreting this data:

- Affordable monthly housing costs and estimate of affordable purchase prices are based on HUD income standards and assume that a household will not spend more than 30% of household income on housing costs. Some households pay more than 30% of household income on housing costs, generally because they are unable to find more affordable housing or because wealthier households are able to pay a larger share of income for housing costs.
- HUD's affordability guidelines for Fair Market Rent are based on median family income and provide a rough estimate of financial need. These guidelines may mask other barriers to affordable housing such as move-in costs, competition for housing from higher-income households, and availability of suitable units. They also ignore other important

- factors such as accumulated assets, purchasing housing as an investment, and the effect of down payments and interest rates on housing affordability.
- Households compete for housing in the marketplace. In other words, affordable housing units are not necessarily *available* to low-income households. For example, if an area has a total of 50 dwelling units that are affordable to households earning 30% of median family income, 50% of those units may already be occupied by households that earn more than 30% of median family income.

The data in Table B- 16 indicate that in 2014:

- About 20% of households in Sherwood could not afford a two-bedroom apartment at HUD's fair market rent level of \$922.
- A household earning median family income (\$69,400) could afford a home valued up to about \$173,500.
- Sherwood has a deficit of about 660 dwellings to households earning less than \$35,000 (or 50% of the Portland metropolitan area's median family income).

Table B- 15. Rough estimates of housing affordability, Sherwood, 2009-2013

Income Level	Number of HH	Percent	Affordable Monthly Housing Cost	Crude Estimate of Affordable Purchase Owner-Occupied Unit	Est. Number of Owner Units	Est. Number of Renter Units	Surplus (Deficit)	HUD Fair Market Rent (FMR) in 2014
Less than \$10,000	186	3%	\$0 to \$250	\$0 to \$25,000	44	60	(82)	
\$10,000 to \$14,999	280	4%	\$250 to \$375	\$25,000 to \$37,000	40	69	(171)	
\$15,000 to \$24,999	364	6%	\$375 to \$625	\$37,500 to \$62,500	35	36	(293)	
								Studio: \$666
\$25,000 to \$34,999	298	5%	\$625 to \$875	\$62,500 to \$87,500	71	111	(116)	1 bdrm: \$774
\$35, 000 to \$49,999	618	10%	\$875 to \$1,250	\$87,500 to \$125,000	77	510	(31)	2 bdrm: \$922 3 bdrm: \$1,359
\$50,000 to \$74,999	1,333	21%	\$1,250 to \$1,875	\$125,000 to \$187,500	360	678	(295)	4 bdrm: \$1,633
Portland MSA 201	4 MFI: \$69,4	400	\$1 ,7 3 5	\$1 73,5 00				
\$75,000 to \$99,999	922	14%	\$1,875 to \$2,450	\$187,500 to \$245,000	748	172	(2)	
\$100,000 to \$149,999	1,543	24%	\$2,450 to \$3,750	\$245,000 to \$375,000	2,172	23	652	
\$150,000 or more	836	13%	More than \$3,750	More than \$375,000	1,151	23	338	
Total	6,380	100%			4,698	1,682	0	

Source: FMR comes from HUD's FY 2014 Two-Bedroom FMR for Portland-Vancouver-Hillsboro MSA. Minimum wage from Oregon's Bureau of Labor and Industries. MFI from HUD's FY 2014 MFI for Portland-Vancouver-Hillsboro MSA; Data about the share of owner and renter households and their income in Sherwood comes from the American Community Survey, 2009-2013 Tables B25075, B25063, B19001.

Table B- 17 shows that between 2000 and 2009-2013, both median household income and housing values increased substantially, with increases in home value outpacing growth in income. Median household income increased between 2000 and the 2009-2013 period.

Housing in Sherwood has become less affordable since 2000, consistent with county and statewide trends. In 2009-2013, the median home value was 3.8 times the median household income in Sherwood, up from 2.9 in 2000.

Housing in Sherwood is relatively affordable, compared to the county and state. In 2009-2013, the median home value was 4.4 times the median household income in Washington County, with a statewide average of 4.7.

Table B- 16. Household income to home value, 2013 dollars, Oregon, Washington County, and Sherwood, 2000 and 2009-2013.

,	2000	2000 2009-2013	Change 2000 to 2013	
	2000		Number	Percent
Oregon				
Median HH Income	\$57,282	\$50,229	-\$7,053	-12%
Median Owner Value	\$204,120	\$238,000	\$33,880	17%
Ratio of Home Value to Income	3.56	4.74	1.17	33%
Washington County				
Median HH Income	\$72,971	\$64,180	-\$8,791	-12%
Median Owner Value	\$252,560	\$282,400	\$29,840	12%
Ratio of Home Value to Income	3.46	4.40	0.94	27%
Sherwood				
Median HH Income	\$87,525	\$78,355	-\$9,170	-10%
Median Owner Value	\$254,100	\$300,300	\$46,200	18%
Ratio of Home Value to Income	2.90	3.83	0.93	32%

Source: Census 2000 SF1 P53 P77 P82 P87, SF3 H7 H63 H76, American Community Survey 2009-2013 DP03, B25003, B25064, B25077.

City Council Meeting Date: December 1, 2020

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Josh Soper, City Attorney

Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2020-011, Amending the City of Sherwood Municipal Code as Approved

by City Electors at the November 2020 Election

Issue:

Should the City Council amend the Sherwood Municipal Code as approved by City electors at the November 2020 election?

Background:

Via Resolution 2020-085 Approving the City Recorder's Canvassing of the Washington County Election returns of the November 3, 2020 General Election and directing the City Recorder to enter the results into the record, the City Recorder presented the official results of the November 2020 election to Council. As shown in those results, City ballot measure 34-299 was approved by the voters.

In order to provide a record of the specific changes made by this ballot measure, and in keeping with the City's past practices, staff is recommending that City Council now complete the process of amending the Municipal Code by adopting the attached Ordinance. The ballot measure legislation submitted by the chief petitioner as part of the initiative process specifies the applicable code changes and is attached to this Ordinance.

Under ORS 475B.474, these changes are effective January 1, 2021. For that reason, and because of the pro forma nature of this Ordinance, staff is recommending that Council adopt the Ordinance after a single reading as permitted by Section 16 of the City Charter, which requires unanimous approval.

Financial Impacts:

No direct financial impacts will result from approval of the attached Ordinance and finalizing the Code amendment process, other than the minimal costs relating to updating the Code language itself via the City's code and charter management contractor, MuniCode.

Recommendation:

Staff respectfully recommends City Council conduct the first hearing and approve Ordinance 2020-011, Amending the City of Sherwood Municipal Code as Approved by City Electors at the November 2020 Election.



ORDINANCE 2020-011

AMENDING THE CITY OF SHERWOOD MUNICIPAL CODE AS APPROVED BY CITY ELECTORS AT THE NOVEMBER 2020 ELECTION

WHEREAS, with its approval of Resolution 2020-085, the City Council accepted the City Recorder's canvassing of the official results of the November 2020 election as provided by the Washington County Elections Official; and

WHEREAS, as documented in the official results of the election, the City's electors approved Ballot Measure 34-299, amending the City's Municipal Code; and

WHEREAS, as such, the City Council now finds it appropriate to formalize the amendment of the Sherwood Municipal Code to incorporate the voter-approved changes as set forth in the attached Exhibit A; and

WHEREAS, the City Council held a public hearing on this Ordinance on December 1, 2020.

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

- **Section 1.** The City Council hereby adopts the amendments to the Municipal Code set forth in Exhibit A, attached to this Ordinance.
- **Section 2.** The City Recorder is hereby directed to enter a copy of this Ordinance in the record of the proceedings of this Council and to take such other actions necessary to effectuate the amendment of the Municipal Code.

Section 3. This Ordinance is and shall be effective on January 1, 2021.

Duly passed by the City Council on this 1st day of December, 2020.

	Keith Mays, Mayor		
Attest:			
Sylvia Murphy, MMC, City Recorder		AYE	NAY

Ordinance 2020-011 December 1, 2020 Page 1 of 2, with Exhibits A (6 pgs)

Scott	
Griffin	
Brouse	
Young	
Garland	
Rosener	
Mays	

Chapter 3.25 – MARIJUANA TAX shall be amended and read:

3.25.020 - Tax imposed.

As described in section 34a of House Bill 3400 (2015), the City of Sherwood hereby imposes a tax of three percent on the retail sale price of marijuana items by a recreational marijuana retailer in the area subject to the jurisdiction of the city.

3.25.030 - Collection.

The tax shall be collected at the point of sale of a marijuana item by a recreational marijuana retailer at the time at which the retail sale occurs and remitted by each recreational marijuana retailer that engages in the retail sale of marijuana items.

3.25.040 – Limitation on Marijuana Tax appropriation by the City.

Any tax monies collected pursuant to Sherwood Municipal Code Chapter 3.25 may only be appropriated for public safety purposes, which shall be defined for the purposes of this chapter as any expenses associated with public safety infrastructure capital expenditures or the City of Sherwood Police Department.

Chapter 5.30 - RECREATIONAL MARIJUANA BUSINESSES shall be amended and read:

5.30.010 - Definitions.

As used in this chapter, unless the context requires otherwise:

- (1) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
- (2) "Recreational marijuana processor" means an entity licensed by the Oregon Liquor Control Commission to process marijuana.
- (3) "Recreational marijuana producer" means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.
- (4) "Recreational marijuana retailer" means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.
- (5) "Recreational marijuana wholesaler" means an entity licensed by the Oregon Liquor Control Commission to purchase marijuana items in this state for resale to a person other than a consumer.
- (6) "Recreational marijuana laboratory" means an entity licensed by the Oregon Liquor Control Commission to perform qualitative and quantitative analysis on any marijuana items produced, processed, or otherwise manufactured for recreational or medical use in this state.

5.30.020 - Ban declared. This section is repealed.

As described in section 134 of House Bill 3400 (2015), the City of Sherwood hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the City:

- (1) Recreational marijuana producers;
- (2) Recreational marijuana processors;
- (3) Recreational marijuana wholesalers;
- (4) Recreational marijuana retailers.

Chapter 16.10 DEFINITIONS* shall be amended and read:

Section 16.10.020 – Definitions [5 Definitions Added]

Marijuana Processing. A building or structure used in whole or in part for processing recreational marijuana as defined in in O.R.S. 475B *et seq.*, as the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts, and which is licensed by the Oregon Liquor Control Commission. Processing may include packaging or labeling.

Marijuana Production. A building or structure used in whole or in part for producing recreational marijuana as defined in O.R.S. 475B *et seq.*, as the manufacture, planting, cultivation, growing or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

Marijuana Retail Sales. A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Testing Laboratories. A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Wholesale Operations. A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

Chapter 16.38 SPECIAL USES shall be amended and read:

16.38.030 Recreational Marijuana Facilities.

A. Characteristics:

- 1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
- 2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.
- B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, the Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.
 - 1. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant O.R.S. 475B *et seq* shall be exempted from the requirement to complete a Type II process and shall only be required to complete a Type I process under 16.72.010.A1.

C. General Standards for Recreational Marijuana Facilities

- 1. All new construction of recreational marijuana facilities shall comply with 16.90 Site Planning.
 - a. A medical marijuana dispensary which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, and which maintains such compliance until completion of a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B *et seq* shall be exempted from 16.90 Site Planning for any new or modified recreational marijuana facilities.
- 2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.
- 3. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
- 4. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
- 5. Security Measures Required
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained.
 - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana is allowed at any recreational marijuana facilities.
- 6. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:
 - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;

- b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and
- c. Maintenance of negative air pressure within the facility; or
- d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.
- 7. Proximity Restrictions. A recreational marijuana production, processing, testing laboratory or wholesale sales facility shall not be located within 1000 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
- 8. No recreational marijuana facility may be located within the Old Town Overlay District.
- 9. Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) licensed by the Oregon Liquor Control Commission shall only be permitted in zones classified as General Industrial.
 - a. **Exception**. Any existing medical marijuana dispensary located in an area zoned Light Industrial which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, will be an approved situs for a licensed recreational marijuana facility. This section expressly authorizes the operation of a licensed recreational marijuana facility in the following location zoned Light Industrial:

Tax Lot 2S129A 000500 - Parcel R0547705 15025 SW Tualatin-Sherwood Rd, Sherwood, OR 97140

- b. The sale of any property listed at 16.38.030(9)(a) shall not terminate this exception and such exception shall run with the land. A purchaser of the applicable real estate may, but shall not be required, to undertake a "Change of Ownership" review by the Oregon Liquor Control Commission. A subsequent purchaser of the applicable real estate may seek a new recreational marijuana license from the Oregon Liquor Control Commission unconnected with the license maintained by the prior owner(s).
- 10. One or more licensed Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) shall be permitted on the same tax lot, subject to the proximity restrictions under 16.38.030(D)(7).
- D. Specific Standards for Recreational Marijuana Retail Sales Facilities.
 - 1. All new construction of recreational marijuana retail facilities shall comply with 16.90 Site Planning, unless such facility is exempted from 16.90 Site Planning under 16.38.030(C)(1)(a).
 - 2. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.
 - a. A OHA-registered medical marijuana patient or caregiver at least 18 years of age shall be permitted to enter a retail sales facility for the purposes of purchasing medical marijuana.
 - 3. Hours of Operation.
 - a. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. Sunday through Thursday.
 - b. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 10:00 p.m. Friday and Saturday.
 - C. An individual facility may set hours within those specified, but may not be open outside those parameters.
 - 4. Security Measures Required.

- a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
- b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.
- c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
- 5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.
- 6. Drive-in or Drive-Through Facilities Only Permitted Where Authorized by OLCC. A retail sales facility may only operate a drive- in, or drive-through or "curbside delivery" retailer facility, as defined in Section 16.10.020. Nothing in this section shall prohibit a marijuana retailer from operating a delivery service which is compliant with state law and OLCC regulations concerning delivery by a recreational marijuana retailer.
- 7. Proximity Restrictions. A retail marijuana facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
 - a. Schools. Within 1,000 feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.
 - b. Other Retail Facilities. Within 1,000 feet of another retail recreational marijuana facility or any medical marijuana dispensary.
 - c. Public Plazas and Active Use Parks. Within 1,000 feet of a public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.
- 8. No recreational marijuana retail facility shall exceed an area of 3,000 square feet of publicly accessible areas associated with the retail sale of recreational marijuana. No additional size limitations on recreational retail marijuana facilities shall be imposed except as required by state law.

Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS shall be amended to conform with the above provisions.

<u>Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS shall be amended to conform with</u> the above provisions.

<u>Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS shall be amended to conform with the above provisions.</u>

<u>Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS* shall</u> be amended to conform with the above provisions.

Chapter 16.90 - SITE PLANNING* shall be amended to conform with the above provisions.

Chapter 16 – Any portion of Chapter 16 ZONING AND COMMUNITY DEVELOPMENT CODE inconsistent with the terms of this petition initiative shall be amended to conform with the above provisions.