



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, September 20, 2011**

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

**6:30pm URA Board Work Session**

**7:00pm Regular City Council Meeting**

**URA Board of Directors Regular Meeting  
(Following the Council Meeting)**

## AMENDED AGENDA



Home of the Tualatin River National Wildlife Refuge

### URA BOARD WORK SESSION 6:30PM

### REGULAR CITY COUNCIL MEETING

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

#### 3. ROLL CALL

#### 4. CONSENT:

A. Approval of August 16, 2011 City Council Minutes

B. Resolution 2011-077 Authorizing the City Manager to pay for and accept an Easement over real property owned by Union Pacific Railroad Company for the purpose of establishing, constructing, and maintaining an at-grade public road crossing along SW Oregon Street

C. Resolution 2011-078 authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) between the cities of Sherwood and Wilsonville regarding adoption of an Interim Water Treatment and Supply Agreement including a methodology and related provisions for interim water treatment and production rates and wheeling rates for production / delivery of water to Sherwood following completion of the meter vault project and continuing until Segment 3 of the 48 inch transmission line is in place and is fully operational, and this agreement is replaced by a permanent water supply agreement between the parties

#### 5. PRESENTATIONS

A. Eagle Scout Recognition

B. Introduction of Adam Keesee, Sherwood School Resource Officer

C. Sherwood High School Student Recognitions

D. Music on the Green Sponsor Recognitions

#### 6. CITIZEN COMMENTS

#### 7. NEW BUSINESS

### AGENDA

SHERWOOD CITY COUNCIL  
September 20, 2011

6:30pm URA Board Work Session

7:00pm Regular City Council Meeting

URA Board Regular Session  
following the City Council Meeting

**City Council Executive Session**  
(Per ORS 192.660(2)(f) Information or records  
that are exempt bylaw from public inspection)  
(Following the URA Board Meeting)

Sherwood City Hall  
22560 Pine Street  
Sherwood, OR 97140

## **AMENDED AGENDA**

- A. Resolution 2011-079 Designating the Community Development Director Tom Pessemier City Manager Pro Tem (Jim Patterson, City Manager)**
- B. Resolution 2011-080 authorizing staff to apply for a Washington County Community Development Block Grant (Kristen Switzer, Community Services Director)**
- C. Resolution 2011-081 Adopting the Sherwood Broadband Business Plan (Brad Crawford, IT Director)**
- D. Resolution 2011-082 of the Sherwood City Council approving a minor amendment to the Sherwood Urban Renewal Plan dated August 29, 2000 to allow for the acquisition of additional property (Tom Nelson, Economic Development Manager)**

### **8. PUBLIC HEARING**

- A. Ordinance 2011-011 Amending multiple sections of the Zoning and Community Development Code including Divisions III, V, VI, and VII (Michelle Miller, Associate Planner)**

### **9. CITY MANAGER & STAFF DEPARTMENT REPORTS**

### **10. COUNCIL ANNOUNCEMENTS**

### **11. ADJOURN TO URA BOARD MEETING**

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

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

#### **To Schedule a Presentation before Council:**

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



**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**August 16, 2011**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:05 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Robyn Folsom and Linda Henderson. Council President Dave Grant arrived at 6:15 pm, Councilor Matt Langer arrived at 6:45 pm. Councilor's Bill Butterfield and Krisanna Clark were absent.
3. **STAFF PRESENT:** Community Development Director Tom Pessemier, Public Works Director Craig Sheldon, Program Manager Amy Burns, Program Supervisor I Kathy McWilliams, Administrative Assistant II Sarah Smith, Operations Supervisor I Rich Sattler, Program Analyst Paul Ortiz, Finance Director Craig Gibons, Police Chief Jeff Groth, Economic Development Manager Tom Nelson, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. Contractor Jenni Lipscomb with JDL Services.
4. **TOPICS DISCUSSED:**
  - A. **Utility Billing Update.** Staff presented a power point presentation and provided copies of the presentation to the Council (see record, Exhibit A). Staff recapped the history of utility billing, software selection and implementation. Staff provided a software demonstration and an overlook of department staffing. Discussion followed regarding department challenges, software upgrades, and benefits of upgrades and timing of implementation. Staff explained other programs managed by department staff, challenges with workloads and provided a demonstration of new on-line bill pay system.
  - B. **Other.** Mayor Mays informed the Council of conversations with Metro regarding expansion of the Urban Growth Boundary. Brief discussion followed.
5. **ADJOURNED:** Mayor Mays adjourned the Work Session at 7:08 pm and convened to the regular Council Session.

**REGULAR COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:17 pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Mayor Mays, Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom and Matt Langer. Councilors Bill Butterfield and Krisanna Clark were absent.

- 4. STAFF AND LEGAL COUNSEL PRESENT:** Community Development Director Tom Pessemier, Police Chief Jeff Groth, Finance Director Craig Gibons, Public Works Director Craig Sheldon, Planning Manager Julia Hajduk, Planning Associate Michelle Miller, Economic Development Manager Tom Nelson, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Mays addressed the Consent Agenda and per a request from Councilor Henderson, moved item C, Resolution 2011-071 to New Business, no objections to amend the agenda were received.

Mayor Mays asked for a motion on the amended Consent Agenda.

**5. CONSENT AGENDA**

- A. Approval of August 2, 2011 City Council Minutes**
- B. Resolution 2011-070 Authorizing the City Manager to enter into a Water System Data Use and Confidentiality Agreement with the Regional Water Providers Consortium**

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE AMENDED CONSENT AGENDA, SECONDED BY COUNCIL PRESIDENT DAVE GRANT. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed the next agenda item.

**6. PRESENTATIONS**

- A. Eagle Scout Recognition.** No Scouts were present.

Prior to addressing the Cedar Creek-Tonquin Trail Presentation, Mayor Mays recognized Mackenzie Bradley, a recent Sherwood High School graduate who recently completed the swimming of the English Channel. Ms. Bradley explained she completed her swim in 13 hours, 5 minutes and answered Council questions. Mayor Mays commended Ms. Bradley and presented her with a Certificate of Achievement.

Mayor Mays stated the Council would address Citizen Comments, due to the length of the Cedar Creek-Tonquin Trail presentation.

**7. CITIZEN COMMENTS**

Tracie Butterfield 23614 SW Heron Lakes Drive, Sherwood came forward and thanked the Council members for their service and commented regarding the recent recognition of the City as being named in the Top 100 Best Cities to Live In. Ms. Butterfield commented regarding the City Charter and proposed changes to the term length of the mayor and said she was in support of the change from a two year term to a four year term. Ms. Butterfield stated she was aware of one other city in the state of Oregon whose mayoral term was a two year term.

Mayor Mays thanked Ms. Butterfield and stated the City was recently named by Money Magazine number 100 out of 100, of the Best Cities to Live In in the United States, with West Linn also being named in the top 100.

Mayor Mays addressed the next agenda item.

**B. Cedar Creek–Tonquin Trail Segment Presentation.** Community Development Director Tom Pessemier explained that the Cedar Creek Trail is a project that the City has been working on for a number of years and has grown into the Tonquin Trail, which is a regional trail system. Tom explained that the City recently received a nomination from the Washington County Coordinating Committee to receive funds for the project. The nomination is for \$5.1 million dollars and still has to go through more committees and Metro Council, however to date; the Washington County recommendations have not been overturned.

Mr. Pessemier presented a video presentation (see record, Disc marked Cedar Creek-Tonquin Trail) on the proposed trails, showing a map of current and concept trails in Wilsonville, Tualatin, Beaverton, and the proposed Cedar Creek Trail in Sherwood and how they might connect. Tom presented information on the west fork of the Tonquin Trail that starts in Old Town Sherwood running through the Cedar Creek greenway and meeting up with Roy Rogers Road, explaining that there are several existing trail networks that will join up with the new proposed trails, creating pedestrian and bike trails to help people get from their neighborhoods to destinations within Sherwood. Tom compared a map of Sherwood sixteen years ago to a map from ten years ago, and a map from today, indicating that an unintended consequence of Sherwood's explosive growth is a separation of neighborhoods from the commercial and business areas. Tom explained that as there aren't many trail connections across the Cedar Creek greenway, and the project focuses on creating a backbone that can connect the different trails and create places to cross. Tom explained that the only viable connection from Woodhaven is through Washington Street, which is not enough connectivity to make a trail system successful, stating that the City wants to support bike and pedestrian traffic as an important mode of transportation.

Mr. Pessemier reviewed a map of the existing trails, such as Villa Road, Stella Olsen and Adams Avenue with the proposed new trails that the City hopes to construct to make these connections, stating that the new bridge at Stella Olsen Park would be the trailhead for the new construction. Tom referred to the Feasibility Study that was done in 2009, in order to make the application for the federal funds. The Feasibility Study showed cost estimates, issues that needed addressing such as sensitive areas, typical pathway design, and confirmed that other agencies were agreeable to creating the new trails. Tom stated that the typical trail design has twelve foot wide trails for pedestrian and bicycle use, with pervious asphalt surfaces or boardwalks at the creek crossings.

Tom showed Segment I of the trail starting at the parking lot at by Stella Olsen Park and going through the vegetative area to 99W, the trail then loops around 99W at Meinecke Rd. Tom commented that it would be nice to go over or under 99W, but that would consume most of the \$5.1 million to be awarded for the project, indicating that it would be best to create the trail and then to come up with additional funding sources. Tom showed Segment II which goes from Hwy 99W to Edy Road, and the final segment from Edy Road to Roy Rogers Road. Tom showed an existing trail on the other side of Roy Rogers Road that would eventually connect to the Tualatin River National Wildlife Refuge. Tom stated that there has been discussion about a segment to connect Oregon Street to the existing Tonquin Trail and a feasibility study to connect with the Westside Trail. Tom concluded his presentation by reiterating that the City's focus is to create the trail system to provide some connectivity between the residential and other areas, and giving people an opportunity to observe some of the natural areas that the City has preserved.

Mayor Mays asked for questions from Council.

Councilor Linda Henderson asked if a fence will separate the walkways on Hwy 99. Tom answered that he did not think so, but there would be separation through landscaping or another means.

Councilor Robyn Folsom stated her appreciation to the Parks Board for having the Feasibility Study done. Ms. Folsom said that an underpass would be most ideal for the 99W situation, and that an overpass would be three times as much. Tom stated that the costs were very expensive.

Mayor Mays thanked Mr. Pessemier for the presentation and stated that if the funds are approved by Metro, they will be available in 2014.

Tom stated that the design was still conceptual, final alignments have not been decided and there will be a public process to complete the design.

Mayor Mays addressed the next agenda item.

## **8. NEW BUSINESS**

### **A. Resolution 2011-072 Accepting the Brookman Funding Plan for the Concept Plan Area**

Julia Hajduk, Planning Manager came forward and stated the funding plan is a prerequisite to consideration for annexation of the Brookman Area and said when we adopted the Concept Plan in order to meet the transportation planning rule, we identified that we needed to develop a funding plan to identify how all the necessary improvements to accommodate the area would be reasonably likely to be funded. Julia stated the funding plan in the report was updated to reflect changes that were made through the processes to the land uses. Julia said initially there was more residential and less commercial and as we moved forward through the process there was a little more commercial and that change changed the estimated system development charges (SDC) and fees as well as the need for certain transportation improvements. Julia stated the funding plan identifies the estimated costs and estimated revenues and essentially finds that with the exception of storm water, the development of the Brookman area will be able to be accommodated with system development charges (SDC), fees and other County and regional funds as well as developer required improvements associated with development. Julia stated staff recommends Council approves the funding plan and offered to answer Council questions.

Councilor Folsom asked regarding Storm and not having a funding mechanism in place as of yet.

Julia confirmed that was correct and said the Concept Plan identifies that ideally there would be a regional water quality facilities and the estimated storm water fees would not cover the estimated regional facilities cost, however it's common for development to provide water quality facilities and storm water facilities as they develop as that is certainly an option if we are not able to evaluate that and get that to reconcile as properties are ready to develop.

Ms. Folsom asked if this would be a difficult burden for a developer to shoulder, the existing SDC's, that are steep in some cases and then to try and get them to pitch in for a very expensive facility.

Julia replied it's not unexpected for a developer to pay for system development charges and provide water quality facilities. Julia asked Community Development Director Tom Pessemier if he

had additional information to add in regards to the cost and if the developers are eligible for any credits.

Tom replied they currently aren't and said one of the things staff looked at in the concept plan was doing some regional water quality facilities rather than having every developer do a very small one to provide for more efficiencies with providing for larger systems as there is not as much maintenance for the public works department and they are more effective when they are regional. Tom stated if we were to do something like that, we would need to come up with a funding mechanism, whether through an LID (Local Improvement District) or some sort of additional SDC's. Tom stated if we went this route there would be a process and a developer could potentially get credits but under the current Clean Water Services they are expected to build the water quality facility on their project and this would happen unless we do some other funding mechanism and said there are no credits for SDC's. Tom stated if we look at storm water charges, it's very small and the reason for this is because unless some improvements needs to happen in the stream corridors, there really isn't a lot that is expected as far as capital construction projects or storm projects.

Ms. Folsom asked if the annexation goes through how are the current residents impacted for the development that may happen.

Julia replied existing residents, unless they are developing, there is no impact as far as the fees and said the SDC's are applied at the time of development.

Ms. Folsom said unless we were to build a regional storm facility each person would be responsible for the minimum they would do.

Tom replied, this is correct and even if we did build a regional facility and did it though SDC's, they still wouldn't have to pay anything unless they developed.

Julia informed the Council of a Scribner error on page 29 of the Council meeting packet, in Exhibit A on page 3, in the last table, "Identified Gaps and Plan to Fill", in the traffic column, she moved the sanitary sewer fee into the estimated revenue traffic column and it should be \$8,904,372 rather than \$5, 503,849. Julia said this doesn't change anything it just shows that there is less of a gap in transportation funding

Mayor Mays noted staff would make the correction to the error if Council moves to adopt.

With no other Council questions, Mayor Mays asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-072, SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed the next agenda item.

**B. Resolution 2011-073 Authorizing the City Manager to Acquire Real Property at 22895 SW Elwert Road**

Tom Pessemier, Community Development Director explained the resolution and recapped the staff report. Tom informed Council the City's Transportation System Plan (TSP) identifies a need

to improve the intersection and said when the two new schools came in (Edy Ridge and Laurel Ridge) the intersection of Elwert and Hwy 99w was operating at capacity. Tom explained this intersection is number 24 of all intersections in the County as far as safety is concerned. Tom recapped information provided in the staff report including funding information and said funding would come from the Transportation Capital Improvement Budget and staff would be shuffling other city projects, such as Phase 2 of Pine street construction to be able to fund the purchase.

Mayor Mays stated the intersection has been a problem for over 15 years, and said it will be nice to be able to buy the property at a good price in order to fix the intersection and this also allows the City to advocate for County and State funds for improvements.

Council President Grant commended staff for being in a position to buy at such an opportune time in this economy and said we would have to buy eventually to improve the intersection.

Finance Director Craig Gibons added that the money used to purchase the property is dedicated solely to transportation projects.

With no other Council questions or comments, Mayor Mays asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-073, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed Resolution 2011-071 moved from the Consent Agenda.

**C. Resolution 2011-071 of the Sherwood City Council Certifying the Explanatory Statement for proposed revision of City Charter to be referred to the electors on the November 2011 Ballot**

Councilor Henderson suggested the following revisions to the Explanatory Statement, Exhibit A to the resolution, "...the roles of the mayor..." in the second paragraph be changed to "...some of the responsibilities of the mayor..." and suggested adding a bullet stating "Establishing a two year term for the Council President beginning in the next general election."

City Attorney Chris Crean agreed with the suggested changes, stating that his aim was to be as inclusive as possible.

Councilor Folsom suggested the following amendment to the Explanatory Statement. Ms. Folsom asked to add "as well as establish a four year term" to the second paragraph of the Explanatory Statement as well as in the bulleted section.

City Attorney Chris Crean clarified the request made by Councilor Folsom and said the purpose is to highlight the most significant changes in the introductory paragraph and the four year term of the Mayor would merit the inclusion and the term of the Council President less so. Mr. Crean stated he wanted to be careful that we did not start duplicating everything. Mr. Crean repeated the proposed suggestions for amendments to the second paragraph as follows:

*This measure would update the city charter to delete obsolete provisions, clarify some responsibilities of the mayor and city council, establish a four year mayoral term; and modify other administrative provisions to reflect current municipal organizational practices.*

**City Recorder note:** *Although not repeated by City Attorney Crean in the proposed motion to amend, the additional bullet as suggested by Councilor Henderson was to be included in the motion, bullet to read: Establishing a two-year term for the Council President beginning with the next general election in 2012.*

With no other Council comments, the following motion was received.

**MOTION TO AMEND: FROM COUNCILOR LINDA HENDERSON TO AMEND RESOLUTION 2011-071 AS NOTED BY CHRIS CREAN AND COUNCILOR HENDERSON. SECONDED BY COUNCIL PRESIDENT DAVE GRANT. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE AMENDED RESOLUTION 2011-071, SECONDED BY COUNCILOR MATT LANGER. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

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

## 9. PUBLIC HEARING

### A. Resolution 2011-074 Approving Annexation Proposal An 11-01 and Calling for an Election

Julia Hajduk, Planning Manager explained the resolution and provided the Council with additional information that had been submitted, (see record, letter from **Marian R. Garstka**, dated 8.2.2011 Exhibit B; written testimony provided by **David and Carol Sadler** dated 8.11.2011, Exhibit C; and **ODOT letter**, dated 8.16.2011, Exhibit D). Julia also provided a Frequently Asked Questions Sheet, If Brookman Annexation Is Approved, (see record, Exhibit E.) Julia presented a power point presentation and explained the following areas of the presentation (see record, Exhibit F).

#### Summary of Resolution:

The resolution will:

- approve annexation of the Brookman area,
- direct staff to place the issue on the November 8, 2011 ballot for approval by the City of Sherwood and the registered voters in the area to be annexed,
- designate the zoning that will be applied upon annexation consistent with the adopted comprehensive plan, and
- provide for delayed assessment of City taxes within the area to be annexed.

#### Background:

- Area brought into the UGB by Metro in 2002
- Concept planning work between 2007-2009
  - Public outreach and input helped shape plan
- Concept plan for the Brookman Plan area in 2009 via Ordinance 2009-004.
  - Adopted the Concept plan as well as comprehensive plan zoning
    - Multiple public hearings held with the Planning Commission and Council
- City approved Resolution 2011-062 initiating the annexation on July 19, 2011
- Public Hearing required prior to approving the annexation

- Notice sent to property owners and residents in area, posted, published and sent to affected agencies.

Julia explained the following annexation methods.

**Annexation Methods:**

	City initiated	Property owner initiated		
		Super majority	Double majority	Triple majority
<b>ORS authorization</b>	ORS 222.111	ORS 222.125	ORS 222.170(2)	ORS 222.170 (1)
<b>Vote of City of Sherwood voters required?</b>	Yes	Yes	Yes	Yes
<b>Vote of registered voters in the area required?</b>	Yes	No	No	no
<b>Registered voter approval required</b>	Yes, via election	Yes, more than 50% via petition	Yes, more than 50% via petition	No
<b>Property Owner approval required</b>	No	Yes, 100% of property owners via petition	Yes, majority (more than 50%) of property owners via petition	Yes, majority of property owners who own a majority of land area and a majority of assessed value via petition

**Criteria for Annexation:**

- State
  - Process must be consistent with ORS 222
- Regional
  - Metro Code Chapter 3.09 (Local Government Boundary Changes) outlines criteria that must be addressed
- Local
  - Comprehensive Plan policies must be addressed.
    - Chapter 3, Growth Management
    - Chapter 8, Urban Growth Boundary Additions
    - The city has reviewed the annexation proposal to confirm compliance with the applicable state, regional and local standards and finds that annexation of the entire Brookman area will meet the standards with conditions.

Julia explained propose zoning and showed Council a map (see page 7 of Exhibit F).

**Delayed Assessment of taxes options:**

Julia explained the resolution also includes four options to consider to gradually phase in the assessment of City taxes for properties within the area:

- **OPTION 1** – No assessment of City taxes for the first 5 years then assessment of 50% of the City taxes in 5 years and the final 50% in 10 years (FY 2022-23).

- OPTION 2 – Assess 10% of the City taxes the first year and then increase by 10% per year until 100% of the City taxes are assessed (10 years, FY 2022-23)
- OPTION 3 – Assess 100% of the City taxes in 10 years, fiscal year 2022-23
- OPTION 4 - Assess 50% of the taxes in 5 years (fiscal year 2017-18) and increase by 10% per year for an additional 5 fiscal years

Julia explained taxing options under Section 12 of resolution and stated staff recommends Option 4.

Julia recapped frequently asked questions pertaining to the proposed annexation that were not covered in the presentation. Julia stated that development is not required by property owners if the annexation is approved, the annexation means you reside inside the city limits and allows development to urban densities, but does not require it. Julia explained that the zoning identifies general land uses, but development will determine uses consistent with the zoning. Julia indicated that the annexation does not affect land owners who have Farm Forest Deferrals, or require residents to hook up to City water or sewer. Julia clarified that residents who hook up will be required to obtain permits and pay the appropriate fees, including System Development Charge fees to do so. Julia stated that if a septic system fails, residents within 300 feet of City sewer are required to hook up per Oregon OAR 340.071.060, and residents who choose to hook up to water are required to hook up to sanitary sewer. Julia stated that residents who have farm animals will be permitted to keep them as a “pre-existing non-conforming” use, and tax lot IDs will not change with the annexation. Julia concluded by recommending that Council consider approving the annexation and asked for direction from Council concerning taxing options.

Council President Grant asked regarding the Tax Chart, Julia explained that she had spoken with the tax assessors from both Washington County and Clackamas County, but recommends checking with the appropriate assessor’s office to confirm the information.

Finance Director Craig Gibbons stated that the chart is all current tax year and that tax rates may change or fluctuate.

Councilor Langer asked which tax code Ms. Garstka was in and if she had received a response to her letter. Julia responded that Ms. Garstka had not received a letter.

Craig Gibbons stated that Council should not get into details because the chart is a general schematic.

Councilor Folsom asked what if the Concept Plan had not been done. Julia replied that the County would have done it.

Ms. Folsom commented regarding the public being able to have more input because the City created the concept plan. Julia confirmed.

Mayor Mays gave an example of an alternative done in the Bethany area that was done by the County that was not reflective of that community.

Ms. Folsom asked regarding it being City initiated and asked why this method. Julia explained that nobody has come forward since the Concept Plan was developed in 2009, and many property

owners have inquired when the City was going to annex. Julia explained that it helps remove uncertainty for potential developers and may spur development.

Mayor Mays provided examples of other city initiated annexations that were done in the same manner.

Ms. Folsom commented regarding uncertainties for the past ten years for those who live in the area. Tom Pessemier replied that the City has been working on the area since Metro identified the area, developers are uncertain in the economic times and land owners don't know what their neighborhood will look like, but this gives them an opportunity to have a voice in what happens.

Ms. Folsom asked regarding expense to property owner if annexation was owner initiated. Tom explained if the property owners had initiated the annexation they would have to organize themselves and pay the City to prepare the appropriate documents.

With no other Council questions or comments, Mayor Mays opened the public hearing to receive testimony.

**Kay Garstka**, came forward stated she resides on Ladd Hill and is a family member of a resident in the proposed area. Ms. Gartska asked if it made a difference that they had opted out of development when the UGB was formed. Mayor Mays replied that the annexation was for the entire area, if voters of Sherwood and the Brookman area say yes, it would be annexed. Mayor Mays explained that development is up to individual property owners. Ms. Garstka stated that the original map showed a road from Brookman Road to Ladd Hill Road. The Mayor stated the plan was a concept and road alignment is not certain.

**Sue Drouin** 16350 SW Brookman Road came forward and asked if there would be a sewer line under Brookman Road, stating that it would be too close to her well. Ms. Drouin asked if the City would move her well. Mayor Mays stated that he understood that if the City's actions impact a property owner, the property owner has to be fairly compensated. Council President Grant added that property owners will be notified well in advance if they are going to be impacted.

**Carleen Brewer** 17769 SW Brookman Road came forward and asked regarding development and the planning process. Mayor Mays replied that growth is much slower now, that there are no places for our children to live in the City when they grow older, and annexation provides an opportunity to provide homes for people who want to live in the City. Ms. Brewer asked for a copy of the presentation and stated there are not a lot of property owners who purchased in order to develop.

**Byron Gregory** 16457 Brookman Road came forward and stated he has no intention of selling his property and commented regarding the forested area providing places for wildlife and asked about property for natural areas. Byron stated he does not support the annexation and commented regarding zoning asking the City Council to think about people that live in the area.

**Carleen Brewer** asked to provide additional comments and stated the developers are interested in the flat land and regarding the forested area it is an imposition with no way to recoup. Mayor Mays replied that the city plan protects the stream corridors and the flood plains and the planning commission is working on a plan to give development the flexibility to preserve more trees. Ms.

Brewer stated regarding taxes that landowners with a lot of acreage will be paying taxes as if it was developed. Mayor Mays replied that assessed value of difficult or impossible to develop land does not have the same value, but acknowledged there may be an increase in taxes.

With no additional testimony received, Mayor Mays closed the public hearing and asked for Council questions and comments.

Councilor Folsom asked for more specifics regarding the annexation vote. Julia explained the Sherwood residents would receive a November ballot as always and a special precinct would be created for the Brookman Annexation Area residents, managed by Washington County Elections office and coordinated with Clackamas County. Julia stated that both areas have to approve the annexation or it is not approved at that time.

Ms. Folsom asked for clarification for if the special precinct fails, does the entire ballot measure fail. Julia responded that the annexation does not go forward at that time, this annexation into the City has to be approved by the registered voters of Sherwood, if it fails the property owners in the Brookman area can pursue annexation by other options that include another public hearing and adoption by Council.

With no other questions the Mayor asked for discussion on the proposed resolution.

Mayor Mays stated that to involve the property owners in the proposed area and the community was the proper step for annexation and said he was in support of Option 4 under Section 12 of the resolution.

Councilor Langer stated that the Council is not making the decision to annex, but allowing the voters to decide in November, declaring that if Brookman area residents or the citizenship of Sherwood vote against the annexation the process stops.

Mayor Mays commented regarding the Sherwood School District involvement in the process, stating that the district assumes the annexation will eventually take place, and is in favor of the annexation.

Councilor Folsom commented regarding eligible voters in the area and said she supports delayed taxation giving time for development to occur.

Councilor Henderson asked if Council chose to delay taxes, could the decision be revisited.

City Attorney, Chris Crean responded that Council may phase in the taxation and delay for up to ten years. Mr. Crean stated the Council has the authority to change the tax structure within the city, but that similar properties have to be taxed uniformly and a change later would mean discussing the tax classification for the City.

With no other Council comments, the following motion was received.

**MOTION TO AMEND: FROM MAYOR MAYS TO DELETE OPTIONS 1, 2 AND 3, LEAVING OPTION 4 ON RESOLUTION 2011-074, SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

**MOTION: FROM MAYOR MAYS TO ADOPT RESOLUTION 2011-074 AS AMENDED, SECONDED BY COUNCIL PRESIDENT DAVE GRANT. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed the next agenda item. Councilor Matt Langer recused himself and sat in the audience.

**B. Ordinance 2011-010 Renaming SW Adams Avenue to SW Langer Farms Parkway**

Michelle Miller Planning Associate came forward and explained the Ordinance. Michelle described that a petition had been received to change the name of SW Adams Avenue to SW Langer Farms Parkway, a street that runs generally north and south between Tualatin Sherwood Road and Oregon Street, east of SW Baler Way. Michelle informed Council that the applicant has satisfied the basic criteria for the street renaming and notice has been sent to the adjacent property owners, placed at two locations along the street in question, and in the newspaper ten days previous. Michelle provided Council with written testimony from **Carol King** for the record (see record, Exhibit G). Michelle recommended that Council hold a Public Hearing to determine whether the street renaming was in the public interest.

Mayor Mays asked if the Parkway designation was intended if the street name does not change. Michelle answered that Avenue is generally a north south designation and the Parkway designation, a boulevard type of street, is also acceptable.

Councilor Folsom asked if there was something particular in the agreement for the development about the name change. Michelle stated that there was language that allowed the Langer family to propose a name change for SW Adams Avenue. City Attorney Crean added that street naming is a function of the council and clarified that the agreement stated that Council will entertain a petition if the family wanted to bring one forward.

Mayor Mays opened the public hearing to receive testimony.

**Yvonne Scheller** 23137 SW Schamburg Drive, Sherwood came forward and provided Council with documents (see record, Exhibit H) and stated that she and her husband were responsible for naming Adams Avenue, in 1993, after her late father Hollis Adams. Ms. Scheller stated that her family descends from Henry Adams, who came to America in 1632, John Adams, and John Quincy Adams. Ms. Scheller stated that she and her husband were also instrumental in changing Foundry Avenue, at the south end, as it no longer connects with Adams Avenue. Ms. Scheller stated that she would like the Adams name to remain on the north end of Adams Avenue as there is already a Langer Drive and according to the staff report of the Planning Commission from December 8, 1992, "no street name shall be given a name that is the same as, similar to, or pronounced the same as any other street in the city". Ms. Scheller stated there is no other street name that sounds like Adams, but there is already a Langer Drive, and Langer Farms Parkway would be confusing to the Fire Department, Police Department, Post Office, and the citizens of this great community. Ms. Scheller indicated that street names related to the English theme are acceptable and residents should live in Sherwood for fifty to one hundred years. Ms. Scheller explained that Adams is an old English name and she has lived here for sixty-one years. Ms. Scheller told council that she was very pleased to have her family's name on the street, and said street naming is Council's decision, but she had a long history in Sherwood too.

With no other testimony received, Mayor Mays closed the public hearing.

Mayor Mays stated that he understood that the northern portion of Adams, yet to be developed, was going to be called Langer Farms Parkway, stating that a street with two names is confusing. Mayor Mays suggested that Columbia Street in Old Town needed changed because the two Columbia Streets are separated. Mayor Mays commented that if the name change was approved, Adams might be an appropriate name for the new street in Old Town.

Council President Grant stated that he was concerned about confusion, stating that the proposed Langer Farms Parkway and Langer Drive do not intersect, stating the confusion would be in crossing the street and having the name change. Mr. Grant commented that the most consistent thing would be to keep the street name the same all the way.

Councilor Folsom commented that the proposed Langer Farms Parkway would be adjacent to the business park named Langer Farms. Ms. Folsom stated that she appreciated the history of Adams Avenue and agrees with the Mayor's suggestion to continue to honor the Adams family in Old Town.

Councilor Henderson commented that she had a recent experience with confusing street names and wishes the two street names were not so similar. Ms. Henderson stated that she would like confirmation that the new street north of Adams would be named Langer Farms Parkway.

Mayor Mays indicated that he was told that this was the expectation.

**Yvonne Scheller** requested to provide additional comments and Mayor Mays reopened the public hearing.

Ms. Scheller commented that if the option was to name the north section Langer Farms Parkway and leave the other as Adams Avenue she would prefer not to create that confusion.

Mayor Mays closed the public hearing.

Councilor Folsom asked regarding the renaming of Columbia. Mayor Mays replied the Council could schedule the discussion to occur in work session.

With no other Council discussion, the following motion was received.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO READ CAPTION AND ADOPT ORDINANCE 2011-010, SECONDED BY MAYOR MAYS. MOTION PASSED 4:0 (COUNCILOR LANGER RECUSED; COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays directed staff to schedule a work session to discuss renaming of other streets.

Mayor Mays addressed the next agenda item and Councilor Langer rejoined the Council.

## **10. NEW BUSINESS-Continued**

### **A. Resolution 2011-075 of the Sherwood City Council Certifying the Explanatory Statement for Brookman Annexation to be referred to the Electors on the November 2011 Ballot**

City Attorney Chris Crean explained the resolution stating that it was an explanatory statement for the November ballot for the Brookman Annexation.

Mayor Mays asked for questions or comments on the resolution.

Councilor Henderson commented on the phrase about the approval of the voters or property owners. Mr. Crean stated that it is the process under a City initiated process.

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

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE RESOLUTION 2011-075, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILOR'S BUTTERFIELD AND CLARK WERE ABSENT).**

Mayor Mays addressed the next agenda item.

### **11. CITY MANAGER REPORT**

Tom Pessemier, Community Development Director sitting in for City Manager Jim Patterson, stated the City was recently recognized as one of the Top 100 Cities to Live in the U.S. by Money Magazine. Tom stated that it is a great compliment to the community and everyone who lives here.

Mayor Mays commented that it was a great honor for our community, noting that West Linn was also recognized.

Mayor Mays addressed the next agenda item.

### **12. COUNCIL ANNOUNCEMENTS**

Council President Grant stated tomorrow was the last Music on the Green concert and Woody Hite would be performing.

Councilor Henderson stated Movies in the Park have started and said the next movies are While You Were Sleeping and Grease, Tangled having been well attended.

### **13. ADJOURN**

Mayor Mays adjourned the meeting at 9:35 pm to convene to a URA Board of Directors meeting.

Submitted by:

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Sylvia Murphy, CMC, City Recorder

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Keith S. Mays, Mayor

**TO:** Sherwood City Council

**FROM:** Jason Waters, Engineering Associate II

**THROUGH:** Tom Pessemier, Community Development Director;  
Bob Galati, City Engineer

**SUBJECT:** RESOLUTION 2011-077, A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY FOR AND ACCEPT AN EASEMENT OVER REAL PROPERTY OWNED BY UNION PACIFIC RAILROAD COMPANY FOR THE PURPOSE OF ESTABLISHING, CONSTRUCTING, AND MAINTAINING AN AT-GRADE PUBLIC ROAD CROSSING ALONG SW OREGON STREET

**ISSUE:** Should the City acquire a nonexclusive roadway easement across property owned by Union Pacific Railroad Company for the purpose of establishing, operating and maintaining the SW Oregon Street crossing?

**BACKGROUND:** The City must acquire interests in real property for the construction, operation and maintenance of public uses along SW Oregon Street for the benefit and use of its inhabitants, including railroad crossings.

In 1987 the City established a 60'x60' public road easement across Union Pacific ROW for the Oregon Street crossing. The Oregon-Adams Improvements Project has added a traffic signal, widened the road, and added sidewalks & a 12' wide multi-use path across railroad right-of-way. Therefore, the road easement needs to be reestablished at 200'x60'.

Monetary consideration for this easement, as appraised by Union Pacific and reviewed by City staff and legal counsel, is \$55,000.00. This resolution authorizes the City Manager to execute the easement documents and issue payment in the amount of \$55,000.00.

The railroad's work is nearly complete. Railroad crossing signal equipment is expected to arrive in early October. Signals will then be energized and the road extension opened in early November 2011 after the easement is recorded.

**FINDINGS:** By passing this resolution the City can issue payment and record the easement documents prior to opening the new road extension.

**RECOMMENDATION:** MOTION TO ADOPT RESOLUTION 2011-077, A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY FOR AND ACCEPT AN EASEMENT OVER REAL PROPERTY OWNED BY UNION PACIFIC RAILROAD COMPANY FOR THE PURPOSE OF ESTABLISHING, CONSTRUCTING, AND MAINTAINING AN AT-GRADE PUBLIC ROAD CROSSING ALONG SW OREGON STREET

**ATTACHMENTS:** 1987 road easement (4 pages), Draft Resolution (2 pages), Exhibit A (Legal Description, 1 page), Exhibit B (Area Map, 1 page), Exhibit C (Easement Deed, 2 pages)

275/2

APPROVED AS TO FORM BY GENERAL COUNSEL  
MARCH 15, 1973



C.S. 7362

**STREET OR HIGHWAY EASEMENT**

This Indenture, made this 7th day of July, 1987, by and between  
SOUTHERN PACIFIC TRANSPORTATION COMPANY, herein called "Railroad", and  
a Delaware corporation,  
CITY OF SHERWOOD, a municipal corporation of the State of Oregon, herein called "Grantee";

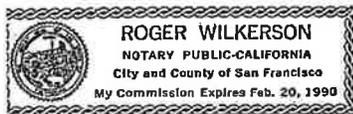
**Witnesseth:**

1. That Railroad hereby grants to Grantee the right to construct, reconstruct, maintain and use a street or highway, hereinafter termed "highway", upon and across the real property described on the attached Exhibit "A".
2. The rights herein granted are expressly limited vertically and shall not extend beyond a plane parallel with and twenty (20) feet above the roadway surface of the highway as originally constructed, except that lighting fixtures and similar highway appurtenances may extend above said plane, provided that any such facilities will be removed or rearranged within thirty (30) days after notification from Railroad that such facilities interfere with Railroad's intended use of the space above said plane.
3. This grant is subject and subordinate to the prior right of Railroad, its successors and assigns, to use all the property described in the performance of its duty as a common carrier, and there is reserved unto Railroad, its successors and assigns, the right to construct, reconstruct, maintain, use and remove existing and future transportation, communication, power and pipeline facilities in, upon, over, under, across or along said property. In the event Railroad trackage facilities are removed from said property, Railroad shall not be obligated to make any change in the grade of said highway, nor shall such removal affect Railroad's title to the underlying property.
4. This grant is subject to all licenses, leases, easements, restrictions, conditions, covenants, encumbrances, liens and claims of title which may affect said property, and the word "grant" shall not be construed as a covenant against the existence thereof.
5. The rights herein granted shall lapse and become void if the construction or reconstruction of said highway is not commenced within two (2) years from the date first herein written.
6. This grant shall not be construed as conveying or otherwise vesting in Grantee the right to install or to authorize the installation of any ditches, pipes, drains, sewer or underground structures, or the facilities of any telegraph, telephone or electric power lines in, upon, over, under, across or along said property, except as necessary for maintenance of said highway.
7. Grantee shall obtain any necessary governmental authority to construct, reconstruct, maintain and use said highway. Any contractor performing work on the property herein described shall execute Railroad's standard form of contractor's agreement prior to commencing any work on Railroad's premises.
8. Except as herein otherwise provided, Grantee shall bear the entire expense of constructing, reconstructing and maintaining said highway. The crossing of said highway over any tracks of Railroad shall be constructed and maintained at the grade of said tracks now or hereafter existing. After the construction or reconstruction of said highway has been completed, Railroad shall maintain the surface of that portion of said highway between lines two (2) feet outside the rails of each track located thereon. Should Railroad abandon tracks leading to said highway, Railroad may abandon its rails, ties and appurtenant materials and leave same in place. In such event, Railroad shall not be liable for maintenance of the portion of said highway specified above.
9. As part consideration herefor, Grantee agrees to pay Railroad an amount equal to all assessments levied by any lawful body against the property of Railroad to defray any part of the expense incurred in connection with the construction

STATE OF CALIFORNIA )  
 ) ss.  
City and County of San Francisco )

On this 7th day of July in the year One Thousand Nine Hundred and Eighty seven  
before me, Roger Wilkerson, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared  
L.A. Peters

known to me (or proved to me on the basis of satisfactory evidence) to be the  
Manager - Miscellaneous Contracts  
of the corporation \_\_\_\_\_ described in and that executed the within instrument, and also known  
to me to be the person \_\_\_\_\_ who executed it on behalf of the corporation \_\_\_\_\_ therein named  
and \_\_\_\_\_ he \_\_\_\_\_ acknowledged to me that such corporation \_\_\_\_\_ executed the same.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

Roger Wilkerson  
Notary Public in and for the City and County of San Francisco, State of California.

My Commission Expires Feb. 28, 1990

Attest [Signature]  
Secretary

By Kelly Blankenbaker  
Clerk

FMV  
5/5/87

EXHIBIT "A"

A strip of land sixty (60) feet wide situated in the City of Sherwood, County of Washington, State of Oregon, being a portion of Section 32, Township 2 South, Range 1 West, Willamette Base and Meridian, lying equally 30.0 feet on each side of the following described center line:

Beginning at a Brass Monument marking the North quarter-section corner of said Section 32; thence South  $0^{\circ}48'29''$  East, 589.39 feet to the point of intersection of the northwesterly line of land (60 feet wide) as described in deed dated December 6, 1881 from Daniel B. Hall, et ux. to the Oregonian Railway Company, Limited (now Southern Pacific Transportation Company), recorded December 13, 1881 in Deed Book "Q", Page 520, Deed Records of said Washington County, with the center line of Oregon Street (60 feet wide), said point being also distant 30 feet northwesterly, measured at right angles, from the located center line of said Southern Pacific Transportation Company's main track (Newberg Branch) at Railroad Engineer's Station 891+31.11 and the true point of beginning of the center line to be described; thence South  $57^{\circ}45'$  East along said center line of Oregon Street produced across said Company's land (60 feet wide) and crossing said center line of main track at Railroad Engineers Station 891+22.78, (for the purposes of this description the center line of main track takes it to bear North  $47^{\circ}45'00''$  East) a distance of 62.26 feet to a point in the southeasterly line of said Company's land.

19/4

The side lines of the above described 60 foot wide strip of land terminate in said northwesterly and southeasterly lines of said land described in deed dated December 6, 1881.

Said strip of land contains an area of 3736 square feet, more or less.





**RESOLUTION 2011-077**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY FOR AND ACCEPT AN EASEMENT OVER REAL PROPERTY OWNED BY UNION PACIFIC RAILROAD COMPANY FOR THE PURPOSE OF ESTABLISHING, CONSTRUCTING, AND MAINTAINING AN AT-GRADE PUBLIC ROAD CROSSING ALONG SW OREGON STREET**

**WHEREAS**, the Sherwood City Charter confers upon the City the authority to acquire real property (and interests therein) for all public purposes including public roads and rights of way; and

**WHEREAS**, in 1987 the City of Sherwood established a public road easement over railroad property for the SW Oregon Street crossing; and

**WHEREAS**, the City is widening the road crossing over the railroad property as part of the Oregon Street-Adams Avenue Improvements Project; and

**WHEREAS**, the Oregon Department of Transportation Rail Division, Union Pacific Railroad Company and Portland & Western Railroad approved the railroad crossing improvements through ODOT Final Order Number 50896 as required to establish public road easements over railroad rights of way; and

**WHEREAS**, the Sherwood City Council deems it necessary and in the public interest to establish the appropriate road easement for the at-grade public road crossing of SW Oregon Street.

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

**Section 1:** The City of Sherwood Council authorizes the City Manager to execute the easement deed (attached hereto as Exhibit C) on behalf of the City and pay Union Pacific Railroad Company \$55,000.00 manifesting the City’s improvement and property interest; and,

**Section 2:** This resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20<sup>th</sup> day of September 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder



**Exhibit "A"**  
**Legal Description**  
**Permanent Easement – Southern Pacific Transportation Company**

Permanent Easement

Being a strip of land located in the North One-Half of Section 32, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon and being a portion of that property conveyed to "Southern Pacific Transportation Company", by deed document recorded in Book "Q", Page 520 of the Washington County Deed Records, and being 100.00 feet on each side of the following described centerline:

Commencing at a Brass Cap marking the North One-Quarter Corner of Section 32, Township 2 South, Range 1 West, Willamette Meridian;

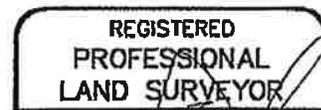
Thence along the Center line of said Section, South 00°35'26" East, 597.57 feet to the Northwest Right-of-Way line of Southern Pacific Transportation Company, by deed document recorded in Book "Q", Page 520 of the Washington County Deed Records;

Thence along said Northwesterly Right-of-Way line, North 47°15'08" East, 14.68 feet to the True Point of Beginning of the centerline to be described;

Thence leaving said Northwesterly Right-of-Way line, South 42°44'52" East, when measured perpendicular to said Right-of-Way line, 60.00 feet to the Southeast Right-of-Way line of said parcel, and the point of terminus.

The side lines of said 200.00 foot easement to be extended or shortened to meet at the Northwesterly and Southeasterly Right-of Way lines of said Southern Pacific Transportation Company parcel.

Containing 0.28 acres more or less.



RENEWAL DATE: 7-01-11

# EXHIBIT "B"

LOCATED IN THE N 1/2 OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OR

LINE TABLE		
LINE	LENGTH	BEARING
L1	14.68'	N47°15'08"E
L2	60.00'	S42°44'52"E

PERMANENT EASEMENT AREA



= 0.28 ACRES±



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 18, 1982  
 TERRY GOODMAN  
 1989

RENEWAL DATE: 7-01-11



**HDJ** PLUS  
**DESIGN GROUP**

engineers landscape architects planners surveyors

300 W 15th Street  
 Vancouver, WA 98660-2927  
 360/895-3488  
 503/924-4005  
 360/895-8767 fax

DRAWN BY: MCW

SCALE: 1"=100'

DATE: 09/01/2010

CHECKED BY: TLG

JOB NO.: 2336-00

SHEET 1 OF 1

EXHIBIT "C"

After Recording, Mail To:

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Space Above Reserved for County Recorder's Use

UPRR Folder No.: 2661-32

## EASEMENT DEED

THIS Easement Deed is made this 26<sup>th</sup> day of July, 2011, between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation, ("Grantor"), and the **CITY OF SHERWOOD**, a municipal corporation of the State of Oregon, ("Grantee").

Grantor for and in consideration of the sum of FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00), to it paid by Grantee, the receipt whereof is hereby confessed and acknowledged, grants to Grantee, its successors and assigns, a NONEXCLUSIVE EASEMENT ("Easement"), for the sole purpose of constructing, using, maintaining, repairing, renewing and reconstructing an at-grade public road crossing for Oregon Street at DOT No. 754-216N at Grantor's Mile Post 757.90 on Grantor's Newburg Subdivision, along and across the property in Sherwood, Washington County, State of Oregon, described in **Exhibit A**, attached and by reference made a part of this Easement Deed (the "Easement Area").

The Easement is granted for the purpose described above only. Without limitation of the foregoing, this grant does not include the right to install utilities of any nature, including, without limitation, fiber optic, cable television, electrical, gas or liquid distribution, or telephone lines.

Grantor, its successors and assigns, reserves the right to construct at any and all times and to maintain railroad tracks and appurtenances, fiber optic or signal lines and facilities, pipe, telephone, and electric pole and wire lines, over, under and across the Easement Area, but in such a way as to not interfere with Grantee's use of the Easement; it being understood that the rights so reserved by Grantor, its successors and assigns, are retained along with the general right of Grantor, its successors and assigns, to use of the Easement Area for any purpose not inconsistent with Grantee's use of the Easement, including, but not limited to any and all general railroad purposes.

The Easement is granted subject to all outstanding leases, licenses and other outstanding rights, including, without limitation, those for pipe, telephone, electric and fiber optic lines and the right of renewals and extensions of the same, and subject also to all conditions, limitations, restrictions, encumbrances, reservations or interests of any person that may affect the Easement Area, whether recorded or unrecorded.

The Easement is also limited to such rights as Grantor may have in the Easement Area and is granted without warranty, express or implied.

If Grantee, its successors or assigns, abandons the Easement Area or any portion of the Easement Area, for the purposes of the Easement, the Easement will cease and terminate with respect to the portion of the Easement Area so abandoned, and the title to the Easement Area will be freed from the burden of the Easement. Nonuse of the Easement Area or any portion thereof, for the purposes of the Easement for the period of one (1) year will be deemed an abandonment of the Easement Area or portion thereof not used.

Grantor and Grantee have caused this Easement Deed to be executed as of the date first herein written.

Attest:

By   
BEVERLY J. KUBAT  
Assistant Secretary

**UNION PACIFIC RAILROAD COMPANY**  
By   
JAMES P. GADE  
General Director Contracts

(Seal)

**CITY OF SHERWOOD**

By \_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director

**SUBJECT: RESOLUTION 2011-078, AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF SHERWOOD AND WILSONVILLE REGARDING ADOPTION OF AN INTERIM WATER TREATMENT AND SUPPLY AGREEMENT INCLUDING A METHODOLOGY AND RELATED PROVISIONS FOR INTERIM WATER TREATMENT AND PRODUCTION RATES AND WHEELING RATES FOR PRODUCTION / DELIVERY OF WATER TO SHERWOOD FOLLOWING COMPLETION OF THE METER VAULT PROJECT AND CONTINUING UNTIL SEGMENT 3 OF THE 48 INCH TRANSMISSION LINE IS IN PLACE AND IS FULLY OPERATIONAL, AND THIS AGREEMENT IS REPLACED BY A PERMANENT WATER SUPPLY AGREEMENT BETWEEN THE PARTIES**

**ISSUE:** Should the City enter into an agreement with the City of Wilsonville for an interim water treatment and supply agreement including a methodology and related provisions for interim water treatment and production rates and wheeling rates for production/delivery of water to Sherwood following completion of the meter vault project and continuing until Segment 3 of the 48-inch transmission line is in place and is fully operational, and this agreement is replaced by a permanent water supply agreement between the parties.

**BACKGROUND:** Currently the City has an IGA for temporary water with the City of Wilsonville (Resolution 2011-005) which outlines the cost of temporary water at \$1.60 (\$1.45/ccf and \$0.15/ ccf for wheeling) and allows Sherwood to receive up to 0.5 mgd (400 gallons/minute). The intent of this agreement was to keep our pipeline fresh.

In January 2011, the City partnered with the City of Wilsonville and hired MWH to complete a hydraulic capacity analysis to determine that there was ample current capacity to meet both agency water requirements that pertain to this agreement.

In March 2011, both parties partnered to hire Galardi Rothstein Group to complete a water production rate and a wheeling rate analysis. The wheeling rate is for a short section of Wilsonville's water distribution line that we have to send water through until Segment 3 is completed. At that time, a final agreement will be presented to council that allows Sherwood to receive 5.0 mgd and we will not pay wheeling charges as we will be using our 5.0 mgd ownership rights.

The interim water rates as well as the wheeling rate are based on industry standards. The interim rate analysis is based on costs provided by Veloia Water (contractor operating the water treatment plant), City of Wilsonville and water delivery projections from both cities.

**FINDINGS:** The estimated rate for the first year will be \$1.285 (\$1.24/ccf and \$.045/ccf for

wheeling) and allows Sherwood to receive up to 2.5 mgd from the Willamette River Water Treatment Plant. This agreement will move Sherwood towards using Willamette river water and not rely on interruptible water from the City of Tualatin during peak demand. If this agreement is approved, the city of Sherwood will use up to 2.5 mgd during peak use and supplement with well water to cover peak usage.

At the end of each fiscal year, there will be a true up of rates for treatment and production costs, and wheeling, upon actual peak water demands.

**RECOMMENDATION: STAFF RECOMMENDS THAT COUNCIL ADOPT RESOLUTION 2011-078, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF SHERWOOD AND WILSONVILLE REGARDING ADOPTION OF AN INTERIM WATER TREATMENT AND SUPPLY AGREEMENT INCLUDING A METHODOLOGY AND RELATED PROVISIONS FOR INTERIM WATER TREATMENT AND PRODUCTION RATES AND WHEELING RATES FOR PRODUCTION/DELIVERY OF WATER TO SHERWOOD FOLLOWING COMPLETION OF THE METER VAULT PROJECT AND CONTINUING UNTIL SEGMENT 3 OF THE 48 INCH TRANSMISSION LINE IS IN PLACE AND IS FULLY OPERATIONAL, AND THIS AGREEMENT IS REPLACED BY A PERMANENT WATER SUPPLY AGREEMENT BETWEEN THE PARTIES.**



**RESOLUTION 2011-078**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITIES OF SHERWOOD AND WILSONVILLE REGARDING ADOPTION OF AN INTERIM WATER TREATMENT AND SUPPLY AGREEMENT INCLUDING A METHODOLOGY AND RELATED PROVISIONS FOR INTERIM WATER TREATMENT AND PRODUCTION RATES AND WHEELING RATES FOR PRODUCTION / DELIVERY OF WATER TO SHERWOOD FOLLOWING COMPLETION OF THE METER VAULT PROJECT AND CONTINUING UNTIL SEGMENT 3 OF THE 48 INCH TRANSMISSION LINE IS IN PLACE AND IS FULLY OPERATIONAL, AND THIS AGREEMENT IS REPLACED BY A PERMANENT WATER SUPPLY AGREEMENT BETWEEN THE PARTIES**

**WHEREAS**, Sherwood and Wilsonville entered into a temporary water agreement per the terms outlined in Resolution 2011-005; and

**WHEREAS**, it is recognized by both parties that it is necessary to enter into this intergovernmental agreement, attached as Exhibit A, until completion of Segment 3; and

**WHEREAS**, the parties have the authority to enter into this agreement pursuant to their applicable charters, principals acts and ORS190.003 -190.030.

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

**Section 1.** The City Manager is authorized to enter into an Intergovernmental Agreement with the City of Wilsonville, attached as Exhibit A.

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

**Duly passed by the City Council this 20<sup>th</sup> day of September 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

**AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF  
SHERWOOD AND WILSONVILLE REGARDING ADOPTION OF AN  
INTERIM WATER TREATMENT AND SUPPLY AGREEMENT  
INCLUDING A METHODOLOGY AND RELATED PROVISIONS FOR  
INTERIM WATER TREATMENT AND PRODUCTION RATES AND  
WHEELING RATES FOR PRODUCTION/DELIVERY OF WATER TO  
SHERWOOD FOLLOWING COMPLETION OF THE METER VAULT  
PROJECT AND CONTINUING UNTIL SEGMENT 3 OF THE 48-INCH  
TRANSMISSION LINE IS IN PLACE AND IS FULLY OPERATIONAL,  
AND THIS AGREEMENT IS REPLACED BY A PERMANENT WATER  
SUPPLY AGREEMENT BETWEEN THE PARTIES**

This Agreement (“Agreement”) is made and entered into this \_\_\_ day of \_\_\_\_\_, 2011, by and between the City of Sherwood, an Oregon municipal corporation (“Sherwood”), and the City of Wilsonville, an Oregon municipal corporation (“Wilsonville”), referred to collectively as (“the Parties”).

Recitals

The Parties agree upon the following Recitals:

A. WHEREAS, originally Tualatin Valley Water District (“TVWD”) and Wilsonville partnered to construct and own undivided ownership shares in the Willamette River Water Treatment Plant (“WRWTP”) and appurtenances thereto from the raw water intake in the Willamette River through Segment 1 of the finished water 63-inch water transmission line (Supply Facilities). The treatment plant portion of the WRWTP has a current designed capacity of 15 mgd. Subsequently, based on certain conditions Wilsonville consented to Sherwood’s purchasing certain interests in the WRWTP Supply Facilities from TVWD’s interests, which included a capacity purchase from TVWD of TVWD’s 1/3 or 5 mgd of the 15 mgd capacity, while Wilsonville owns 2/3 or 10 mgd of WRWTP capacity. In addition, Wilsonville and TVWD own larger capacity interests in other appurtenant facilities.

B. WHEREAS, Sherwood and Wilsonville entered into agreements whereby Wilsonville had constructed or would construct and Sherwood would purchase capacity in Segments 2, 4, and 5A of 48-inch diameter water transmission lines within Wilsonville, which in

conjunction with the WRWTP and other facilities will jointly serve both cities with a permanent potable water supply. All these segments are now constructed and capacity purchased under the terms of the agreements. Together these already constructed transmission facilities are 8,183 lf in length and represent a present joint investment of \$7,313,838. Sherwood and Wilsonville each own 1/2 of the capacity of Segment 2. Sherwood owns 2/3 of the capacity of Segments 4 and 5A, while Wilsonville owns the remaining 1/3 capacity of each.

C. WHEREAS, Sherwood has constructed and owns 18,000 lf of 48-inch diameter transmission (Segments 6-9) from a point connecting to the Tooze Road Meter Vault described herein and continuing to a recently constructed Sherwood Reservoir (Snyder Park - 4 mgd capacity) which is also owned by the City of Sherwood. The cost of the construction of these Sherwood transmission facilities, not including the cost of the Snyder Park Reservoir, is estimated to be in excess of \$11,630,000. Completion of construction of these transmission segments had been estimated to occur in the spring of 2011 by Emery and Son's (Emery), Sherwood's General Contractor. Actual completion occurred in December 2010. In order for Sherwood to accept these new transmission facilities, the facilities needed to be pressure tested and flushed, and then maintained and refreshed with a required maximum amount of potable water (400 gpm). The source of this water is from the WRWTP and the Water Distribution System of the City of Wilsonville. A Temporary Water Supply Agreement was negotiated between the parties for the 400 gpm water supply to permit pressure testing, flushing, and line maintenance. An Agreement reflecting those negotiations was adopted by the Parties on January 11, 2011.

D. WHEREAS, it has been long recognized and agreed to by the Parties that full use of the collectively owned 48-inch transmission linkage between the WRWTP and the City of Sherwood will not occur until the 2500 lf of Segment 3 48-inch diameter transmission is constructed by Wilsonville. This transmission project is a part of a significantly larger project involving the extension of Kinsman Road from Barber Road to Boeckman Road, and the allied construction of sanitary and storm lines. This Project also requires substantial Environmental Permitting because it traverses wetlands, a FEMA established Floodway/Flood Plain, Bonneville Power Administration (BPA) transmission line, and acquisition of property interest from private

property owners. Presently completion of Segment 3 is estimated by Wilsonville to occur in 2014, but the Parties recognize this is a soft estimate given the permitting and acquisition issues stated above. However, late developments indicate the possibility of discrete permitting and construction of this transmission line segment, separate from the other portions of the overall project. The Parties are working collectively and in good faith to achieve that result. This Project is now proceeding through Preliminary Design and Engineering prior to beginning formal regulatory permitting. The Parties will separately negotiate terms of an Agreement wherein Sherwood would front the costs relating to the water transmission portion of this Project subject to Wilsonville reimbursement of its share of water transmission project costs.

E. WHEREAS, the Parties have also negotiated successfully the design and proposed construction of the Tooze Road Meter Vault facility and appurtenant small segment of 48-inch diameter transmission line (Segment 5B), collectively referred to as the Meter Vault Project. The Meter Vault Project will link previously constructed Transmission Segments 5A and 6, provide required metering and flow control facilities for water flowing to Sherwood, and house pressure reducing valves and transmission lines to serve existing and planned Wilsonville's distribution and reservoir systems. The Parties adopted an Agreement authorizing the construction of these improvements on January 11, 2011. Current estimated total project costs are \$1,296,030 net of Sherwood's construction of a 24-inch water line as discussed below and an authorized change order with Emery estimated to be approximately \$50,000. Completion of the Meter Vault Project is anticipated in September 2011. Sherwood has agreed to advance funding of its proportionate share of the Project, as well as advance funding and construction of the extension of a Wilsonville 24-inch diameter transmission line which will be a wholly owned Wilsonville component of this Project. The specific terms of this Project are the subject of the Tooze Road Meter Vault Agreement and the aforementioned Temporary Water Supply Agreement referred to in these recitals.

F. WHEREAS, the unanticipated early completion of Segments 6-9 of 48-inch diameter transmission by Sherwood in December 2010 and the estimated completion of the Tooze Road Meter Vault in September 2011 left a short but very important period (this period has been extended to no earlier than October 1, 2011 because of Sherwood's contract with the

Portland Water Bureau (PWB) for interruptible water when temporary water supply to Sherwood in an amount not to exceed 400 gpm will be required as explained in Recital C above). The Parties developed a way to provide temporary water supply during this period by the advance construction by Sherwood of a 24-inch diameter transmission line extension. This transmission line extension previously was a part of the Meter Vault Project, referenced in Recital E above, to serve Wilsonville permanently with potable water through the Tooze Road Meter Vault. All required real property has been acquired by Wilsonville for the construction of the Tooze Road Meter Vault and this line extension and its connection to Sherwood's Segment 6 transmission line. Sherwood proposed to construct these facilities by means of a change order to its Segment 6 contract with Emery and to pay for the redesign associated with advancing the 24-inch line extension and to front costs for this Project subject to reimbursement of Wilsonville's share through credits against future temporary and interim water sales to Sherwood. The specific terms of this Project are contained in the Temporary Water Supply Agreement between the Parties. Sherwood subsequently executed a change order for the Project in the amount \$276,000. Total project costs are estimated to be \$308,000. The project is 99% completed. It is anticipated by the Parties that these change order improvements will be in place and operational well before October 1, 2011.

G. WHEREAS, the Parties have negotiated this Interim Water Supply Agreement, which will involve temporary wheeling of surplus water to Sherwood of up to 2.5 mgd of WRWTP potable water through jointly owned Sherwood and Wilsonville transmission lines and also partially through Wilsonville existing distribution lines until such time as Segment 3 is completed and on line. The Parties commissioned Montgomery Watson Harza, Inc. ("MWH") to perform a hydraulic capacity analysis of current WRWTP and Wilsonville facility capacity to ensure that the 2.5 mgd is currently available through the distribution system in addition to Wilsonville's ongoing and projected needs. MWH completed this analysis on February 22, 2011 and concluded that ample capacity was available to accomplish this. A copy of this hydraulic capacity analysis is attached hereto as Exhibit A and incorporated herein by reference. The Parties also contracted with the Galardi Rothstein Group to develop and recommend a methodology and estimated rates of interim water treatment and production and associated

wheeling rates for production/delivery of water to Sherwood following completion of the Meter Vault Project described above and continuing until Segment 3 of the jointly owned 48-inch transmission line is in place and operational. The Final Interim Water Production and Delivery Rate analysis is attached as Exhibit B and incorporated herein by reference. These and related matters are the subject of this Agreement between the parties.

H. WHEREAS, Sherwood and Wilsonville agree to the terms of Interim Water Supply, including the methodology and estimates of Interim Water Treatment and Production Rates and Wheeling Rates, and related matters as set forth in this Agreement.

I. WHEREAS, it is recognized by the Parties that it is necessary to enter into this Intergovernmental Cooperative Agreement through ORS Chapter 190 to provide for the adoption of an Interim Water Supply Agreement, including a methodology and estimates of interim water treatment and wheeling rates, and related provisions.

J. WHEREAS, the Parties have the authority to enter into this Agreement pursuant to their applicable charters, principal acts, and ORS 190.003 – 190.030.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

**1. Recitals.** The recitals set forth above are incorporated by reference and made a part of this Agreement.

**2. Consideration.** In consideration of the terms and conditions set forth below, the Parties enter into this Agreement.

**3. Term.** The effective term of this Agreement shall be the later of October 1, 2011 or the date of the completion and operation of the Tooze Road Meter Vault Project and appurtenant facilities more particularly described in the Meter Vault Project agreement previously executed by the Parties on January 11, 2011. The Parties agree to exercise due diligence and good faith efforts to conclude negotiations regarding a Segment 3 IGA by October 15, 2011. This Agreement shall then continue until it is replaced by a Permanent Water Supply

Agreement between the Parties at a time after completion and fully operational status of Segment 3 is achieved.

**4. Purpose and Framework.** As described in the Recitals of this Agreement, the purpose of the Agreement is to set out the terms between the parties whereby Sherwood will receive an Interim Supply of water not to exceed a peak demand of 2.5 mgd. Peak demand is generally during the months of June through September. The Parties share ownership of 15 mgd of the capacity of the water treatment and production of the WRWTP. Wilsonville owns 10 mgd of the capacity and Sherwood owns the remaining 5 mgd through its purchase from TVWD. During the term of this Agreement, it is estimated that joint average daily demand by the Parties during the Interim Period will not exceed 4.75 mgd, with Wilsonville receiving 2.80 mgd and Sherwood 1.67 mgd. It is estimated that joint peak use by the Parties during the Interim Period will not exceed 12.5 mgd, with WV receiving 10 mgd and Sherwood 2.5 mgd. The Projected Water Production of the WRWTP and estimated respective water usage of the parties is set out more specifically in Table 1 of Exhibit B.

The Parties have previously contracted with MWH to perform a hydraulic capacity analysis of WRWTP, jointly owned Wilsonville Sherwood facilities, and Wilsonville facilities which analysis determined that there is ample current capacity to meet the water requirements set forth in this Agreement. The Parties are jointly relying on that assessment and opinion. The MWH hydraulic capacity analysis is set out in Exhibit A and incorporated herein by reference.

The Parties also contracted with the Galardi Rothstein Group to develop and recommend a methodology and estimated rates of interim water treatment and production and associated wheeling rates for the production/delivery of WRWTP water to Sherwood following completion of the Meter Vault Project described above and continuing until Segment 3 of the jointly owned 48 inch transmission is in place and fully operational. The Final Interim Water Production and Delivery Rate Analysis (hereinafter referred to as the "Interim Rate Analysis") is attached as Exhibit B and incorporated herein by reference. The Parties have approved this study as the basis for water rates for Sherwood and Wilsonville during the Interim Period. The operational

implementation structure of the Interim Rate Analysis is set forth more definitely in the following Section.

**5. Operational Implementation Structure of the Interim Rate Analysis.** The Interim Rate Analysis described above establishes a methodology for treatment and production of potable water and estimated rates for Sherwood and for Wilsonville. The methodology and the resultant rates are based upon estimated costs for production and treatment as well as respective water consumption levels of the Parties for each year or partial year of the Interim Period. In contrast, the wheeling rates are applicable only to Sherwood as they reflect a charge for temporary wheeling through a portion of the Wilsonville distribution system. There is a separate methodology for the computation of that rate based upon estimated Sherwood peak usage during each year of the Interim Period. The Interim Rate Analysis establishes an estimated treatment and production rate for the first year of the Interim Period based upon estimated costs for the treatment and production of water for that year and upon a five year average of past usage by Wilsonville, and by estimated limited usage during the Interim Period by Sherwood assuming continued partial supply from Sherwood ground water resources and other sources of supply. The estimated rate for the first year is \$1.24/ccf. The wheeling rate for Sherwood based upon anticipated peak usage by Sherwood of 2.5 mgd is \$.045/ccf.

At the end of each fiscal year, there will be a true up of rates for treatment and production based on respective actual water usage of the Parties and actual treatment and production costs, and for wheeling, upon the actual peak water demand by Sherwood. The rate true up will occur in conjunction with the process set forth in the Operation and Maintenance Contract among Wilsonville, TVWD, and Veolia Water North America (Veolia) for a report of actual costs for treatment and water production by Veolia which are due no later than August 1 of each year. The first year of the Interim Period will be foreshortened as the first year of the Interim Period will commence no earlier than October 1, 2011. It will end on June 30, 2012 so as to track with the fiscal year term of the Wilsonville, TVWD, and Veolia Operation and Maintenance (O&M) Agreement. Subsequent years may also be foreshortened contingent upon the date of termination of the Interim Period. Wilsonville and Sherwood will deliver their respective water consumption

figures to Galardi Rothstein no later than July 15 following June 30 of each year of the Interim Period.

Galardi Rothstein will calculate actual treatment and production rates for the Parties based upon actual costs of treatment and production and respective water usage for the preceding year, and for Sherwood, wheeling charges based upon peak usage for the preceding year. Galardi Rothstein will prepare a Report setting forth their conclusions in this regard no later than September 1 of each year. The Parties have 30 days to present comment or rebuttal. If there remains disagreement by a Party as to the Final Rates as determined by Galardi Rothstein, the Dispute Resolution provisions of this Agreement are the sole remedy available to the Parties. The final true up of rates for a given year shall be reflected by a rate credit or debit to the respective Parties in the succeeding rate year. The cost of the services of Galardi Rothstein in the true up process shall be shared equally by the parties.

**6. Future Good Faith Negotiations among the Parties.** By this Agreement Sherwood assumes a new relationship and responsibilities to the WRWTP and to Wilsonville and TVWD. The Accord Agreement executed between Wilsonville and TVWD on 19 June 2001 at Section 8.1 acknowledges the intent of both Wilsonville and TVWD in the future "...to cooperate with the other in reaching accord in the future including, but not limited to, financing for future costs and expenses." That time has now come to implement this process, not because of TVWD's use of WRWTP water but because Sherwood, through TVWD, has invoked its use. In keeping with the previous agreements entered into by the parties and the conditions agreed upon therein for the consent provided by Wilsonville to the purchase by Sherwood from TVWD as recited above, Wilsonville and Sherwood pledge their good faith efforts to work among themselves and TVWD to reach a fair and equitable resolution of these matters. IGAs for Segment 2, 3, 4, 5, 5A and the Meter Vault separately deal with O&M of the jointly owned supply facilities not covered by this Agreement.

**7. Dispute/Attorneys Fees.** If a dispute arises between the Parties regarding breach of this Agreement or interpretation of any term of this Agreement, the Parties shall first attempt to resolve the dispute by negotiation, followed by mediation and arbitration.

Step One: The respective City Managers of the Parties or their designees are designated to negotiate on behalf of the Party each represents. If the dispute is resolved at this Step One, there shall be a written determination of such resolution, signed by each Party's Manager and ratified by each governing body, if required by the governing body, which shall be binding upon the Parties. Step One will be deemed complete when a Party delivers notice in writing to the other Parties that the Party desires to proceed to Step Two.

Step Two: If the dispute cannot be resolved within 10 days at Step One, or earlier after written notice given by a party, the Parties shall submit the matter to non-binding mediation by a professional engineer with demonstrated substantial experience in the design, construction and operation of complex municipal treatment, transmission, distribution, and storage systems. The Parties shall attempt to agree on a mediator. If they cannot agree, the Parties shall request a list of five mediators from an entity or firm experienced in providing engineering mediation services who do not have an existing professional relationship with either Party. The Parties will mutually agree upon a mediator from the list provided. Any common costs of mediation shall be borne equally by the Parties who shall each bear their own costs and fees. If the issue(s) is resolved at this Step Two, a written determination of such resolution shall be signed by each Manager and approved by their respective governing bodies, if necessary.

Step Three: If mediation does not resolve the issue within 45 days of submission of the issue to mediation, the matter will be referred to binding arbitration by a panel of three arbitrators who are professional engineers with demonstrated substantial experience in the design, construction and operation of complex municipal treatment, transmission, distribution, and storage systems. One arbitrator will be chosen by each Party and those two arbitrators chosen will choose a third arbitrator. No panel member may have an on-going professional relationship to either Party. The arbitration panel will reasonably endeavor to reach a decision on the dispute within 60 days of its submission to the panel. The decision shall be binding on both Parties and there shall be no right of further appeal. The prevailing Party shall be entitled to its reasonable attorneys fees as shall be awarded by the arbitration panel.

**8. Breach.** If a Party defaults under the terms of this Agreement, then upon twenty 20 days written notice, the defaulting Party shall undertake steps to commence cure of the breach within a reasonable time, depending on the circumstances. In the event there is a dispute over the amount to be paid, the undisputed amount shall be paid immediately and the Agreement shall not be in default while the solution to the disputed payment portion is resolved under Section 7. The Parties understand and agree that water service is critical to each Party's customers and that monetary damages may be an insufficient remedy considering the infrastructure involved. Therefore, the Parties expressly agree that equitable remedies such as injunction or specific performance are specifically contemplated and allowed by this Agreement.

**9. Notices.** Notices regarding operation, maintenance, repair, replacement, breach, termination, renewal or other issues shall be deemed sufficient if deposited in the United States Mail, First Class, postage prepaid, addressed to the Parties as follows:

City Manager  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

City Manager  
City of Wilsonville  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

**10. Insurance and Indemnity.** To the full extent permitted by law, each Party agrees to indemnify and hold harmless the other, its counsel, officers, employees, and agents from any and all claims, demands, damages, actions, or other harm caused by the sole negligence or intentional acts of that Party, including any attorneys fees or other costs of defense. Further, independent of the indemnity obligation, and as may be allowed under law, each Party agrees to maintain general liability insurance in an amount not less than Oregon Tort Claim limits applicable to public agencies as set forth in ORS 30.260 – 30.300.

**11. Succession.** This Agreement shall be binding upon any successors to the respective Parties, which through merger, consolidation or other means, including a lawful transfer by Sherwood to the Willamette River Water Coalition ("WRWC"), succeeds to the water supply treatment and distribution and transmission functions of that Party. No transfer to a private, nonpublic entity is permissible without the consent of both parties.

**12. Amendment.** The terms of this Agreement may be amended or supplemented by mutual agreement of the Parties. Any amendment or supplement shall be in writing and shall refer specifically to this Agreement, and which shall be executed by the Parties.

**13. Good Faith and Cooperation.** The Parties agree and represent to each other good faith, complete cooperation, and due diligence in the performance in all obligations of the Parties pursuant to this Agreement.

**14. Governing Law.** This Agreement is governed by the laws of the State of Oregon.

**15. Counterparts.** This Agreement may be signed in two counterparts, each of which shall be deemed as an original and, when taken together, shall constitute one and the same agreement.

**16. Instruments of Further Assurance.** From time to time, at the request of either Party, each Party shall, without further consideration, execute and deliver such further instruments and shall take such further action as may be reasonably required to fully effectuate the purposes of this Agreement.

**17. Severability.** In case any one or more of the provisions contained in this Agreement shall be judicially deemed invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

IN WITNESS WHEREOF, the Parties have, pursuant to official action of their respective governing bodies duly authorizing the same, caused their respective officers to execute this Agreement on their behalf.

**CITY OF SHERWOOD**

**An Oregon municipal corporation**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Recorder

**APPROVED AS TO FORM**

\_\_\_\_\_  
City Attorney

**CITY OF WILSONVILLE**

**An Oregon municipal corporation**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Recorder

**APPROVED AS TO FORM**

\_\_\_\_\_  
City Attorney



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## TECHNICAL MEMORANDUM

**Project:** City of Wilsonville, OR Water Model Update

**Subject:** Hydraulic Analysis – Update Task 1 and Task 2

**Prepared For:** Eric Mende, P.E., CFM, City of Wilsonville

**Prepared By:** Brenna Mannion

**Reviewed By:** Christopher Michalos  
Corie Peterson

**Date:** August 5, 2011

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### WATER SYSTEM HYDRAULIC MODEL UPDATE

The City of Wilsonville (the City) contracted MWH to update the Wilsonville potable water system hydraulic model that will be detailed in this technical memorandum. The existing model was previously developed by MWH using MWH Soft's H2ONet Analyzer software.

MWH's Technical Memorandum (TM), dated February 22, 2011 summarized the results of the previous updated hydraulic model runs, and this memorandum is an update to that work. The model was developed to deliver 5 MGD to the City of Sherwood and 10 MGD to the City of Wilsonville from the Willamette River Water Treatment Plant (WRWTP). The purpose of the previous model was to document the demand and distribution system updates made to the Wilsonville hydraulic model and provide the City with a revised hydraulic analysis based on the updated model. The model was specifically used to verify that the Hydraulic Criteria 1 and 2 as defined below will continuously be met when supplying a range of Wilsonville and City of Sherwood demands:

Criteria 1: The City of Wilsonville's water distribution system must be able to provide a minimum Hydraulic Grade Line (HGL) of 390 feet at the connection point to the City of Sherwood transmission pipeline at the intersection of Tooze Road and Westfall Road without negatively impacting the City of Wilsonville's ability to meet its local demands. The required HGL of 390 feet is based on information provided by the City of Sherwood's consultant (MSA, Inc.).

Criteria 2: The City of Wilsonville water distribution system must be hydraulically balanced and allow for normal operation of the Elligsen reservoir. Under Peak day conditions (the modeled flow scenario), the reservoir should remain full or shall be filling off of the system pressure. For the scenarios to be acceptable, the reservoirs should not be draining into the system. If a reservoir

is draining during a peak day demand scenario, then the existing pump capacity was considered inadequate.

The purpose of this technical memorandum is to modify the Sherwood connection system updates made to the Wilsonville hydraulic model and provide the City with a revised hydraulic analysis based on the updated model. These updates are the transmission main from Tooze Road to the Snyder Park Reservoir and the change of the future Pressure Relief Valves (PRV's) at Tooze Road to Flow Control Valves (FCV's). The model was specifically used to verify that the Hydraulic Criteria 1 and 2 as defined above will continuously be met when supplying a range of Wilsonville and City of Sherwood demands.

## MODEL ASSUMPTIONS

The following assumptions were used in the analysis:

- The City of Sherwood will connect to the transmission pipeline within the City of Wilsonville via a pipeline at the intersection of Tooze Road and Westfall Road. City of Sherwood will require a minimum HGL of 390 feet at this connection point to allow adequate flow to its Snyder Park reservoir.
- The supply to the City of Sherwood is represented in the model:
  - For Scenarios 1 & 2 as a demand on Junction 4042.
  - For Scenarios 3 & 4 as a fixed head reservoir with a head of 408.5 ft. [Finished floor elevation = 383.5 ft. (from the MSA Site Piping Plan Sheet C-4) and a Maximum Water Elevation of 25 ft.]
- The pumps at the Elligsen pump station are not in operation during the hydraulic simulation.
- The Elligsen reservoirs are assumed to be nearly full with a Water Surface Level (WSL) of 396.7 feet. The maximum WSL is 400.0.
- The clearwell at the WRWTP was assumed to have a water surface elevation of 119 feet.

## PIPE NETWORK & MODEL JUNCTIONS

Updating the modeled pipe network was the first task performed. Key high and low elevations along the transmission pipeline to Sherwood were modeled as junctions along this pipeline. All pipe information came from the "Waterline Schedule D Plan and Profile" sheets from MSA dated June 2009.

New pipes were assigned an identifier (ID) according to the current scheme for the Wilsonville Model. Each pipe was given an ID starting with "WL" followed by a numeric number. New junctions were also added to the current H2ONet model. New junctions were given a sequential number starting at 4000.

Hazen-William C-factors, which represent pipe roughness, were assigned to all new pipes added to the model. A value of 140 was assigned to all new pipes, which represents a new, smooth pipe. No minor-loss values were assigned to the new pipes. These values are consistent with new pipes previously added to the model. The existing model pipe C-factors were not changed.

#### **BASE MODEL PIPING/DEMAND SCENARIOS**

No demand assignments were changed in this modeling task.

#### **FUTURE PIPING/DEMAND SCENARIOS**

The model was also updated to include future water system improvement projects. The future water systems improvements were categorized into the following three categories:

- i) An Average Day Demand (ADD) of 5.0 MGD for Sherwood was applied at the Synder Reservoir connection and an ADD of 10.0 MGD was applied to the Wilsonville distribution system by scaling up the base model demands. Water is delivered to the Sherwood connection through the existing Wilsonville distribution system using existing 18-inch diameter distribution mains off of the lower section of the 48-inch diameter transmission main. The Kinsman extension and the West Side Reservoir were not included in this future scenario analysis.

Under this scenario three high service duty pumps are running to produce the required flow of 15 MGD. The smaller jockey pump is not running.

- ii) An ADD of 5.0 MGD for Sherwood was applied at the Synder Park Reservoir connection and an ADD of 10.0 MGD was applied to the Wilsonville distribution system by scaling up the base model demands. Water is delivered to the Sherwood connection through the completed 48-inch diameter transmission line. The Kinsman extension and the West Side Reservoir along with the two future FCVs were included for the analysis. The PCV is located at Kinsman/Boeckman Road crossing, and at FCV's at Tooze Road/Westfall Road crossing. The Tooze Road/Westfall Road crossing FCV vault will house two FCVs, one on the transmission line to the West Side reservoir (FCV-1) and one on the Sherwood transmission line (FCV-2).

Under this scenario it is assumed that three new duty pumps are running in addition to the existing three duty pumps to produce the required flow of 15 MGD. The smaller jockey pump is not running under this scenario.

- iii) Same as above but only the existing three duty pumps are running to produce the 15 MGD flow.

For the revised base case model run, the future pipes are inactive and are not considered a part of the modeled network.

## ANALYSIS RESULTS

A summary of model results is provided below in Table 1. A brief description of results and recommendations follow the table.

Table 1 – Summary of Model Results

Scenario	Meets Criteria – 1	Meets Criteria – 2	Notes	HGL at WRWTP Plant (Junction ID - BP_WTPV)	HGL at Tooze Road /City of Sherwood Connection (Junction ID - 3756)	Snyder Park Reservoir (Junction ID - 4042)
Scenario 1 (Baseline): With Existing pipeline network with existing PRVs. 3.11 MGD to the City of Wilsonville and 2.5 MGD to the City of Sherwood	Yes	Yes	Total Supplied: 5401.0 gpm Total Demand: 3898.6 gpm Total Stored: 1501.2 gpm Tank CLEVEL is emptying at 45.0 ft Tank ELLIGSENA is filling at 51.0 ft Tank ELLIGSENB is filling at 46.70 ft	528.8 ft	402.4 ft	402.0 ft
Scenario 2: Without Kinsman Road Extension, Westside Reservoir and New PRVs. With 10 MGD to the City of Wilsonville and 5 MGD to City of Sherwood	Yes	Yes	Total Supplied: 14674.8 gpm Total Demand: 10416.2 gpm Total Stored: 3620.3 gpm Tank CLEVEL is emptying at 45.0 ft Tank ELLIGSENA is filling at 51.0 ft Tank ELLIGSENB is filling at 46.7 ft	452.2 ft	419.0 ft	417.6 ft
Scenario 3: With Kinsman Road Extension, Westside Reservoir and New PRV and FCV's. With 10 MGD to the City of Wilsonville and 5 MGD to City of Sherwood. 6 pumps on.	Yes	Yes	Total Supplied: 17273.6 gpm Total Demand: 6943.95 gpm Total Stored: 10503.6 gpm Tank CLEVEL is emptying at 45.0 ft Tank ELLIGSENA is filling at 51.0 ft Tank ELLIGSENB is filling at 46.7 ft Tank T5004 is filling at 21.6 ft	524.3 ft	519.9 ft	408.5 ft

Scenario 4: With Kinsman Road Extension, Westside Reservoir and New PRV and FCV's. With 10 MGD to the City of Wilsonville and 5 MGD to City of Sherwood. Only Existing Pumps on.	Yes	Yes	Total Supplied: 14674.76.0 gpm Total Demand: 6943.95 gpm Total Stored: 7730.8 gpm Tank CLEVEL is emptying at 45.0 ft Tank ELLIGSENA is filling at 51.0 ft Tank ELLIGSENB is filling at 46.7 ft Tank T5004 is filling at 21.6 ft	453.5 ft	409.1 ft	408.5 ft
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Tank CLEVEL: Level C Tank located north and east of the I-5/Elligsen Road Interchange  
 ElligsenA/ElligsenB: Tanks located on Elligsen Road at pump station

A summary of the PRV pressure results and high service pump flow rate and head results from each scenario run are presented in Table 2.

Table 2: Summary of PRV and High Service Pump Results

Scenario	Scenario 1 (Baseline): With existing pipeline network with existing PRVs. 3.11 MGD to the City and 2.5 MGD to the City of Sherwood		Scenario 2: Without Kinsman Road Extension, Westside Reservoir and New PRVs. With 10 MGD to the City and 5 MGD to City of Sherwood		Scenario 3: With Kinsman Road Extension, Westside Reservoir and New PRVs. With 10 MGD to the City and 5 MGD to City of Sherwood All pumps.		Scenario 4: With Kinsman Road Extension, Westside Reservoir and New PRVs. With 10 MGD to the City and 5 MGD to City of Sherwood Existing Pumps	
	PRV Locations (ID)	US Pressure (psi)	DS Pressure (psi)	US Pressure (psi)	DS Pressure (psi)	US Pressure (psi)	DS Pressure (psi)	US Pressure (psi)
SW Wilsonville Rd PRV (C)	168.44	117.7	135.7	126.2	166.3	151.9	135.7	126.2
Kinsman/Barber Rd PRV (D)	166.3	113.3	133.1	124.4	163.5	150.1	133.1	124.4
Boeckman Rd PRV (E)	N/A	N/A	N/A	N/A	161.3	141.5	131.1	148.7
Tooze Rd / City of Sherwood PRV-1 to West Side reservoir	N/A	N/A	N/A	N/A	121.3	68.9	91.2	68.9
Tooze Rd / City of Sherwood PRV-2 to Snyder Park Reservoir	N/A	N/A	N/A	N/A	121.3	73.3	91.2	73.3
High Service Pump (HSP)	Pump Flow Rate (gpm)	TDH (ft)	Pump Flow Rate (gpm)	TDH (ft)	Pump Flow Rate (gpm)	TDH (ft)	Pump Flow Rate (gpm)	TDH (ft)
HSP # 1	2689.3	410.4	4814.9	336.3	2854.8	406	4814.9	336.3
HSP # 2	2651.3	410.4	4828.3	336.3	2799.9	406	4828.3	336.3
HSP # 3	0	0	4857.7	336.3	2904.5	406	4857.7	336.3
Jockey Pump	0	0	0	0	0	0	0	0
New Pump - 1	0	0	0	0	2905.0	406	0	0
New Pump - 2	0	0	0	0	2904.7	406	0	0
New Pump - 3	0	0	0	0	2904.8	406	0	0

## CONCLUSIONS

Model results show that the WRWTP, the existing water distribution system, and the future water transmission system utilizing the proposed Kinsman extension, (with the future PRVs at Boeckman Road and at Tooze Road) are capable of providing 5 MGD to the City of Sherwood at the required HGL of 390 feet and 10 MGD to the City of Wilsonville while maintaining system pressures above 40 psi and flow velocities less than 8 ft/sec throughout the Wilsonville system, except for isolated locations. The overall results are consistent with the 2011 model scenarios although the table values did change based on the revised input data. None of the pipelines within the modeled network show velocities greater than 8 ft/sec except for some of the pipes connected to the PRVs. This high velocity resulted from the high flow passing through a relatively small sized (12-inch in diameter) pipe connection to the PRV. See the February 2011 memo for more detail on the PRV considerations.

All the nodes have pressures greater than 40 psi except for a few places where the junctions are located close to the Level C and Elligsen Reservoirs. The main reason is the proximity of the junctions to the low head reservoirs. The Water Surface Levels (WSLs) of the reservoirs are not high enough to create the minimum pressure in those locations. But low pressures at these locations will not be an issue unless fire hydrants are present. There are also pressures lower than 40 psi along the transmission main to Sherwood.

Key model results are highlighted below:

- Scenario 1 - Existing piping network with existing PRVs – 2.5 MGD supplied to Sherwood and 3.11 MGD supplied to City of Wilsonville. The system pressures throughout the modeled distribution system are above 40 psi. Flow velocities throughout the distribution system are within reasonable limits except for the SW Wilsonville Road PRV (#C), which observes high velocity due to high flow (5339.3 gpm) passing through a relatively small diameter (12-inch) pipe. A junction located close to Level C Tank (Low Water Level 485 feet) observes pressure less than 40 psi due to its high elevation (EL 470 feet). There are also pressures lower than 40 psi along the transmission main to Sherwood at higher elevations in the pipeline. The head at the Snyder Park Reservoir is only 402 feet, which would not be sufficient to fill the reservoir to maximum water elevation (408.5'). Although it is approximately 10 feet higher than the reservoir floor, so there would be some ability to fill the reservoir. Figure 1 shows the results of the Scenario 1 analysis.
- Scenario 2 - Without the Kinsman Road Transmission Line Extension, Westside Reservoir and New PRVs – 5 MGD supplied to the City of Sherwood and 10 MGD supplied to City of Wilsonville. The system pressures throughout the modeled distribution system are above 40 psi. Flow velocities throughout the distribution system are within the established velocity criteria except for the following pipes which see high velocities due to high flows through the relatively small diameter pipes. The pipes are the by-pass of Kinsman PRV (#D) passing 6539.8 gpm through relatively small diameter (12-inch), 14-inch pipe connection close to Kinsman PRV (#D) passing 4081.8 gpm, by-pass of SW Wilsonville Road PRV (#C) passing 6535.6 gpm through relatively small

diameter (12-inch), and 3472.2 gpm passing through a relatively small 12-inch diameter pipeline to the City of Sherwood, Charbonneau PRV (397.4 gpm passing through 4-inch pipe). The previously identified junction located close to Level C Tank (Low Water Level 485 feet) has pressure less than 40 psi due to the junction's high elevation (EL 470 feet). There are also pressures lower than 40 psi along the transmission main to Sherwood at higher elevations in the pipeline. Figure 2 shows the results of the Scenario 2 analysis.

- Scenario 3 - With the Kinsman Road Transmission Line Extension, Westside Reservoir and New PRVs in place, supplying – 5 MGD to the City of Sherwood and 10 MGD to City of Wilsonville. The system pressures throughout the modeled distribution system are above 40 psi. Flow velocities throughout the distribution system are the established velocity criteria except for the Charbonneau PRV (397.4 gpm passing through a 4-inch pipe), PRV on the Kinsman extension (4347.3 gpm passing through a 10-inch pipe) which sees high velocities due to high flows passing through relatively small diameter pipes. The previously identified junction located close to Level C Tank (Low Water Level 485 feet) sees pressure less than 40 psi due to the junction's high elevation (EL 470 feet). There are also pressures lower than 40 psi along the transmission main to Sherwood at higher elevations in the pipeline. Figure 3 shows the results of the Scenario 3 analysis.
- Scenario 4 - With the Kinsman Road Transmission Line Extension, Westside Reservoir and New PRVs in place, supplying – 5 MGD to the City of Sherwood and 10 MGD to City of Wilsonville using only existing pumps. The system pressures throughout the modeled distribution system are above 40 psi. Flow velocities throughout the distribution system are the established velocity criteria except for the Charbonneau PRV (397.4 gpm passing through a 4-inch pipe), new PRV on the Kinsman extension (3282 gpm passing through a 10-inch pipe) which sees high velocities due to high flows passing through relatively small diameter pipes. The previously identified junction located close to Level C Tank (Low Water Level 485 feet) sees pressure less than 40 psi due to the junction's high elevation (EL 470 feet). There are also pressures lower than 40 psi along the transmission main to Sherwood at higher elevations in the pipeline. Figure 4 shows the results of the Scenario 4 analysis.

In all scenarios, the City of Wilsonville is able to provide a minimum HGL of 390 feet at the connection point to the City of Sherwood transmission pipeline at the intersection of Tooze Road and Westfall Road without negatively impacting the City of Wilsonville's ability to meet its local demand. After modeling the full length of the Sherwood main, there is concern that the existing system would not be able to supply enough pressure to fill the Snyder Park Reservoir at a demand of 3.11 MGD (as shown by the low head at the reservoir in Scenario 1).

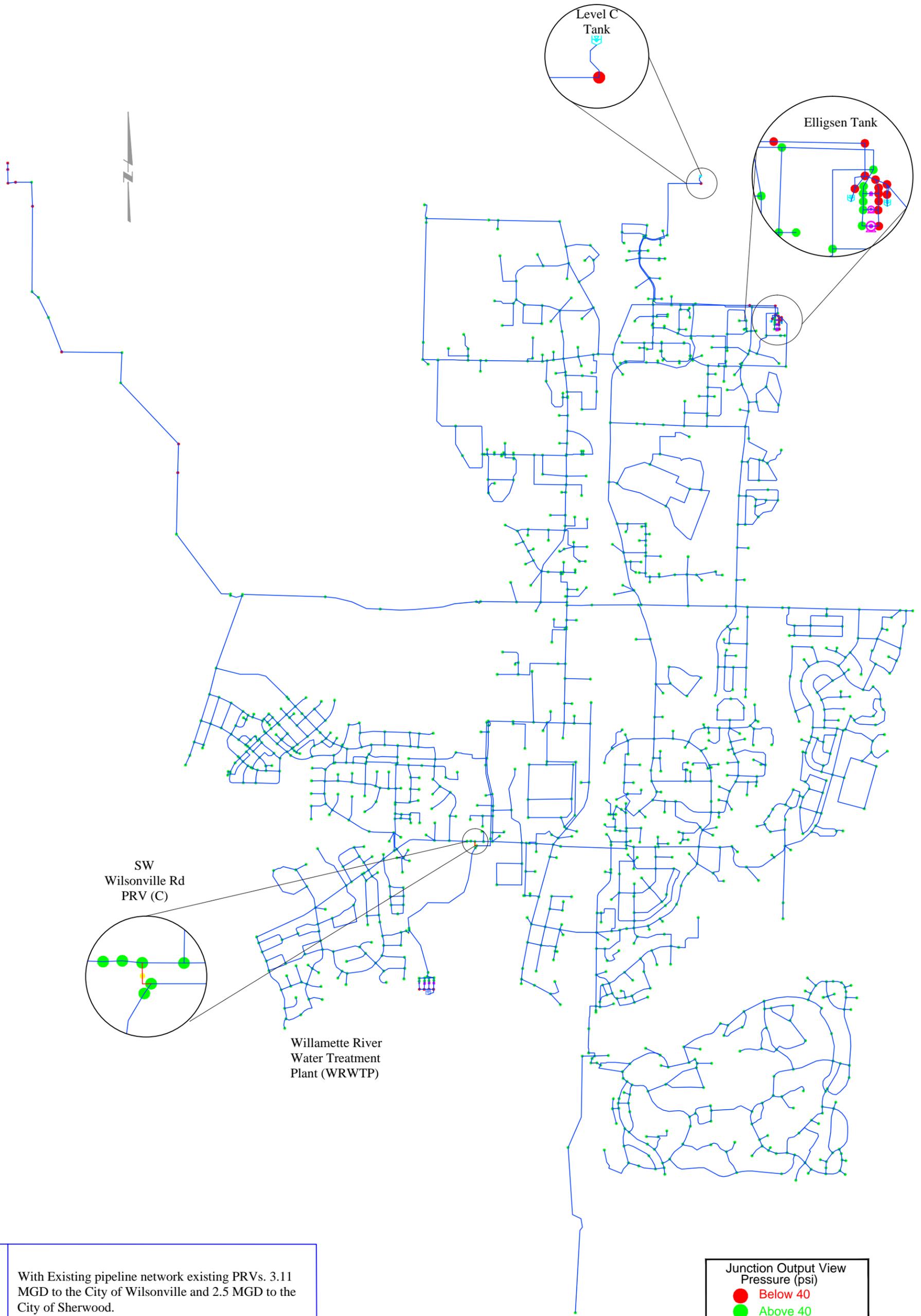
Also, the City of Wilsonville water distribution system will be hydraulically balanced and allow for normal operation of the Elligsen reservoir. Under the Average and Peak day conditions (all four modeled flow scenarios), the Elligsen reservoirs were filling from system pressure and was not draining, even when meeting the additional 2.5 MGD (average day) and 5 MGD (peak day) Sherwood demand.



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1. FIGURE 1 – SCENARIO 1
2. FIGURE 2 – SCENARIO 2
3. FIGURE 3 – SCENARIO 3
4. FIGURE 4 – SCENARIO 4



Scenario 1	With Existing pipeline network existing PRVs. 3.11 MGD to the City of Wilsonville and 2.5 MGD to the City of Sherwood.
Scenario 2	Without Kinsman Road Extension, Westside Reservoir and New PRVs. With 10 MGD to the City of Wilsonville and 5 MGD to the City of Sherwood.

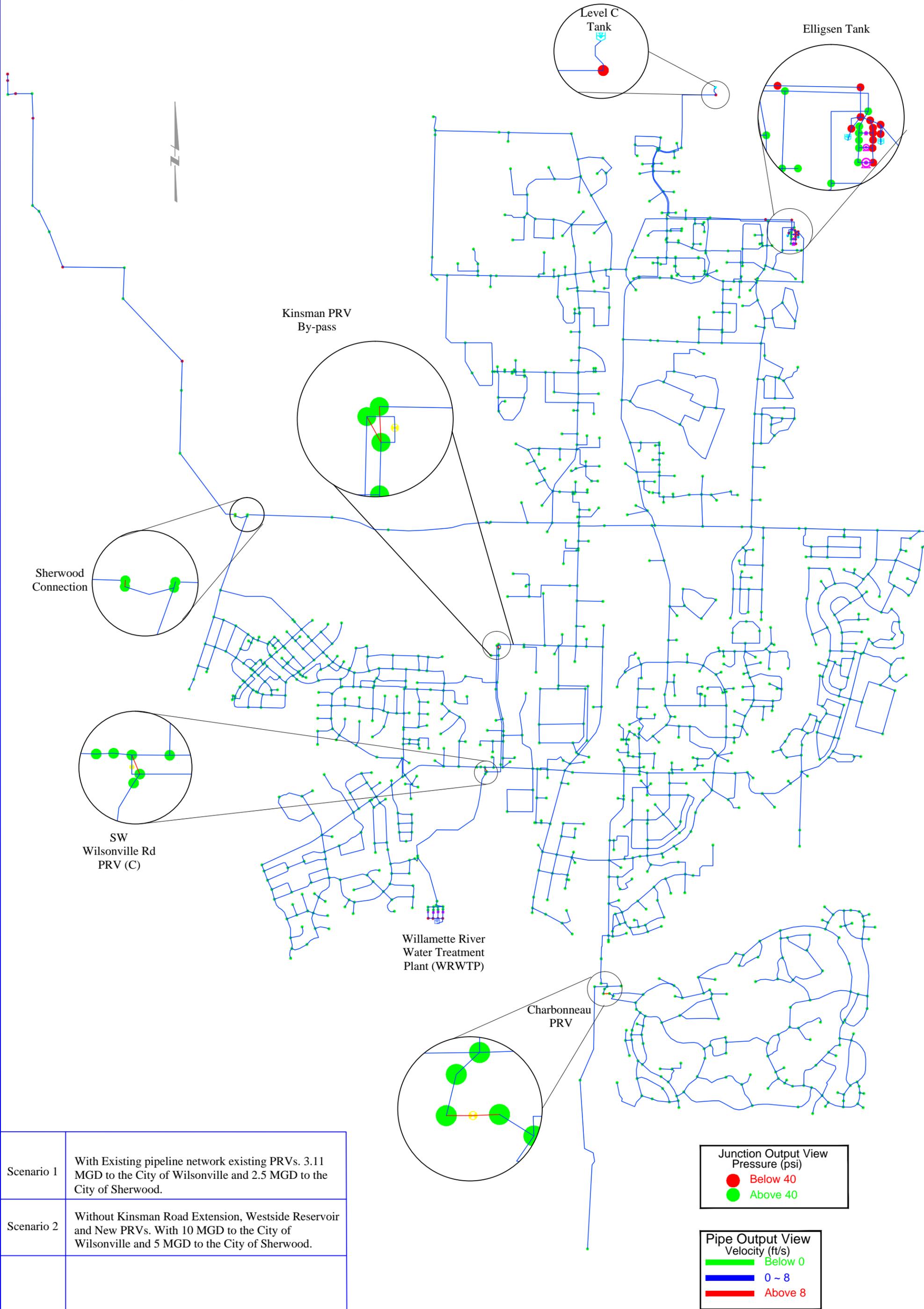
**Junction Output View Pressure (psi)**

- Below 40
- Above 40

**Pipe Output View Velocity (ft/s)**

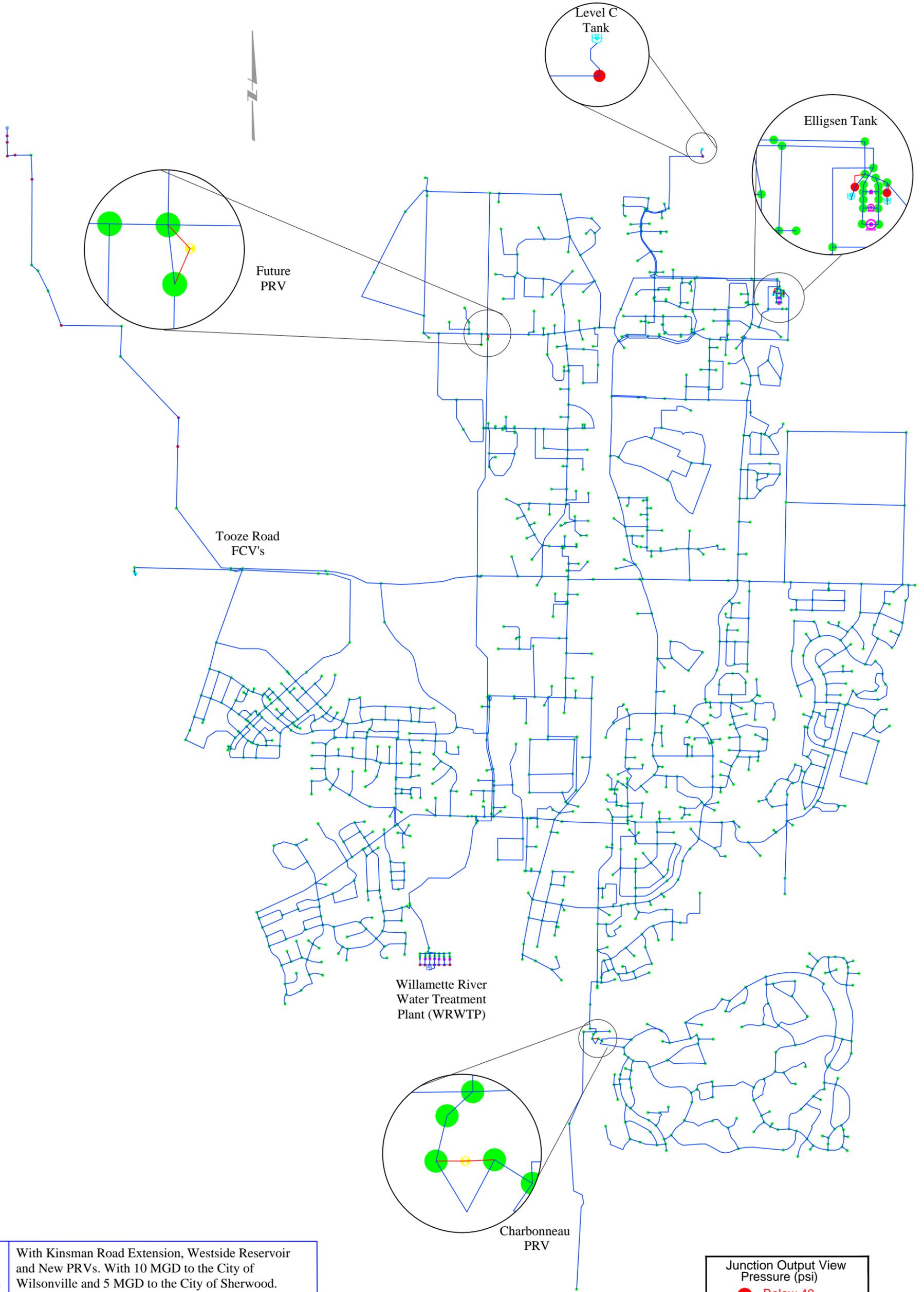
- Below 8
- 0 ~ 8
- Above 8

Figure 1 - Scenario 1  
 High Velocity (>8 fps)  
 Low Pressure (<40 psi)



Scenario 1	With Existing pipeline network existing PRVs. 3.11 MGD to the City of Wilsonville and 2.5 MGD to the City of Sherwood.
Scenario 2	Without Kinsman Road Extension, Westside Reservoir and New PRVs. With 10 MGD to the City of Wilsonville and 5 MGD to the City of Sherwood.

Figure 2 - Scenario 2  
 High Velocity (>8 fps)  
 Low Pressure (<40 psi)



**Junction Output View  
Pressure (psi)**

- Below 40
- Above 40

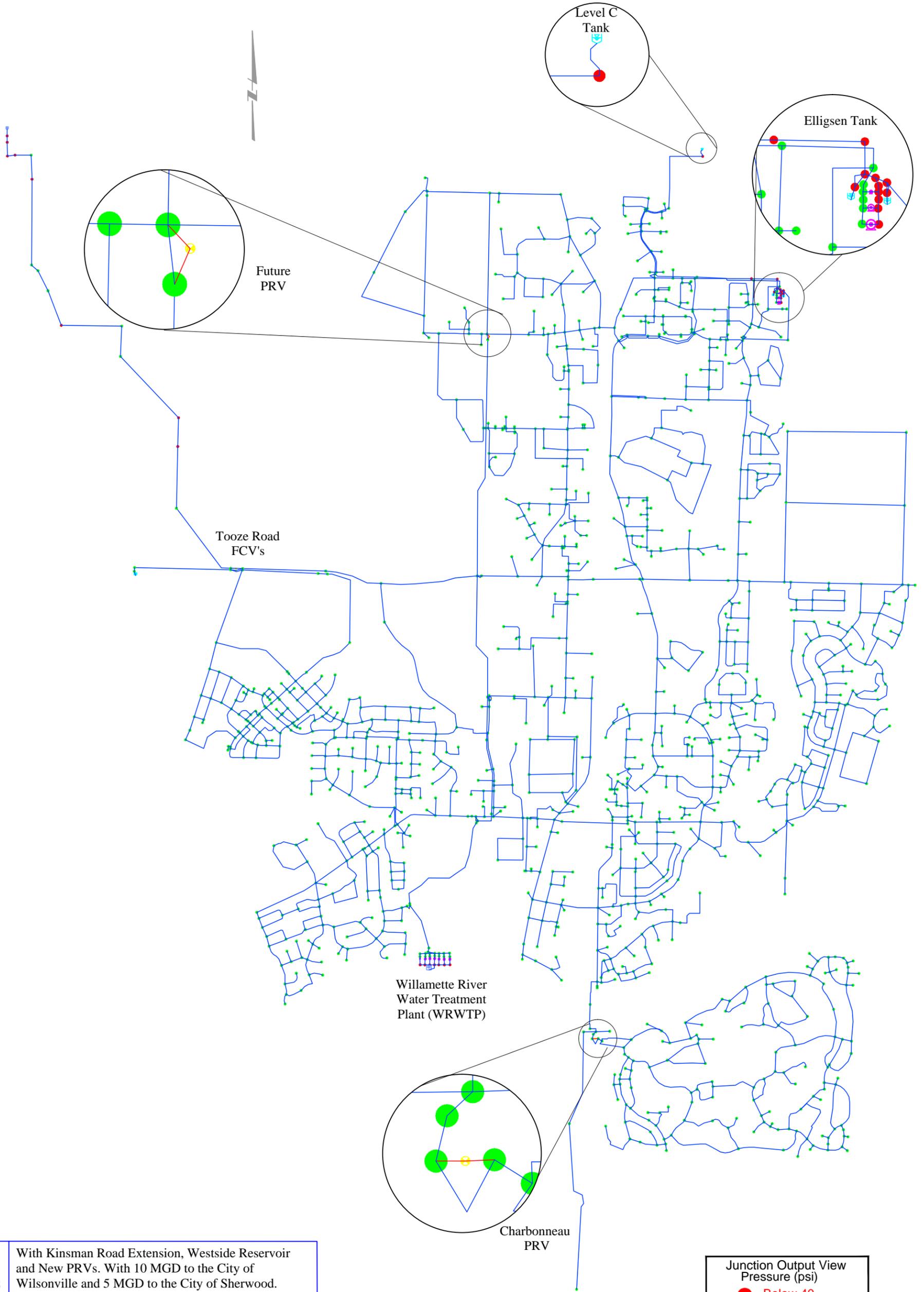
  

**Pipe Output View  
Velocity (ft/s)**

- Below 0
- 0 ~ 8
- Above 8

Scenario 3	With Kinsman Road Extension, Westside Reservoir and New PRVs. With 10 MGD to the City of Wilsonville and 5 MGD to the City of Sherwood.
Scenario 4	With Kinsman Road Extension, Westside Reservoir and New FCVs. With 10 MGD to the City of Wilsonville and 5 MGD to the City of Sherwood. Only the 3 existing pumps on at WTP.

Figure 3 - Scenario 3  
 High Velocity (>8 fps)  
 Low Pressure (<40 psi)



**Junction Output View  
 Pressure (psi)**  
 ● Below 40  
 ● Above 40

**Pipe Output View  
 Velocity (ft/s)**  
 Below 0  
 0 ~ 8  
 Above 8

Scenario 3	With Kinsman Road Extension, Westside Reservoir and New PRVs. With 10 MGD to the City of Wilsonville and 5 MGD to the City of Sherwood.
Scenario 4	With Kinsman Road Extension, Westside Reservoir and New FCVs. With 10 MGD to the City of Wilsonville and 5 MGD to the City of Sherwood. Only the 3 existing pumps on at WTP.

Figure 4 - Scenario 4  
 High Velocity (>8 fps)  
 Low Pressure (<40 psi)



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## TECHNICAL MEMORANDUM

**Project:** City of Wilsonville, OR Hydraulic Transient Model Update

**Subject:** Hydraulic Transient Analysis – City of Wilsonville

**Prepared By:** Chris Michalos, P.E.

**Prepared For:** Eric Mende, P.E.

**Reviewed By:** Corie Peterson, P.E.

**Date:** August 12, 2011

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### INTRODUCTION

MWH was contracted by the City of Wilsonville to perform additional hydraulic transient analyses evaluating the effects of changing the valves at the Tooze Road connection to the Sherwood transmission pipeline from Pressure Reducing Valves (PRV) to Flow Control Valves (FCV). This technical memorandum is presented as an Addendum to the Hydraulic Transient Analysis Technical Memorandum prepared for the City of Wilsonville dated April 6, 2011.

The City of Wilsonville's H2ONet hydraulic distribution system model presented in the April 6, 2011 technical memorandum was used as a baseline for the H2OSurge model for the current hydraulic transient analyses. Revisions to the existing model included changing the valves at the Tooze Road connection to the Sherwood pipeline from PRVs to Flow Control Valves and the City of Sherwood's 48-inch diameter transmission pipeline profile information along with the recently installed Air/Vacuum Air Release Valves (AVAR). Sizes and locations of these valves were based on design drawings received from Murray, Smith & Associates (MSA), Sherwood's engineer on the project. The assumptions and boundary conditions presented in the April 6, 2011 technical memorandum were utilized for this analysis.

The objective of this hydraulic transient analysis is to evaluate the effects of changing the valves at the Tooze Road connection to the Sherwood transmission pipeline from PRVs to FCV's based upon an uncontrolled shut down of the operating pumps at the Willamette River Water Treatment Plant (WRWTP) under the different flow and operational scenarios presented below to determine if surge mitigation strategies are required and to determine the size and type of the recommended surge facilities.

## MODEL SCENARIOS

The hydraulic transient analysis scenarios evaluated are summarized in Table 1. They include evaluating the affect of the FCV on the previous study results as well as three additional scenarios. The scenarios evaluated in the April 6, 2011 technical memorandum are numbered 1A through 3B and assumed that the AVAR valves installed along the Sherwood Transmission line were active and the future Kinsman extension, the future West Side Reservoir and the future PRV to the West Side Reservoir were not included in the analysis. The additional scenarios analyzed as part of the revised scope are presented as 4A through 4C and assumed that the 48” diameter segment 3 transmission line (0.375” thick steel pipe) including the AVAR’s is operational.

**Table 1 – Summary of Hydraulic Transient Analysis Scenarios**

Scenario	WRWTP Flow Rate	Wilsonville Demand (MGD)	Sherwood Demand (MGD)
1A	10	7.5	2.5
1B	10	10	0
2A	15	10	5
2B	15	15	0
3A	12.5	10	2.5
3B	12.5	12.5	0
4A	12.5	10	2.5
4B	15	10	5
4C	15	15	0

Each scenario was modeled with and without the recommended 750 cubic foot (5,600 gallon) hydropneumatic tank located at the WRWTP HSPS in order to determine the affect of the FCV on the severity of the hydraulic transient event and the performance of proposed hydropneumatic tank to mitigate the hydraulic transient. Scenario 4C was determined to be the same as Scenario 2B and therefore was not evaluated.

## ANALYSIS RESULTS

The pressure history (graph of pressure versus time) at the node downstream of the WRWTP, the node downstream of the Tooze Road FCV (Junction ID 3846), and upstream of the Tooze Road FCV (Junction ID 4016) were developed for each scenario with and without surge protection devices to show both the magnitude of the downsurge and to review the performance of the recommended 750 cubic foot hydropneumatic tank and AVAR’s along the Sherwood transmission pipeline. The node downstream of the WRWTP was selected to show the effect of the hydraulic transient at the WRWTP. Junctions 3846 and 4016 were selected to be consistent with the results presented in the April 6, 2011 technical memorandum. Junction 3846 shows the effect of connecting the Sherwood system to the Wilsonville system using a FCV and Junction 4016 (upstream of the FCV) was selected for sub-scenario’s where the Sherwood demand is set to zero and is indicative of the surge induced pressure history of the Wilsonville system but the

pressure history is just for one point in a system of hundreds of points. The key model results are highlighted below.

Figures 1 through 20 present the hydraulic transient modeling results for the monitoring points described above for all scenarios listed in Table 1. Comparing the results to those presented in the April 6, 2011 technical memorandum show that the surge event utilizing the FCV instead of the PRV produces similar surge results. The interconnection to the Sherwood transmission pipeline helps mitigate the pressure surge at the Tooze Road FCV whenever the control valve within the reservoir inlet pipe is open. When the Snyder Park Reservoir fills and the intake control valve closes (zero demand), the surge mitigation benefit of the interconnection between the two systems disappears. Since the Snyder Park Reservoir can fill and be closed off to the Wilsonville system at anytime, the surge mitigation benefit of the Sherwood transmission pipeline connection may not be available when the surge event occurs.

One can see from Figures 1 through 14, the recommended a 750 cubic foot (5,600 gallon) hydropneumatic tank located at the WRWTP HSPS trims the down-surge and upsurge magnitudes at the Tooze Road connection but mild pressure oscillations still occur over the 200 second simulation as the system self dampens to 60 psi, the backpressure from the Elligsen Tank. Most importantly the hydropneumatic tank prevents objectionable negative pressure zones from developing within the system. Based upon the April 6, 2011 technical memorandum, installation of the hydropneumatic tank is recommended after the WRWTP output exceeds 10.0 MGD. However, based upon a review of Figure 3 which shows a significant downsurge at the FCV when the Wilsonville demand is 10 MGD and the Sherwood demand is 0 MGD. Therefore, installation of the hydropneumatic tank should be considered when the WRWTP output approaches 10.0 MGD.

Consistent with the results presented in the April 6, 2011 memorandum, several locations of the distribution system experienced unacceptable low pressure during the surge event when the hydropneumatic tank is not operational. These locations are presented in the April 6, 2011 memorandum. ***Surge mitigation is necessary to prevent vacuum zones from developing within the Wilsonville distribution system under this scenario.*** A vacuum of 5.0 psi can cause infiltration of ground water through the rubber gasket pipe joints of the transmission and distribution piping. When full vacuum pressure is reached at a node location, a vapor cavity can develop creating a multiphase (liquid and vapor) system. The hydraulic transient model results cannot be relied upon beyond the point in time that full vacuum conditions are developed. The upsurge value predicted by the model after a full vacuum event cannot be taken with confidence since a violent vapor cavity collapse can cause a large pressure spike with a magnitude not readily predictable. The true upsurge value cannot be accurately predicted by the model since the model uses equations that are only valid for liquid flow and the development and collapse of a vapor cavity is a two phase phenomena. Prudent design requires that surge mitigation be added to the WRWTP HSPS which prevents or reduces the surge so that the high vacuum and vapor cavity zones are prevented from developing

As shown on Figures 15 and 16, and 19 and 20, the AVAR's prevent negative pressures from forming along the Sherwood Transmission Pipeline for scenarios 4A and 4B. In addition, the

use of the hydropneumatic tank further reduces both the downsurge and upsurge along the pipeline.

## CONCLUSIONS AND RECOMMENDATIONS

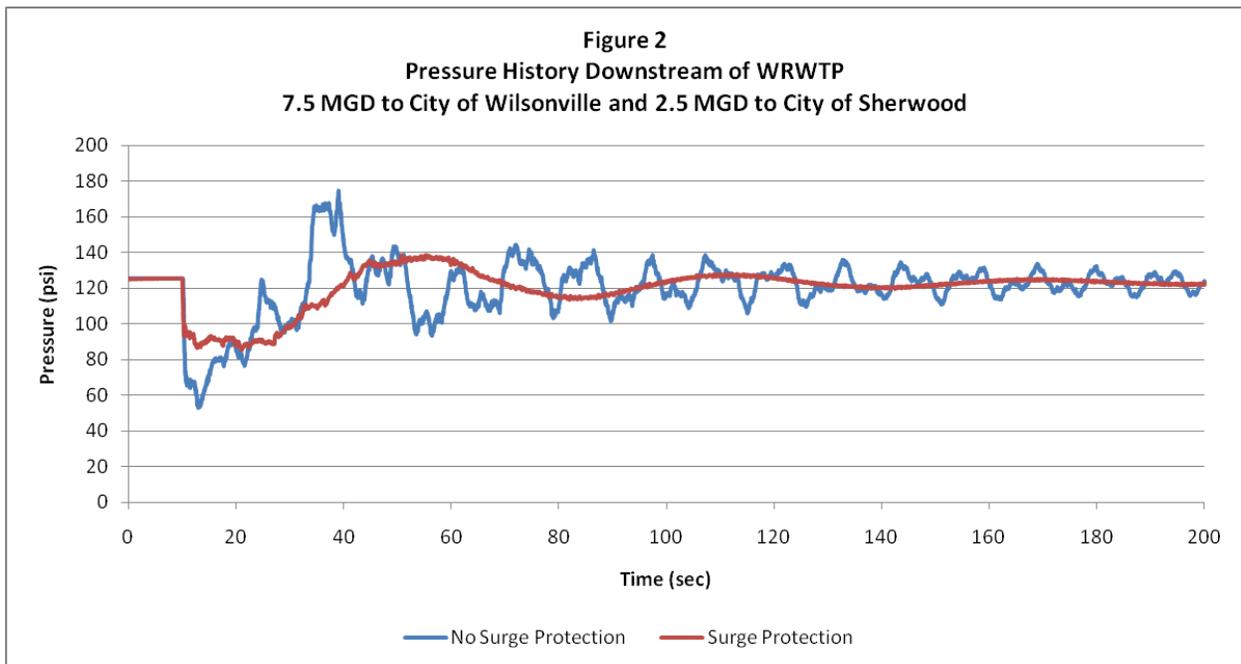
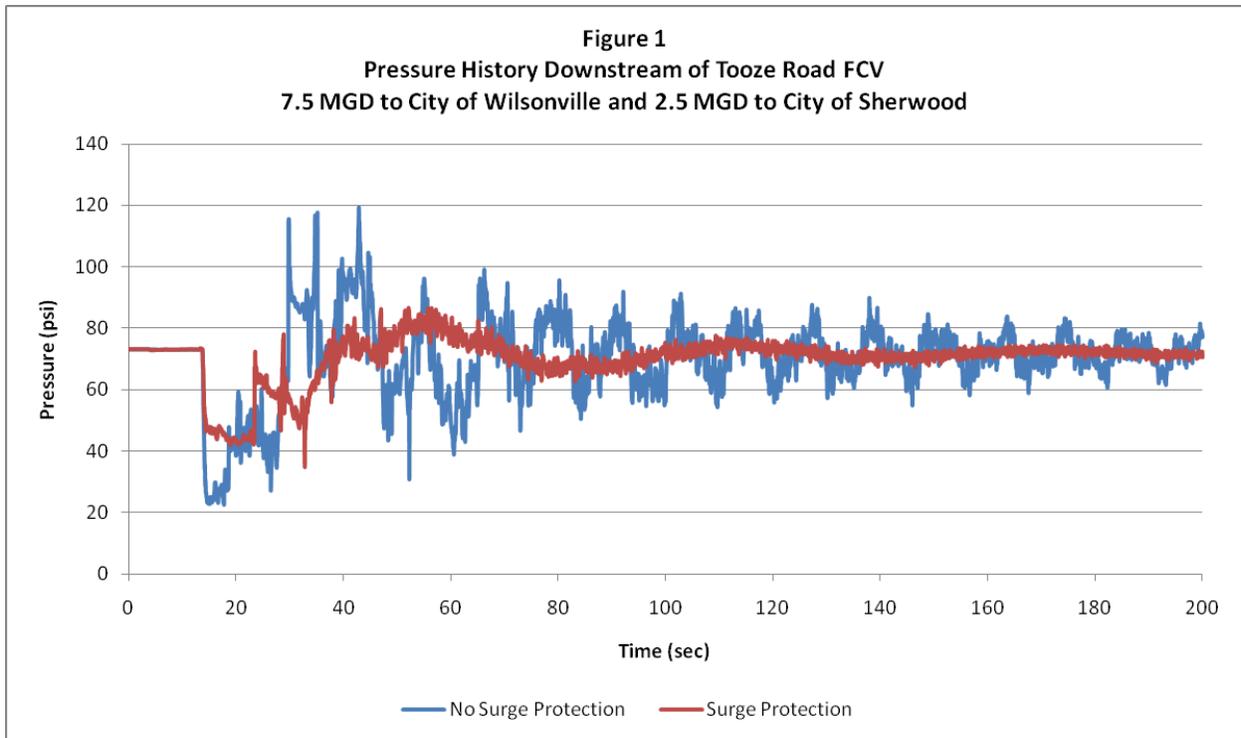
The composite system including the existing WRWTP HSPS, the Wilsonville transmission and distribution piping, and the Sherwood transmission pipeline is not a highly-volatile system with respect to transient conditions. The model results indicate that as the WRWTP outputs approaches 10 MGD, a 750 cubic foot hydropneumatic tank is required at the WRWTP HSPS to mitigate the down-surge upon sudden loss of power to prevent development of negative pressure zones in the Wilsonville transmission and distribution system. Connection of the Wilsonville system to Sherwood's Snyder Park Reservoir helps mitigate surge at the Tooze Road PRV whenever the control valve within the reservoir inlet pipe is open. When the Snyder Park Reservoir fills and the intake control valve closes (zero demand), the surge mitigation benefit of the interconnection between the two systems disappears. Since the Snyder Park Reservoir can fill and be closed off to the Wilsonville system at anytime, the surge mitigation benefit of the Sherwood transmission pipeline connection may not be available when the surge event occurs. To determine a more precise plant output at which the hydropneumatic tank must be installed (to prevent unacceptable low pressure zones during surge events) will require additional studies.

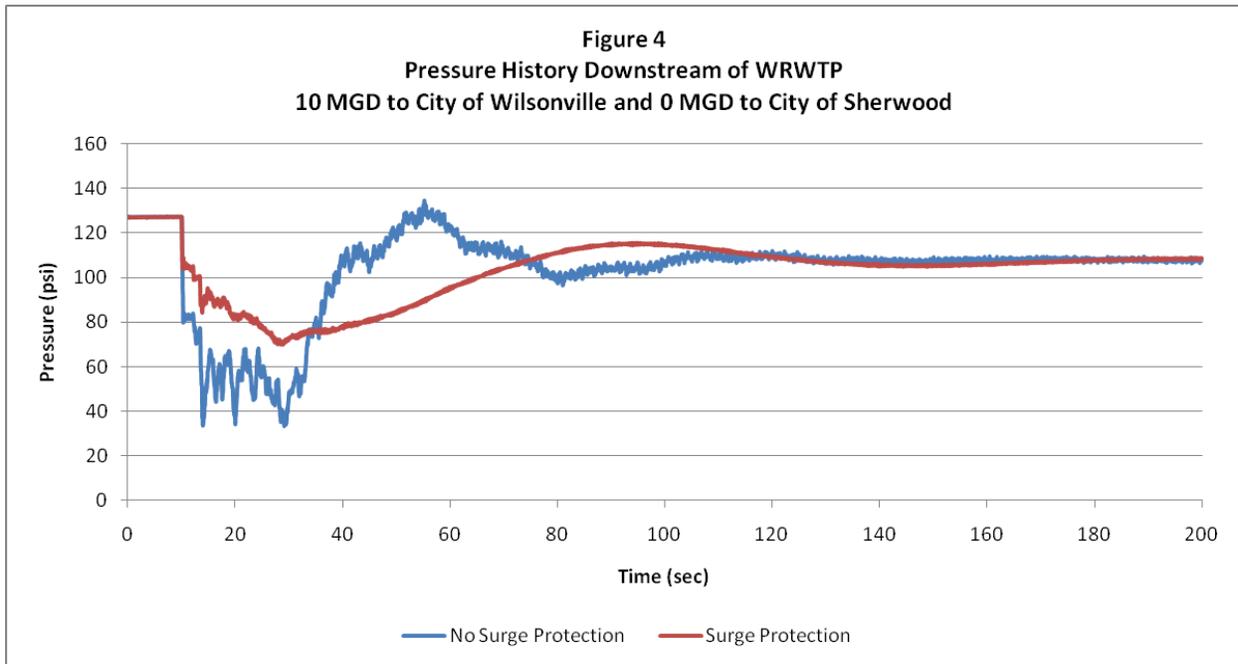
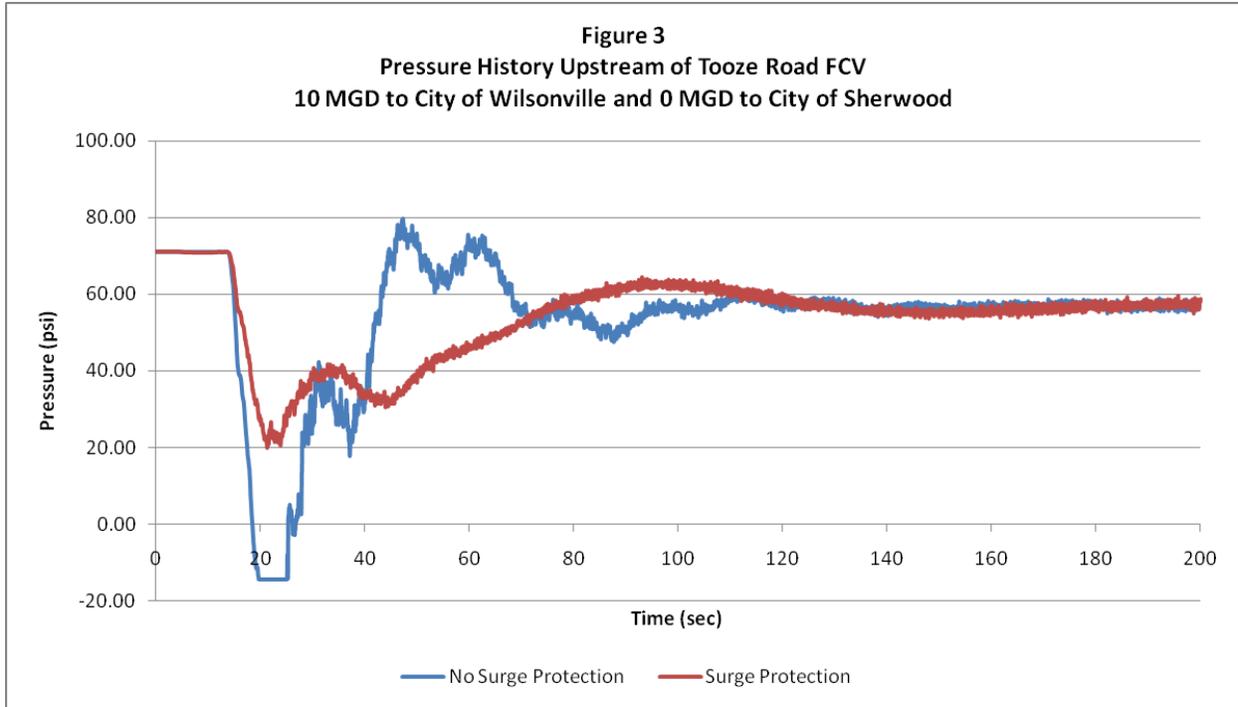
Once the WRWTP operations approach the 10 MGD threshold, the additional studies are recommended. At that time the hydraulic transient model should be updated so that the threshold plant output that requires a hydropneumatic system can be determined with more accuracy. Installing the hydropneumatic tank earlier than actually required will produce benefits to the system and may even prove cost effective by reducing water main failures and extending the useful life of the pipe already installed. The 750 cubic-foot hydropneumatic tank was modeled to have a 24-inch diameter connection to the WRWTP HSPS discharge manifold and to have no more than 3 velocity heads (i.e.,  $K=3.0$ ) of head loss. To achieve the predicted performance of the recommended hydropneumatic tank, the location of the tank must be optimized by installing the tank very close to the pump discharge manifold. Therefore, the hydropneumatic tank should be connected as close to the HSPS as possible, preferably adjacent to the HSPS building at the WRWTP.

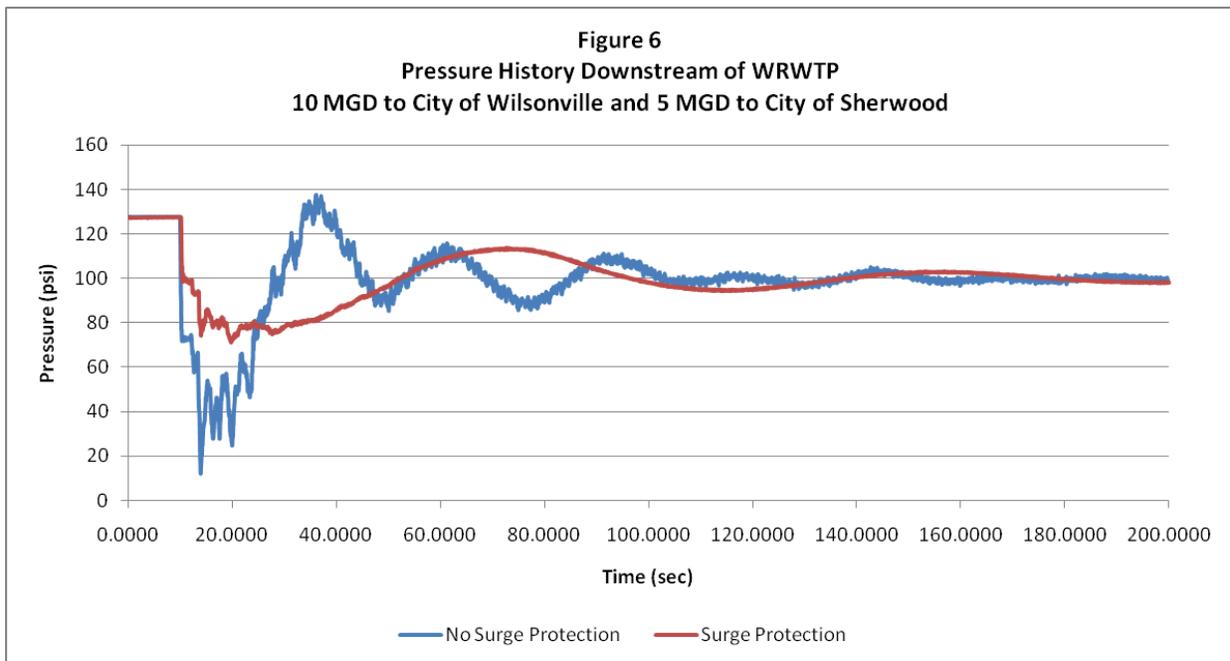
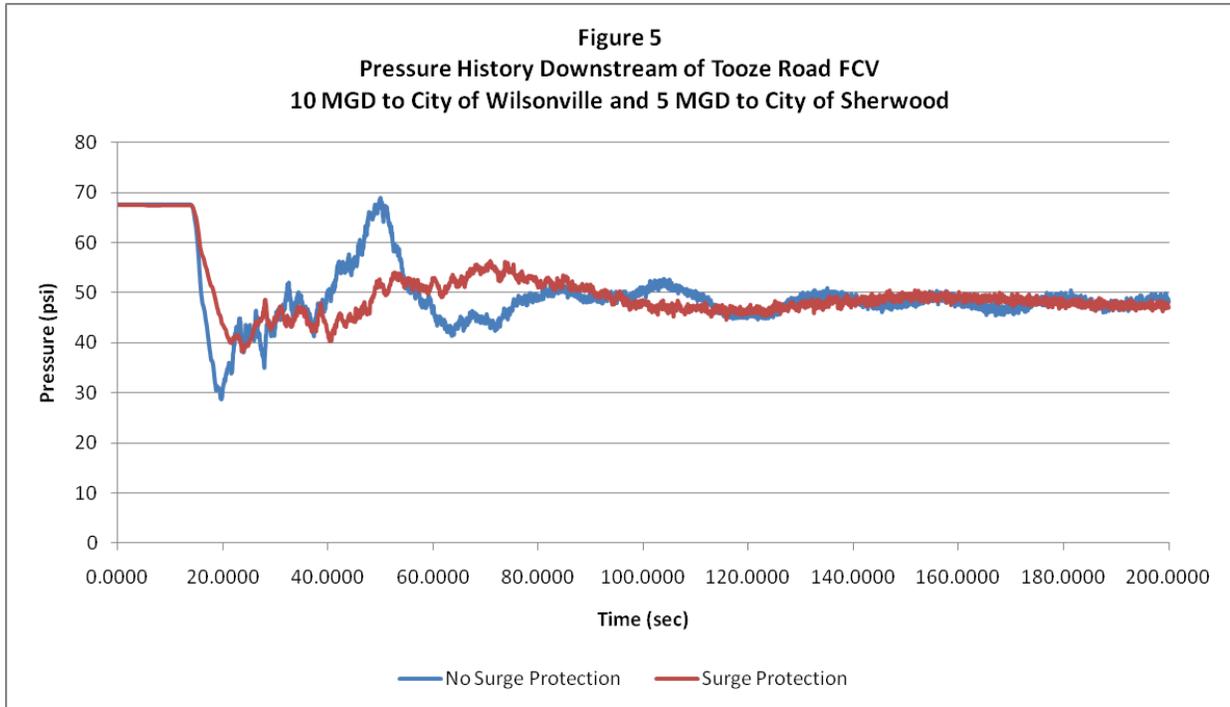
## LIST OF FIGURES

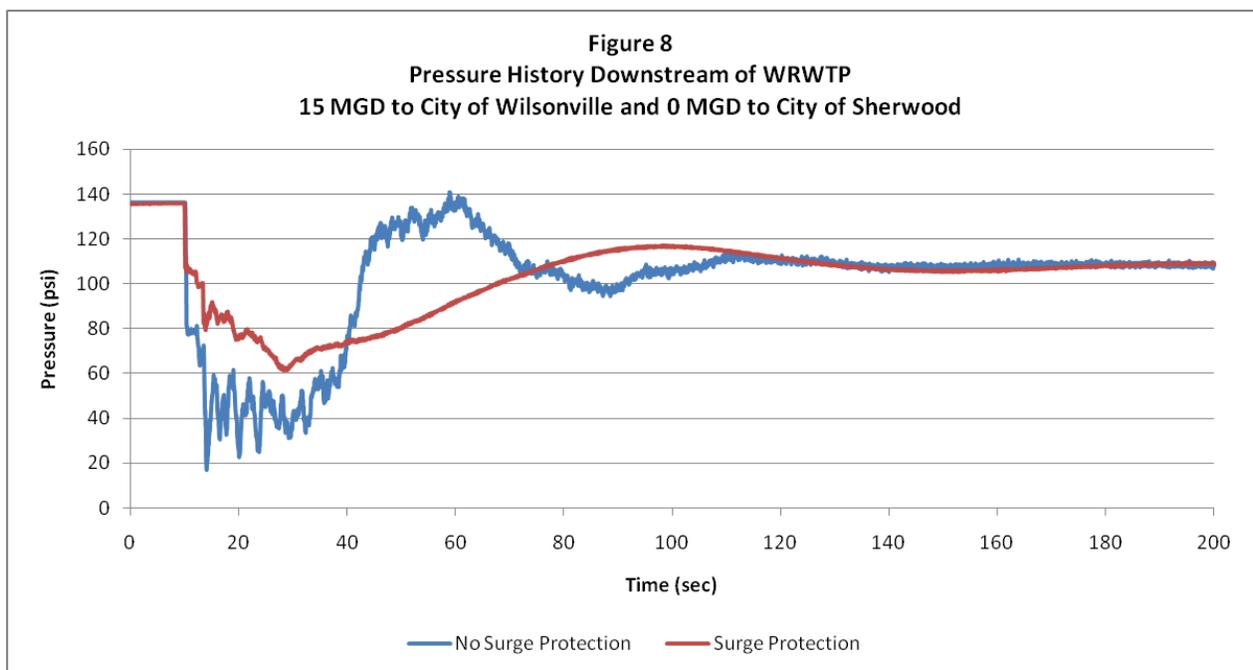
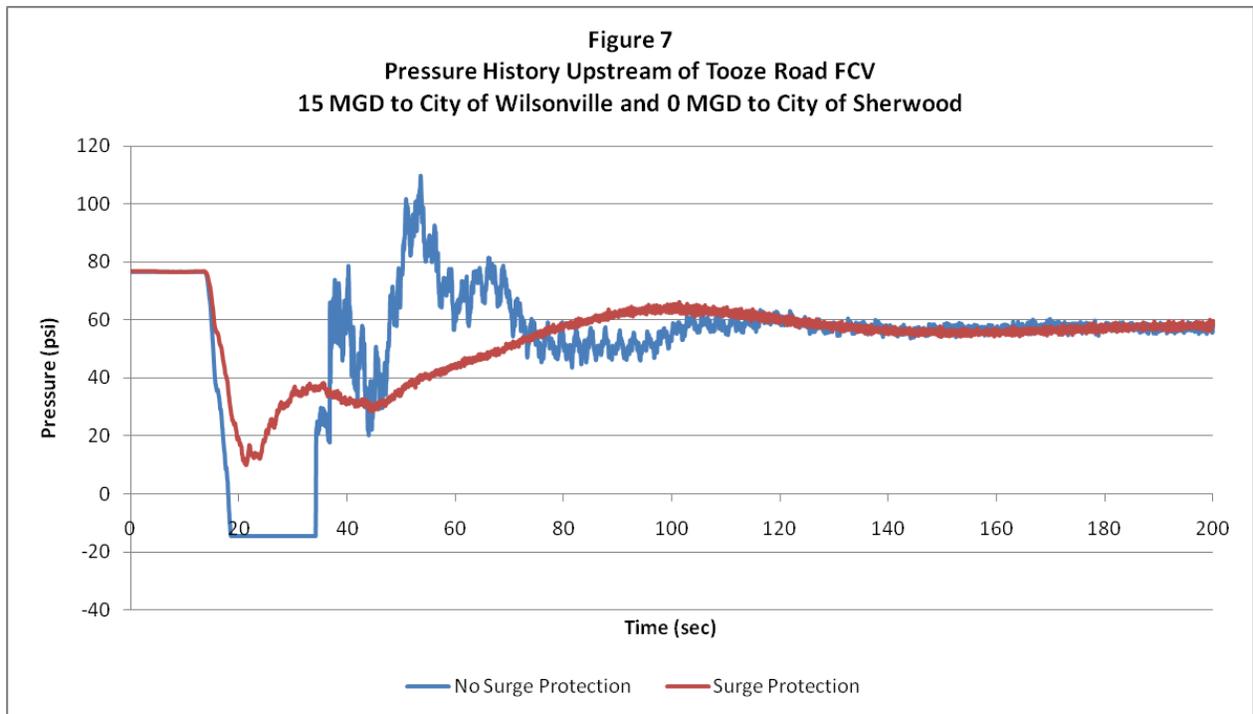
1. Figure 1: Pressure History Downstream of Tooze Road FCV – 7.5 MGD to City of Wilsonville and 2.5 MGD to City of Sherwood
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16. Figure 16: Sherwood Transmission Pipeline Profile – 2.5 MGD to Sherwood with Surge Tank
17. Figure 17: Pressure History Downstream of Tooze Road FCV – 10 MGD to City of Wilsonville and 5 MGD to City of Sherwood

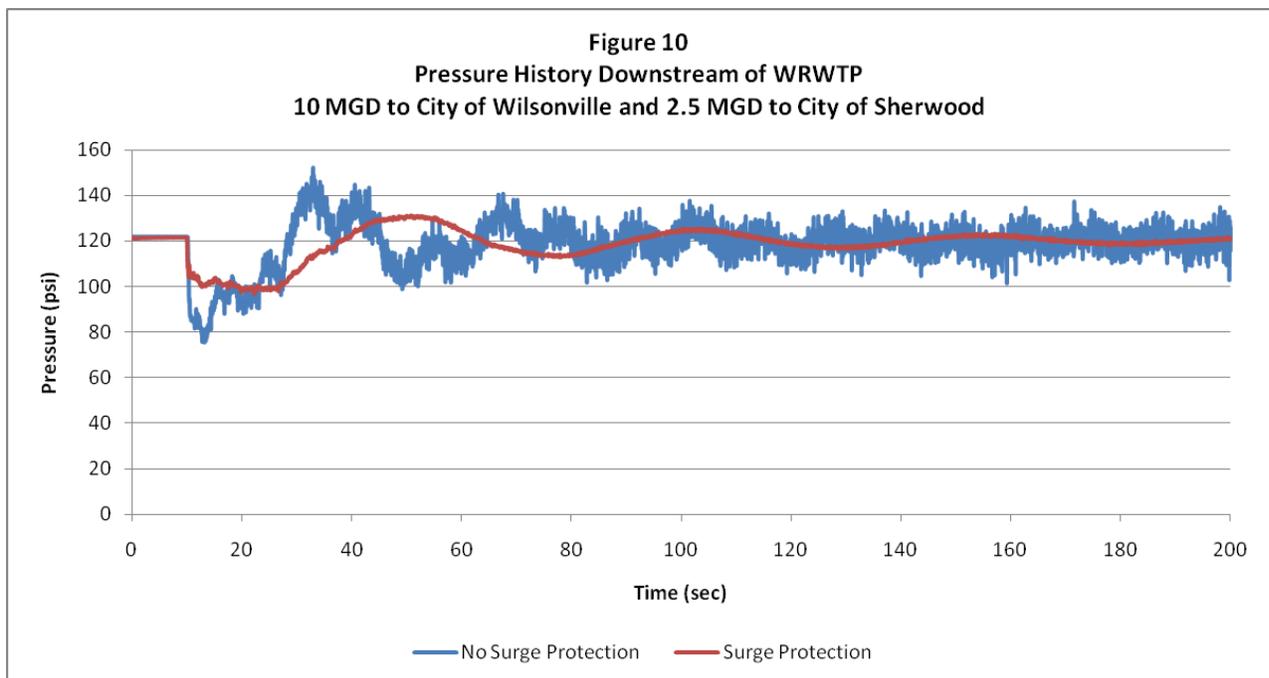
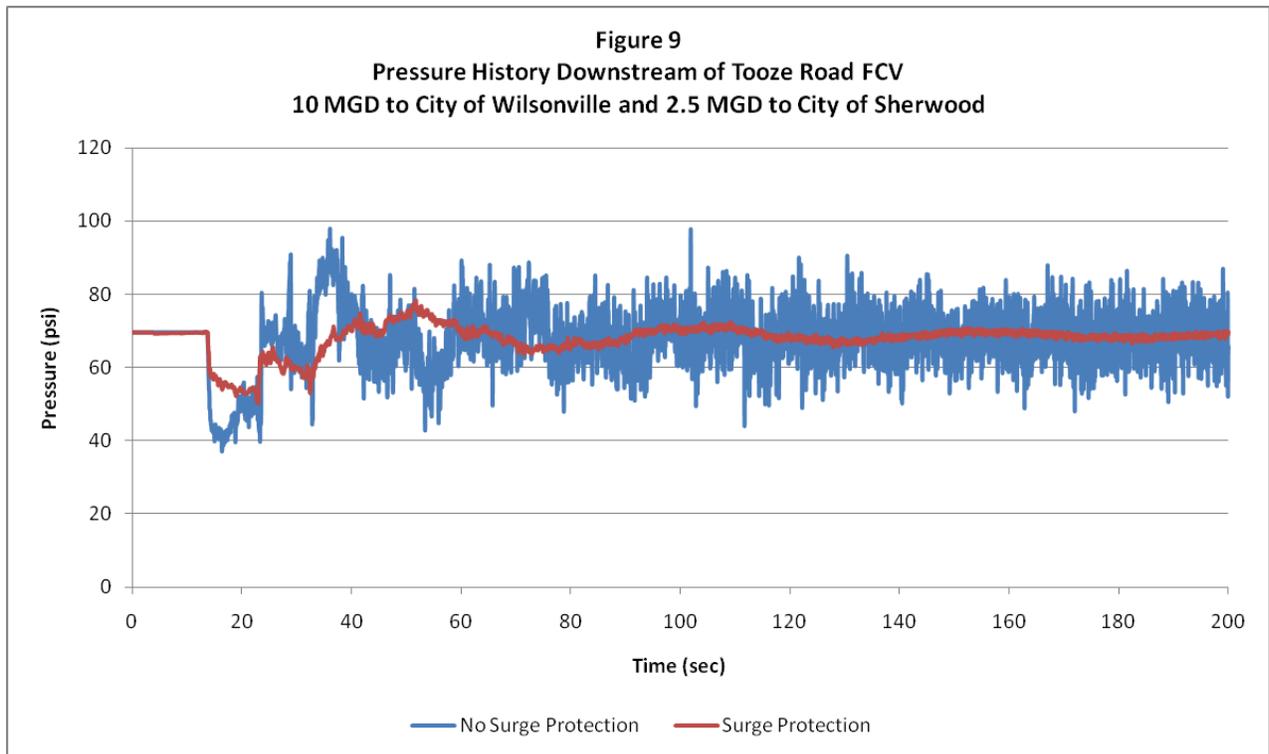
18. Figure 18: Pressure History Downstream of the WRWTP – 10 MGD to City of Wilsonville and 5 MGD to City of Sherwood
19. Figure 19: Sherwood Transmission Pipeline Profile – 5 MGD to Sherwood – No Surge Tank
20. Figure 20: Sherwood Transmission Pipeline Profile – 5 MGD to Sherwood with Surge Tank

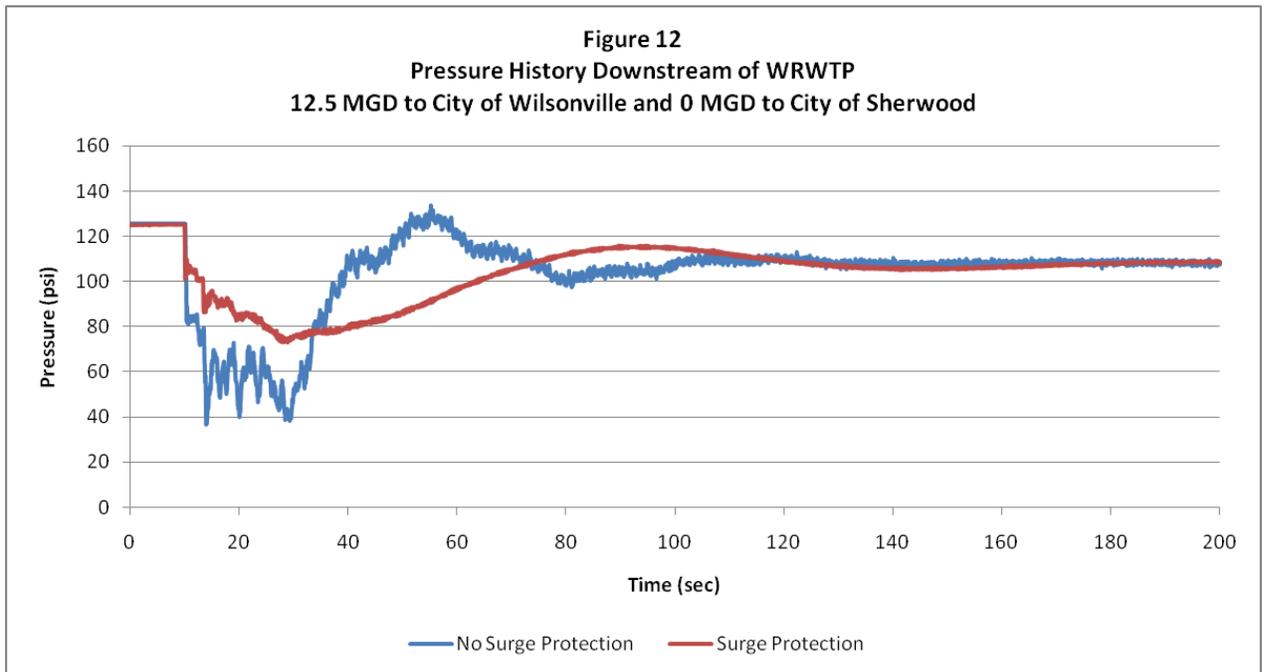
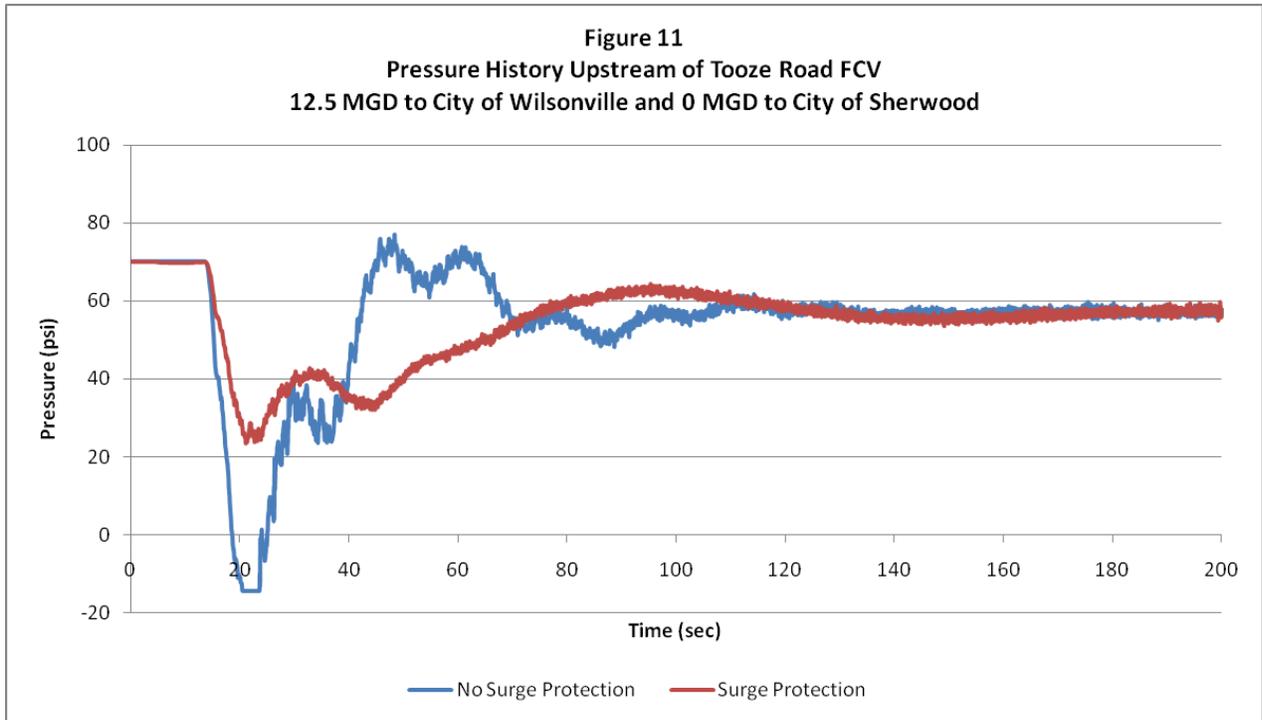


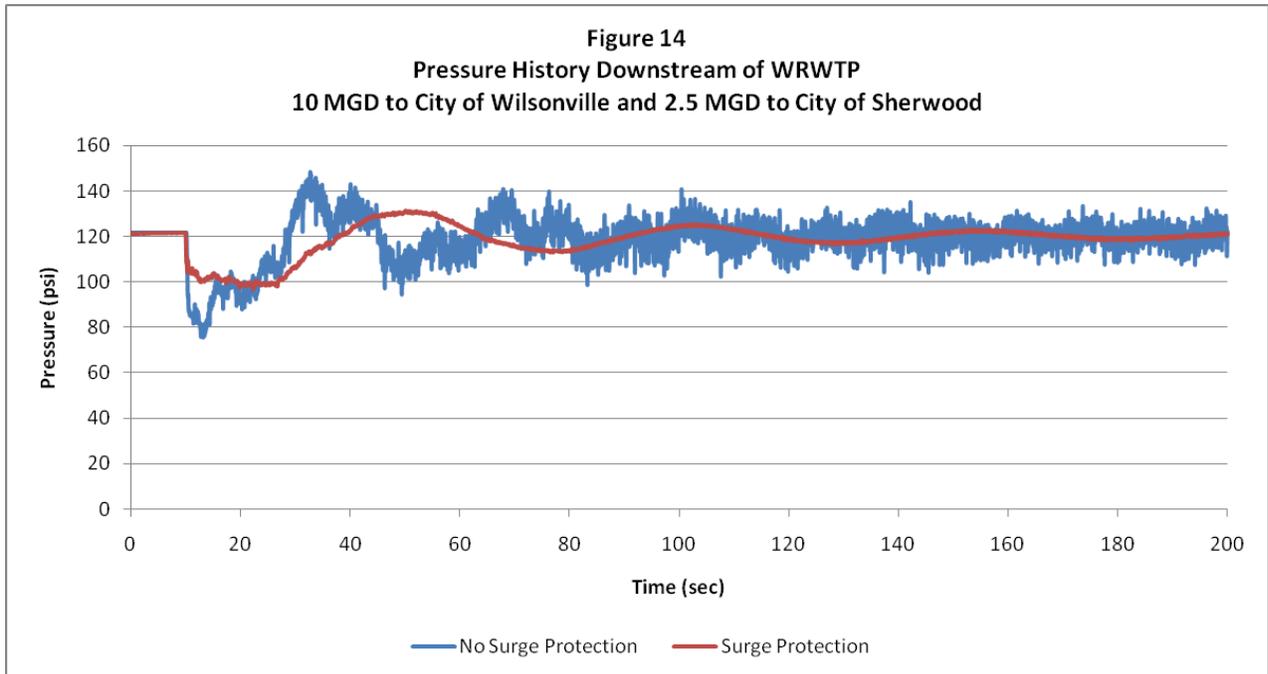
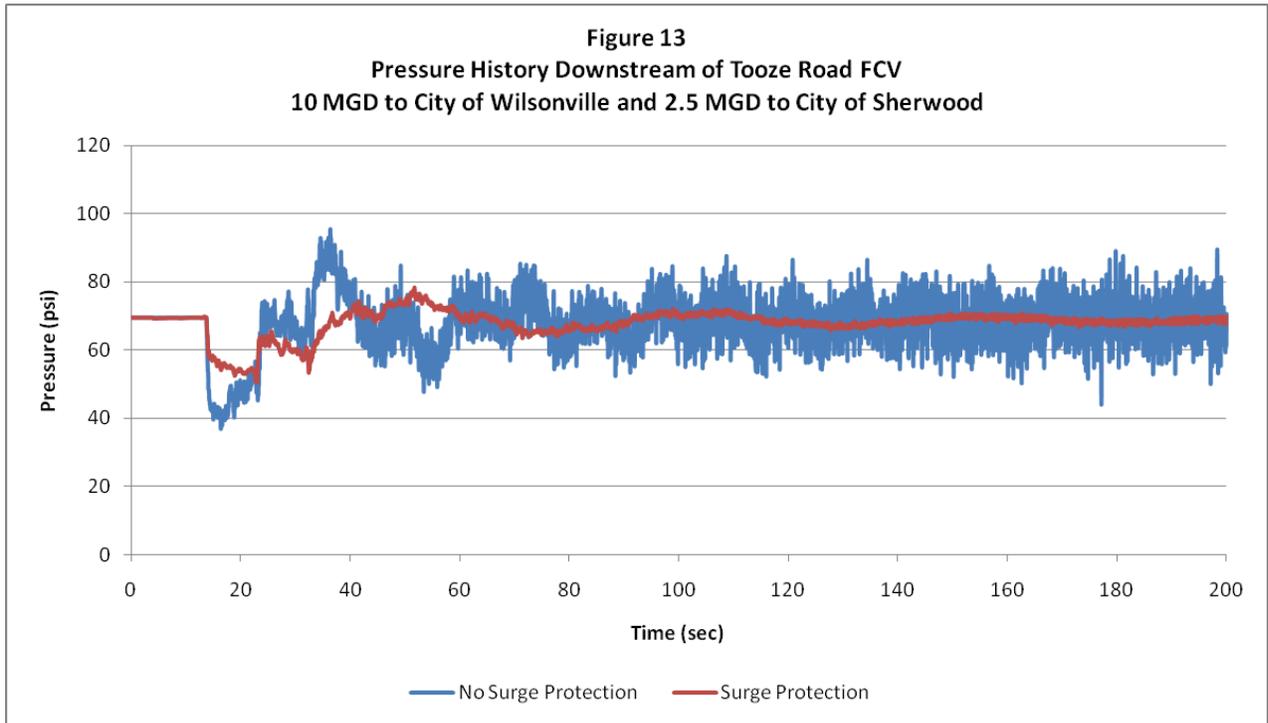












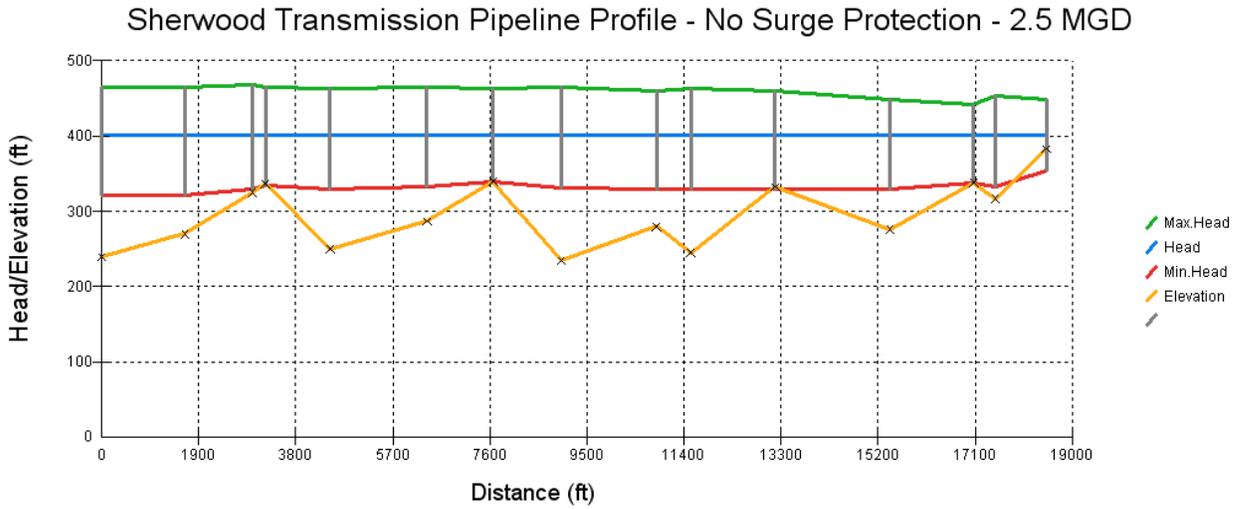


Figure 15: Sherwood Transmission Pipeline Profile – 2.5 MGD to Sherwood – No Surge Tank

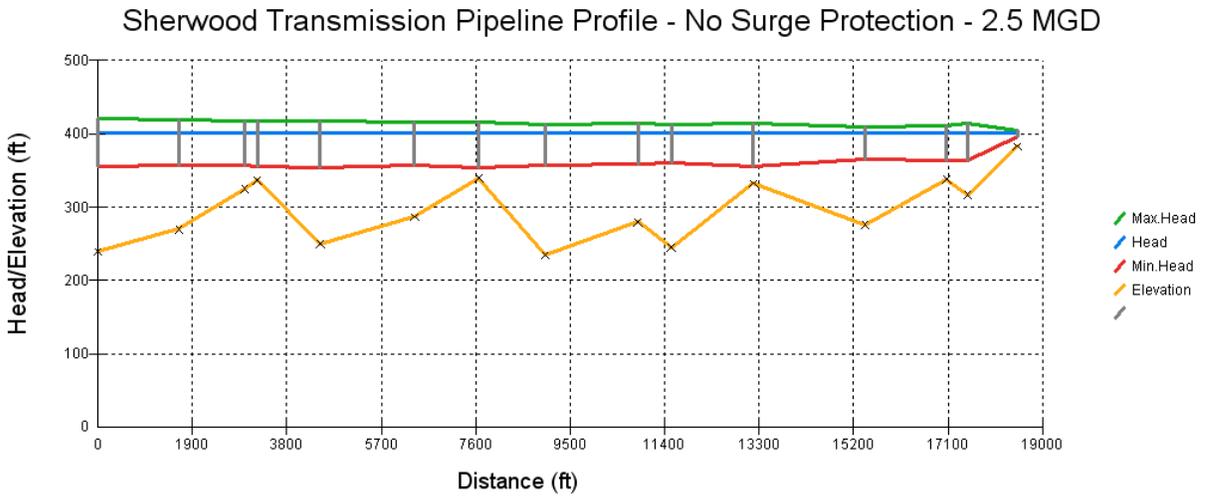
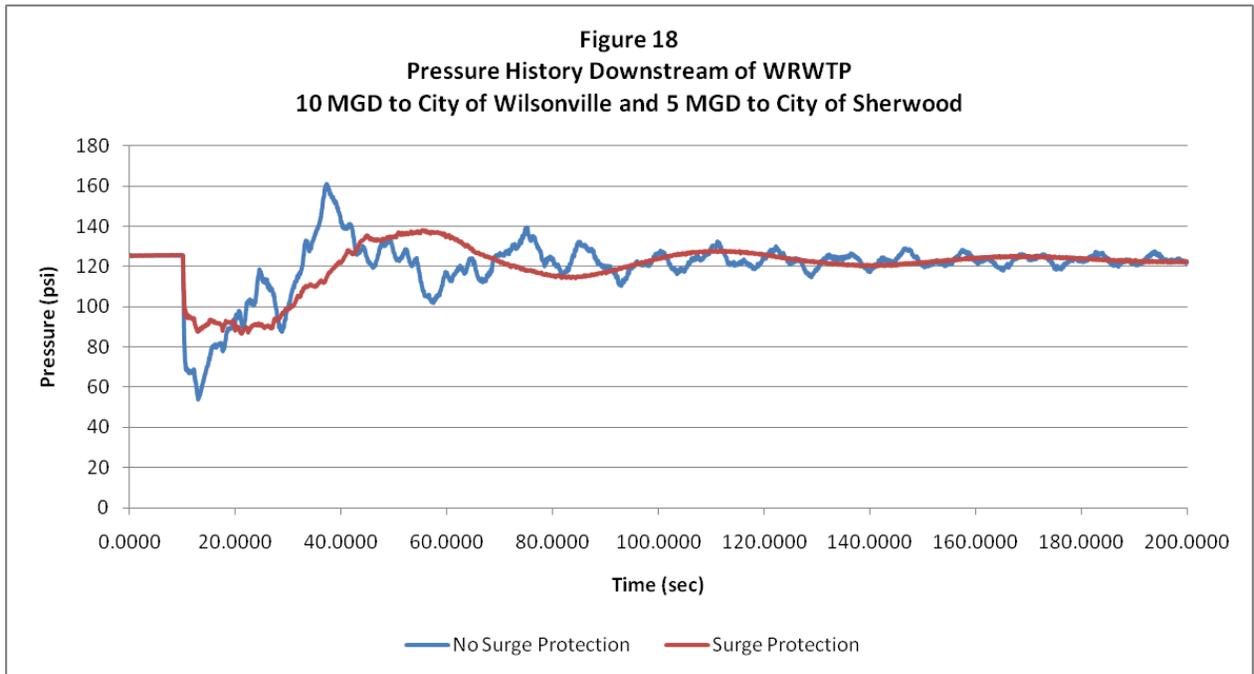
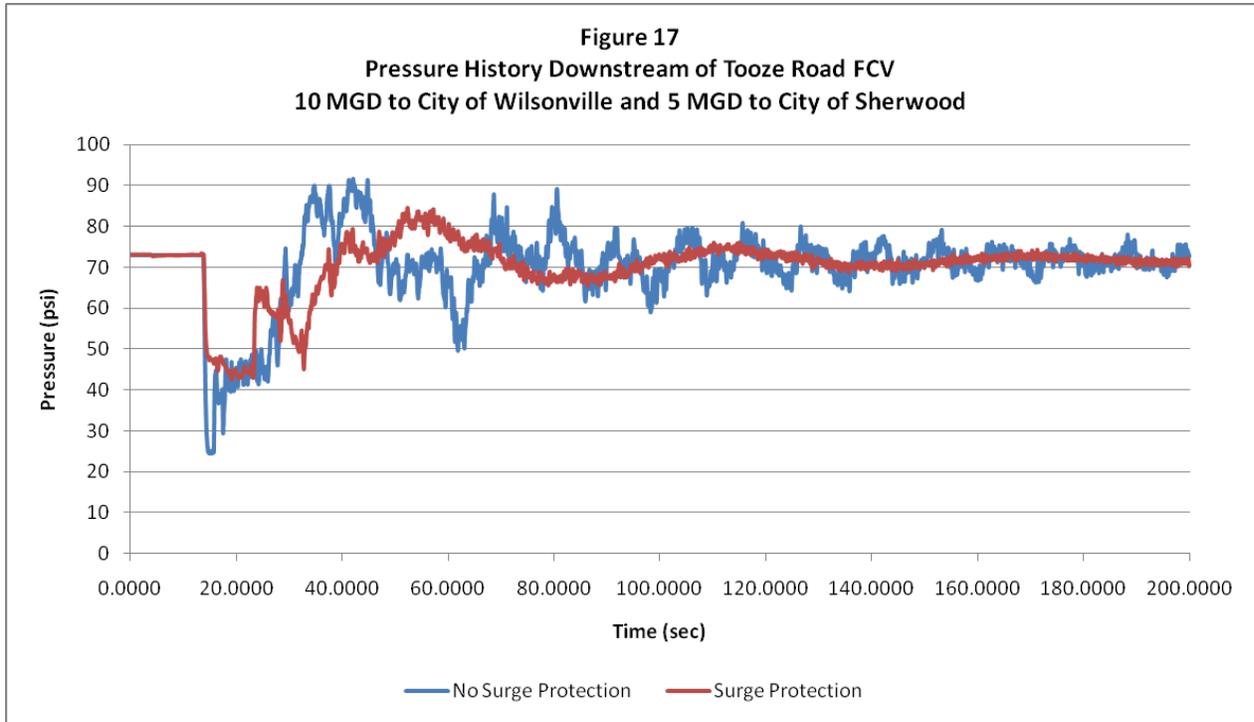
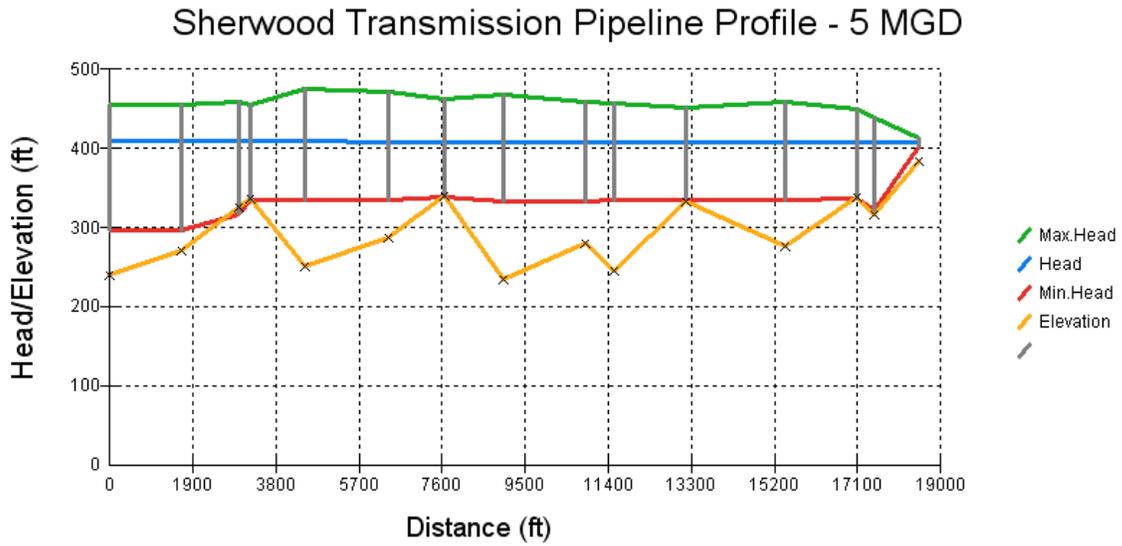
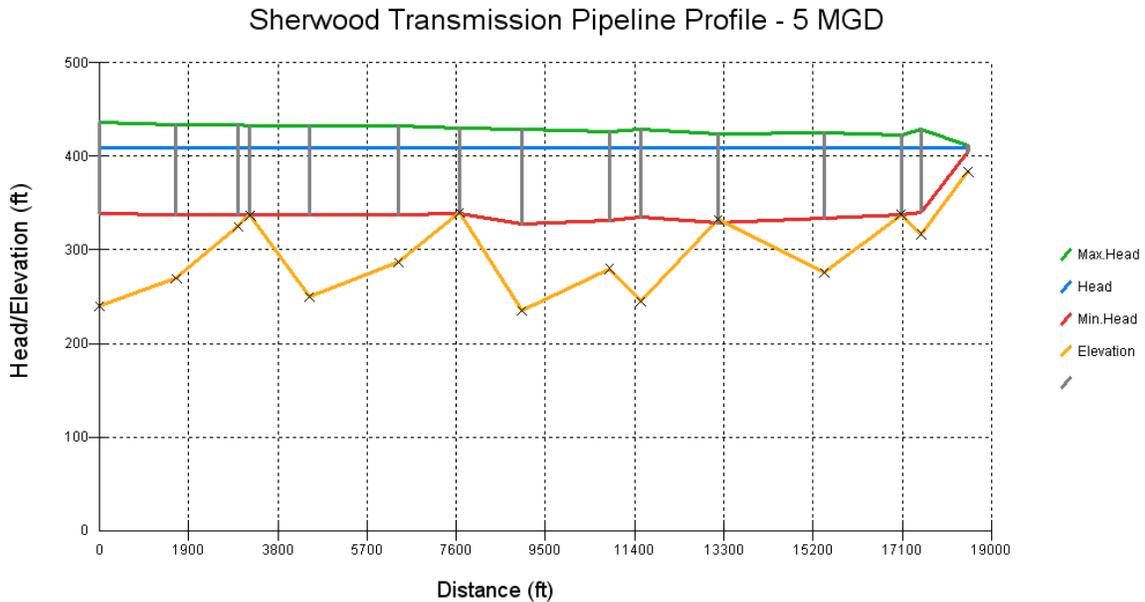


Figure 16: Sherwood Transmission Pipeline Profile – 2.5 MGD to Sherwood with Surge Tank





**Figure 19: Sherwood Transmission Pipeline Profile – 5 MGD to Sherwood – No Surge Tank**



**Figure 20: Sherwood Transmission Pipeline Profile – 5 MGD to Sherwood with Surge Tank**

MEMORANDUM

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***Wilsonville/Sherwood Water Treatment and Wheeling Rates – Final***

PREPARED FOR: Gary Wallis, City of Wilsonville  
Craig Sheldon, City of Sherwood

PREPARED BY: Deb Galardi, Galardi Rothstein Group  
Eric Rothstein, Galardi Rothstein Group

DATE: June 28, 2011

**Introduction**

Galardi Rothstein Group was retained by the Cities of Wilsonville and Sherwood (the cities) to assist in the development of interim water treatment and wheeling rates for production/delivery of water to the City of Sherwood following completion of the Meter Vault Project (including completion of Segment 5B of the 48-inch transmission line). The interim rates are intended to be in effect until Segment 3 of the 48-inch transmission line is in place and operational (estimated to be sometime during the 2012 to 2014 period), at which time a new water treatment rate will be developed, and the wheeling charge eliminated.

This memorandum presents the final analysis of the interim water treatment and wheeling rates, based on cost information provided by Veolia and the City of Wilsonville, and water delivery projections provided by both cities. The rate analyses draw from industry standard approaches.

**Water Production**

For purposes of estimating future water treatment plant operation and maintenance costs and rates, monthly water production estimates were developed by the cities, and are presented in Table 1 (for FY2013-FY2014). Additional water production information for FY2012 and FY2013 is provided in an attachment to this memorandum (“Water Production Projections FY2012 and FY2013”). In Table 1, Wilsonville projections are provided using both 5-year average and current production information, as water use has trended downward over the past five years. Rates are developed using both sets of data to provide a potential range. Sherwood’s peak demand of 2.5 mgd (June through September) is used for allocation of transmission line capacity and costs, for purposes of determining the wheeling rates.

Table 1  
 Water Treatment Cost Analysis  
 Projected Water Production (FY2013 – FY2014)

	Wilsonville	Sherwood	Total
<b>Wilsonville based on 5-year average production</b>			
July	163,893,126	77,500,000	241,393,126
Aug	162,216,886	77,500,000	239,716,886
Sep	117,886,130	75,000,000	192,886,130
Oct	78,315,922	42,160,000	120,475,922
Nov	63,078,905	33,000,000	96,078,905
Dec	64,284,874	33,170,000	97,454,874
Jan	66,115,903	33,526,500	99,642,403
Feb	60,342,092	31,147,200	91,489,292
Mar	67,425,224	37,677,400	105,102,624
Apr	68,017,314	38,007,000	106,024,314
May	93,683,174	53,642,400	147,325,574
Jun	119,133,752	77,250,000	196,383,752
Total (gal)	1,124,393,302	609,580,500	1,733,973,802
Mgd	3.08	1.67	4.75
Ccf	1,503,200	814,947	2,318,147
<b>Wilsonville based on current production</b>			
	Wilsonville	Sherwood	Total
Total (gal)	1,022,255,918	609,580,500	1,631,836,418
Mgd	2.80	1.67	4.47
Ccf	1,366,652	814,947	2,181,599

## Interim Water Treatment Rate Analysis

The interim water treatment rate analysis, shown in Table 2, is based on the projection of annual plant operation, maintenance, and replacement costs associated with the projected production shown in Table 1 for FY2013 and FY2014, and projections for FY2012 shown in the Water Production Projections attachment.

### Treatment Plant Costs

Operator labor, “not-to-exceed” costs, pass-through costs, and major repair and replacement estimates were obtained from Veolia (see attachments for detailed information referenced in Table 2 footnotes 1, 2, and 5). Pass-through costs fluctuate each year due to the Granular Activated Carbon (GAC) costs which are incurred every two years. Major repair and replacement (R&R) costs are based on anticipated scheduling of specific improvements, and exclude costs associated with improvements to the City of Wilsonville’s water feature (\$25,000 for recirculation pump in Fiscal Year 2013).

Electricity costs are projected based on Fiscal Year (FY) 2011 estimates from the City of Wilsonville, adjusted for annual inflation of 1.4 percent in FY2012 and 5 percent in subsequent years, and projected water production (for the variable portion of the electric bill)<sup>1</sup>. Since electricity costs are based in part on water production, Table 2 presents costs for both water production scenarios (Wilsonville based on 5 year average and current trends).

<sup>1</sup> Information provided by PGE indicates a current fixed annual charge of \$14,880.

Table 2  
 Water Treatment Cost Analysis  
 Projected Annual Treatment Costs and Rates

		2012		2013		2014	
		5-yr Avg Prod	Current Prod	5-yr Avg Prod	Current Prod	5-yr Avg Prod	Current Prod
Operator Labor	<sup>1</sup>	\$1,121,865	\$1,121,865	\$1,372,182	\$1,372,182	\$1,413,347	\$1,413,347
Not to Exceed Costs	<sup>1</sup>	\$117,784	\$117,784	\$121,317	\$121,317	\$124,956	\$124,956
Pass Through Costs	<sup>2</sup>	\$402,191	\$402,191	\$685,033	\$685,033	\$448,084	\$448,084
Electricity	<sup>3</sup>	\$428,165	\$404,390	\$500,782	\$477,132	\$525,821	\$500,989
Security		\$38,300	\$38,300				
Insurance	<sup>4</sup>	\$18,500	\$18,500	\$19,055	\$19,055	\$19,627	\$19,627
<b>Subtotal</b>		<b>\$2,126,805</b>	<b>\$2,103,030</b>	<b>\$2,698,369</b>	<b>\$2,674,719</b>	<b>\$2,531,835</b>	<b>\$2,507,003</b>
Major Repair & Replacement	<sup>5</sup>	\$185,000	\$185,000	\$60,000	\$60,000	\$51,000	\$51,000
Directly Allocated Costs	<sup>6</sup>	\$49,500	\$49,500	\$50,985	\$50,985	\$52,515	\$52,515
Overhead/Administration	<sup>6</sup>	\$62,930	\$62,930	\$64,818	\$64,818	\$66,763	\$66,763
<b>Subtotal</b>		<b>\$112,430</b>	<b>\$112,430</b>	<b>\$115,803</b>	<b>\$115,803</b>	<b>\$119,277</b>	<b>\$119,277</b>
<b>Total Costs</b>		<b>\$2,424,235</b>	<b>\$2,400,460</b>	<b>\$2,874,172</b>	<b>\$2,850,522</b>	<b>\$2,702,113</b>	<b>\$2,677,280</b>
Production - ccf	<sup>7</sup>	2,051,265	1,933,203	2,318,147	2,181,599	2,318,147	2,181,599
Rate/ccf		\$1.18	\$1.24	\$1.24	\$1.32	\$1.17	\$1.23
Production - 1,000 gal		1,534,347	1,446,036	1,733,974	1,631,836	1,733,974	1,631,836
Rate/1,000 gal		\$1.58	\$1.66	\$1.66	\$1.76	\$1.56	\$1.64

1. From Veolia "WRWTP Staffing Plan and Costs"
2. From Veolia "Attachment A-1 Modified for 2011 Production Increase"; 2013 includes \$250K Granular Activated Carbon costs (every 2 years)
3. Based on estimated FY2010/11 costs, adjusted for 1.4% inflation in 2012; 5% annually thereafter
4. Based on 2011 budget, escalated at 3% per year
5. From Veolia (Memorandum dated 1/15/2011)
6. From Gary Wallis, escalated at 3% per year
7. Sherwood estimates from Craig Sheldon; Wilsonville estimates from Eric Mende

Security costs are assumed to be eliminated in FY2013 as staffing at the plant increases. Insurance costs are based on the City of Wilsonville's FY2011 budget, escalated by 3 percent annually. The City of Wilsonville also provided estimates of directly allocated costs, and overhead and administration costs associated with water treatment.

Total projected treatment costs range from about \$2.4 million in FY2012 to about \$2.9 million in FY2013.

### **Interim Treatment Rates**

Based on the projected costs and annual production shown in Tables 1 and 2, the interim water treatment rates range from \$1.17 per hundred cubic feet (Ccf) to \$1.32 per Ccf (\$1.56 to \$1.76 per 1,000 gallons), depending on the year, and the assumed annual water production.

### **Interim Water Wheeling Rates**

The water wheeling rate analysis draws from an industry standard approach to determination of rate revenue requirement referred to as the "utility basis". This approach is used because it explicitly provides for recovery of capital-related revenue requirements on the basis of capital investments like the City of Wilsonville's investment in transmission line capacity that will be used to deliver water to Sherwood. Further, this approach is more suited to "arms-length" transactions between parties where returns are a cost component subject to recovery through rates.

Table 3 presents the interim water wheeling rate analysis. In short, the wheeling rates recover O&M costs and annual depreciation and return on the wheeling assets, in proportion to capacity requirements. In this case, the wheeling assets are limited to segments of the 18-inch transmission main identified in the attached diagram ("Waterline Schematic"). A portion of the line segments were installed and funded in part by developers. The City of Wilsonville's "out of pocket" costs include oversizing costs for the developer installed segments, and total project costs for the City-installed segment.

In determining Sherwood's allocation of the transmission line costs, a weighted average capacity share was determined based on the portion of the City of Wilsonville's out-of-pocket costs attributable to the developer installed segments (33 percent) and the City-installed segment (67 percent). For the City-installed portion, Sherwood's share is based on the 2.5 mgd peak demand, as a percent of the total 5.56 mgd line capacity, or 45 percent. For the developer-installed line, Sherwood's share is based on the oversizing capacity of 3.3 mgd, so the allocation is 2.5 mgd/3.3 mgd, or 75 percent. The weighted average share for the all of the segments combined is 55 percent.

### **Operation and Maintenance Costs**

The City of Wilsonville provided information on projected O&M costs associated with the 18-inch line. These costs consist of leak detection, valve exercise, line flushing, and utility locating on an annual basis. Cost estimates for each of these activities include

direct costs (\$500 per occurrence for leak detection) and estimated labor hours and rates (\$53.40 per hour, for labor and vehicles, combined). In addition, repair costs (major and minor) are estimated to be about \$4,300 per year, including direct costs of \$3,000, and about \$1,300 for labor. Administration costs are added based on an overhead rate of 10 percent.

As shown in Table 3, total annual O&M costs associated with the 18 inch line are about \$7,400. Sherwood's share of the total costs is 55 percent, or about \$4,000.

Table 3  
Wheeling Rate  
Interim Rate Analysis

	Annual \$	Total Annual Cost
<b>O&amp;M Costs</b>		
Leak Detection	\$714	\$393
Valve Exercise	\$854	\$471
Line Flushing	\$427	\$235
Utility Locating	\$427	\$235
Minor Repairs	\$1,427	\$787
Major repairs	\$2,854	\$1,573
Administration	\$670	\$370
<b>Capital Costs</b>		
Depreciation Expense		\$7,652
Rate of Return on Assets		\$26,005
<b>Total</b>	<b>\$7,374</b>	<b>\$37,721</b>
Capacity/Sales (ccf)		814,947
Volume Rate (\$/ccf)		\$0.046
<b>Rounded Volume Rate (\$/ccf)</b>		<b>\$0.045</b>
<b>Capital Assumptions:</b>		
Total Project Costs		
Developer credits		\$343,311
City installed		\$697,925
City Costs (SDC Credits + CIP)		\$1,041,236
Useful Life		75
Annual Depreciation Expense		\$13,883
Total Line Capacity (mgd)	1	5.56
Oversizing Line Capacity (mgd)	2	3.30
Sherwood Capacity Req. (mgd)		2.50
Sherwood Allocation Share	3	55%
Accumulated Depreciation		\$58,309
Net Book Value		\$982,927
Rate of Return	4	4.8%

(1) Total capacity based on 3,800 gpm

(2) For developer installed line

(3) Weighted average of City funded and developer credits

(4) Base option uses Oregon Bond Index (AA 20 year Bonds) 2010

## Capital Costs

The capital portion of the revenue requirements includes annual depreciation and a return on investment, based on the net book value of wheeling assets. Depreciation is

calculated using an estimated asset life of 75 years. The Oregon Bond Index is the source for rate of return (consistent to the practice of Tualatin Valley Water District).

### **Interim Wheeling Rates**

As shown in Table 3, the total annual revenue requirements for wheeling water to Sherwood are about \$38,000. Dividing the annual revenue requirements by the estimated FY2013 water production for Sherwood, results in an average rate per Ccf of \$0.045 (rounded).



**RESOLUTION 2011-079**

**A RESOLUTION DESIGNATING THE COMMUNITY DEVELOPMENT DIRECTOR  
TOM PESSEMIER CITY MANAGER PRO TEM**

**WHEREAS**, the City Manager position will become vacant after October 5, 2011 or the City Manager will occasionally be absent from the office and therefore a City Manager Pro Tem needs to be designated, and

**WHEREAS**, Tom Pessemier, Community Development Director is qualified to hold this position on an interim basis,

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

Section 1. The City Council designates Tom Pessemier City Manager Pro Tem.

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

**Duly passed by the City Council this 20<sup>th</sup> day of September 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

Council Meeting Date: September 20, 2011

Agenda Item: New Business

**TO:** Sherwood City Council

**FROM:** Kristen Switzer, Community Services Director

**SUBJECT: RESOLUTION 2011-080, A RESOLUTION AUTHORIZING STAFF TO APPLY FOR A WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT**

**ISSUE:**

Should the City submit an application for Washington County Community Development Block Grant funds for the purpose of making improvements to the Marjorie Stewart Senior Center?

**BACKGROUND:**

The City of Sherwood would like to apply for a Community Development Block Grant. Submission of this grant requires City Council authorization and approval.

Should this grant be awarded to the City of Sherwood, the funds would be used for improvements at the Marjorie Stewart Senior Center to upgrade the restrooms and to update the lobby.

These improvements were identified as a need in the 2011 Marjorie Stewart Senior Center Feasibility Study. The Feasibility Study was completed in the spring of 2011 and paid for by the Friends of the Senior Center. As part of the Feasibility Study cost estimates were gathered for various improvements. The total project cost based on the City's Engineer's estimate to improve the lobby and upgrade the restrooms is \$221,263.

Staff is recommending that the City apply for funds in the amount of \$179,600. The remainder of the project cost would need to be budgeted and paid for from City funds. The City will receive notification in February 2012 as to if we have been awarded the grant. Depending on the outcome, staff would then need to budget the City's portion (\$41,663) in the 2012-13 budget.

**RECOMMENDATION:**

**Staff recommends approving Resolution 2011-080, A Resolution Authorizing Staff to Apply for a Washington County Community Development Block Grant.**



**RESOLUTION 2011-080**

**A RESOLUTION AUTHORIZING STAFF TO APPLY FOR A WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, Washington County is currently accepting applications for the 2012-13 Community Development Block Grant program; and

**WHEREAS**, the City of Sherwood desires to participate in this grant program to the greatest extent possible as a means of improving the Marjorie Stewart Senior Center; and

**WHEREAS**, the 2011 Marjorie Stewart Senior Center Feasibility Study identified potential improvements to the facility; and

**WHEREAS**, based on information received in the Feasibility Study and feedback from the seniors, staff intends to request funds to upgrade the restrooms and update the lobby; and

**WHEREAS**, the City hereby certifies that should the project be selected, the City will provide \$41,663 of in-kind services to go towards the project; and

**WHEREAS**, the total estimated project cost is approximately \$221,263 and the City intends to apply for a CDBG Block Grant in the amount of \$179,600.

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

**Section 1.** Staff is authorized to apply for a Washington County Community Development Block Grant for improvements to the Marjorie Stewart Senior Center.

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

**Duly passed by the City Council this 20<sup>th</sup> day of September 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

Council Meeting Date: September 20, 2011

Agenda Item: New Business

**TO:** Sherwood City Council

**FROM:** Brad Crawford, IT Director

**SUBJECT: Resolution 2011-081 Adopting the Sherwood Broadband Business Plan**

**ISSUE:** Should the City adopt the Sherwood Broadband business plan which outlines the mission, goals, and expectations of the utility as well as the past and future (forecasted) performance.

**BACKGROUND:** Sherwood Broadband the city's telecommunications utility has operated under a draft business plan for the past two and a half years. This plan was created to define the operation of the utility and establish goals and strategies to keep the utility sustainable. The business plan took into account feedback received by City Council members and is incorporated into the document. Staff originally presented this plan to Council in the spring of '09 and then again (with minor updates) on August 2, 2011.

With staff's recent update to the business plan additional "keys to success" and "Threats to success" were added and/or updated. The plan continues to take a very conservative approach to overall operations but does forecast a payback of existing debt by FY 17. However, if economic conditions improve and threats are minimized this payback date could improve. Staff will continually evaluate the effectiveness of this plan and if changes are necessary amendments will be made and presented to Council for adoption.

**FINANCIALS:** None related to this plan.

**FINDINGS:** By adopting this business plan Sherwood Broadband will have formal operating instructions that aim to support the goals of the utility and maintain sustainability.

**RECOMMENDATION: STAFF RECOMMENDS COUNCIL ADOPTS RESOLUTION 2011-081, ADOPTING THE SHERWOOD BROADBAND BUSINESS PLAN.**



**RESOLUTION 2011-081**

**A RESOLUTION ADOPTING THE SHERWOOD BROADBAND BUSINESS PLAN**

**WHEREAS**, the City of Sherwood provides telecommunications services under the registered name of Sherwood Broadband,

**WHEREAS**, these services began with the formation of the telecommunications fund by Resolution 2004-039,

**WHEREAS**, Sherwood Broadband continues to provide telecommunication services to both public and private entities in and around the City of Sherwood,

**WHEREAS**, Sherwood Broadband has operated under a draft business plan for the past two and a half years.

**WHEREAS**, an adopted business plan will formally define the mission, goals, and expectations for Sherwood Broadband

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

**Section 1.** The City adopts the Sherwood Broadband Business plan attached as Exhibit A.

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

**Duly passed by the City Council this 20<sup>th</sup> day of September 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder



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## Business Plan

July - 2011

Contributors:

Brad Crawford: IT Director

Jim Patterson: City Manager

Tom Nelson: Economic Development Director

## **1. Executive Summary**

Sherwood Broadband (SBB), the City of Sherwood's telecommunications utility, has seen steady growth in the six years since its formation. This growth has given SBB a network footprint that serves 60 locations which include both public and private entities. Of these 60 locations 45 are within the Sherwood city limits and 33 of those serve the City of Sherwood and Sherwood School District. At a few of these public locations Sherwood Broadband also provides free wireless access to the community. So while the utility provides a great service to its commercial customers it provides an even greater benefit to its community as a whole.

While Sherwood Broadband has contributed many benefits to the community it has come at a financial cost. In the 08/09 budget staff transferred \$950k from the general fund to the telecom fund to cover its prior investment. The goal of this business plan is to outline a strategy to provide return on this investment and provide sustainability through positive revenue source in the coming years. This plan takes a conservative approach to growth which projects annual return on investment and protects the utility from incurring debt. With a conservative approach to growth it's expected that revenue will stay flat in the short term (2-3 years) unless the business and economic conditions improve within Sherwood. However, as competition in the area broadband services increase it could jeopardize revenue from customer renewals and therefore long-term revenue could decrease.

As Sherwood Broadband maintains a limited growth business model it must keep expenses in check if sustainability is to occur. This business plan also outlines a few strategies to minimize future expenses and risks while increasing revenue. While it is difficult to know how future conditions will affect the utility, it is safe to assume that if expenses are kept low and current customers are maintained long term that sustainability will be achieved.

### **1.1 Objectives**

- Operate in a limited growth mode, growth focused in Sherwood only
- Stimulate economic development through partnerships with other service providers and business retention and recruitment strategies.
- Maintain a balanced budget that projects repayment of all existing debt by fiscal year 2015/2016
- Pursue risk and expense minimization strategies

### **1.2 Mission**

Promote broadband utilization within Sherwood, and stimulate Economic Development through the use of broadband services.

### 1.3 Keys to Success

- Maintain current customer relationships
- Promote the utility to other service providers
- Develop services that encourage economic development within Sherwood.
- Look for and capitalize on new service opportunities
- Provide the capital to bring redundancies into the network
- Build reserves for future expansion and incentive opportunities
- Keep expenses flat unless revenue increases
- Limit liabilities and risks within the utility

### 1.4 Threats to Success

- **Loss of current customers** – Since the majority of revenue is generated from a few large customers attrition would be detrimental to revenue forecasts
- **Competition from other providers** –While SBB supports competition from other broadband providers this competition could cause SBB to lose customers and/or reduce rates to stay competitive.

## 2. Organizational History

In early 2001 staff proposed a project called the Sherwood Community Access Network System (SCANS). The scope of this project was to build a fiber optic network that would provide high speed internet connectivity for every home in Sherwood. The planned cost of this project was \$10 million.

Full funding for the project was not available, but a pilot project was funded by the Urban Renewal Agency. This project purchased a fiber optic communications line connecting downtown Sherwood to a major data center in Portland. This gave the City of Sherwood the ability to purchase internet bandwidth and network connectivity at discounted rates. That led to the establishment and initial City investment in Sherwood Broadband, in the FY05/06 budget.

Since that time SBB has undertaken many fiber optic construction projects that have brought connectivity to both public and private facilities. To date, the City of Sherwood and Sherwood School District are the largest users of Sherwood Broadband infrastructure. Additionally, Sherwood Broadband began installing wireless access points at various points around Sherwood to offer free wireless internet access to the surrounding residents and visitors.

### 2.1 Legal Entity

The City authorized the creation of Sherwood Broadband in 2005, by ordinance 05-007, which is now Chapter 4.04 of the Sherwood Municipal Code. SBB is an assumed business name registered by the City of Sherwood with the Secretary of State.

### **3.0 Past Accomplishments/current status**

Sherwood Broadband has accomplished a lot in the past six years. The utility has built a community network that nearly encompasses the entire town (Exhibit 1) and established a revenue stream that exceeds operating expenses. The network serves some 60 locations of which 45 of them are in Sherwood alone (Exhibit 2). While there are some portions of the Sherwood Broadband network that extend beyond the Sherwood city limits the primary focus has been on serving local customers. This was emphasized by council in January '09 and something the utility has been committed to.

Currently, the utility is focusing on just maintaining current customer relationships and only pursuing new revenue opportunities which have little to no expense. This has caused the utility to lose out on some local opportunities as the expense to provide service has been too great for the utility and/or customer to bear. These initial upfront costs have continued to be one of the biggest hurdles for the utility's growth in Sherwood. The other item that Sherwood Broadband has been working to establish is network redundancy. Currently the SBB is pursuing two options for network redundancy and once complete it will eliminate a significant risk to the utility.

### **4. Strategy and Implementation**

There are several key strategies that Sherwood Broadband will continue to focus on. The strategies include services, partnerships and economic development. These areas of focus are seen as key drivers to maintain sustainability of the utility.

**Services**— Sherwood Broadband currently offers both Internet and dedicated point to point services. The utility will continue providing both of these services, however it will evaluate whether Internet services are better provided by a third party. Since Internet services are a small portion of the utility's business and have a significant cost (\$12,000 annually) there might be a SBB partner that is better suited to take on this service. An additional benefit to sourcing this service to another provider/s is that we enable more partnerships to occur and become a more open network. This open network concept allows service providers to compete with each other on the SBB network thereby benefiting the local businesses with possibly cheaper rates and innovative services.

The utility will also begin looking at providing new services that can be operated in a sustainable manner. One such service would be providing co-location space for other

service providers and businesses. As more and more IT service move into the “cloud” co-location facilities that are connected to high speed networks will become more and more in demand. This is a service that the utility will evaluate and determine its feasibility.

Another service strategy that Sherwood Broadband plans to evaluate will be if there is a business case for selling off the assets outside of Sherwood. With the utility now focusing on serving only those customers inside Sherwood city limits and the value of the assets outside of town there could be a compelling business case. If the utility were to pursue this it could result in a quicker return on investment of the \$950,000 general fund transfer that occurred in FY 08/09.

### **Services Definitions – “Point to Point services”**

- **Network Transport**-This service utilizes the Sherwood Broadband equipment to create a communication link between two points. There is no content (Internet, Voice, and Video) on this communications link; it is only a dedicated connection between two points.
- **Dark Fiber** – Excess fiber that Sherwood Broadband owns. This can be used to provide a dedicated communications link that is outside of the Sherwood Broadband infrastructure.
- **Wavelength** – This is similar to dark fiber in that it allows for the creation of a dedicated communications link. Instead of using dedicated fibers this technology uses a dedicated color of light to create the communications link over a fiber optic connection.

**Partnerships** – Partnering with other Internet Service Providers has the greatest opportunity for Sherwood Broadband to both increase utilization of the network as well as revenue. With the sales force these ISPs offer they have a much greater opportunity to sell service in Sherwood than what SBB could do on its own. Furthermore, since these ISP’s have great insight into the needs of their current customers they can be used to help attract new businesses to Sherwood. Moving forward it will be key for SBB to support these partnerships and develop programs that help them succeed.

**Economic Development** – With Economic Development being one of the primary drivers for the formation of Sherwood Broadband this plan recommends the creation of programs to support Economic Development through the utility. One way this can be done is through a partnership with service providers and developing a program that incents them when they bring a new business into town. This could be done by offering the service provider free or discounted services to new business. Furthermore, this incentive can be offered, as well, through the city’s economic development department as a way to entice businesses to locate in Sherwood. These economic development

incentives can be offered via free or reduced extension of services providing access, as well as discounted services over a period of time to new business. To qualify for incentives, a business would be required to:

- a. Be a “traded sector” industry
- b. Provide “average county wage” employment
- c. Or provide over \$1 million in additional capital investment

**5. Financial Plan –  
See Exhibit 3**

**6. Return on Investment**

Investment from several sources in Sherwood Broadband utility has incurred since its inception. The initial investment in FY05 was a \$300,000 grant from the Sherwood Urban Renewal Agency that was used to procure the high-speed tie in to a large data center in Portland. The second investment was an FY07 loan for \$300,000 from the General Fund. This investment funded the extension of the utility to Newberg and facilitated the securing of three major customers in the Newberg area. The most recent and largest investment occurred last year when Sherwood transferred \$950,000 from the General Fund to SBB. This funding was made available as part of the General Fund’s proceeds from the sale of the Cannery property to the Urban Renewal Agency..

The return on these investments has been and will be as follows:

- **Urban Renewal (\$300,000)** – Return on this investment will be seen by means of incentives the utility provides to businesses moving to Sherwood. The value of that incentive will be tracked and a return realized for the initial investment.
- **Newberg Fiber (\$300,000)** –Return on investment has been accomplished through service provision to the City of Sherwood. Over \$300,000 in services have been provided to the City in the last three fiscal years, and this loan was “paid in full” including interest by the end of FY11, through these in-kind services.
- **FY09 Loan from General Fund (\$950,000)**– Return on this investment will occur over time from revenue generated by the utility. Exhibit 3 shows the expected payback schedule for this loan.

**5.1 Projected Performance**

**Exhibit 3 shows both the historical financial results for the utility and forecasts the future results.**

### **Highlights**

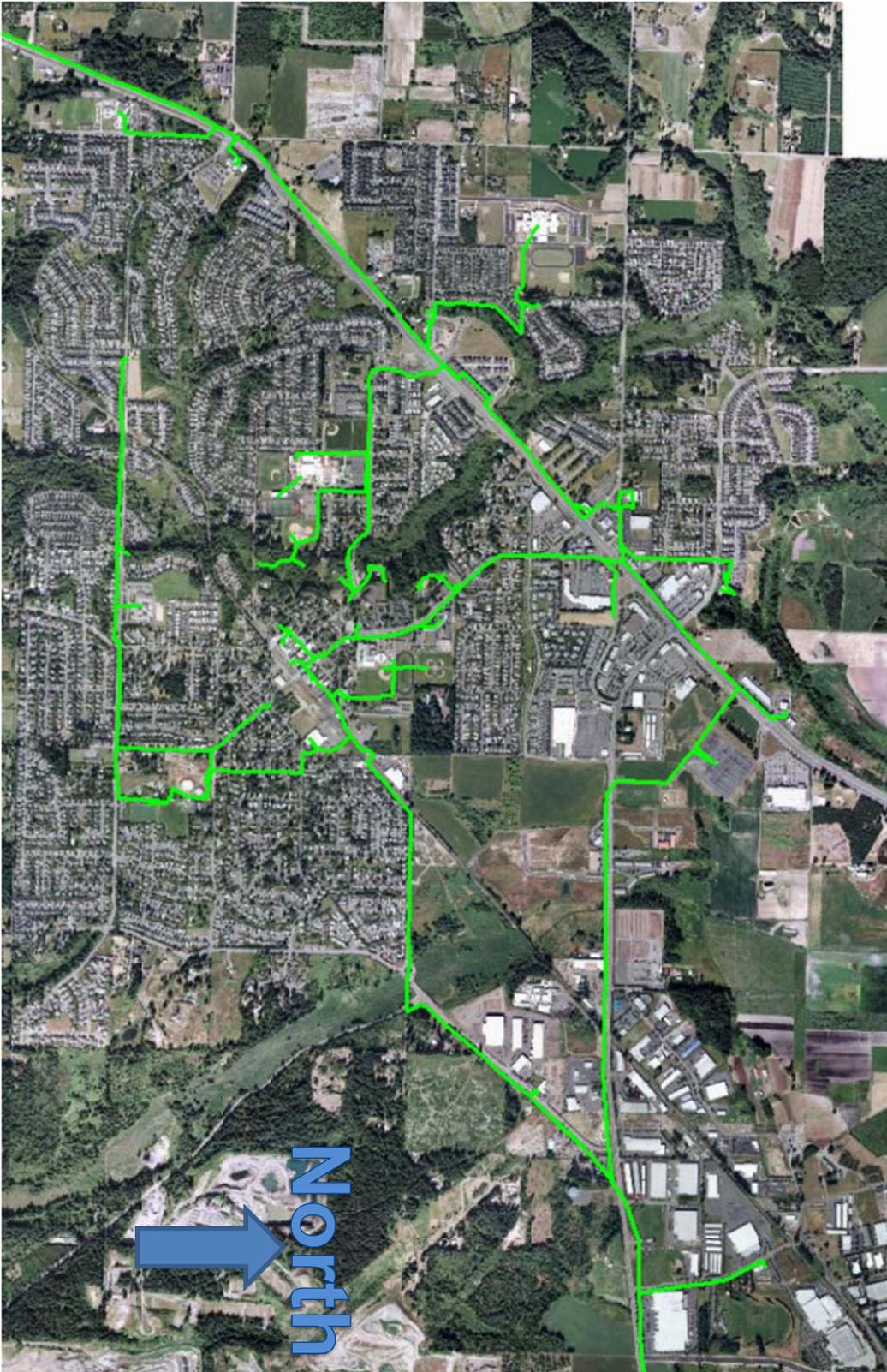
- Projected Interfund loan reimbursement totaling \$784k and ending fund balance of \$198k by FY 14/15
- Complete payoff of loan by FY15/16
- Capital investment for network redundancy is included
- No additional revenue is projected
- No capital investment for new fiber projects is projected

### **Summary**

Sherwood Broadband, as with most utilities, provides community services beyond its proforma and breakeven analysis that can be measured better in terms of “livability”. Considerable research has concluded that the presence of broadband services assists a community in attracting businesses, as well as making a community more attractive for its residents.

However, this business plan provides a quantitative analysis that will make Sherwood Broadband a successful enterprise beyond the overall community benefit. Not only does it provide a conservative plan for sustainability of the utility, but it also provides return on investment that provides financial strength for the utility in years to come.

### Exhibit 1 Fiber Network



**Exhibit 2**  
**(Red = Public Sites, Blue = Private Sites)**

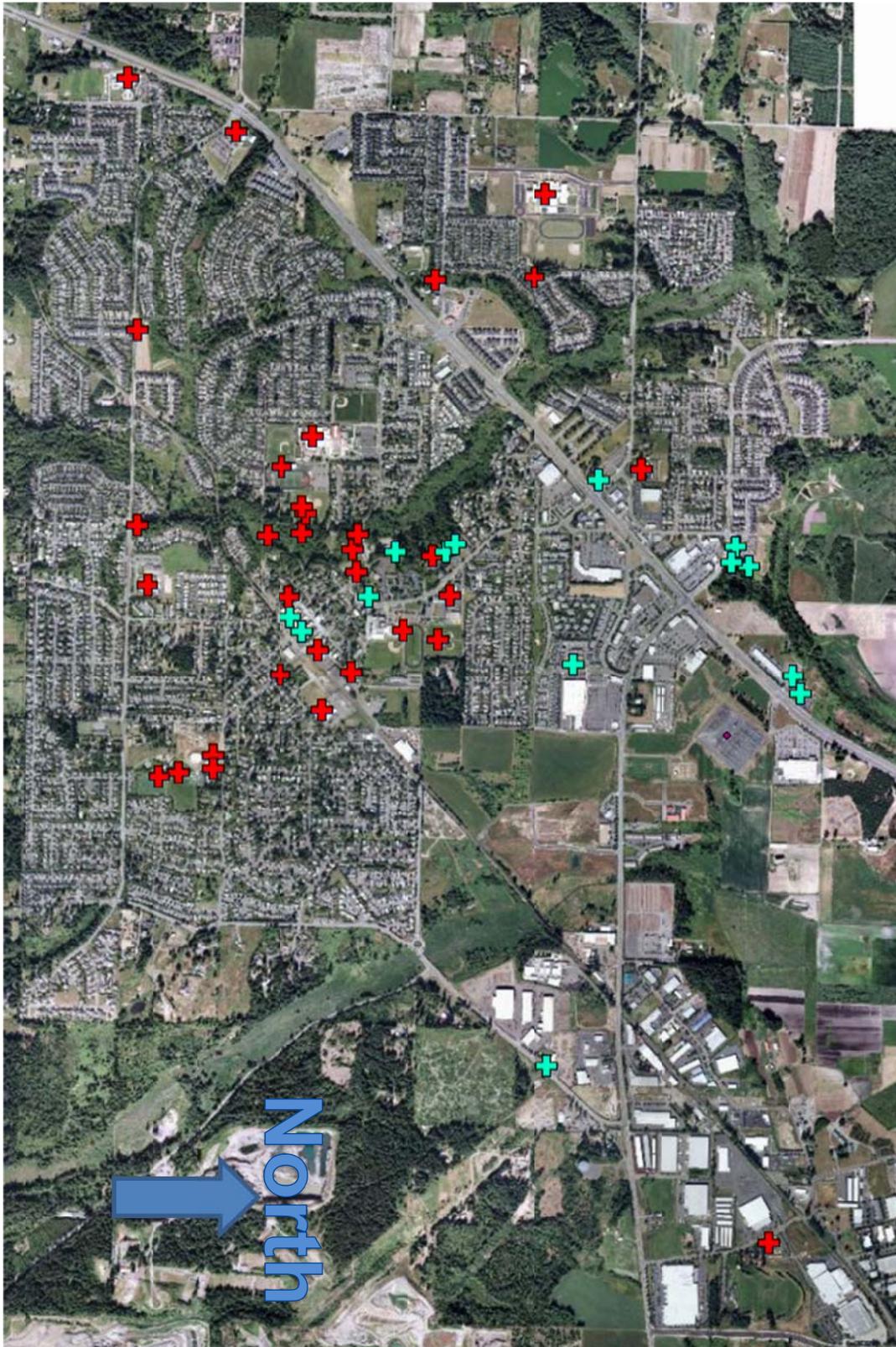


EXHIBIT 3

Sherwood Broadband Cash Flow

\$000

	FY05 Actual	FY06 Actual	FY07 Actual	FY08 Actual	FY09 Actual	FY10 Actual	FY11 Pre-audit	FY12 Budget	FY13 Forecast	FY14 Forecast	FY15 Forecast	FY16 Forecast	FY17 Forecast
<b>Beginning Fund Balance</b>	\$ -	\$ (15)	\$ (495)	\$ (455)	\$ (740)	\$ 52	\$ 71	\$ 198	\$ 110	\$ 160	\$ 181	\$ 198	\$ 265
<b>REVENUE</b>													
Initial URA Investment	300												
Charges for Services External Cust.	-	7	55	88	164	187	211	290	290	290	290	290	290
Charges for Services Internal Cust.	-	-	-	-	-	-	26	65	65	65	65	65	65
<b>Total Operating Revenue</b>	<b>300</b>	<b>7</b>	<b>55</b>	<b>88</b>	<b>164</b>	<b>187</b>	<b>237</b>	<b>355</b>	<b>355</b>	<b>355</b>	<b>355</b>	<b>355</b>	<b>355</b>
Interfund Loan Proceeds*	-	-	300	-	950	-	-	-	-	-	-	-	-
<b>EXPENSES</b>													
Personal Services	-	-	-	33	41	17	19	26	27	30	32	34	36
Materials & Services	52	228	270	306	197	129	91	117	119	121	124	127	130
Capital Outlay	263	259	45	34	84	22	-	40	-	-	-	-	-
<b>Total Operating Expenses</b>	<b>315</b>	<b>487</b>	<b>315</b>	<b>373</b>	<b>322</b>	<b>168</b>	<b>110</b>	<b>183</b>	<b>146</b>	<b>151</b>	<b>156</b>	<b>161</b>	<b>166</b>
Interfund Loan Reimbursements	-	-	-	-	-	-	-	260	159	183	182	127	181
<b>Ending Fund Balance</b>	\$ <b>(15)</b>	\$ <b>(495)</b>	\$ <b>(455)</b>	\$ <b>(740)</b>	\$ <b>52</b>	\$ <b>71</b>	\$ <b>198</b>	\$ <b>110</b>	\$ <b>160</b>	\$ <b>181</b>	\$ <b>198</b>	\$ <b>265</b>	\$ <b>273</b>
													<b>Total P&amp;I for debt: 1,092</b>

\* The \$300,000 loan (FY07) was repaid with interest during the FY08-FY11 period through recognition of in-kind services provided by SBB to the General Fund.

clg 7-25-11

	Annual
Payments for services	
Water Fund	10,000
General Fund	55,000

**TO:** Sherwood City Council

**FROM:** Tom Nelson, Economic Development Manager

**SUBJECT: Resolution 2011-082, Purchase of Property at 22939 SW Main Street by Urban Renewal Agency (URA)**

### **Issue**

Should the City amend URA Plan to allow for property purchase by the URA?

### **Background**

An agreement with Clean Water Services for the long-term treatment of storm water from the Cannery project and other Old Town properties calls for the construction of a regional storm water facility. City staff has identified several options and weighed the alternatives. The property that appears to be optimal from an engineering and cost standpoint has been placed on the market for sale, and the seller has accepted an offer from the URA subject to URA Board approval.

### **Other Factors:**

1. The City and the URA Board must approve a resolution to amend the URA Plan to allow for URA purchase of property.
2. At a prior Executive Session, the URA Board was briefed on the potential purchase by the URA
3. The 2011/12 URA Budget includes this transaction, and the purchase will be made under budget.

### **Financial Analysis**

The URA has sufficient capacity and cash flow to purchase and develop the property.

### **Recommendation**

Staff recommends that the City Council adopt Resolution 2011-082 to approve the minor amendment to the URA Plan.



**RESOLUTION 2011-082**

**A RESOLUTION OF THE SHERWOOD CITY COUNCIL APPROVING A MINOR AMENDMENT TO THE SHERWOOD URBAN RENEWAL PLAN DATED AUGUST 29, 2000 TO ALLOW FOR THE ACQUISITION OF ADDITIONAL PROPERTY**

**WHEREAS**, the Urban Renewal Agency of the City of Sherwood (“Agency”) as the duly designated Urban Renewal Agency for the City of Sherwood, Oregon (“City”) is undertaking to carry out the Sherwood Urban Renewal Plan (“Plan”) which plan was approved by the City Council (“Council”) on August 29, 2000 by Ordinance No. 2000-1098; and

**WHEREAS**, the Plan requires, under Section 503(A)(1), that the Council approve certain minor amendments to the Plan by the Agency; and

**WHEREAS**, the Plan’s goals and objectives include the elimination of blighting influences and the promotion of private development found in the Renewal Area, as defined in the Plan; and

**WHEREAS**, the real property at 22939 SW Main Street is needed for the promotion of public and private development; and

**WHEREAS**, the Agency plans for the property may be privately redeveloped as set forth in Sections 501 and 600 of the Plan; and

**WHEREAS**, the Agency may amend the Plan from time to time as authorized by Section 700(B) of the Plan; and

**WHEREAS**, the Plan should be amended at Section 503(C) by adding property to be acquired and allow for acquisition of the property.

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

**Section 1.** The Sherwood Urban Renewal Agency does hereby approve an amendment to the plan at Section 503(C) to add additional property for acquisition, described as the property at 22939 SW Main Street in the City of Sherwood.

**Section 2.** This Resolution shall be effective upon its adoption by the Sherwood City Council.

Duly passed by the City of Sherwood City Council this 20<sup>th</sup> day of September 2011.

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council  
FROM: Michelle Miller, AICP Associate Planner  
Through: Tom Pessemier, Community Development Director  
Subject: Development Code Clean-Up: Public Infrastructure, Land Division, and Site Plan Modification

### EXECUTIVE SUMMARY

**Summary:** As part of a multi-phase code clean-up project with the goal of providing a more clear and usable code for both citizens and developers alike, the proposed amendments include updates to: 1) site plan modifications, 2) public infrastructure, and 3) the land division process including subdivisions, partitions and lot line adjustments. The Planning Commission held a public hearing on August 23, 2011 and forwarded a recommendation of approval to the City Council. The Planning Commission recommendation is attached as Exhibit 1.

**Previous Council Action:** None

**Background/Problem Discussion:** The City began the multi-phase code update in April 2010, with updates to multiple sections of the Sherwood Zoning and Development Code. The proposed Code amendments were identified to clarify and update sections used primarily by developers and applicants wishing to divide their property or modify their approved site plans. These Code updates are intended to streamline the process for development while providing regulations that are consistent with state and regional law, and local community standards. Exhibit 1-A reflects the Commission's recommendation. The following is a summary of the recommended changes:

- Develop categories and approval criteria for a "major" and "minor" site plan modification
- Technical street design standards removed from the Development Code as they are already included in the Engineering Design and Construction Details Manual
- Language inserted to refer to the Transportation System Plan and Engineering Design Manual instead of a specific criteria described unnecessarily in the Development Code
- Language added requiring a rough proportionality finding
- New requirements that clarify and specify when a transportation study is required
- Reorganize Land Division Chapters into "subdivision," "partition" and "lot line adjustment" rather than "preliminary plat," "final plat" and "partitions" to make the standards easier to read and follow in a chronological order
- Allow flexible lot sizes within a development to encourage designs that minimize impacts to the natural resources and provide a better layout without the added burden of a variance or planned unit development. The provisions retain a maximum amount that a lot size can be "flexed" to ensure that lot sizes do not get reduced below a buildable or acceptable amount.
- Allow smaller subdivisions (4-10 lots) to follow a Type II (staff review) process.
- A new process was developed for re-platting and vacating plats to provide clarity as the current code is silent on the issue.

**Alternatives:** Approve, approve with modifications or deny the Planning Commission recommendation.

**Financial Implications:** There will be costs associated with making the Code updates available online and also updates to forms and providing informational materials to the public.

**Recommendation:** Staff recommends that the City Council hold a public hearing and determine whether to adopt the attached Ordinance or direct staff to make additional modifications to the proposed text changes based on additional information submitted.

**Attachments:**

- Ordinance
- Exhibit 1: Planning Commission Recommendation
- Exhibit 1-A: Proposed Development Code Amendments with "Track Changes"



**ORDINANCE 2011-011**

**AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS III, V, VI, AND VII**

**WHEREAS**, The Sherwood Zoning and Community Development Code has not been comprehensively updated in many years; and

**WHEREAS**, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

**WHEREAS**, the Planning Commission helped guide the development of proposed amendments after extensive public outreach and opportunity for public input; and

**WHEREAS**, this phase includes amendments to Divisions III, V, VI and VII, specifically related to the public infrastructure, land divisions, site plan modifications and administrative process; and

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

**WHEREAS**, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on August 23, 2011; and

**WHEREAS**, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed Development Code modifications; and

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

**WHEREAS**, the City Council held a public hearing on September 20, 2011 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

**Section 1. Findings.** After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission

recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in Exhibit 1-A.

**Section 2. Approval.** The proposed amendments for Plan Text Amendment (PA) 11-03 identified in Exhibits 1-A is hereby **APPROVED**.

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

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

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

**Duly passed by the City Council this 20<sup>th</sup> day of September 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

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

**City of Sherwood**  
**Staff Report Following Planning Commission**  
**Recommendation to the City Council**  
**File No: PA 11-03 Land Divisions, Public Infrastructure and Site Plan**  
**Modifications**

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**September 9, 2011**

**Proposal:** Amendments to the Development Code on this phase of the “Code Clean-Up” project include updates to: 1) site plan modifications, 2) public infrastructure, and 3) the land division process including subdivisions, partitions and lot line adjustments.

The Planning Commission held a hearing on August 23, 2011. After discussion of the various topics within the sections, the Commission recommended several minor alterations to the proposed language. After consideration of the public testimony and staff recommended changes, the Commission voted to forward the proposed amendments to the Council for approval.

**I. BACKGROUND**

- A. Applicant: This is a City-initiated text amendment; therefore the applicant is the City of Sherwood.
- B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the August 23, 2011 Planning Commission hearing on the proposed amendment was published in *The Gazette* on 8/1/11 and *The Times* on 8/18/11. Notice was posted in 5 public locations around town and on the web site on 7/22/11. Regular updates were provided in the City newsletter.

While this does apply citywide, it does not affect the permissible uses of any property; therefore Measure 56 notice was not required or provided. DLCDC notice was provided 7/1/11.

- 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).
- F. Background:  
The City began the comprehensive code clean-up project in 2010 as a way to update all sections of the code to provide clarity to citizens and developers and to address any local, county, regional or state standards that have gone into effect and that require changes to the code. The Planning Commission has reviewed, and the City Council has adopted multiple sections of the Code recently including the topics: residential uses, variances, street trees, and open space requirements for subdivisions.

## II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

### Agencies:

The City sent request for comments to the standard agency notification list. The City has received no responses to date.

### Public:

No formal public comments have been received to date on the proposed amendments; however the City and Commission have received input from the public during informal listening sessions and via public surveys. In addition, staff held a “brown bag” lunch meeting with private consultants and developers to get feedback on these issues.

## III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

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

### 16.80.030.1 - Text Amendment Review

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

### Need Identified

As discussed briefly above, the following proposed Code amendments were identified to clarify and create greater flexibility and organization for those that are seeking land use approval or modifications to existing site plans. The Planning Commission held a series of work sessions to discuss the proposed changes and considered public input before the changes were recommended. The following analyzes separately how the relevant chapters and divisions meet the need requirement.

### Site Plan Modification § 16.90.030

Currently, the Sherwood Zoning and Community Development Code, Section 16.90.020.3.0, requires all “proposed changes” to approved site plans to be “submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee”. This ambiguous, one-size-fits-all language has been a stumbling block to developers making changes, including improvements, to approved site plans. It has also resulted in staff reports in excess of 30 pages for a simple change to the parking layout or addition of a very small, accessory building to the site. While some proposed modifications to approved plans do warrant a full re-review, others can be processed quickly and efficiently at little cost to the developer or the community.

### Division VI. Public Infrastructure

This chapter regulates and describes standards for public improvements to the City’s infrastructure when development occurs. Several of the provisions included in this chapter need reorganizing, updating or removal because they are better suited in other sections of the Municipal Code or are technical design standards better addressed in the Engineering Design and Standards Detail Manual. For example, the Street Renaming procedure is a Council policy determination and not a land use decision. The Street Design Modifications process is arbitrary and confusing so a clearer process that is initiated at the time of land use submittal has been developed.

Other steps that have been taken to improve the clarity of the document include:

- Technical street design standards have been removed
- Language was inserted to refer to the Transportation System Plan and Engineering Design Manual instead of a specific criteria described in the development code
- Language requiring a rough proportionality finding
- New requirements for when a Transportation Study is required

### Division VII. Subdivisions, Partitions and Lot Line Adjustments

The current chapters are divided between the preliminary plat approval and the final plat approval. There is also a property or lot line adjustment chapter along with a chapter on lot design standard requirements. This has led to confusion regarding which standards and criteria apply to partitions, subdivisions and lot line adjustments. The proposed Code amendments reorganize these chapters into “subdivision,” “partition” and “lot line adjustment” rather than “preliminary plat,” “final plat” and “partitions.” Currently, there is no specific subdivision chapter and the requirements for subdivisions are intermixed among the three chapters, causing confusion and misinterpretation of the requirements and order of the process for the particular land division process. By reorganizing the chapters, it will make the submittal requirements, process and criteria easier for the applicant to locate based on the type of land division requested. It also helps to clarify the appropriate process for recording the final plat at Washington County and provides the appropriate deadlines for processing these applications. Other changes help provide greater flexibility in the development process including allowing the entire subdivision to have an overall “average lot size” rather than a minimum lot size for each individual lot. The provisions retain a maximum amount that a lot size can be “flexed” to ensure that lot sizes do not get reduced below a buildable or acceptable amount. The proposed changes also allow smaller subdivisions (4-10 lots) to follow a Type II (staff review) process. Finally, a new process was developed for re-platting and vacating plats to help make the process clear as the current code is silent on the issue.

Upon review of the Comprehensive Plan, the following policies or strategies relate to all or some of the proposed amendments:

#### Comprehensive Plan and Code

##### *Chapter 6 Transportation Goal 2*

*Develop a transportation system that is consistent with the City’s adopted comprehensive land use plans and with the adopted plans of state local and regional jurisdictions.*

The proposed amendments to the public infrastructure chapter were evaluated to ensure that they were consistent with the adopted local, state and regional jurisdictions. Specifically, the amendments provide for added reference to the Transportation System Plan and clearer requirements for transportation studies.

#### Applicable Regional (Metro) standards

There are no known Metro standards that this proposed amendment would conflict with.

#### Consistency with Statewide Planning Goals

##### Goal 1- “Citizen Involvement”

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

The proposed code changes do not include changes to the City’s citizen involvement program, which is in compliance with Goal 1. Public outreach for this project includes informal listening sessions and staff held a “brown bag” lunch meeting with private consultants and developers to get feedback on these issues.

##### Goal 2- “Land Use Planning”

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

The proposed code changes affect the land use process by making it easier to follow and use but do not change the way the land use application Code requirements are applied or the policy framework for which

they are established. The City's land use planning process and policy framework, which are in compliance with Goal 2, will not change.

**16.80.030.2 – Transportation Planning Rule Consistency**

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

**FINDING:** The amendments will not result in a change of uses otherwise permitted and will have no impact on the amount of traffic on the transportation system; therefore this policy is not applicable to the proposed amendment.

Added Code language to the chapters are identified with blue underline and deletions are identified with ~~a red strikethrough~~ Moving text from one section to another is identified with ~~green double strike through~~ and where the language moved to is identified with green double underline.

#### 16.90.020 Site Plan Review

##### A. Site Plan Review Required

Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use, and prior to the issuance of a sign permit for the erection or construction of a sign

For the purposes of Section 16.90.020, the term "substantial ~~alteration~~change" and "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, ~~as~~ per Section 16.90.020 and is not considered a modification.
5. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.
6. The activity is subject to site plan review by other requirements of this Code.
7. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.
- ~~7. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020~~

##### B. Exemption to Site Plan Requirement

1. Single and two family uses
2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks,
3. Major modifications
4. Minor modifications

## ~~B.~~ Exemptions

~~The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76.~~

## ~~CB.~~ Plan Changes 16.90.030 Site Plan Modifications and Revocation

### ~~1A.~~ Changes Modifications to Approved Site Plans

~~Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one half ( 1/2) the original site plan review fee.~~

#### 1. Major Modifications to Approved Site Plans

a. Defined. The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:

- (1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);
- (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
- (3) A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
- (4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;
- (5) An increase in the floor area or height proposed for non-residential use by more than 10 percent;
- (6) A reduction of more than 10 percent of the area reserved for common open space; or
- (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items (1)-(2) as determined by the Review Authority.

b. Approval Criteria. An applicant may request a major modification as follows:

(1) Upon the review authority determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

(2) The application shall be subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.

(3) The scope of review shall be limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

(4) Notice shall be provided in accordance with Chapter 16.72.020.

(5) The decision maker shall approve, deny, or approve with conditions an application for major modification based on written findings of the criteria.

2. Minor Modifications to Approved Site Plans

a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification as provided, above.

b. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications shall involve only clear and objective code standards.

c. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.

d. Minor Modification Approval Criteria. The review authority shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as above.

B. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked.

## Division VI.

### **PUBLIC IMPROVEMENTS INFRASTRUCTURE**

#### **Chapter 16.104**

#### **GENERAL PROVISIONS\***

##### **Sections:**

##### **16.104.010 ~~Standards Purpose~~**

##### **16.104.020 Future Improvements**

##### **16.104.030 Improvement Procedures**

\* Editor's Note: Some sections may not contain a history.

##### **16.104.010 ~~Standards Purpose~~**

To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require ~~any proposed construction of~~ buildings ~~and or~~ ~~other~~ development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. ~~The Council may establish specifications to supplement the standards of this Code and other applicable ordinances.~~ Except as otherwise provided or authorized, private improvements serving substantially the same function as equivalent public facilities, shall generally be provided and improved ~~at to~~ the standards established by this Code and other City regulations.

Green Street elements such as bioswales and porous pavement are encouraged where appropriate and feasible. Where a specific design standard supporting a green street concept is not included in the ~~Construction Standard Drawings~~ Engineering Design and Standard Details Manual (Engineering Design Manual), the design will be considered by the Engineering Department, provided additional documentation is provided to the Engineering Department that documents the design is appropriate, has a design life equal to a traditional paved street, and the maintenance costs to the City are comparable to traditional streets. ~~can be maintained easily in that location.~~

(Ord. 2006-021; 2005-006 § 5; Ord. 86-851)

##### **16.104.020 Future Improvements**

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, ~~are identified within the~~ Transportation System Plan (TSP) and ~~as depicted in~~ the Transportation System Plan (TSP) Chapters 4, 5, 6 and 7 of the Community Development Plan, are intended as general locations only. The precise alignments and locations of a public improvements shall be established during the actual development land use process and shall be depicted on public improvement plans submitted and approved pursuant to § 16.106 ~~and~~ 108 and other applicable sections of this Code.

(Ord. 2005-006 § 5; Ord. 86-851)

##### **16.104.030 Improvement Procedures**

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and shall be installed in accordance with Chapter 16.106-8. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, Nea public improvements shall not be undertaken until land use approval has been granted, an a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

(Ord. 2005-006 § 5; Ord. 86-851)

~~Chapter 16.106~~

~~IMPROVEMENT PLAN REVIEW\*~~

~~Sections:~~

~~16.106.010 Preparation and Submission~~

~~16.106.020 Construction Permit~~

~~16.106.030 Construction~~

~~16.106.040 Acceptance of Improvements~~

~~\* Editor's Note: Some sections may not contain a history.~~

~~16.106.010 Preparation and Submission~~

~~Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.~~

~~A. Review Fee~~

~~Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.~~

~~B. Engineering Agreement~~

~~A copy of an agreement or contract between the applicant and Registered Civil Engineer for:~~

~~1. Surveying sufficient to prepare construction plans.~~

~~2. Preparation of construction plans and specifications.~~

~~3. Construction staking, and adequate inspection.~~

~~4. Construction notes sufficient to develop accurate as-built plans.~~

~~5. Drawing of accurate as-built plans and submission of reproducible mylars to the City.~~

~~6. Certificate stating that construction was completed in accordance with required plans and specifications.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)~~

### ~~16.106.020 Construction Permit~~

#### ~~A. Approval~~

~~The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.~~

#### ~~B. Permit and Fee~~

~~Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.~~

#### ~~C. Easement Documents~~

~~Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.~~

#### ~~D. Improvement Guarantees~~

~~Prior to issuance of a construction permit the applicant shall file the following documents with the City:~~

##### ~~1. Liability Insurance~~

~~Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.~~

##### ~~2. Performance Bond~~

~~To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by~~

~~\_\_\_\_\_ a surety company authorized to transact business in the State of Oregon, a cash deposit, or  
\_\_\_\_\_ other form of security acceptable to the City.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)~~

### ~~16.106.030 Construction~~

#### ~~\_\_\_\_\_ A. \_\_\_\_\_ Initiation of Construction~~

~~Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.~~

#### ~~\_\_\_\_\_ B. \_\_\_\_\_ Inspection~~

~~All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.~~

#### ~~\_\_\_\_\_ C. \_\_\_\_\_ As-Built Plans~~

~~A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.~~

#### ~~\_\_\_\_\_ D. \_\_\_\_\_ Suspension of Improvements Activity~~

~~The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

### ~~16.106.040 Acceptance of Improvements~~

#### ~~\_\_\_\_\_ A. \_\_\_\_\_ Final Inspection~~

~~At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.~~

#### ~~\_\_\_\_\_ B. \_\_\_\_\_ Notification of Acceptance~~

~~The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.~~

~~\_\_\_\_\_C.\_\_\_\_\_ Maintenance Bond~~

~~At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

~~Chapter 16.108~~

~~STREETS\*~~ **Chapter 16.106**

**TRANSPORTATION FACILITIES**

**Sections:**

**16.108106.010 Generally**

**16.108106.0230 Required Improvements**

**16.108106.040-030 Location**

**16.108106.050-040 Street Design**

**16.108106.060-050 Sidewalks**

**16.108106.070-060 Hwy. 99W Capacity Allocation Program (CAP)**

**16.108106.080-070 Bike Paths**

\* Editor's Note: Some sections may not contain a history.

**16.108106.010 Generally**

A. Creation

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional ~~street classification~~ classification of said streets, as shown on the ~~Transportation Plan (TSP)~~ Transportation Plan (TSP) Map ~~and in,~~ shown in Figure 1, of Chapter 6 of the Community Development Plan, and ~~in~~ other applicable City standards. The following table depicts the guidelines for the street characteristics.

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of Curb)	Median Width
<b>Principal Arterial (99W)</b>	122'	4-6	12'	Prohibited	6'	6'	5'	14'
<b>Arterial</b>	60-102'	2-5	12'	Limited	6 feet	6-8 f'	5'	14' if required
<b>Collector</b>	58-92'	2-3	11'	8' optional	6'	6-8'	5'	14' median turn lane
<b>40' Commercial/Industrial Not Exceeding 3000 vehicles per day</b>	64'	2	20'	8'	none	6'	5'	none
<b>50' Commercial/Industrial Exceeding 3000 vehicles per day</b>	64'	2	12'	8'	5'	6'	5'	none
<b>Neighborhood 1,000 vehicles per day</b>	64'	2	18'	8'	None	8'	5' with 1' buffer	none
<b>Local</b>	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	none
<b>Alley</b>	16-25'	1-2	10-12'	One side if 20'	none	none	none	none
<b>Downtown Street Standard</b>	60'	2	11'	7'	none	12' pedestrian zone	4' (included in pedestrian zone)	none

B. Street Naming

1. All streets created by ~~the subdivision~~ or partition process will be named prior to submission of the final plat.
2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.
3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.

4. All streets named shall conform to the general requirements as outlined in this Section.

5. ~~Private streets, a~~At the request of the owner(s), ~~a private may be named and addresses issued with the approval of the City~~the City may approve a private street name and address. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

~~C. Street Renaming~~ \*Note: Move to Municipal Code Title 12 on Streets, Sidewalks and Public Places

~~1. An action to rename a street in the City may be initiated by the Council:~~

~~a. On its own action; or~~

~~b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.~~

~~2. A petition for naming or renaming a street shall include the following:~~

~~a. A statement of the reasons for the proposed name change.~~

~~b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.~~

~~c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.~~

~~3. Notice and Hearing~~

~~a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.~~

~~b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:~~

~~(1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and~~

~~(2) Notice by publication in a newspaper of general circulation in the area of the subject road.~~

~~c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.~~

~~d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.~~

~~e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.~~

~~f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.~~

DC. Street Name Standards

1. All streets named or renamed shall comply with the following criteria:
  - a. Major streets and highways shall maintain a common name or number for the entire alignment.
  - b. Whenever practicable, names as specified in this Section shall be utilized or retained.
  - c. Hyphenated or exceptionally long names shall be avoided.
  - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.
  - e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.
2. The following classifications (suffixes) shall be utilized in the assignment of all street names:
  - a. Boulevards: North/south arterials providing through traffic movement across the community.
  - b. Roads: East/west arterials providing through traffic movement across the community.
  - c. Avenues: Continuous, north/south collectors or extensions thereof.
  - d. Streets: Continuous, east-west collectors or extensions thereof.
  - e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.
  - f. Lanes: Short east/west local streets under 1,000 feet in length.
  - g. Terraces: short north/south local streets under 1,000 feet in length.
  - h. Court: All east/west cul-de-sacs.

- i. Place: All north/south cul-de-sacs.
  - j. Ways: All looped local streets (exceeding 180 degrees).
  - k. Parkway: A broad landscaped collector or arterial.
3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.
  4. All proposed street names shall be approved, prior to use, by the City.

**ED.** Preferred Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

1. Original holders of Donation Land Claims in Sherwood.
2. Early homesteaders or settlers of Sherwood.
3. Heirs of original settlers or long-time (50 or more years) residents of Sherwood.
4. Explorers of or having to do with Sherwood.
5. Indian tribes of Washington County.
6. Early leaders and pioneers of eminence.
7. Names related to Sherwood's flora and fauna.
8. Names associated with the Robin Hood legend.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-006, § 5; Ord. 92-947, § 1; Ord. 91-922)

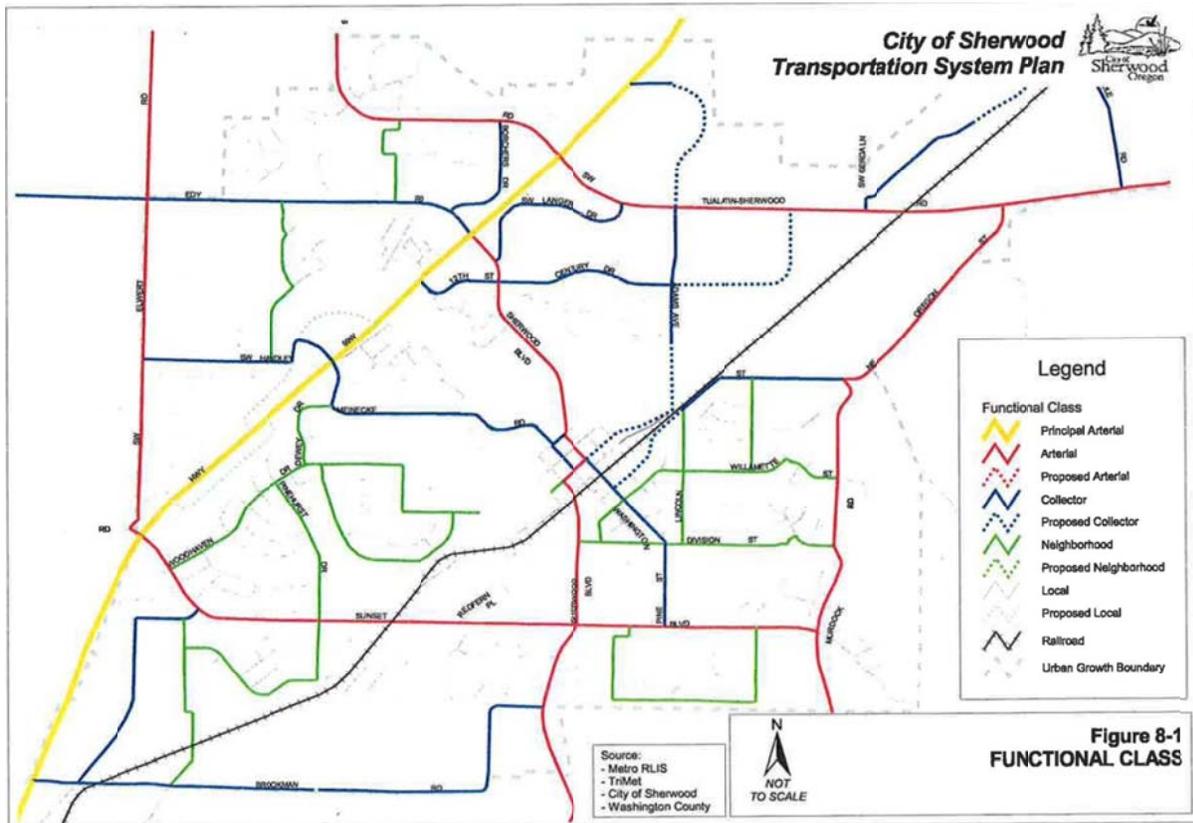
Note: Section 16.108.020, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) and permanently relocated in the Municipal Code).

**16.108106.030-020 Required Improvements**

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. The following figure provides

the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.



B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the [Transportation System Plan TSP](#) and

applicable City ~~standards~~ and specifications included in the City of Sherwood Construction Standards, ~~and Streets~~ shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. ~~An aA~~ Applicants may be required to dedicate land and build for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development.

2. ~~If the City could and would otherwise require the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:~~

~~a. A partial improvement is not feasible due to the inability to achieve proper design standards;~~

~~b. A partial improvement may create a potential safety hazard to motorists or pedestrians.~~

~~c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;~~

~~d. The improvement would be in conflict with an adopted capital improvement plan;~~

~~e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or~~

~~f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which that would contribute only a minor portion of the anticipated future traffic on the street.~~

~~Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.~~

E. Street Transportation Facilities Modifications

1. ~~A m~~ Modifications to ~~a~~ standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted ~~Sherwood Transportation System Plan~~ (TSP) may be granted in accordance with the procedures and criteria set out in this section.

2. ~~Types of Modifications. Requests fall within the following two categories:~~

~~a. Administrative Modifications. Administrative modification~~ A mModification requests concerns a deviation from the ~~construction of facilities, rather than their~~ general design

~~standards for of public facilities, and are limited to the following when a deviating deviation from standards in this Chapter, Section 16.58.010, the I or Chapter 8 contained in the adopted Transportation System Plan. The following standards that may be modified through the following process include but are not limited to:~~

- ~~(1) Surfacing materials for roads or pedestrian facilities.~~
- ~~(2) Asphalt and/or base rock thickness less than required.~~
- ~~(3) Pavement marking layout.~~
- ~~(4) Exceeding the maximum street grade.~~
- ~~(5) Type and/or location of signage.~~
- ~~(6) Channelization.~~
- ~~(7) Intersection interior angles and curb radii less than required.~~
- ~~(8) Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested.~~
- ~~(9) Access-related modifications onto collectors, arterials, and state routes provided other substantive criteria such as sight distance and limited access points are met; and provided further that access to a lesser classification of road is not available.~~
- ~~(10) Needed changes as a result of a field investigation during construction.~~
- ~~(11) Similar revisions to the standards.~~

~~b. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from this Chapter, Section 16.58.010 or Chapter 8 cross-sections in the adopted Transportation System Plan:(1)~~

- ~~a.~~ Reduced sight distances.
- ~~(2)b.~~ Vertical alignment.
- ~~(3)c.~~ Horizontal alignment.
- ~~(4)d.~~ Geometric design (length, width, bulb radius, etc.).
- ~~(5)e.~~ Design speed.
- ~~(6)f.~~ Crossroads.
- ~~(7)g.~~ Access policy.

~~8)h.~~ A proposed alternative design which provides a plan superior to these standards.

~~(9)j.~~ ~~All other standards.~~ Low impact development.

~~j.~~ Access Management Plans

~~3.~~ ~~Procedure. A modification request shall be classified as an administrative decision by the City Engineer. When a modification is requested to provide a green street element that is not included in the Construction Standards, the below process shall be followed, however no fee shall be required.~~

~~a.~~ ~~Administrative Modification. Administrative modifications may be requested at any time and are processed as Type II applications, unless defined under (C)(2) below. The application shall include sufficient technical analysis to enable a reasoned decision and shall include a letter of concurrency from the City Engineer.~~

~~b3.~~ ~~Design Modification Procedure~~

~~a.~~ ~~Design MmA modifications shall be proposed with the submittal application for land use approval.~~ land use approval.

~~\_\_\_\_\_ in conjunction with the \_\_\_\_\_ application for the underlying development proposal and \_\_\_\_\_~~

~~b.~~ ~~The modification is processed~~ as a Type III application. ~~Design mModification requests shall be processed in conjunction with the underlying development proposal, unless it is submitted subsequent to the decision for the underlying development proposal. The design modification application shall:~~

~~c.~~ ~~When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.~~

~~(1) Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable.~~

~~(2) Include a letter of Concurrency from the City Engineer.~~

~~(3) Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments.~~

~~(4) In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard.~~

~~(5) For crossroad and frontage construction and right-of-way dedication, the application shall include information indicating whether there are geographic or other factors which render connection/completion of the road unfeasible.~~

4. Criteria for Modification: Street modifications-Modifications may be granted when criterion 4a and any one of ~~criteria 4b through 4f~~4e are met:

~~a. A letter of concurrency is obtained from the City Engineer or designee. f~~

~~a. In reviewing a modification request, c shall~~ Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.

b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.

c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.

d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.

e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

~~f. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.~~ (Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009 § 5; Ord. 91-922; Ord. 86- 851, § 3)

#### **16.108106.040-030 Location**

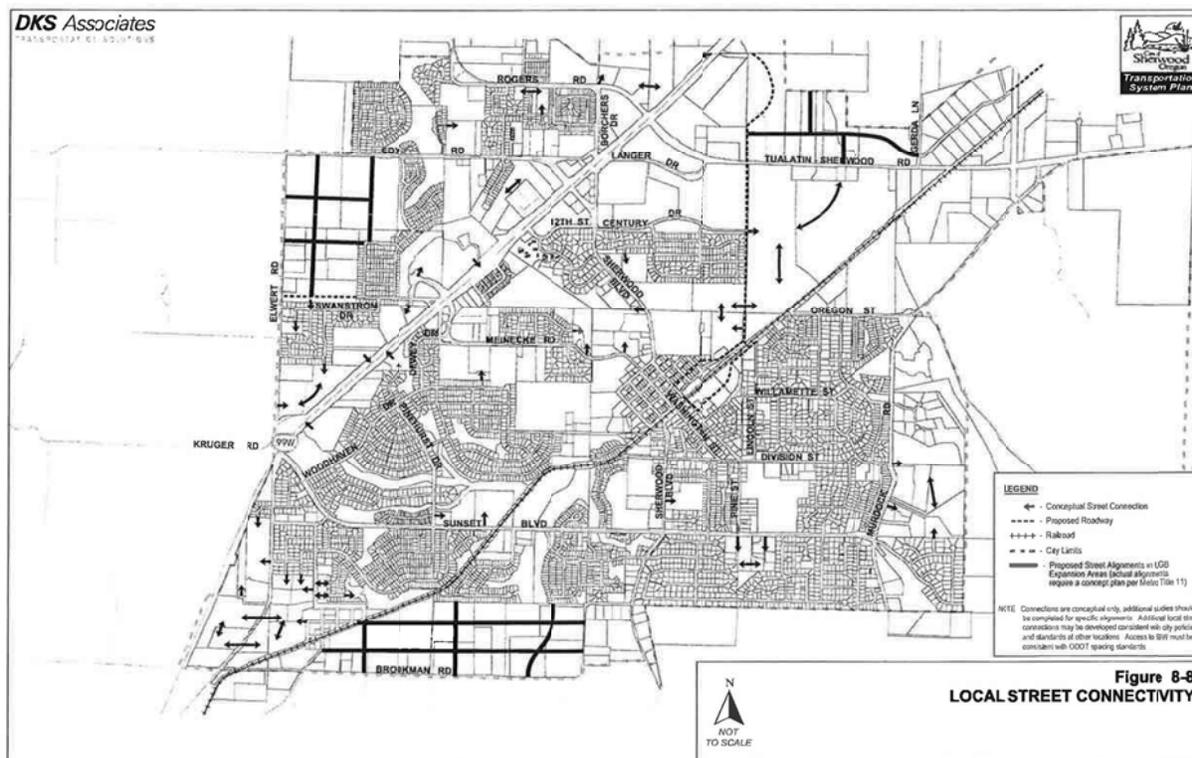
A. Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide

adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

B. Street Connectivity and Future Street Systems

1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).



2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.

a. \_\_\_\_ A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the ~~Review~~ Authority decision-maker.

b. \_\_\_\_ Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.

- c. \_\_\_\_\_ Where a development is disproportionately impacted by a required street connection, \_\_\_\_\_ or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.
3. Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.
  4. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.
  5. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.
  6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted ~~TSP Transportation System Plan~~.
  7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
    - a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
    - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
    - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

C. Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-017 § 5; Ord. 2005-009, § 5; Ord. 91-922; Ord. 86-851)

**D. Additional Setbacks**

Generally ~~Additional~~**additional** setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

TABLE INSET:

	Classification	Additional Setback
1.	<del>Major Principle</del> Arterial <u>(99W)</u>	61 feet
2.	<del>Minor</del> Arterial	37 feet
3.	Collector	<del>29 feet—32 feet</del>
4.	<del>Local—</del> <u>Neighborhood Route</u>	<del>26 feet—32 feet—</del>
5.	<u>Local</u>	<u>26 feet</u>

**16.108106.050-040 Street Design**

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood's ~~Design~~**Engineering Design** and ~~Standard Details Construction~~ Manual.

A. Reserve Strips

Reserve strips or street plugs controlling access or extensions to streets ~~shall are~~ not ~~be~~ allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the ~~City~~**appropriate jurisdiction that maintains the street.**

B. Alignment

All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet ~~will are~~ not ~~be~~ allowed.

C. Future Extension

Where necessary to access or permit future subdivision or development of adjoining land, streets shall extend to the boundary of the ~~proposed~~ development ~~and provide at the required roadway~~ width ~~necessary for the future development~~. Dead-end streets less than 100' in length shall ~~either~~ comply with ~~City cul-de-sac standards of Section 16.108.060, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map;~~ ~~the Engineering Design Manual.~~

A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."

D. Intersection Angles

~~1. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In no all cases, the applicant shall comply with refer to the Engineering Design Manual. shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.~~

~~2. Arterial, collector streets, or neighborhood routes intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography requires a lesser distance. Local streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections.~~

E. Cul-de-sacs

1. All cul-de-sacs shall ~~be no more than one hundred (100) feet in length, shall not provide access to more than 15 dwelling units and shall~~ be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac and shall not be no more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.

2. All cul-de-sacs shall terminate with a ~~circular turnaround no more than 40 feet in radius (i.e. from center to edge of pavement) or hammerhead~~ turnaround in accordance with the specifications in the Engineering Design and Construction Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.

~~the near side of the intersecting street to the farthest point of the cu~~4.3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sacs or dead-end streets are is planned, to connect the ends of the streets together, connect to other streets, and/or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, and other the Engineering Design and Standards Detail Manual or other provisions identified in this Code for the preservation of in order to preserve trees.

F. Grades and Curves

Grades shall ~~be evaluated by the City Engineer and comply with the Engineering Design Manual, not exceed six percent (6%) for arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one half percent (1/2%).~~

#### G. Streets Adjacent to Railroads

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

#### H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

#### I. Median Islands

As illustrated in ~~Chapter 8 of~~ the adopted Transportation System Plan, Chapter 8, median islands may be ~~required used~~ on arterial or collector streets for the purpose of controlling access, providing for pedestrian safety or for aesthetic purposes.

#### ~~J. Curbs~~

~~Except in the Old Town Overlay District where curbless (woonerf) streets are permitted, or as otherwise approved by the City Engineer, curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height.~~ ~~————— K.~~

#### J. Transit Facilities

Developments along an existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, ~~shall be is~~ required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.

2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.
5. Provide lighting at a transit stop (if not already existing to transit agency standards).

~~LK.~~ Traffic Controls

1. ~~For An application for a proposed residential developments that will generate more than with over an estimated 200 average daily vehicle trips (ADT) For developments of five (5) acres or more, the City may require requires must include~~ a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. ~~Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior issuance of a constructi~~
2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.

~~ML.~~ Traffic Calming

- 1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
  - a. Curb extensions (bulb-outs).
  - b. Traffic diverters/circles.
  - c. Alternative paving and painting patterns.
  - d. Raised crosswalks, speed humps, and pedestrian refuges.
  - e. Other methods demonstrated as effective through peer reviewed engineering studies.
2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

M.N. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the ~~City of Sherwood Transportation Technical Standards and the standards of this Division~~ Engineering Design Manual.

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
  - a. Minimum right-of-way radius at intersections shall conform to city standards.
  - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the City Engineering Design and Construction ~~Manual~~ Manual.
  - c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
  - d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
  - e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:

GRAPHIC UNAVAILABLE: [Click here](#)

2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

a. Local Streets:

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

c. Collectors:

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

There joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

(1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

(2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:

(a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

(b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.

(3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

### 3. Exceptions to Access Criteria for City-Owned Streets

~~a. \_\_\_\_\_ Alternate points of access may be allowed if an access management plan which \_\_\_\_\_ maintains the classified function and integrity of the applicable facility is submitted to \_\_\_\_\_ and reviewed and \_\_\_\_\_ approved by the City Engineer after considering the applicant's compliance with this Chapter as Tthe access management plan must be included as part of the part of land use submittal or an application for modification as described in § 16.106.020 E. (Transportation —Facilities Modifications) and the Engineering Design - Manual.~~

~~b. \_\_\_\_\_ An application for an Access Management Plan shall explain the need for the \_\_\_\_\_ modification and demonstrate that the modification maintains the classified function and \_\_\_\_\_ integrity of the facility. References to standards or publications used to prepare the Access \_\_\_\_\_ Management Application shall be included with the application, including citations and numbers \_\_\_\_\_ of engineering publications used to demonstrate compliance.~~

~~c. \_\_\_\_\_ An access management plan shall address the safety and operational problems which \_\_\_\_\_ would be encountered should a modification to the access spacing standards be granted. An \_\_\_\_\_ access management plan shall be prepared and certified by a traffic or civil engineer registered \_\_\_\_\_ in the State of Oregon. An access management plan shall at minimum contain the following:~~

~~(1) \_\_\_\_\_ The minimum study area shall include the length of the site's frontage plus the distance \_\_\_\_\_ of the applicable access spacing standard on each side of the subject property, as set forth in \_\_\_\_\_ Section **16.108.050.N.2.** measured from the property lines or access point(s), whichever is \_\_\_\_\_ greater. For example, a property with 500 feet of frontage on an arterial (required 600 foot \_\_\_\_\_ access spacing standard) shall have a minimum study area which is 1,700 (1,200 + 500) feet in \_\_\_\_\_ length.~~

~~(2) \_\_\_\_\_ The access management plan shall address the potential safety and operational \_\_\_\_\_ problems associated with the proposed access point. The access management plan shall review \_\_\_\_\_ both existing and future access for all properties within the study area as defined above.~~

~~(3) \_\_\_\_\_ The access management plan shall include a comparison of all alternatives examined. At \_\_\_\_\_ a minimum, the access management plan shall evaluate the proposed modification to the access \_\_\_\_\_ spacing standard and the impacts of a plan utilizing the County standard for access spacing.~~

~~Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.~~

~~(4) The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.~~

~~(5) Notice for a proposed access management plan shall include all property owners within the study area defined above.4~~

**b. Access in the Old Town (OT) Overlay Zone**

a. Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

~~b. Partial Access Management Plan.~~

~~(1) A partial access management plan shall include:~~

~~(a) Drawings identifying proposed or modified access points.~~

~~(b) A list of improvements and recommendations necessary to implement the proposed or modified access.~~

~~(c) A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.~~

~~(2) Access permits shall be required even if no other land use approval is requested.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 5; 2005-006, § 5; Ord. 86- 851)

**16.118.050 N. Private Streets**

1. The construction of a new private streets, serving a single-family residential developments shall be is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).

2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.

3. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.

4. A private street shall also be signed differently from public streets and include the words "Private Street".

### **16.108106.060 Sidewalks**

#### **A. Required Improvements**

1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.
2. For Highway 99W, ~~major or minor~~ arterials, or in special industrial districts, the ~~Commission~~ City Manager or designee may approve a development without sidewalks if ~~alternative pedestrian routes are available.~~
3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the ~~Review Authority~~ City Manager or designee.

#### **B. ~~Sidewalk~~ Design Standards**

##### **1. Arterial and Collector Streets**

Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi-use path, located as required by this Code.

##### **2. Local Streets**

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

##### **3. Handicapped Ramps**

Sidewalk handicapped ramps shall be provided at all intersections.

#### **C. Pedestrian and Bicycle Paths**

Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-009, § 5; 2000-1103; Ord. 86-851)

~~Chapter 16.106108-~~

IMPROVEMENT PLAN REVIEW\*

Sections:

16.106108.010 Preparation and Submission

16.106108.020 Construction Permit

16.106108.030 Construction

16.106108.040 Acceptance of Improvements

\* Editor's Note: Some sections may not contain a history.

16.106108.010 Preparation and Submission

Required-~~An~~ improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of ~~said-the~~ plans shall be submitted to the City for review. ~~An i~~ improvements plans shall be accompanied by a review fee as per this Section.

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

1. Surveying sufficient to prepare construction plans.
2. Preparation of construction plans and specifications.
3. Construction staking, and adequate inspection.
4. Construction notes sufficient to develop accurate as-built plans.
5. Drawing of accurate as-built plans and submission of reproducible mylars ~~for finals~~ to the City.
6. Certificate stating that construction was completed in accordance with required plans and specifications.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.106108.020 Construction Permit

A. Approval

The City will return one (1) set of plans to the applicant marked "approved," or "approved as noted" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

#### B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

#### C. Easement Documents

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

#### D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

##### 1. Liability Insurance

Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

##### 2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, or a cash deposit, irrevocable letter of credit, or other form of security acceptable to the City.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

### 16.106108.030 Construction

#### A. Initiation of Construction

Actual construction of improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

## B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

## C. As-Built Plans

A complete set of reproducible plans and an electronic copy of the base files in "AutoCad" or PDF format showing the public improvements as built shall be filed with the City upon completion of the improvements.

## D. Suspension of Improvements Activity

The City shall have the authority to may cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

## 16.106108.040 Acceptance of Improvements

### A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

### B. Notification of Acceptance

The City shall give written notification notice of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

### C. Maintenance Bond

Prior to At the time of City acceptance of public improvements, the applicant shall file with provide the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, for the purpose of correcting to provide for correction of any defective work or maintenance that becomesing apparent or arising within one-two (12) years after final acceptance of the public improvements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

## Chapter 16.106

### IMPROVEMENT PLAN REVIEW\*

#### Sections:

#### 16.106.010 Preparation and Submission

16.106.020 Construction Permit

16.106.030 Construction

16.106.040 Acceptance of Improvements

\* Editor's Note: Some sections may not contain a history.

**16.106.010 Preparation and Submission**

Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

1. Surveying sufficient to prepare construction plans.
2. Preparation of construction plans and specifications.
3. Construction staking, and adequate inspection.
4. Construction notes sufficient to develop accurate as-built plans.
5. Drawing of accurate as-built plans and submission of reproducible mylars to the City.
6. Certificate stating that construction was completed in accordance with required plans and specifications.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

**16.106.020 Construction Permit**

A. Approval

The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

**C. Easement Documents**

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

**D. Improvement Guarantees**

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

1. Liability Insurance

Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

**16.106.030 Construction**

A. Initiation of Construction

Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

C. As-Built Plans

A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.

D. Suspension of Improvements Activity

The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

**16.106.040 Acceptance of Improvements**

A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

B. Notification of Acceptance

The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

C. Maintenance Bond

At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

C. Street Renaming

1. An action to rename a street in the City may be initiated by the Council:

a. On its own action; or

b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.

2. A petition for naming or renaming a street shall include the following:
- a. A statement of the reasons for the proposed name change.
  - b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.
  - c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.
3. Notice and Hearing
- a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.
  - b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:
    - (1) Notice by posting in no less than two (2) conspicuous places abutting the subject road;  
and
    - (2) Notice by publication in a newspaper of general circulation in the area of the subject road.
  - c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.
  - d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.
  - e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.
  - f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.

**This section is proposed to be deleted from the Development Code and placed into the Municipal Code, Title 12 Streets, Sidewalks and Public Spaces**

C. Street Renaming

1. An action to rename a street in the City may be initiated by the Council:
  - a. On its own action; or
  - b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.
  
2. A petition for naming or renaming a street shall include the following:
  - a. A statement of the reasons for the proposed name change.
  - b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.
  - c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.
  
3. Notice and Hearing
  - a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.
  - b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:
    - (1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and
    - (2) Notice by publication in a newspaper of general circulation in the area of the subject road.
  - c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.
  - d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.

e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.

f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.

**Division VII. LAND DIVISIONS**

**SUBDIVISIONS, ~~AND PARTITIONS~~, LOT LINE ADJUSTMENTS AND MODIFICATIONS**

**Chapter 16.120**

**GENERAL PROVISIONS SUBDIVISIONS\***

Sections:

**16.120.010 Purpose**

**16.120.020 General Subdivision Provisions**

[16.120.030 ~~Platting Authority~~ Approval Procedure: Preliminary Plat](#)

[16.120.040 Approval Criteria: Preliminary Plat](#)

[16.120.050 Final Subdivision Plat](#)

[16.120.060 Improvement Agreement](#)

[16.120.070 Bond](#)

[16.120.080 Filing and Recording](#)

\* Editor's Note: Some sections may not contain a history.

**16.120.010 Purpose**

Subdivision ~~and land partitioning~~ regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

(Ord. 86-851, § 3)

[16.120.020 General Subdivision Provisions](#)

[A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.](#)

[1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and](#)

[2. The final plat shall reflect all conditions of approval of the preliminary plat.](#)

[B. All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.](#)

[C. Future re-division](#)

[When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this Division.](#)

[D. Future Partitioning](#)

[When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.](#)

[E. Lot averaging](#)

[Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:](#)

1. The average lot area for all lots is not less than allowed by the underlying zoning district.

2. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.

F. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat or included in the deed restrictions.

DG. Property Sales

No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.

**16.120.020-030 Platting Authority Approval Procedure-Preliminary Plat**

A. Approval Authority

1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.

a. A subdivision application for 4-10 lots will follow a Type II review process.

b. A subdivision application for 11-50 lots will follow a Type III review process.

c. A subdivision application for over 50 lots will follow a Type IV review process.

2. Approval of subdivisions ~~and partitions~~ is required in accordance with this Code before a plat for any such subdivision ~~or partition~~ may be filed or recorded with ~~Washington~~ County. Appeals to a decision may be filed pursuant to Chapter 16.76.

~~B. Future Partitioning~~

~~When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.~~

~~C. Required Setbacks~~

~~All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions.~~

~~D. Property Sales~~

~~No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code.~~

B. Phased Development

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.

2. The criteria for approving a phased subdivision review proposal are:

a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:

(1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and

(2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.

3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

~~C. Required Findings~~ **16.120.040 Approval Criteria: Preliminary Plat**

No preliminary plat shall be approved unless:

~~1A.~~ Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

~~2B.~~ Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

~~3C.~~ The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).

~~4D.~~ Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

~~5E.~~ Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

~~6F.~~ Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

~~7G.~~ Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

~~H.~~ The ~~preliminary~~ plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

~~8J.~~ A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome-Standards) or §16.142.020(Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable. \*NOTE: Added with PA 11-02- Parks and Open Space in New Subdivisions.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053, § 1; Ord. 94-991, § 1; Ord. 91-922, § 3; Ord. 86-851)

## ~~Chapter 16.122~~

### ~~PRELIMINARY PLATS\*~~

#### ~~Sections:~~

#### ~~16.122.010 Generally~~

~~\* Editor's Note: Some sections may not contain a history.~~

#### ~~16.122.010 Generally~~

##### ~~A. — Approval Required~~

~~All subdivisions and partitions are subject to preliminary plat approval through the Type II, Type III or Type IV review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.~~

##### ~~B. — Action~~

~~The City shall review preliminary plat applications submitted in accordance with Section 16.70 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any~~

~~conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.~~

#### ~~Chapter 16.124~~

#### ~~FINAL PLATS\*~~

~~Sections:~~

#### ~~16.124.010 Generally~~

#### ~~16.124.020 Final Plat Review~~

#### ~~16.124.030 Creation of Streets~~

~~\* Editor's Note: Some sections may not contain a history.~~

#### ~~16.124.010 Generally~~ 16.120.050 Final Subdivision Plat

#### A. ~~Time Limits~~ Procedure

- ~~1. Unless otherwise noted below, Within two (2) years after approval of the preliminary plat, a final plat shall be submitted.~~ final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.
- ~~2. The subdivider shall submit to the City six (6) copies of the final plat, and all supplementary information required by the Planning Department or~~ pursuant to this Code.
- ~~3. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.~~
- ~~4. All requirements for signature of the mylar shall be completed within two years of approval of the final plat.~~

#### B. Extensions

~~After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval. If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted. However, the City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refile of the preliminary plat and that no other development approval would be affected. For preliminary plat approvals granted on or after~~ between January 1, 2007 ~~through~~ and December 31, 2009, the approval shall be extended until December 31, 2013.

#### C. ~~Staging~~

~~The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code.~~

~~DC. Shown on Plat~~ Approval Criteria: Final Plat

~~The following information shall be shown on the final plat:~~ By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

1. The final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;
5. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
6. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
7. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitiner to the City that such services will be installed in accordance Division VI of this Code, and the bond requirements of **16.120.070**. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of

such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

- ~~1. Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads.~~
- ~~2. Legal description of the plat boundaries.~~
- ~~3. Existing surveys related to the plat by distances and bearings, and referenced as follows:
  - ~~a. The location and description of all stakes, monuments, and other evidence used to determine the boundaries of the subdivision.~~
  - ~~b. Adjoining corners of all contiguous subdivisions.~~
  - ~~c. Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat.~~
  - ~~d. Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Code.~~~~
- ~~4. Tract, block and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.~~
- ~~5. The width of streets being dedicated, the width of any existing rights-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline, and in addition to centerline dimensions shall indicate the radius and central angle. This data may be shown in a table.~~
- ~~6. Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, a recorded reference. If any easement is not of record, a statement of the easement showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.~~
- ~~7. Lot numbers beginning with the number "1" and numbered consecutively in each block. Block numbers, if used, should begin with the number "1" and continue consecutively without omission or duplication. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed.~~
- ~~8. Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.~~

~~9. The following certificates, which may be combined where appropriate:~~

~~a. A certificate signed and acknowledged by all parties having any record title interest in and to the land subdivided, consenting to the preparation and recording of the map and dedicating all parcels of land shown on the final map and intended for public use.~~

~~b. An affidavit signed by the engineer or the surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by a professional seal.~~

~~c. Provisions for all other certifications required.~~

~~E. Submitted With Plat~~

~~The following information shall be submitted with the final plat:~~

~~1. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing the interest of all parties.~~

~~2. Sheets and drawings showing the following:~~

~~a. Traverse data showing the error of closure, including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners.~~

~~b. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.~~

~~3. Copies of any deed restrictions and dedications, including building setbacks.~~

~~4. Proof that all taxes and assessments on the tract are paid for the current year.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-06, § 2, 4-6-2010; Ord. 2003-1148, § 3; Ord. 98-1053 § 1; Ord. 86-851, § 3)

### **16.120.060 Improvement Agreement**

#### **16.124.020 Final Plat Review**

##### **A. Subdivision Agreement**

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file

with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.

B. Performance Security

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

~~A. Approval~~

~~The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications.~~

~~B. Exceptions~~

~~The Council, upon recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:~~

- ~~1. The street creation is required by the City and is essential to general traffic circulation.~~
- ~~2. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.~~

~~C. Easements~~

~~Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:~~

- ~~1. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or~~
- ~~2. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

~~c. Utilities~~

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

d. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

**16.120.070 Bond**

A. Performance guarantee required. As required by Section 16.120.060, the subdivider shall file with the agreement an assurance of performance supported by one of the following:

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.
2. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
3. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.
4. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.
5. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

C. Staff Review

If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions.

**16.120.080 Filing and Recording of Final Subdivision Plat**

D. Plat Approval

#### A. County Review

When the City ~~Manager or his/her designee~~ determines that the plat conforms to all requirements, the plat shall be ~~authorized for review by the County.~~ ~~Approval of the plat does not constitute an acceptance by the City of the responsibility for maintenance or development of any street or other easement shown on the plat.~~

#### B. County Approval~~Recording the Plat~~

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to ~~Washington County~~the County, to determine that there has been compliance with all provisions of State and local statutes. ~~The County may make such checks in the field as necessary to verify that the map is sufficiently correct on the ground. When the County finds the documents in full conformance and has been paid the statutory fee for such service, approval of the plat shall be given by applicable County officers.~~ Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

#### C. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

#### ~~G. Required Findings~~

~~No final subdivision plat shall be approved unless:~~

- ~~1. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.~~
- ~~2. Streets and roads held for private use have been approved by the City.~~
- ~~3. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.~~
- ~~4. The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, sanitary sewer, storm water, and water supply systems.~~
- ~~5. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:
  - ~~a. Adequate water service shall be deemed to be connection to the City water supply system.~~
  - ~~b. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.~~~~

~~c. The adequacy of other public facilities such as storm water and streets shall be determined by the City based on applicable City policies, plans, and standards for said facilities.~~

~~6. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; 94-991; Ord. 86-851, § 3)

## ~~16.124.030 Creation of Streets~~

### ~~Chapter 16.126~~

#### ~~DESIGN STANDARDS\*~~

~~Sections:~~

#### ~~16.126.010 Blocks~~

#### ~~16.126.020 Easements~~

#### ~~16.126.030 Pedestrian and Bicycle Ways~~

#### ~~16.126.040 Lots~~

~~\* Editor's Note: Some sections may not contain a history.~~

#### ~~16.126.010 Blocks~~

##### ~~A. Connectivity~~

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

~~2. Block Length. Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.~~

~~3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.~~

~~Figure 7.401 -- Block Connectivity~~

~~GRAPHIC UNAVAILABLE: [Click here](#)~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009, § 5; 2000-1103, § 3; Ord. 86-851, § 3)~~

### **16.126.020 Easements**

#### **A. ~~Utilities~~**

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

#### **B. ~~Drainages~~**

~~Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights of way shall be provided conforming substantially to the alignment and size of the drainage.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

### **16.126.030 Pedestrian and Bicycle Ways**

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

~~(Ord. 86-851, § 3)~~

### **16.126.040 Lots**

#### **A. ~~Size and Shape~~**

~~Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions:~~

~~1. ~~Lots in areas not served by public sewer or water supply, shall conform to any special Washington County Health Department standards.~~~~

#### **B. ~~Access~~**

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

#### **C. ~~Double Frontage~~**

~~Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.~~

~~D. Side Lot Lines~~

~~Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.~~

~~E. Grading~~

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

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

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851 § 3)~~

**Chapter 16.128122**

**LAND PARTITIONS\***

Sections:

**16.128122.010 Generally**

**16.122.020 Approval Criteria: Preliminary Partition Plat**

**16.122.030 Approval Criteria: Final Plat**

**16.128122.020-040 Subdivision Partition Compliance**

**16.128122.030-050 Dedications**

**16.128122.040-060 Filing Requirements**

\* Editor's Note: Some sections may not contain a history.

**16.128122.010 Generally**

A. Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City Manager or his/her designee.

B. City Action

The City Manager or his/her designee shall review the partition applications submitted in accordance with Section 16.70 and shall approve, approve with conditions or deny the application. ~~The action of the City Manager or his/her designee shall be noted on two (2) copies of the partition, including references~~

~~to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records.~~

~~C.~~ **16.122.020 Required Findings Approval Criteria: Preliminary Plat**

Partitions shall not be approved unless:

~~1A.~~ The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX., and complies with Chapter 16.128 (Land Division Design Standards). ~~with the standards of the underlying zoning district and other applicable standards of this Code.~~

~~2B.~~ The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.

~~3C.~~ Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:

~~a1.~~ Connection to the City water supply system shall be deemed to be Adequate ~~adequate~~ water service ~~shall be deemed to be connection to the City water supply system.~~

~~b2.~~ Connection to the City sewer system shall be deemed to be adequate ~~Adequate~~ sanitary sewer service ~~shall be deemed to be connection to the City sewer system~~ if sewer lines are within ~~one hundred fifty (150) three~~ hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within ~~one hundred fifty (150) three hundred (300)~~ feet.

~~c3.~~ The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

~~4D.~~ Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

~~DE.~~ Future Development Ability

In addition to the findings required by Section 16.~~128~~122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny

the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 98-1053, § 1; 91-922, § 3; Ord. 86-851)

**16.122.030: Final Partition Plat**

By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

- A. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
- B. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.
- C. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
- D. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
- E. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
- F. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
- G. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

**16.128122.020-040 Future Subdivision Compliance**

**A. ——— Generally**

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

~~16.128.030 Dedications~~

~~A. Generally~~

~~The City's requirements for dedication of public lands as per this Code, including road rights-of-way and greenways, shall apply to partitions. Actual public improvements may not be required at the time of partition, at the discretion of the City Manager or his/her designee.~~

~~B. Dedications Acceptance~~

~~The City Manager shall accept all public dedications by his or her signature on the partition plat prior to filing with the County.~~

~~C. Owner Declaration~~

~~If a property is being dedicated or donated for public use, the mortgage of trust deed holder of the property shall sign a declaration to that effect on the partition plat, or file an affidavit consenting to the plat.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; Ord. 86-851, § 3)

**16.128122.040-050 Filing and Recording Requirements**

A. Generally

Within twelve (12) months after City approval of a land partition, a partition plat shall be submitted to ~~Washington the~~ County in accordance with its final partition plat and recording requirements.

B. Time Limit

The applicant shall submit the copy of the recorded partition to the City within 30 days of recording, and shall be completed prior to the issuance of any building permits on the re-configured lots.

C. Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant re-filing of the partition and that no other development approval would be affected. For partitions granted ~~on or after~~between January 1, 2007 ~~and through~~ December 31, 2009, the approval shall be extended until December 31, 2013.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-06, § 2, 4-6-2010; Ord. 86-851, § 3)

**Chapter 16.130124**

**PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS\***

Sections:

**16.124.010 Approval Process**

**16.130124.010-020 Generally Approval Criteria**

**16.130124.020-030 Filing and Recording Requirements**

\* Editor's Note: Some sections may not contain a history.

**16.130124.010 Generally Approval Process**

A. The City Manager or his or her designee may approve a property line adjustment ~~without public notice or a public hearing provided that:~~ by means of a Type I procedure as governed by Chapter 16.72, using approval criteria contained in this Chapter.

**B. Time Limit on Approval**

The property line adjustment decision shall be effective for one year from the date of approval.

**C. Extension of Approval**

If the adjustment is not recorded with the County within one year, the land use approval expires and must be resubmitted. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to one year upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the property line adjustment and that no other development approval would be affected.,

**16.124.020 Approval Criteria**

**A. The City Manager or his/her designee shall approve or deny a request for a property line adjustment in writing based on findings that the following criteria are satisfied:**

1. No new lots are created
  2. The adjusted lots comply with the applicable zone requirements.
  3. The adjusted lots continue to comply with other regulatory agency or department requirements.
- B. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

**16.130124.020-030 Filing and Recording Requirements**

A. Recording Requirements If a property line adjustment is approved by the City, it does not become final until reviewed and approved by ~~Washington~~ County in accordance with its property line adjustment recording requirements.

B. Time Limit The applicant shall submit the copy of the recorded property line adjustment survey map to the City within 30 days of recording and shall be completed prior to the issuance of any building permits on the re-configured lots.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

## **16.126 REPLATTING, LOT CONSOLIDATIONS AND VACATION OF PLATS**

### **16.126.010. Generally**

#### **16.126.020 Basis for Denial.**

#### **16.126.030. Timing of Vacations.**

#### **16.126.040 After Sale of Lots.**

#### **16.126.050 Lot Consolidations**

### **16.126.010. Generally**

A. Any plat or portion thereof may be re-platted, consolidated or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. All applications for a plat shall be made in accordance with the subdivision or the partition provisions within this Division and processed under the Type I procedure.

#### **16.126.020 Basis for Denial**

The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys.

#### **16.126.030. Timing of Vacations**

All approved plat vacations shall be recorded in accordance with Section 16.122.010:

A. Once recorded, the vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

B. The vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

#### **16.126.040 After Sale of Lots**

When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area.

#### **16.126.050 Lot Consolidations**

Upon approval of a Type I lot consolidation by the City Manager or designee, and upon demonstrating compliance with approval conditions:

A. For the consolidation of lots or parcels of a recorded plat, the lot consolidation shall be finalized by a replat of the subdivision or partition.

B. The County may consolidate parcels or tracts of land that are not within a recorded plat.

Chapter 16. ~~126~~128 LAND DIVISION DESIGN STANDARDS \*

16. ~~126~~128.010 Blocks

16. ~~126~~128.020 Pedestrian and Bicycle Ways

16. ~~126~~128.030 Lots

\* Editor's Note: Some sections may not contain a history.

16. ~~126~~128.010 Blocks

A. Connectivity

1. Block Size

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

2. Block Length

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

Figure 7.401 -- Block Connectivity

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009, § 5; 2000-1103, § 3; Ord. 86-851, § 3)

A.B. Utilities

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

BC. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.126128.020 Pedestrian and Bicycle Ways

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

(Ord. 86-851, § 3)

16.126128.030 Lots

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exceptions:

1. Lots in areas not served by public sewer or water supply shall conform to any special-~~Washington~~ County Health Department standards.

B. Access

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

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:

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

2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

## **Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS\***

### **Sections:**

[16.72.010 Generally](#)

[16.72.020 Public Notice and Hearing](#)

[16.72.030 Content of Notice](#)

[16.72.040 Planning Staff Reports](#)

[16.72.050 Conduct of Public Hearings](#)

[16.72.060 Notice of Decision](#)

[16.72.070 Registry of Decisions](#)

[16.72.080 Final Action on Permit or Zone Change](#)

### **16.72.010 Generally**

#### **A. Classifications**

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

#### **1. Type I**

The following quasi-judicial actions shall be subject to a Type I review process:

- a. Signs
- b. Property Line Adjustments
- c. Interpretation of Similar Uses
- d. Temporary Uses
- e. Final [subdivision and partition plats](#)
- f. Final Site Plan Review
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010
- h. Class A Home Occupation Permits
- i. Interpretive Decisions by the City Manager or his/her designee
- j. Tree Removal Permit - a street trees over five (5) inches DBH, per Section 16.142.050.B.2 and 3.
- k. Adjustments
- [l. Replatting, Lot Consolidations and Vacations of Plats](#)
- [m. Minor Modifications to Approved Site Plans](#)

#### **2. Type II**

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.4, below.
- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum

of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.4.G.4.

e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.4.H.1.

f. Class B Variance

g. Street Design Modification

h. Subdivisions between 4-10 lots

### 3. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

a. Conditional Uses

b. Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.4, below.

c. Subdivisions -- ~~Less than~~ between 11- 50 lots.

### 4. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.

b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.

c. Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.

d. Site Plans subject to Section 16.90.020.4.G.6.

e. Industrial Site Plans subject to Section 16.90.020.4.H.2.

f. Subdivisions -- ~~More than~~ over 50 lots.

g. Class A Variance

### 5. Type V

The following legislative actions shall be subject to a Type V review process:

a. Plan Map Amendments

b. Plan Text Amendments

c. Planned Unit Development -- Preliminary Development Plan and Overlay District.

## Field House

### Monthly Report August 2011

<u>August-11</u>	<u>Aug-11</u>		YTD	
<u>Usage</u>	<u>Count</u>	Est. <u>People Served</u>	<u>Count</u>	Est. <u>People Served</u>
Leagues	3	350	3	700
Rentals	85	2125	90	2325
Other (Classes)				
[1] Day Use	2	5	4	16
<b>Total Usage</b>		<b>2480</b>		<b>3041</b>

#### FY 11-12

<u>Income</u>	<u>Aug-11</u>	<u>YTD</u>
Rentals	\$4,560.00	\$5,165.00
League fees (indoor)	\$6,325.00	\$6,905.00
Card fees (indoor)	\$130.00	\$190.00
Day Use	\$9.00	\$30.00
Merchandise		
Snacks	\$191.75	\$311.75
Classes		
<b>Total Income</b>	<b>\$11,215.75</b>	<b>\$12,601.75</b>

#### FY 10-11

<u>Income</u>	<u>Aug-10</u>	<u>YTD</u>
Rentals	\$2,460.00	\$7,190.00
League fees (indoor)	\$1,468.00	\$8,413.00
Card fees (indoor)	\$230.00	\$480.00
Day Use	\$6.00	\$22.00
Merchandise		
Snacks	\$276.25	\$388.50
Classes	\$280.00	\$280.00
<b>Total Income</b>	<b>\$4,720.25</b>	<b>\$16,773.50</b>

### **Active Rec happenings since the last Parks Board meeting**

The month of August saw all youth soccer and youth football start practice for all grade levels.

Tualatin Valley Youth Football in partnership with Sherwood Youth Football held a referee training at Sherwood High school on August 20<sup>th</sup>.

On August 27<sup>th</sup> the Youth soccer club held their jamboree at the high school this was an all day event that included all age groups.

Youth volleyball and Cheer will be in the gyms as you read this.

League games for all youth sports will be starting on Sept 10<sup>th</sup>.

Respectfully Submitted

September 7, 2011

Lance Gilgan

## Sherwood Public Library – August 2011

	<u>Current Yr</u>	<u>Past Yr</u>	<u>% Change</u>
<b>Check out</b>	<b>35,312</b>	<b>35,438</b>	<b>+0% (16% self-check)</b>
<b>Check in</b>	<b>27,533</b>	<b>27,668</b>	<b>+0%</b>

- New Library cards 113
- Volunteer hours 188 hours (26 volunteers)

### Monthly Activities

- Thirty-five Baby, Preschool and Toddler Storytimes (667 children/538 adults = 1205 total)
- Three Read-to-the-Dogs programs
- Magazine Monday (free magazine giveaway)
- 08/02 Summer Reading Program Event – Mid-City Breakers (225 attendees)
- 08/09 Summer Reading Program Event – BJ’s “Big Backyard” Clown Show (200 attendees)
- Summer Reading Program sign-ups close; reward books and coupons available for pick-up from August 8 through September 2
- Patron survey available online and in hardcopy through early August / Summary available in September
- 08/17 Library Advisory Board Meeting
- 08/19 Half-day Library Staff In-Service – All City Staff Open House, reference training by WCCLS Adult Services staff, in-house trainings and lunch provided by the Friends of the Library
- 08/23 Library staff attended the All City Staff BBQ at Snyder Park
- Volunteer recruitment and training continues & new volunteers begin shifts
- Library staff attended various regional, City and WCCLS meetings: WUG, Cataloging, Unique Management, Policy Group, Safety & BOOTS