



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, December 1, 2015**

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

**6:00 pm Work Session**

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

**URA Board of Directors Executive Session  
(following Council Mtg.)**



Home of the Tualatin River National Wildlife Refuge

### **6:00 PM WORK SESSION**

1. Review Solid Waste/Recycling Rate Consultant Study (Gall)
2. Trimet Route Discussion with Tom Mills (Hajduk)

### **REGULAR SESSION**

#### **1. CALL TO ORDER**

#### **2. PLEDGE OF ALLEGIANCE**

#### **3. ROLL CALL**

#### **4. APPROVAL OF AGENDA**

#### **5. CONSENT AGENDA**

- A. Approval of November 17, 2015 City Council Meeting Minutes
- B. Resolution 2015-088 Approving the City Recorder's canvassing of the returns of the Nov 3, 2015 Washington County Election and directing the City Recorder to enter the results into the record (Sylvia Murphy, City Recorder)
- C. Resolution 2015-089 Authorizing the City Manager to execute an IGA with Washington County for the Tualatin Sherwood Road Widening Project (Julia Hajduk, Community Development Director)

#### **6. PRESENTATIONS**

- A. Mayors Award – Outstanding Volunteer for 2015
- B. Recognition of 2015 Outgoing Board & Commissions Members

#### **7. CITIZEN COMMENTS**

#### **8. PUBLIC HEARINGS**

- A. Ordinance 2015-009 Amending the Comprehensive Plan and Zoning Map to redesignate an approximately three-acre parcel from neighborhood commercial to medium density residential low (Connie Randall, Associate Planner) *First Reading*

#### **9. CITY MANAGER REPORT**

#### **10. COUNCIL ANNOUNCEMENTS**

### **AGENDA**

**SHERWOOD CITY COUNCIL  
December 1, 2015**

**6:00 pm Work Session**

**7:00 pm City Council Meeting**

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

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

## 11. ADJOURN TO URA BOARD EXECUTIVE SESSION

### **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 Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library. **To Schedule a Presentation before Council:** If you would like to schedule a presentation before the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy, 503-625-4246 or [murphys@sherwoodoregon.gov](mailto:murphys@sherwoodoregon.gov)



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**November 17, 2015**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:30 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris and Dan King. Councilor Renee Brouse via conference call. Council President Sally Robinson arrived at 5:40 pm.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Planning Manager Brad Kilby, Senior Planner Michelle Miller, Police Chief Jeff Groth, Police Captain Ty Hanlon, Code Compliance Officer Bill Collins, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
4. **TOPICS:**
  - A. **Marijuana Options (e.g. tax, ban, regulate)**

City Attorney Josh Soper provided a presentation (see Record, Exhibit A) on the options relating to marijuana. He provided a background of what the City has done so far which includes: adopting a temporary moratorium on medical marijuana dispensaries to allow time to develop regulations which has since expired, adopting medical marijuana dispensary regulations to supplement state regulations, adopting a pre-Measure 91 tax and banning early sales of recreational marijuana at medical marijuana dispensaries. He stated there are a number of actions the City is clearly authorized to take under state law and there are also a number of actions some cities and counties are taking or considering taking which are certain to result in litigation or other challenges. He noted this presentation generally does not address these areas.

He addressed the pre-Measure 91 tax and said it was somewhat unclear as to possible grandfathering of pre-existing taxes, so many cities, including Sherwood, adopted taxes in the lead-up to the 2014 election. He stated the legislature's clarifying legislation adopted after Measure 91 passed did not offer explicit grandfathering as many had hoped, and instead went in the opposite direction. He noted under HB 3400, the legislature has vested authority to impose a tax or fee on the production, processing or sale of marijuana items solely in the Legislative Assembly, except as provided by law, and also provided that a city may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items, except as provided by law. He said the exception as provided by law provisions refer to

the new local tax option that will be discussed later. He stated it is still possible to make an argument that this language is not sufficient explicitly preemptive and the city's tax could stand. He noted however, this would almost certainly be litigated and, to date, no other cities seem to be willing to be the test case. He said the legislative history strongly suggests an intention to preempt these local taxes and if any cities try to challenge it, further clarifying legislation is reportedly likely. He recommended that the Council repeal the City's pre-Measure 91 tax ordinance.

He stated three options will be discussed and the first option is to ban. He noted state law allows cities to prohibit six categories of activities and the right to ban one, several, or all. He said the categories include: medical processing, medical dispensing, recreational growing, recreational processing, recreational wholesaling, and recreational retailing. He noted cities cannot ban medical growing and there are no medical wholesalers under the current legal framework. He stated medical marijuana dispensaries and medical marijuana processors that have registered with the state by the time their city adopts a prohibition ordinance are not subject to the ban if they have successfully completed a city land use application process.

He said to initiate a ban the Council would adopt an ordinance specifying the categories to be banned and it must be referred to the voters because Washington County did not oppose Measure 91 by 55% or more. He stated the vote must be at a statewide general election and first opportunity is November 2016 with a referral deadline of August 14, 2016. He noted a moratorium will be in effect from the time of Council adoption until the election and as soon as the Council adopts the ordinance, OHA and/or OLCC will stop issuing licenses for the categories proposed to be banned. He stated a ban in any category precludes imposing a local tax and sharing in the state tax, even on the categories not banned.

He stated early recreational sales at medical marijuana dispensaries will be taxed by the state at retail at a rate of 25% starting in January and regular recreational sales will be taxed by the state at retail at a rate of 17%. He said 10% of the state tax will be transferred to cities to assist local law enforcement in performing its duties under Measure 91. He noted before July 1, 2017, it will be distributed proportionately to all Oregon cities based on their population and after July 1, 2017, it will be distributed proportionately based on the number of licenses issued for premises located in each city. He said 50% will be distributed based on the number of production, processor and wholesale licenses issued in the city, and the other 50% will be distributed based on the number of retail licenses issued in the city. He stated a city that imposes a ban on any of the categories on the previous slide will not receive any state tax revenue sharing

He said HB 3400 allows cities to impose a local tax, in addition to the state tax, up to a maximum of 3%, on the retail sale of recreational, not medical, marijuana and to do so Council must adopt an ordinance and refer it to the voters in a statewide general election. He said the City may not impose a local tax if it has banned any of the categories of marijuana activities.

He discussed the option of regulating and noted HB 3400 provides that cities may impose reasonable regulations on the time, place, and manner of operation of marijuana facilities. He said in Council decides to regulate staff can review the state's temporary rules within the context of our current ordinances and develop proposals to fill any identified gaps and this would be brought back to Council at a later date.

He outlined the decision process and said the first question is whether the Council chooses to ban. He said if yes they need to specify what categories. He said if Council decides not to ban the question is

whether or not to tax and how much to tax up to 3%. He said if Council decides to regulate staff will need to develop recommendations. He said regardless of the decision he recommends the Council repeal the pre-Measure 91 tax.

Council discussion followed regarding the options. Councilor Harris stated she would not support a ban. Council President Robinson suggested letting the voters decide and place the issue on the ballot because the majority of Sherwood voters opposed recreational marijuana. Councilor King agreed. Council agreed that it is important to have regulations in place regardless. Council discussed enforcement costs that will continue to grow and increase and the challenges the Police Department will face. Mayor Clark said she supports not banning and having a 3% tax on the ballot so there will be additional revenue for enforcement. Councilor Kuiper asked Councilor Henderson said if she would support putting the issue of banning marijuana on the ballot and she stated probably likely and asked about the interim. City Manager Joseph Gall suggested that in early 2016 the staff can provide a resolution to put a ban on the ballot and this would allow public input. He said staff could provide another resolution regarding taxing and have the same conversation among the Council and the public.

Mr. Soper noted the other pressing timeline is that OLCC is not expecting retail sales to start until mid or late 2016 and they will phase in the licenses. He said they will start by licensing growers in early 2016 and will be asking the cities if the growing applications conform with the land use regulations and the City needs to have those regulations in place before they start receiving applications. He said one option is to start developing the regulations regardless of whether a ban is placed on the ballot. Councilor King asked if the Council could impose a moratorium. Mr. Soper said putting a ban on the ballot is the only method.

Mayor Clark supports going through the process of creating regulations regardless. Mr. Soper clarified that Council is directing staff to start the regulation development process and in January there will be a resolution before the Council regarding banning marijuana on the ballot.

Councilor Brouse said she would support developing regulations and also hearing what the citizen's support.

Mr. Soper said if the Council decides not to ban marijuana staff will provide an ordinance regarding taxation.

## **B. Temporary Sign Code and Enforcement Procedures**

Community Development Director Julia Hajduk provided and presentation (see Record, Exhibit B) regarding temporary/portable sign regulations in Sherwood. She said her discussion will focus on the right of way restrictions and explained the right of way. She in 2002 the code was updated to establish regulations for temporary signs to allow temporary signs in the right of way without a permit Thursday at 6:00 PM to Sunday at 8:00 PM and on Tuesday and essentially only days not restricted was Monday, Wednesday and Thursday until 6:00 PM. She said there was a permit process which allowed up to 10 signs to be allowed around the clock. She said there was a provision for 4 two week permits per year and 1 two month permit per year. She said while not codified, the sign permit did not permit signs in the right of way, road medians or ODOT or County right of way. She stated enforcement was a challenge and she provided examples. She noted the permit system was cumbersome to administer and cost \$50 per permit making it difficult for some to pay to support their cause. She also noted the permit process required

people to map locations of signs, however no regulation regarding how many signs in any area, causing clustering of signs at key locations and concerns about visual clutter.

She stated in August 2012 Council adopted Ordinance 2012-009 which provided new temporary and portable sign code language. She said the legislation distinguished portable signs from temporary signs, determined that no signs can be in the right of way at any time except portable signs between Friday after 6:00 AM to Sunday at 6:00 PM. She said in theory enforcement is simpler because it is clear if a sign is in the right of way any other time it is not permitted and may be removed. She stated permits are not required and there is a provision that signs may not create a traffic safety or maintenance problem and the City determined that within the roundabouts, constitutes a safety problem. She noted that signs may not be attached to any structures, trees, etc. and it is recommended that property owners be consulted prior to placing a sign in the right of way in front of someone's property. She said signs must be 25 feet apart and signs are still permitted on private property.

Ms. Hajduk discussed the concerns she has heard which include the hassle of picking up and removing signs every weekend, there is a clutter of signs on the weekend, people placing signs in locations they are not permitted to, and residents would prefer a permit to allow signs to remain all week and for extended period of time and the enforcement is inconsistent. She discussed banner signs and said they are not allowed at all and not in the right of way.

Ms. Hajduk discussed the sign codes of other jurisdictions. City Council discussion followed regarding livability and enforcement. Council discussed the impact signs have on businesses, organizations and elections and the need for signs in the right of way.

Mayor Clark said the code is sufficient and she does not see the need to revisit the language.

Council President Robinson said she would support prohibiting all temporary signs from the right of ways. Discussion followed. Mr. Gall clarified that two Councilors would support prohibiting all temporary signs from the right of ways and said there is not a clear unanimous on changing the language and suggesting working with the regulations we have to make them work better.

Councilor Henderson suggested that if you want to reduce sign clutter we need to reduce the number of signs and the sign code we have now does not serve the community well. Councilor Harris agreed. Councilor Henderson provided examples and said if the current code works there need to be proactive education and enforcement.

Council President Robinson said if we are not going to change the language she suggested having another work session to discuss how to regulate it better. She said that discussion could include moving enforcement from Police to City enforcement. Mr. Gall said that is a different conversation and he asked the Council if they want enforcement to be more proactive.

Mayor Clark said no because she sees it exactly the same as chickens. She said it is not perfect but it is a process.

Councilor Kuiper agreed with Council President Robinson that Council needs to discuss this further and said she does not like the idea of temporary signs in the right of way but said some groups rely on the signs.

Councilor Harris said those groups don't have to rely on signs.

Council President Robinson said she will not support a law that is not enforced. Councilor King agreed.

Mr. Gall said there are ways to have further conversation about how we can enforce more proactively. He noted that currently the code is only enforced through complaints and that is problematic. He stated he has ideas of how to change that.

Councilor Harris commented on the sign problem from the last election and said it was embarrassing. Mr. Gall said those signs were in compliance.

Mr. Gall said he had a clear direction from Council.

## 5. ADJOURN:

Mayor Clark adjourned the work session at 6:50 pm and convened to a regular Council meeting.

## REGULAR SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:07 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Council President Sally Robinson, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris and Dan King. Councilor Renee Brouse via conference call.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, City Engineer Bob Galati, Senior Planner Michelle Miller, Library Manager Adrienne Dorman Calkin, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark addressed the next agenda item.

## 4. APPROVAL OF AGENDA:

Mayor Clark stated that she received a request to amend the agenda by moving item 5.E Resolution 2015-084 Completing the annual performance evaluation of the City Manager for the City of Sherwood. She stated there is some clarification the Council would like to discuss and suggested moving the resolution to New Business as item 7.A. She said that is the movement she has made and with that change she asked for a motion to approve the agenda.

**MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA AS AMENDED, SECONDED BY COUNCILOR KING. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).**

Mayor Clark addressed the next item on the agenda and asked for a motion.

## 5. CONSENT AGENDA:

### A. Approval of October 20, 2015 City Council Meeting Minutes



- B. Approval of November 3, 2015 City Council Meeting Minutes**
- C. Resolution 2015-082 Appointing Joyce Venjohn to the Library Advisory Board**
- D. Resolution 2015-083 Reappointing Amanda Stanaway to the Cultural Arts Commission**
- F. Resolution 2015-085 Adopting criteria to be used in the annual performance evaluation of the City Recorder**

**MOTION: FROM COUNCILOR HARRIS TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).**

Mayor Clark addressed the next agenda item.

## **6. PRESENTATIONS:**

### **A. Eagle Scout Recognition**

Mayor Clark recognized and congratulated Ryan Urmini and Dante Perone for obtaining the rank of Eagle Scout. They were not present and Mayor Clark indicated their certificates would be mailed.

### **B. Proclamation Human Rights Day**

Mayor Clark read the proclamation and stated on December 10, 1948, the member States of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic and social systems unanimously agreed on the fundamental rights that all people share solely on the basis of their common humanity. She noted the primary responsibility to promote respect for these rights and freedoms lies with each individual in Sherwood and each of us can play a major role in enhancing human rights. She declared December 10, 2015 as Human Rights Day and December 7 – 13, 2015 as Human Rights Week and challenged residents to study and promote the ideas contained in Universal Declaration of Human Rights to the end that freedom, justice, and equality shall not perish but will flourish and be made available to all.

### **C. Tree's for All, Clean Water Services Presentation**

Watershed Management Department Director Bruce Roll discussed the challenges Clean Water Services (CWS) faced with regulatory obligations and the decision to use green infrastructure by planting trees. He said to be successful the program had to engage the cities and the agricultural community. He said in 2005 the cities committed to engage the process with a goal of planting 1 million trees in 20 years. He noted each year the program grew larger. He said for the 10 year anniversary the program set a goal to plant 1 million trees in 1 year starting last October. He presented the Council with a video that chronicled the past year and announced that they met the goal and exceeded their expectations by planting 2 million trees in 2015. He thanked Sherwood for their partnership and their help in planting trees. He presented the Mayor with an award.

Mayor Clark stated she has participated in several of the tree planting events and commented on the impact the plantings have especially in Woodhaven Park. She reiterated that the goal for 2015 was to plant 1 million trees and they actually planted 2 million trees. Mayor Clark thanked Mr. Roll for the presentation and award and addressed the next agenda item.

#### **D. TVFR Community Academy**

Mayor Clark stated she was invited to be a part of the academy and shared her experience. TVFR presented a video highlighting the experience and the academy. Mayor Clark thanked TVFR for their service.

A Lieutenant with Engine 33 came forward and said Mayor Clark rode with his crew. He said the academy is for business leaders and to provide a unique perspective of what TVFR does, and the challenges they face. He said Mayor Clark had an opportunity to see how TVFR interacts with the community on a daily basis. City Manager Gall extended the invitation to attend the academy to all of the Councilors.

Mayor Clark addressed the next agenda item.

#### **7. CITIZEN COMMENTS:**

Jim Claus, Sherwood resident approached the Council and said recently they are trying to do a housing demand and he has never seen one done like that. He stated he has worked for a number of other cities and he said Sherwood is not answering the right question. He said ironically Sherwood is referred to as a self-contained community. He said there was the tannery and the cannery and the majority of the people worked here and lived here. He noted up until the time the Sherwood Plaza was constructed Sherwood had been the perfect self-contained central business district (CBD). He said Sherwood Plaza shifted the retail commercial out to the highway and that has continued. He stated now there is more square footage of retail commercial in Sherwood than Washington Square and by and large they are not well paying jobs and they can't afford to live here. He commented on reference to a housing need and said Sherwood needs to change the way they are building houses and he provided examples from other cities.

Adrienne Dorman Calkins, Sherwood resident and Sherwood Library Manager came forward and stated that on November 3, the levy for countywide library services passed with 64% of yes votes. She said the current levy provides 21% of Sherwood Public Library funding and the replaced levy will allow Washington County Libraries to continue to meet the demand of growing communities. She thanked Mayor Clark for her support along with the other Washington County Mayors and Councilor Harris for her help in getting endorsements for the voter's pamphlet and for consulting with the Library Advisory Board. She thanked City Council for their official endorsement, City staff for helping to distribute voter education information about the levy and Friends of the Library for their advocacy and countless hours of handing out free books and voter information. She thanked Washington County Cooperative Library Services administration and the People for Libraries PAC for their organized strategies to raise awareness of the levy and library services. She thanked the local Sherwood Library staff for staying positive through the long lead up to Election Day and memorizing statistics about our budget and the Secretary of State Approved voter education statement, and for offering cheerful customer service throughout it all. She said thanks to everyone who listened to her talk about the levy, and Sherwood area voters for their support of local libraries, for coming out to vote, and for continuing to value the life-long learning provided through the Sherwood Public Library.

Councilor Harris thanked Adrienne for her work, the passion she has for the library and energy she infuses into her staff, and for making the Sherwood library leaps and bounds ahead of our neighboring

libraries. She said part of the reason the levy passed was because of the amazing Library Adrienne has created for our citizens.

Tess Keis, Sherwood resident came forward and said she is here as a representative of the Sherwood American Legion and commented on how wonderful the turnout was for those who attended to honor our veterans. She said the day started with a celebration at the Sherwood Center for the Arts and she thanked City staff, the Mixalodians, the speakers, and Rose's Deli. She thanked the Daughters of the American Revolution who did a special tribute to Mr. McGuigan a 95 year old veteran, the father of Phil McGuigan. She said there were tables displaying information pertaining to our veterans and said it was the best turnout ever. She said Daryl Crawford who received a purple heart during the Vietnam War read the invocation and although nervous, he did an awesome job. She commented about passing out poppies made by veterans that helped raise money for veterans programs and said they raised funds to send our veterans boxes and stockings for Christmas. She said the Stockings for Soldiers program sends boxes all year and at Christmas and commented on how much it means to the soldiers. She said items or funds can be donated and she said it costs \$15.90 per box. She said through the community and the American Legion they have raised \$810 and received items for the stockings. She commented on the American Legion dinner on Veterans Day and thanked Alison Bertalotto, owner of It's All Arranged for donating the vases full of carnations for business to pass out to veterans. She thanked the High School and elementary school students for the paper flowers and poster thanking veterans and those who helped at the dinner. She thanked to veterans and police officers that attended the celebration.

Tony Bevel, Sherwood resident approached the Council and said he attended the last Council meeting where backyard chickens were being discussed and he felt that some progress was going to be made but doesn't believe there was anything done. He said there were some good ideas and he hopes the Council can come up with a consensus. He commented on the driving speeds on his street and said it is a big issue and as a taxpayer he has a right to feel safe on the street. He said he has addressed this before and is tired of the excuses from City officials about why they can't get traffic calming devices.

Nancy Taylor, Sherwood resident came forward and said on August 12, 2015 the City Council unanimously voted to unleash a group on the citizens referring to the Yes on Measure 34-242 campaign. She said she has been canvassing Sherwood on another issue and said people want to talk about the Brookman Road annexation and why do they have to vote it down for a third time. She stated citizens had questions of why the City is doing this again. She said a lot of citizens voted against Brookman because they felt they had told the Council twice before that they did not want Brookman and the Council unanimously said they don't care what the citizens want and think as long as Brookman is there and has to be developed. She said when people got the message that the Holt Group was planning on spending \$200,000 to educate the citizens of Sherwood they were defeated by \$560. She said it is a no brainer and she hopes the Council looks in the mirror and asks themselves what they unleashed on Sherwood and why they unleashed that on our fellow citizens. She said don't do it again.

Naomi Belov, Sherwood resident approached the Council and reiterated Nancy Taylor's comments that Council was voted into office to represent the citizens and it is frustrating. She said she is working on another campaign and going door to door. She stated she had an online conversation with Councilor Harris on a facebook site called the Sherwood Voter's Forum and she tried to explain to her that it is not a personal attack to say the City Council is not representing the citizens. She said that has been happening in Sherwood for the past 15 years and the citizens are tired of Council trying to push through developments. She said the measure failed by 70%. She stated she has an ethical concern about what

was mentioned in the Sherwood Gazette that Mayor Clark represents the City at the Westside Business Alliance. She stated the head of the Yes on Measure 34-242 campaign, Norm Eder, is the President of this group. She said this group sounds like a lobby group for developers and if our Mayor is going to this group representing the City instead of the residents that is breach of what we voted her into office for. She asked all of the Councilors to rethink their role and listen to the voters and not the developers or the City and the more they do things like that it appears that the City is a corporation trying to make money off citizens through taxes and SDCs. She said she understands they want raises and that is not our job. She said Council's job is to make the City livable. She said Councilor Harris suggested that she put something on the ballot and said she knows from experience that you can't just go get something on the ballot it takes many hours. She said it takes an hour to get 10 signatures and they need at least 1500 signatures per initiative. She asked the Council why they did not ask the developers to gather signatures. She said that is why citizens are angry and said it is not fair. She asked the Council after spending a lot of the taxpayers money on the chicken ordinance to put it on the ballot. She said since the Council cannot agree on it let the voters decide.

Mayor Clark asked City Manager Joseph Gall to clarify her involvement with Westside Economic Alliance and the relationship with Norm Eder.

Mr. Gall said the City of Sherwood is a paying member of the Westside Economic Alliance (WEA) as are all cities in Washington County. He said the Mayor attends monthly and a number of other Councilors attend as well as himself. He said there are developers that are part of the organization but it is actually a business organization focused on jobs and job development. He said Mr. Eder is a member of the board representing WEA and not the President. He referred to his role with CFM, the lobbying firm hired by Holt Group. He said it is monthly breakfast and is a mixture of business, elected officials and government officials that are trying to promote economic development in Washington County mainly through jobs. He said it is common for the mayors to attend the monthly meeting.

Mayor Clark clarified that there is no direct connection to Norm Eder or his business when she attends the WEA meetings.

Councilor Kuiper said she attends the WEA meeting as well as other Councilors and Pam Treece is the President of WEA and was in the Trees for All video. She said WEA is an organization dedicated to jobs in Washington County and encouraged everyone to go to a WEA meeting and see that good things they are doing. She referred to the Brookman Road Annexation and said Sherwood is one of the few cities that require voter approval for annexations. She stated only property owners can request annexation and not developers.

Councilor Harris clarified that CFM was hired to run the campaign and Holt is the developer. Councilor Henderson stated that CFM represents the City in Washington DC. Mr. Gall said CFM is primarily a lobbying organization and they don't do too many campaigns.

Mayor Clark addressed the next agenda item.

## **8. NEW BUSINESS:**

### **A. Resolution 2015-084 Completing the annual performance evaluation of the City Manager for the City of Sherwood**

Mayor Clark said Councilor Henderson has a clarification that she would like to discuss.

Councilor Henderson referred to Exhibit A of the resolution which has a summary of the 8 categories used to review the City Manager. She said at the bottom of Exhibit A the City Attorney included a small paragraph called "Overall Performance Rating". She said the Overall Performance Rating is listed as 2.86 which is misleading. She said it is accurate but is based on only one question and does not accurately reflect the review. She confirmed with the Council that all 8 categories are equally important and if you take the data and add up the ratings for all 8 categories and divide you get an average rating of 3.41. She said you need to be able to defend a review in the future and data is the best way. She recommended amending the resolution to strike (not an average of above scores) and change the number from 2.86 to 3.41. She said that is the amendment she is proposing and said it is a more accurate representation of the review.

Councilor Kuiper asked if this is inclusive of the overall performance rating.

Councilor Henderson said it is not inclusive and it excludes the subjective rating.

Mr. Soper recommended that instead of striking the entire parenthetical just strike the word "not" to clarify that it is an average of the above score. Council agreed.

Councilor Henderson rescinded her motion and made the following motion.

**MOTION: COUNCILOR HENDERSON MOVED TO AMEND RESOLUTION 2015-084 UNDER EXHIBIT A LAST PARAGRAPH TO READ OVERALL PERFORMANCE RATING CONSIDERING THE RESULTS OBTAINED AND ESTABLISH PERFORMANCE STANDARDS AS WELL AS OVERALL JOB PERFORMANCE THE FOLLOWING RATING IS PROVIDED STRIKING (NOT AVERAGE OF THE ABOVE SCORES) AND STRIKING 2.86 AND REPLACING IT WITH 3.41. SECONDED BY COUNCILOR HARRIS.**

Discussed followed clarifying that the overall rating would change from 2.86 to 3.41 because it is inaccurate and based on a separate question that was utilized instead of being an average.

**MOTION PASSED 7:0, ALL PRESENT VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).**

**MOTION: COUNCILOR HENDERSON MOVED ADOPT RESOLUTION 2015-084 AS AMENDED, SECONDED BY MAYOR CLARK. MOTION PASSED 7:0. ALL PRESENT VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).**

Mayor Clark addressed the next item on the agenda.

**B. Resolution 2015-086 Amending the employment contract with the City Manager and providing an increase in compensation**

City Attorney Josh Soper stated this resolution adopts a change to the City Manager's employment contract that was requested by Mr. Gall that allows the funds currently provided for a YMCA membership to be used more broadly for any fitness club membership and provides a 3.75% increase in base pay that was recommended by Mayor Clark. He said the change requested by Mr. Gall has no fiscal impact and is the same dollar amount with flexibility and the fiscal impact for the proposed increase in compensation with an effective date of November 1, 2015 is \$3,963 for this fiscal year.

Mayor Clark said she supports the change in membership fee and proposed language to amend the resolution. Mr. Soper said language is reflected on page 42 of the packet and there does not need to be a separate motion.

Councilor Henderson stated that during the review Council received information regarding salary comparisons and she asked why they proposed 3.75% and is that a combination of merit and market adjustment.

Mayor Clark said it was a blended combination and Mr. Gall's salary was clearly outside of the market analysis and underpaid in relation to counterparts in the region and this increase brings him closer to an appropriate compensation for his position.

Mr. Soper said they did not discuss a separate analysis between performance and market adjustment. He said they primarily looked at the market figures.

Councilor Henderson said that figures are usually separated out.

Councilor Harris asked if they legally have to separate the figures.

Mr. Soper said it is a common practice but there is not any legal reason that it would have to be done that way.

Councilor Harris said she supports 3.75% because it puts that salary closer to others in the market and noted he is still under paid.

Mayor Clark said it is an appropriate amount.

Councilor Henderson asked if Councilor Harris was proposing a 3.75% market adjustment plus a merit adjustment.

Councilor Harris said no but if you classify the increase as a market adjustment she would feel obligated to provide a merit adjustment as well. She noted that even with a 3.75% he is still the lowest paid City Manager around.

Councilor Henderson asked what Mr. Gall's base salary will be with the proposed 3.75% increase. Mr. Soper replied \$130,062.50 would be the base salary not including car allowance, cell phone allowance, fitness allowance and benefits.

Councilor Harris stated that still makes him the lowest paid City Manager around.

Councilor Henderson suggested that Council consider a salary survey during the goal setting session. She said if the City is not competitive they should have a plan.

Mr. Gall said the work plan includes a salary study comparison and he is concerned about a number of positions and would like to look at them comprehensively. He said the Council needs to be aware of positions that are below market. He said he appreciates the increase and is not concerned whether it is classified as market or merit adjustment.

**MOTION: FROM COUNCILOR HARRIS TO ADOPT RESOLUTION 2015-086, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 7:0. ALL PRESENT VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).**

**C. Resolution 2015-087 Authorizing the City Manager to execute an IGA with Washington County for the Kruger/Elwert Intersection Project**

Community Development Director Julia Hajduk stated IGAs would generally be under the consent agenda however this is a project that has not been discussed before the Council previously.

City Engineer Bob Galati said the resolution authorizes the City Manager to enter into an IGA with Washington County for the Kruger/Elwert intersection improvement project. He stated the project is identified in the TSP as a problem and in the County's TSP as a problem. He said the project has been fully vetted under the MSTIP program for funding. He stated the County is ready to do the design and construction of the project and in conjunction with that the City has also expended money in purchasing the property necessary for the improvement. He said the project is fully funded by the MSTIP program. He said design will begin once the IGA is approved and construction will start in a timely fashion. He stated the IGA is a clarification of the duties, roles and responsibilities of each agency.

Councilor Harris asked for tentative start and completion dates. Mr. Galati said the design will take at least a year to a year and a half to complete. He said the minimum would be fiscal year 2017-2018. He said the MSTIP funds have to be used before 2020.

Councilor Kuiper asked if the City staff will work with Washington County on the design. Mr. Galati said City staff will have a comment review process and coordination.

Councilor Kuiper asked for the definition of MSTIP. Mr. Galati stated MSTIP is Major Street Transportation Improvement Program.

With no further question Mayor Clark asked for a motion.

**MOTION: FROM COUNCILOR HENDERSON TO ADOPT RESOLUTION 2015-087, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0. ALL PRESENT VOTED IN FAVOR, (COUNCILOR BROUSE VIA CONFERENCE CALL).**

Mayor Clark addressed the next item on the agenda.

**9. CITY MANAGER REPORT:**

City Manager Joseph Gall announced that the City Council meeting is being broadcast live for the first time. He said the City will start promoting the live coverage which will be on cable and the internet through the City YouTube channel. He said eventually the Planning Commission meetings will be broadcast live. He announced the Cedar Creek Trail Local Advisory Committee is having their third meeting tomorrow night from 6:30 pm to 8:30 pm. He said that project is moving forward with design and will hold an open house on December 3 in the Community Room. He said the Sherwood West Committee Advisory Committee has their last meeting Thursday from 6:30 pm to 8:30 pm in the Community Room. He said the committee will forward information to the Council in early 2016. He noted City Hall and the Library will be closed on Thanksgiving and Friday November 17 and the Library will close on Wednesday, November 25 at 6:00 pm.

Mayor Clark thanked Councilor Robinson, City staff and all of the public that participated in the Sherwood West Committee. She asked Mr. Gall to discuss water rates and reminded the audience that she proposed rescinding the 4% water rate increase and that failed. She referred to the consultant's information which included a projected 4% increase every year for the next five years and the fifth year going to 5%. She said that was not palatable and she asked the Mr. Gall what they could about this increase. She said Mr. Gall challenged his management team on this question and they started asking hard questions. She asked the question during the hot summer months why the parks and school fields were green. She asked what and who were paying for that and is there a conservation program. She stated Mr. Gall looked into that issue and worked on solving the issue of the projected water rate increases.

Mr. Gall said they did have that conversation and he approach Public Works Director Craig Sheldon and discussed the issue and asked if there was a way to lessen the need for an increase. He said he discovered that our practice is that the City does not charge themselves for water. He stated this practice goes back to when the City had its own wells. He said the General Fund was not being charged for the use of water irrigation at the parks or at the school and the City was not charging the School District a water fee for the use of irrigation. He said that has been an ongoing practice. He compared this practice with other cities and found that it was not very common and most cities charge themselves for their own use of water. He said they have been looking at what this means for revenue if the City started charging themselves. He stated his proposed budget next year will include a water fee for the City. He said the utility is an enterprise fund and the City charges it's enterprise fund a franchise fee. He said we treat it like a private business and charge it a franchise fee but for years it has not been able to turn around and charge the City a fee for the use of the water and that doesn't seem consistent. He said he is projecting that the fee will be around \$200,000 to \$300,000. He said he is working with the consultant to determine how this will affect the rate projections. He said the consultants will provide a report in early January at a Council work session and there will be a new 10 year projection reflecting the change. He anticipates that the rate increase will be less with this additional revenue.

Mayor Clark said this could dramatically lower the projected rate increase. Mr. Gall said the City has informed the Sherwood School District (SSD) that they will need to budget for a fee for water usage on the fields. He said the City has charged them for water usage in buildings but the irrigation mainly the summer months was being absorbed by rate payers for years and that practice needs to be changed. He said he would consider this a best practice.



Mayor Clark said there will be more answers in the future and she wanted to share this information with the Council so they understand the change. Mr. Gall stated that the General Fund will be paying money that it currently doesn't pay and it will impact the General Fund.

Councilor Kuiper asked if the \$300,000 includes the SSD. Mr. Gall said yes and the City portion based on last year's rates will be about \$200,000.

Mayor Clark said it is fantastic that she was able to find this and Mr. Gall was able to work with her on this. She said doing the right thing is not always the comfortable thing but it is the right thing. She stated this is bringing the City into best practices. She said the City moved from a well to a paying water system and continued to practice the same way.

Councilor Henderson asked what the City has told the SSD to budget next year in terms of water. Mr. Gall said approximately \$100,000. He said the SSD can reduce those charges by conserving water as can the City. He said the community is used to having green fields in the middle of the summer and that might not be affordable anymore. He said that is a discussion to have with our partners.

Mayor Clark addressed the next item on the agenda.

## **10. COUNCIL ANNOUNCEMENTS:**

Mayor Clark reported on the Emergency Preparedness event attended by Senator Thatcher and Representative Davis in Sherwood. She said the information will be shared on the City website. She announced that Sherwood High School football player Adley Rutschman set a new Oregon State High School record with a 63 yard field goal. She thanked Senator Thatcher for attending the Veteran Day event which was well attended and thanked staff. She thanked everyone for attending the Dog Park opening and Hungry Hero for donating a cake. She congratulated Our Table Cooperative for their 1 year anniversary. She said the store is 80% organic and 80% local sourced.

Council President Robinson commented on the Dog Park opening and asked staff if the parking issue on Pine Street was resolved as Pine Street is not intended to be parking for the dog park. Mr. Gall said staff will look into the signs. She announced the last Sherwood West meeting is Thursday at 6:30 pm. She said the Planning Commission is considering a zone change from Neighborhood Commission to Medium Density Residential Low and it has been continued to the Tuesday, November 24 meeting. She stated Bowman House 3 is currently being built on First Street.

Councilor Harris stated the Library held an Infant and Toddler Mental Health seminar and 55 people attended. She announced Thanksgiving Tales will be at the Center for the Arts on Wednesday at 6:45 pm. She announced International Game Day will be on November 21 at the Library. She thanked the voters for approving the Library Levy. She said Thursday, December 10 is the Old Town Art Walk from 5:00 pm to 8:00 pm. She commented on the Veteran's Day event which she attended.

Councilor King commented on the Sherwood Main Street Halloween event and said it was well attended. Sherwood Main Street will meet on Thursday at 8:00 am at the Rebekah Lodge. He referred to his comments in the Archer regarding HOAs and encouraged citizens to continue emailing their concerns.

Council Brouse announced the Sherwood annual Give and Gobble will be held on Thanksgiving at 9:00 am. She announced December 5 is the Winter Festival in Sherwood and volunteers are needed. She said the organization 4 Kids Sake is looking for donations. She stated the two sheds on the new Bowman House property are for storing materials. She said the SSD Board Meeting has been cancelled however there is a key stake holder meeting on Thursday evening. She said the Board had a work session recently regarding capacity.

Councilor Kuiper reiterated that the Sherwood Robin Hood Association is responsible for the Holiday Parade and Festival on December 5 and they meet the third Thursday at 7:00 pm every month and they are looking for volunteers. She encouraged everyone to attend the Sherwood Art Walk. She said she attended the census event at the Library which was valuable.

Councilor Henderson encouraged residents rake their leaves about 10 inches from the curb. She announced that Sherwood High School will play Lincoln High School in the playoffs on Friday night. She said the Police Advisory Board meets this week and said there was recently a message from the police to encouraging citizens to lock their car doors. She commented on the situation in France and the enormity of the loss.

Mayor Clark asked for a motion to adjourn.

**11. ADJOURN:**

**MOTION: FROM COUNCILOR HARRIS TO ADJOURN, SECONDED BY COUNCILOR HENDERSON, MOTION PASSED 7:0. ALL MEMBERS VOTED IN FAVOR. (COUNCILOR BROUSE VIA CONFERENCE CALL).**

Mayor Clark adjourned the meeting at 9:00 pm.

Submitted by:

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Sylvia Murphy, MMC, City Recorder

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Krisanna Clark, Mayor

**TO:** Sherwood City Council

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

**SUBJECT:** **Resolution 2015-088 Approving the City Recorder's Canvassing of election returns of the November 3, 2015 Washington County election and directing the City Recorder to enter the results into the record**

---

**ISSUE:**

Should the City Council approve the official November 3, 2015 election results as provided by the Washington County Elections Division?

**BACKGROUND:**

The November 3, 2015 ballot contained two Washington County ballot measures and a City ballot measure for the Brookman area annexation.

Via this resolution, the City Recorder/City Elections Official is seeking City Council approval of Exhibit A, the Abstract of Votes from the November 3, 2015 Washington County election. Upon approval of the election results, the City Recorder will take all necessary steps to enter the election results into the record.

**FINANCIAL IMPACTS:**

There are no financial impacts of the adoption of the resolution; however, the City may incur shared costs associated with the November 3, 2015 election. Costs were not available at the time of drafting the staff report.

**RECOMMENDATION:**

Staff respectfully recommends City Council approval of Resolution 2015-088 approving the City Recorder's Canvassing of election returns of the November 3, 2015 Washington County election and directing the City Recorder to enter the results into the record.



**RESOLUTION 2015-088**

**APPROVING THE CITY RECORDER'S CANVASSING OF THE ELECTION RETURNS OF THE NOVEMBER 3, 2015 WASHINGTON COUNTY ELECTION AND DIRECTING THE CITY RECORDER TO ENTER THE RESULTS INTO THE RECORD**

**WHEREAS**, the Washington County Elections Manager has duly and regularly certified the results of the election held in the City of Sherwood on November 3, 2015; and

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

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

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

**Section 1.** The City Council hereby accepts and approves the official results of the November 3, 2015 election as shown in Exhibit A to this Resolution.

**Section 2.** The City Recorder is hereby directed to enter a copy of this Resolution in the record of the proceedings of this Council and to canvass the votes.

**Section 3.** This Resolution is and shall be effective from and after its adoption by the City Council.

**Duly passed by the City Council on this 1<sup>st</sup> day of December, 2015.**

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Krisanna Clark, Mayor

Attest:

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Sylvia Murphy, MMC, City Recorder



**WASHINGTON COUNTY**  
**OREGON**

City of Sherwood

NOV 20 2015

Recorder's Office

November 20, 2015

City Recorder  
City of Sherwood  
22560 SW Pine St  
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for City of Sherwood relating to the Special Election held on November 3, 2015.

Sincerely,

Mickie Kawai  
Elections Manager

MK/tk

SUMMARY REPORT

Washington County, Oregon  
 Special Election  
 November 3, 2015

Official

Run Date: 11/20/15 11:37 AM

Report EL45 Page 001

	VOTES	PERCENT
PRECINCTS COUNTED (OF 156)	156	100.00
REGISTERED VOTERS - TOTAL	289,223	
BALLOTS CAST - TOTAL	100,558	
VOTER TURNOUT - TOTAL		34.77

34-235 Washington County LOL  
 Library Services  
 VOTE FOR 1

Yes	64,005	63.92
No.	36,127	36.08
Over Votes	12	
Under Votes	414	

34-236 Washington County LOL  
 Public Safety Renewal  
 VOTE FOR 1

Yes	72,709	72.69
No.	27,317	27.31
Over Votes	8	
Under Votes	524	

34-239 City of Tigard  
 Charter Amendment - Council  
 VOTE FOR 1

Yes	5,178	47.46
No.	5,733	52.54
Over Votes	1	
Under Votes	510	

34-240 City of Tigard  
 Charter Amendment - Term  
 VOTE FOR 1

Yes	2,258	20.53
No.	8,743	79.47
Over Votes	1	
Under Votes	420	

34-241 City of Tigard GOB  
 Community & Recreation Center  
 VOTE FOR 1

Yes	3,877	34.25
No.	7,443	65.75
Over Votes	0	
Under Votes	102	

34-242 City of Sherwood  
 Annex 101.49 Acres  
 VOTE FOR 1

Yes	1,520	30.79
No.	3,416	69.21
Over Votes	0	
Under Votes	29	

3-468 City of Wilsonville  
 Urban Renewal District Formation  
 VOTE FOR 1

Yes	28	62.22
No.	17	37.78
Over Votes	0	
Under Votes	3	



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

Date: November 20, 2015  
 By: [Signature]  
[Signature]

01 = REGISTERED VOTERS - TOTAL	TOTAL	PERCENT	03 = VOTER TURNOUT - TOTAL	TOTAL	PERCENT
02 = BALLOTS CAST - TOTAL	289,223			100,558	34.77

	01	02	03
0301 301	1669	699	41.88
0302 302	2183	672	30.78
0303 303	929	306	32.94
0304 304	2793	844	30.22
0305 305	876	242	27.63
0306 306	598	175	29.26
0307 307	1698	586	34.51
0308 308	169	69	40.83
0309 309	3087	1073	34.76
0310 310	1593	610	38.29
0311 311	636	219	34.43
0312 312	742	310	41.78
0313 313	6	4	66.67
0314 314	292	118	40.41
0315 315	950	439	46.21
0316 316	733	333	45.43
0317 317	954	364	38.16
0318 318	2784	903	32.44
0319 319	6304	1736	27.54
0320 320	2694	702	26.06
0321 321	296	76	25.68
0322 322	236	74	31.36
0324 324	452	169	37.39
0325 325	3	2	66.67
0326 326	1768	694	39.25
0327 327	3574	1014	28.37
0328 328	1946	782	40.18
0329 329	6909	2392	34.62
0330 330	1279	471	36.83
0331 331	2288	578	25.26
0332 332	0	0	.
0333 333	3440	717	20.84
0334 334	148	62	41.89
0335 335	4428	1676	37.85
0336 336	2775	953	34.34
0337 337	4034	1154	28.61
0338 338	4574	1253	27.39
0339 339	2541	581	22.87
0340 340	3252	1093	33.61
0341 341	311	127	40.84
0342 342	61	28	45.90
0343 343	4354	1493	34.29
0344 344	4129	1318	31.92
0345 345	26	10	38.46
0346 346	276	122	44.20
0347 347	62	29	46.77
0348 348	27	9	33.33
0349 349	2571	677	26.33
0350 350	3043	981	32.24
0351 351	2553	603	23.62
0352 352	856	180	21.03
0353 353	1995	631	31.63
0354 354	3819	1460	38.23
0355 355	3026	962	31.79
0356 356	1801	509	28.26
0357 357	1552	489	31.51

01 = REGISTERED VOTERS - TOTAL  
02 = BALLOTS CAST - TOTAL

TOTAL PERCENT  
289,223  
100,558

03 = VOTER TURNOUT - TOTAL

TOTAL PERCENT  
34.77

(CONTINUED FROM PREVIOUS PAGE)

	01	02	03
0359 359	2301	676	29.38
0360 360	2850	759	26.63
0361 361	1656	358	21.62
0362 362	3563	1342	37.66
0363 363	3354	1209	36.05
0364 364	4289	1657	38.63
0365 365	2879	1232	42.79
0366 366	1939	543	28.00
0367 367	3732	1266	33.92
0368 368	3706	1188	32.06
0369 369	1807	614	33.98
0370 370	2172	761	35.04
0371 371	2209	839	37.98
0372 372	1738	696	40.05
0373 373	307	127	41.37
0374 374	13	13	100.0
0375 375	267	92	34.46
0376 376	1910	692	36.23
0377 377	2282	959	42.02
0378 378	1715	582	33.94
0379 379	2381	765	32.13
0380 380	2235	910	40.72
0381 381	1501	481	32.05
0382 382	3037	907	29.86
0383 383	1037	434	41.85
0384 384	2326	972	41.79
0385 385	2998	1170	39.03
0386 386	2767	1299	46.95
0387 387	993	254	25.58
0388 388	869	307	35.33
0389 389	2362	709	30.02
0390 390	3717	1368	36.80
0391 391	317	65	20.50
0392 392	173	40	23.12
0393 393	651	264	40.55
0394 394	231	45	19.48
0395 395	3216	1045	32.49
0396 396	894	357	39.93
0397 397	2413	858	35.56
0398 398	1665	576	34.59
0399 399	2217	779	35.14
0400 400	2948	1068	36.23
0401 401	1678	723	43.09
0402 402	1034	423	40.91
0403 403	3726	1709	45.87
0404 404	2654	1092	41.15
0405 405	4458	1918	43.02
0406 406	3107	1159	37.30
0407 407	1679	736	43.84
0408 408	4304	2152	50.00
0409 409	2727	934	34.25
0410 410	2927	910	31.09
0411 411	2625	612	23.31
0412 412	1857	610	32.85
0413 413	962	279	29.00
0414 414	590	210	35.59
0415 415	474	295	62.24



01 = REGISTERED VOTERS - TOTAL  
02 = BALLOTS CAST - TOTAL

TOTAL PERCENT  
289,223  
100,558

03 = VOTER TURNOUT - TOTAL  
34.77

(CONTINUED FROM PREVIOUS PAGE)

	01	02	03
0416 416	1696	642	37.85
0417 417	1270	407	32.05
0418 418	1983	731	36.86
0419 419	1687	954	56.55
0420 420	3260	1112	34.11
0421 421	284	89	31.34
0422 422	24	10	41.67
0423 423	3031	864	28.51
0424 424	4205	2075	49.35
0425 425	980	364	37.14
0426 426	418	168	40.19
0427 427	30	10	33.33
0428 428	1404	432	30.77
0429 429	2708	756	27.92
0430 430	902	536	59.42
0431 431	1309	528	40.34
0432 432	299	48	16.05
0433 433	2163	714	33.01
0434 434	3592	1174	32.68
0435 435	3798	1935	50.95
0436 436	2112	706	33.43
0437 437	51	27	52.94
0438 438	247	60	24.29
0439 439	218	72	33.03
0440 440	1243	312	25.10
0441 441	64	22	34.38
0443 443	22	8	36.36
0444 444	1350	415	30.74
0446 446	3654	1305	35.71
0447 447	2088	857	41.04
0448 448	418	87	20.81
0449 449	98	32	32.65
0450 450	70	30	42.86
0451 451	0	0	
0452 452	2156	487	22.59
0454 454	893	285	31.91
0455 455	99	36	36.36
0456 456	30	5	16.67
0457 457	2278	955	41.92
0458 458	2667	1143	42.86
0459 459	2820	1003	35.57
0460 460	2430	480	19.75
0461 461	2638	869	32.94



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

Date: November 20, 2015

By: [Signature]

NUMBERED KEY CANVASS

RUN DATE:11/20/15 11:39 AM

Washington County, Oregon  
Special Election  
November 3, 2015

Official

REPORT-EL52 PAGE 0013

VOTES PERCENT

VOTES PERCENT

34-242 City of Sherwood  
Annex 101.49 Acres

VOTE FOR 1  
01 = Yes  
02 = No

1,520 30.79 03 = OVER VOTES  
3,416 69.21 04 = UNDER VOTES

0  
29

	01	02	03	04
0424 424	667	1395	0	13
0435 435	533	1395	0	7
0457 457	320	626	0	9



**TO:** Sherwood City Council

**FROM:** Julia Hajduk, Community Development Director  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2015-089, authorizing the City Manager to execute an IGA with Washington County for the Tualatin Sherwood Road Widening Project**

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**Issue:**

Shall the City Council approve a Resolution authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with Washington County for the Tualatin Sherwood Road widening project?

**Background:**

The Tualatin Sherwood Road widening project is included in the MSTIP-3d project funding list. The County has been working on design of the project and is nearing completion of the design process. While this project has been in process since 2012, the County has begun requesting IGA's for all projects that they are working on in local jurisdictions to ensure clear understanding of each parties role and responsibility throughout the process. Because of legal challenges to some of the design decisions the County has made regarding the Tualatin Sherwood Road widening project, it was determined that it would be beneficial to have a formal agreement with the City of Sherwood on this project as well.

The IGA formalizes the City and County's understanding and agreement that the County has primary decision-making authority for design and construction of this project with the caveat that the City has the opportunity to provide input throughout the process.

The project is at 90% design and can proceed to final design and begin construction as soon as the legal issues are resolved. The County is currently working to resolve those legal issues so that the project can proceed.

**Financial Impacts:**

Funding for the project is being fully funded by the Washington County MSTIP-3d funding package. Other than the City staff time necessary to coordinate with Washington County on the design objectives and conditions, no other City capital improvement project funding is anticipated.

**Recommendation:**

Staff respectfully recommends City Council adoption of Resolution 2015-089 authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with Washington County for the Tualatin Sherwood Road Widening project.



**RESOLUTION 2015-089**

**AUTHORIZING THE CITY MANAGER TO EXECUTE AN IGA WITH WASHINGTON COUNTY FOR THE TUALATIN SHERWOOD ROAD WIDENING PROJECT**

**WHEREAS**, the Tualatin-Sherwood Road widening project is identified in the City’s Transportation System Plan (TSP), the County TSP, and the Regional Transportation Plan; and

**WHEREAS**, the County Board of Commissioners placed this project on the MSTIP-3d project list and allocated the necessary funding for design and construction; and

**WHEREAS**, while Tualatin-Sherwood Road is under the jurisdictional control of the County, portions of the road are located within City limits, and the project will also involve Baler Way, which is under the jurisdictional control of the City; and

**WHEREAS**, the County is in the process of designing the project, however in order to ensure a clear understanding of each jurisdictions role and responsibilities prior to proceeding further, an Intergovernmental Agreement (IGA) has been determined to be necessary; and

**WHEREAS**, an IGA has been developed with input from County and City staff and legal counsel.

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

**Section 1.** That the City Manager is authorized to execute the Intergovernmental Agreement (IGA) with the County for the design and construction of the Tualatin Sherwood Road widening project (see attached Exhibit 1).

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

**Duly passed by the City Council this 1st day of December, 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
WASHINGTON COUNTY AND THE CITY OF SHERWOOD  
FOR TRANSPORTATION IMPROVEMENTS RELATED  
TO THE TUALATIN-SHERWOOD ROAD PROJECT**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is entered into between Washington County, a political subdivision of the State of Oregon, acting by and through its elected officials, hereinafter referred to as “COUNTY”; and the City of Sherwood, a municipal corporation, acting by and through its City Council, hereinafter referred to as “CITY,” collectively referred to as the “Parties.”

**RECITALS**

1. WHEREAS, ORS 190.010 authorizes agencies to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has the authority to perform; and
2. WHEREAS, Washington County has an approved and funded Major Streets Transportation Improvement Program (MSTIP) project to construct road improvements to SW Tualatin-Sherwood Road (a County Arterial Road); and
3. WHEREAS, SW Tualatin-Sherwood Road is within the CITY’s boundary and the project includes roads under CITY or COUNTY jurisdiction; and
4. WHEREAS, the decision to make certain improvements at the SW Tualatin-Sherwood Road/Regal Cinemas and Sherwood Market Place intersection resulted in an appeal of the decision to the Land Use Board of Appeals (LUBA) on September 23, 2013; and
5. WHEREAS, LUBA remanded the decision to the COUNTY on March 5, 2014 for additional consideration regarding jurisdiction and consistency with applicable comprehensive plans and land use regulations; and
6. WHEREAS, CITY recognizes COUNTY jurisdiction over COUNTY owned and operated roads and defers all decision making to COUNTY as road authority over COUNTY roads within CITY limits, consistent with the past practice between the parties and with the Urban Planning Area Agreement between the parties; and
7. WHEREAS, the SW Tualatin-Sherwood Road project includes plans to design and construct Baler Way, a local street under CITY’s jurisdiction; and
8. WHEREAS, CITY has no land use process established for road improvement projects that are listed in the Transportation System Plan (TSP) or permitted with development, and the SW Tualatin-Sherwood Road project is included in the TSP (project #D13), so it is therefore appropriate for the CITY to defer to the COUNTY

process; and

9. WHEREAS, the CITY desires COUNTY to design and construct all aspects of the Road Project under the provisions of COUNTY's land use process, including construction of the Baler Way extension and improvements to Baler Way, and improvements to 99W as part of the Road Project, with the exception of modifications to the site plans for those businesses along SW Baler Way that would be outside of the improved right-of-way; and
10. WHEREAS, under such authority, it is the mutual desire of the COUNTY and CITY to enter into an Agreement to cooperate in the planning, design, and construction of the improvements, with the allocation of responsibilities as detailed below.

## **AGREEMENT**

NOW, THEREFORE, the premise being in general as stated in the foregoing recitals, and in consideration of the terms, conditions and covenants as set forth below, the Parties hereto agree as follows:

### **1. PROJECT DESCRIPTION AND PROJECT PLANNING**

- 1.1 The COUNTY road project improvements are currently proposed to include: widening of Tualatin-Sherwood Road to include two westbound thru lanes between SW Langer Farms Parkway and Borchers; widening east of SW Langer Farms Parkway to carry a second eastbound thru lane beyond the SW Langer Farms Parkway intersection; improvements to Highway 99W intersection to allow signal function efficiency; conversion of signalized intersection of Tualatin-Sherwood Road/Regal Cinemas and Sherwood Market Place to right-in, right-out access; extension of Baler Way; and addition of bicycle facilities on both sides of Tualatin-Sherwood Road within the project boundaries, hereinafter "ROAD PROJECT" as shown generally on the attached Exhibit A.
- 1.2 The CITY has no transportation land use process for County roads within City limits that are identified in the TSP. As this project is identified in the TSP, the CITY expressly defers to COUNTY authority over COUNTY's own road and the land use process utilized by the COUNTY. To the extent the ROAD PROJECT is upon CITY roads, CITY agrees that COUNTY shall be the planning authority for said roads, provided however that such roads shall be constructed in accordance with CITY design and construction standards, and CITY shall have review and approval authority as specified herein to ensure compliance with said standards. The process of implementing the COUNTY land use provisions for the road improvements for both CITY and COUNTY is hereinafter referred to as the "PROJECT LAND USE PROCESS."

- 1.3 The ROAD PROJECT and PROJECT LAND USE PROCESS are referred to herein as the "PROJECT".

## **2. COUNTY OBLIGATIONS**

- 2.1 COUNTY shall, upon execution of this Agreement, assign a Project Manager to be responsible for coordination of PROJECT with CITY.
- 2.2 COUNTY shall exercise its transportation planning authority over planning, design, and construction of the PROJECT.
- 2.3 COUNTY shall perform, or cause to be performed, all actions necessary for the design and construction of the PROJECT including project management, design and construction engineering, right-of-way acquisition, regulatory and land use permits and approvals, public information, contract administration, inspection, and construction management. COUNTY shall coordinate the design of, advertise for, award, and administer the construction contract for the PROJECT.
- 2.4 COUNTY shall design and construct Baler Way, a CITY facility, to CITY standards and will provide CITY with the opportunity for design review and approval of 50% design development and final plans prior to bidding.
- 2.5 COUNTY shall provide CITY with the opportunity for design review of final plans for all other project elements prior to bidding. COUNTY agrees to consider CITY comments that do not unreasonably impact PROJECT costs and/or schedule.

## **3. CITY OBLIGATIONS**

- 3.1 CITY shall, upon execution of this Agreement, assign a city project manager to be responsible for coordination of PROJECT with COUNTY and to participate in the design process including public open houses.
- 3.2 CITY shall participate in the PROJECT LAND USE PROCESS in a manner including but not limited to, submission of written or oral testimony during the COUNTY's public hearing(s), particularly on matters related to COUNTY road authority, consistency between CITY and COUNTY land use planning and regulations, and CITY's deferral to COUNTY's transportation planning process.

## **4. COMPENSATION**

- 4.1 There will be no exchange of compensation between CITY and COUNTY for PROJECT services rendered by either party. COUNTY and CITY shall each

be responsible for their own costs in carrying out their respective obligations under this Agreement.

## **5. GENERAL PROVISIONS**

### **5.1 LAWS OF OREGON**

The parties shall comply with all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon. All relevant provisions required by ORS Chapter 279A and 279C to be included in public contracts are incorporated and made a part of this Agreement as if fully set forth herein.

### **5.2 DEFAULT**

Time is of the essence in the performance of this Agreement. Either party shall be deemed to be in default if it fails to comply with any provisions of this Agreement. The non-defaulting party shall provide the other party with written notice of default and allow thirty (30) days within which to cure the default.

### **5.3 INDEMNIFICATION**

This Agreement is for the benefit of the parties only. Each party agrees to indemnify and hold harmless the other party, and its officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omissions of services or in any way resulting from the negligent or wrongful acts or omissions of the indemnifying party and its officers, employees and agents. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, each party shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of the party under this Agreement.

### **5.4 MODIFICATION OF AGREEMENT**

No waiver, consent, modification or change of terms of this Agreement is binding unless in writing and signed by both parties.

### **5.5 DISPUTE RESOLUTION**

The parties shall attempt to informally resolve any dispute concerning any party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. A neutral third party may be used if the parties agree to facilitate these negotiations. In the event of an impasse in the resolution of any dispute, the issue shall be submitted to the governing bodies of both parties for a recommendation or resolution.



## 5.6 REMEDIES

Subject to the provisions in paragraph 5.5, any party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation of this Agreement. All legal actions shall be initiated in Washington County Circuit Court. The parties, by signature of their authorized representatives below, consent to the personal jurisdiction of that court.

In the event of any controversy or claim arising out of or relating to this agreement, or the breach thereof, the Parties may use all available remedies. In the event of mediation or arbitration, the costs shall be shared equally by the Parties to the dispute. Each party shall be responsible for its own costs and attorney fees for any claim, action suit or proceeding, including any appeal.

## 5.7 EXCUSED PERFORMANCE

In addition to the specific provisions of this Agreement, performance by any party shall not be in default where delays or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within the reasonable control to the party to be excused.

## 5.8 SEVERABILITY

If any one or more of the provisions contained in this Agreement is invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of the Agreement will not be affected or impaired in any way.

## 5.9 INTEGRATION

This Agreement is the entire agreement of the parties on its subject and supersedes any prior discussions or agreements regarding the same subject.

## 6. TERMS OF AGREEMENT

6.1 The term of the Agreement shall be from the date of execution until the completion of the PROJECT, but not to exceed five (5) years.

6.2 This Agreement may be amended or extended for periods of up to one (1) year by mutual consent of the parties. It may be canceled or terminated for any reason by either party. Termination or cancellation shall be effective thirty

(30) days after written notice to the other party, or at such time as the parties may otherwise agree. The parties shall, in good faith, agree to such reasonable provisions for winding up the PROJECT. The CITY's adoption and agreement to the COUNTY's PROJECT LAND USE PROCESS shall survive the termination or expiration of this Agreement.

IN WITNESS WHEREOF, the parties hereto acknowledge that they understand the terms and conditions of this Agreement and agree to be bound to those terms and conditions.

CITY OF SHERWOOD, OREGON

WASHINGTON COUNTY, OREGON

\_\_\_\_\_  
CITY MANAGER

\_\_\_\_\_  
CHAIR, BOARD OF COUNTY  
COMMISSIONERS

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
RECORDING SECRETARY

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
COUNTY COUNSEL

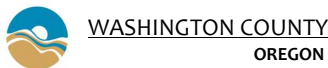
Exhibit A to consist of Tualatin-Sherwood Road project map

# Exhibit A



**WASHINGTON  
COUNTY**

**PROJECT  
LOCATION**



**WASHINGTON COUNTY  
OREGON**










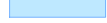
### **TUALATIN - SHERWOOD ROAD BORCHERS DR TO ADAMS AVE**

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

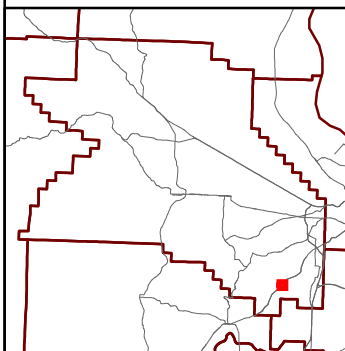
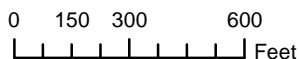
For more information contact  
Capital Project Management Division  
Phone: 503-846-7800  
Fax: 503-846-7810

Drawn by: RRR  
Map Date: November 26, 2015

#### **LEGEND**

-  PROJECT LOCATION
-  HIGHWAYS
-  MAJOR ROADS
-  MINOR ROADS
-  RAILROADS
-  MAX LIGHT RAIL
-  COUNTY BOUNDARY
-  CITIES
-  LAKES
-  RIVERS & STREAMS

#### **SCALE**



**TO:** Sherwood City Council

**FROM:** Connie Randall, Associate Planner

**THROUGH:** Julia Hajduk, Community Development Director and Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** Ordinance 2015-009, an ordinance amending the Comprehensive Plan and Zoning Map to redesignate an approximately three-acre parcel from Neighborhood Commercial to Medium Density Residential Low

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**Issue:**

Shall the City Council adopt an ordinance amending the Comprehensive Plan and Zoning Map to change the land use and zoning designation of approximately three (3) acres of land located at the southeast corner of SW Elwert Road and SW Edy Road from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL)?

**Background:**

The City received a land use application requesting to amend the Comprehensive Plan and Zoning Map designation on an approximately three-acre site located at the southeast corner of SW Elwert Road and SW Edy Road from Neighborhood Commercial (NC) to Medium Density Residential-Low (MDRL). The subject property is an active farm and has been developed with a single-family residence and associated outbuilding.

The site is part of a larger 21.28 acre parent parcel that was brought into the Urban Growth Boundary by Metro in 2002 as part of Area 59. The Area 59 Concept Plan, adopted by the City Council in 2007, applied a mix of land use designations on the larger parent parcel, including MDRL, Medium Density Residential High (MDRH), and NC. Additionally, a perennial tributary to Chicken Creek bisects the property in an arched manner and is identified as Open Space and/or Natural Area. The implementing codes were adopted at the same time as the concept plan.

The three-acre portion of the lot located on the west side along SW Elwert Road and zoned NC is the subject of this requested Comprehensive Plan and Zoning Map Amendment. The NC zone allows for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. Section 16.22.050 of the Sherwood Zoning and Community Development Code (SZCDC) provides special criteria for NC properties to ensure that the nature and character of the development is compatible with residential neighborhoods, including a provision that “no single NC zoning district shall be greater than one (1) acre in area.”

The adopted Area 59 Concept Plan calls for a street connection through the subject property between SW Elwert Road and SW Copper Terrace across the Chicken Creek tributary, connecting the planned neighborhood commercial area with the adjacent planned residential neighborhood. This roadway is identified in the City’s Transportation System Plan as an aspirational project with an estimated cost exceeding \$2,000,000, primarily paid for by the City. In 2013, during the review and approval of the Daybreak Subdivision, the City determined that due to the high financial and environmental cost of this proposed connection, a new local street would intersect with SW Elwert

Road approximately 730 north of SW Handley Street, providing connectivity between SW Elwert Road and SW Copper Terrace. This new connection will be fully funded by the development of the property in which it lies (no city funding). Consequently, no street crossing of the tributary is planned or will be required of the subject property during any future land use review process. Absent the planned connectivity between the subject site and adjacent residential neighborhoods, the site is left isolated and detached from the very neighborhoods the neighborhood commercial development was intended to serve.

The Planning Commission held a Public Hearing on November 10, 2015 that was continued to November 24, 2015 at the request of Mr. Robert James Claus to allow for additional written testimony. At the November 24, 2015 Public Hearing, the Planning Commission voted to forward a recommendation of approval to the City Council.

**Alternatives:**

Approve, modify, or deny the Planning Commission recommendation.

**Financial Impacts:**

It is likely that there will be a minimal cost associated with staff time needed to amend the Sherwood Comprehensive Plan and Zoning Map.

**Recommendation:**

Staff recommends that the City Council hold a public hearing and determine whether to adopt the attached Ordinance.

**Attachments:**

Exhibit 1: Planning Commission Recommendation to the City Council

**CITY OF SHERWOOD  
Planning Commission Recommendation to the City Council  
Mandel Property Comprehensive Plan and Zoning Map Amendment**

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**Date: November 25, 2015  
File No: PA 15-04**

**To: Planning Commission**

**FROM:** Planning Department



Connie Randall  
Associate Planner

**Proposal:** The Planning Commission recommends a Comprehensive Plan and Zoning Map Amendment to change the designation from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL). The subject property is in active farming and has an existing single-family residence and associated outbuilding. The applicant's application packet and Supplemental Letter are attached as Exhibits A and B, respectively.

**Planning Commission Public Hearing:** The Planning Commission held a public hearing on November 10, 2015 to take testimony and consider the proposed amendment. The Planning Commission voted to leave the record open and accept written testimony for an additional seven days and continued the public hearing to November 24, 2015 at 7:00 p.m. Written testimony was received from Mr. Robert James Claus on November 17, 2015 and is attached as Exhibit F. On November 24, 2015 the Planning Commission concluded the public hearing and after considering the staff report, testimony, and public comments, voted to forward a recommendation of approval to the City Council.

**I. BACKGROUND**

- A. Applicant Venture Properties  
4230 Galewood Street, Suite 100  
Lake Oswego, OR 97034  
Contact: Kelly Ritz
- B. Property Owner 2007 Mandel Family Trust  
David Mandel and Randy Kieling  
16990 SW Richen Park Circle  
Sherwood, OR 97140
- C. Location: Washington County Tax Map 2S130CB00250. The property is located at the southeast corner of the intersection of SW Elwert and SW Edy roads at 21340 SW Elwert Road.

- D. Parcel Sizes: Approximately 3 acres of a 21.28 acre parcel.
- E. Existing Development and Site Characteristics: The subject site is in active farming and has an existing single-family residence and associated outbuilding and is part of a larger undeveloped parcel that is in active farm use with nursery stock and field crops. A perennial tributary to Chicken Creek bisects the site from south to north in an arched manner, creating a pocket of developable land along SW Elwert Road physically separated from the remaining site. The subject site is located in this area along SW Elwert Road. The land has a gently sloping topography with high points in the northeast, southeast and southwest corners. The three-acre subject site is bounded by SW Elwert Road on the west, and by the perennial tributary and associated vegetated corridor on the north and south, and extends 130 feet east.
- F. Site History: The site was brought into the Urban Growth Boundary by Metro in 2002 as part of Area 59. The Area 59 Concept Plan, adopted by the City Council in 2007, applied a mix of land use designations on the larger parent parcel, including MDRL, Medium Density Residential High (MDRH), and NC. Additionally, the waterway that bisects the property is identified as Open Space and/or Natural Area. The implementing codes were adopted at the same time as the concept plan. The three-acre portion of the lot located on the west side along SW Elwert Road and zoned NC is the subject of this requested Comprehensive Plan and Zoning Map Amendment. The land east and south of the area proposed to be rezoned is part of the larger parent parcel that is zoned Medium Density Residential High (MDRH). The MDRH zone is intended to provide for a variety of medium density housing, including single-family, two-family housing, manufactured housing multi-family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. The property also includes a perennial tributary to Chicken Creek bisects the parent parcel from south to north in an arched manner.
- G. Zoning Classification and Comprehensive Plan Designation: The site is zoned NC and allows for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. Section 16.22.050 of the Sherwood Zoning and Community Development Code (SZCDC) provides special criteria for NC properties to ensure that the nature and character of the development is compatible with residential neighborhoods, including a provision that “no single NC zoning district shall be greater than one (1) acre in area” (§16.22.050.C.).
- H. Adjacent Zoning and Land Use: The properties north and west of the subject site are located in Washington County, outside the City’s Urban Growth Boundary, and are zoned Exclusive Agriculture and Forest (AF-20), which is intended to provide an exclusive farm use zone within the County which recognizes that certain lands therein may be marginal, and Agriculture and Forest (AF-10), the purpose of which is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing



parcelization and diverse ownerships and uses exist within the farm and forest area. The land is largely undeveloped with the exception of a few rural residences and is vacant or utilized for agricultural purposes.

- I. Review Process: The proposed Comprehensive Plan and Zoning Map Amendment requires a Type V review which includes 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 on the request. There will be a twenty-one (21) day appeal period after the decision is issued. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals (LUBA).
- J. Public Notice and Hearing: Oregon Department of Land Conservation and Development (DLCD) notice was submitted on October 5, 2015. Notice of the application was mailed to property owners within 1,000 feet, posted on the property in three, and distributed in five locations throughout the City on October 19, 2015 in accordance with §16.72.020 of the SZCDC. Notice was published in the Times on October 22, 2015 and the Sherwood Gazette on November 1, 2015 in accordance with §16.72.020 of the SZCDC.
- K. Review Criteria: The required findings for the Comprehensive Plan and Zoning Map Amendment are identified in the SZCDC §16.72 (Procedures for Processing Development Permits), and §16.80 (Plan Amendments); Comprehensive Plan Criteria: Chapter 2-Planning Process, Chapter 3-Growth Management, Chapter 4-Land Use, Chapter 6-Transportation; and Chapter 8-Urban Growth Boundary; Metro Urban Growth Management Functional Plan: Title 1. Housing Capacity; Metro 2035 Regional Transportation Plan, Oregon Transportation Planning Rule: (OAR 660-012-0060); Statewide Planning Goals: Goal 1-Citizen Involvement, Goal 2- Land Use Planning, Goal 9-Economic Development, Goal10-Housing, and Goal 12-Transportation.

## II. PUBLIC COMMENTS

**Steve Reynolds** (no address provided) submitted an email to staff on October 14, 2015 indicating his concern with the proposed access from the site to SW Elwert Road. He raised concerns about the lack of pedestrian improvements, amount of bicycle traffic, high speeds, and generally unsafe road conditions related to SW Elwert Road. He does not believe that there is a safe way to access SW Elwert Road from this property. His comments are attached as Exhibit C.

**Staff Response**: The current request is a policy decision regarding the Comprehensive Plan and Zoning Map designation for the subject site. A conceptual lot layout was shared with the public at a neighborhood meeting. A summary of the neighborhood meeting discussion and exhibits can be found in Exhibit E of the application (Exhibit A). Proposed access to SW Elwert Road would be reviewed and addressed with a future land use application for the subdivision and development of the parent parcel. Any proposed access would need to conform to the

standards set forth in the SZCDC as well as the City's Engineering Design and Standard Details Manual. Further, prior to any development of the site, construction of all public improvements, including any transportation improvements, would be required.

With respect to traffic, the proposed residential uses will generate less traffic than commercial uses, as discussed below and in the transportation analysis found in Exhibit F of the application (Exhibit A).

### **III. AGENCY COMMENTS**

Staff e-mailed notice to affected agencies on October 12, 2015. The following is a summary of comments received as of this date.

#### **DLCD Comments, dated October 21, 2015 and attached as Exhibit D.**

DLCD staff reviewed the application materials and raised concerns about the Statewide Planning Goal 9 findings. Specifically, the applicant must show compliance with Oregon Administrative Rule 660-009-0010(4) by demonstrating the change is consistent with the city's acknowledged Economic Opportunities Analysis (EOA). Stating that the proposal addresses the need for additional residential zoning in the city does not address the rule requirement.

**Engineering Department Comments dated October 28, 2015** indicate that the proposed Comprehensive Plan and Zoning Map amendment would not negatively impact the transportation system or other public infrastructure. The comments are attached as Exhibit E and discussed below.

#### **Transportation Review**

The subject property is adjacent to SW Elwert Road and would likely get sole access from SW Elwert Road due to a tributary around the other 3 sides of the property. A Trip Analysis by Lancaster Engineering has concluded that the proposed zone change from Neighborhood Commercial to Medium Density Residential High<sup>1</sup> would result in less traffic than the current zone designation. Therefore the new zoning will reduce the future traffic impacts to SW Elwert Road from development of the subject property.

Since the proposed zone change reduces the number of trips to and from the subject zone change property, the change in zoning does not significantly affect an existing or planned transportation facility therefore not requiring any additional measures per OAR 660-012-0060.

The City of Sherwood Transportation System Plan (TSP) shows a future neighborhood route connecting SW Elwert Road and SW Copper Terrace through the subject zone change property. This future street is identified in the TSP under Section E (Aspirational Project List) as project D35. Even though the TSP shows the neighborhood route through the subject zone change

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<sup>1</sup> Although the applicant is requesting a change in designation from NC to MDRL, the Transportation Analysis analyzed a change in designation to MDRH. As the requested change is a lower designation than what was analyzed, staff does not believe this error significantly impacts the results of the analysis.

property, exact locations of future streets within the TSP are graphical in nature and are not intended to designate exact locations. In the case of this connector street between SW Elwert Road and SW Copper Terrace locating it within the subject zone change property would be very expensive on both monetary and environmental levels since it would require crossing a tributary that is significantly lower than the surrounding property. The cost of bridging the tributary in this area would likely exceed \$2,000,000 for a 700-foot section of roadway. During the design of the subdivision south of the subject zone change property (Daybreak Subdivision) a future street plan was submitted identifying an interconnect between SW Copper Terrace and SW Elwert Road where a new local street would intersect with SW Elwert Road approximately 730 north of SW Handley Street. This new interconnect will be fully funded by the development of the property in which it lies (no city funding).

Due to the above data, no street crossing of the tributary will be required of the subject property during the land use review process. This should be taken into account when considering the acceptability of a zone change.

### **Storm System Review**

Currently there is no storm sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that the subject zone change property will discharge storm runoff into the existing tributary. The new zoning will likely have less impervious area than the existing. Therefore, the proposed zone change will slightly reduce the future flows at the culvert crossing beneath the SW Elwert Road/SW Edy Road intersection.

### **Sanitary Sewer System Review**

Currently there is no sanitary sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future sanitary service will come from a 15-inch diameter sanitary sewer within SW Copper Terrace. Since the amount of area of the zone change is relatively small in respect to the overall basin that will be served by the 15-inch diameter sanitary sewer, any changes in zoning will not have a significant effect on the sanitary sewer system.

### **Water System Review**

Currently there is no public water service available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future water service will be looped through the subject zone change property providing adequate service for the new zoning classification.

### **Conclusion**

From a public improvement standpoint, the proposed zone change for the western portion of the subject property will not have a significant effect on public facilities. Engineering conditions for the subject property will be made at the time of development of the subject property.

## **IV. PLAN AMENDMENT REQUIRED FINDINGS**

**16.80.030.B - Map Amendment**

**An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that [Items 1-4 below].**

**ANALYSIS:** The applicable Comprehensive Plan policies are discussed under Section V below. Section 16.02.080 requires that all development adhere to all applicable regional, State and Federal regulations. Applicable regional regulations are discussed under Section VI and applicable State regulations are discussed under Section V.

**FINDING:** This criteria is discussed in detail below.

- 1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.**

**FINDING:** This criteria is discussed in detail below under Section V.

- 2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.**

**ANALYSIS:** The applicant proposes to amend the Comprehensive Plan and Zoning Map designation from NC to MDRL. The proposed designation allows for the development of single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre. The MDRL zone is a common residential zoning classification in Sherwood. The subject property is a linear site that is wide and shallow with approximately 860 feet of frontage along SW Elwert Road and a depth of approximately 130 feet, after a 15-foot right-of-way dedication for improvements to SW Elwert Road. The location and shape of the property is characteristic of strip retail commercial that typically develops with multiple access points to the adjacent street. Immediately east of the site is a triangularly shaped site zoned for MDRH development with a width of approximately 600 feet on the west, and a depth ranging from approximately 65 to 310 feet from the south to the north.

EcoNorthwest completed a Housing Needs Analysis (HNA) in conjunction with the Sherwood West Preliminary Concept Plan in June 2015 which showed that there are 96 developable acres of residentially zoned land within the current city limits, 14 acres, or 8%, are zoned MDRL. There are an additional 52 acres of developable MDRL land outside the current city limits, but within the City's Urban Growth Boundary (UGB), in the Brookman Road Concept Plan area. The applicant's Economic Analysis (EA) summarizes the HNA and points out that while Sherwood appears to have an adequate

20-year supply of residential land in the City and its UGB, annexation and development of land within the UGB is not guaranteed. Sherwood is a voter-approved annexation city, meaning that all annexation requests must be approved by a majority of the voters via ballot. Two proposed annexation requests of area within the Brookman Road Concept Plan area failed to win a majority of votes in 2011 and 2013. A third request, consisting of approximately 101 acres, is on the November 3, 2015 ballot. In looking at the “guaranteed land supply”, those acres currently within the City limits, the applicant concludes that the City has a deficit of 46 acres of buildable MDRL-zoned land. Further, the current amount of “guaranteed land supply” is expected to be depleted within the next five (5) years, suggesting that Sherwood is in need of “guaranteed land supply” for MDRL development.

Specific site conclusions of the applicant’s EA indicate that the site is both appropriate and amenable to residential development:

- At 3.0 acres, undeveloped, and flat, the site provides appropriate flexibility with regard to residential development feasibility, unit mix, and site plan to provide a variety of residential options.
- Locationally, offering bi-direction access to Highway 99W, but without direct visibility or access, the site affords adequate access by residences on the site to various public and commercial amenities in the Sherwood and greater regional area.
- Adjacent to open space, farm land, and future MDRH residential development, the site is well-suited as a residential location consistent with other surrounding residential development.

The applicant’s EA and Supplemental Letter (Exhibits A and B, respectively) contend that the site has the following disadvantages for development of neighborhood commercial uses:

- There are not a sufficient number of households near the site to support neighborhood commercial development. There are currently only 1,522 households within the trade area, 1,278 fewer than the 2,800 households needed to support neighborhood commercial development in this location.
- While easily accessible from Highway 99W, the site is separated from the existing commercial development by ¾ mile to the south and one mile to the east, completely limiting its visibility and access, generally the two most important features of a commercial development site.
- Surrounded by future residential development and open space, traffic, noise and other issues from the standpoint of existing, nearby residents, the site would further realize lower economic and community value as commercial versus residential development.
- Commercial development on-site would not realize economic or community value from the surrounding farm land and open space that residential development would; rather those adjacent uses are seen as development site constraints for commercial development rather than amenities.

- The physical depth of the site, roughly 130 feet, is a challenge for developing adequate parking, freight truck access and vehicular turnarounds, further decreasing the suitability of the site for neighborhood commercial development.

**FINDING:** There is a demonstrated lack of MDRL zoned property within the City of Sherwood. While the City has planned MDRL capacity within the UGB, annexing this area into the City for development has proven difficult over the past five years. Further, the proposed Comprehensive Plan and Zoning Map Amendment would create a cohesive residentially zoned site bound by SW Elwert Road and the perennial tributary to Chicken Creek, which bisects the parent parcel, allowing for better site planning and neighborhood design, a benefit to the public in general. Staff finds that this criteria is satisfied.

**3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.**

**ANALYSIS:** As discussed above, the proposed amendment is timely given the potential shortage of available land for residential development.

Additionally, the two most recently developed residential communities within in the City are located in the immediate vicinity: Daybreak Estates, a 34-unit single-family development located south of the site, and Renaissance at Rychlick Farm, a 26-unit single-family development located east of the site. Development of the site with MDRL residences would be consistent with the recent development pattern of the area.

Changes to planned transportation system in the neighborhood and community have been made which should be taken into account when considering the proposed plan amendment and zone change. When the subject site was planned and assigned NC zoning, the idea was for the area to develop with a mix of uses, with neighborhood commercial uses on the ground floor and residential uses above. As identified in the Area 59 Concept Plan, the site was to be served with two access points to SW Elwert Road, one crossing the perennial tributary to Chicken Creek and providing access to SW Copper Terrace and the surrounding planned residential development. However, as the area has developed, a crossing of the tributary has been found to be expensive both financially and environmentally. As discussed above and below, the City determined during the design of the Daybreak subdivision that a new local street would intersect with SW Elwert Road approximately 730 north of SW Handley Street, providing connectivity between SW Elwert Road and SW Copper Terrace. This new connection will be fully funded by the development of the property in which it lies (no city funding). Consequently, no street crossing of the tributary is planned or will be required of the subject property during any future land use review process. Absent the planned connectivity between the subject site and adjacent residential neighborhoods, the site is

left isolated and detached from the very neighborhoods the neighborhood commercial development was intended to serve.

As discussed above in the Engineering Department comments, the proposed residential development of the site can be served by anticipated connections to existing water and sanitary sewer systems. It is anticipated that the subject site will discharge storm runoff into the existing tributary. The proposed MDRL zoning will likely have less impervious area than the current NC zoning. Therefore, the proposed zone change will slightly reduce the future flows at the culvert crossing beneath the SW Elwert Road/SW Edy Road intersection.

**FINDING:** As discussed above, staff finds that this criteria is satisfied.

**4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.**

There are currently 14 acres of developable land in the City zoned for MDRL development. The majority of the land is located in the Area 59 Concept Plan area. About 1/3 of the land is owned by the 2007 Mandel Family Trust, the same owner of the subject site, and is the subject of a subdivision application submitted to the Planning Department on October 20, 2015. Planning staff is not aware of any immediate plans to develop the other developable lands, which are spread over at least 9 parcels, the largest being approximately 5 acres in size. There are approximately 52 acres of developable MDRL-zoned land available in the UGB in the Brookman Road Concept Plan area. However, annexation of this area has proven difficult and significantly limits the ability of the area to be developed in the near future.

**FINDING:** Based on the applicant's analysis and above discussion, staff finds that this criteria is satisfied.

**16.80.030.C. - Transportation Planning Rule Consistency**

- 1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.**

**ANALYSIS:** A Transportation Analysis (TA) addressing the Transportation Planning Rule (TPR) consistency, by Lancaster Engineering, was submitted as part of the application (Exhibit A). The analysis indicates that the proposed plan amendment and zoning change will result in significantly fewer A.M. and P.M. peak hour trips. If the subject site were developed with neighborhood commercial uses, the trip generation analysis shows that the development would generate 2,018 new weekday trips compared to the 248

new weekday trips generated by development of single-family homes allowed by the proposed MDRL zoning. The report concludes that the proposed Comprehensive Plan and Zoning Map Amendment would result in fewer vehicle trips on SW Elwert Road and decrease the impact of future development on the surrounding transportation network.

The City's Engineering Department has reviewed the materials and determined that the proposed rezone would reduce the number of trips to and from the subject property and that the change in zoning does not significantly affect an existing or planned transportation facility. Therefore no additional measures per OAR 660-012-0060 are required.

**FINDING:** Based on the above analysis, staff finds that this criteria is satisfied.

## **V. APPLICABLE COMPREHENSIVE PLAN POLICIES**

The applicable portions of the Comprehensive Plan include: Chapter 2 – Planning Process; Chapter 3 – Growth Management; Chapter 4 – Land Use; Chapter 6 – Transportation; and Chapter 8 – Urban Growth Boundary Additions.

### **Chapter 2: Planning Process**

#### **F. Plan Amendments**

**This Plan, and each of its parts shall be opened for amendments that consider compliance with the goals and objectives and plans of the Metropolitan Service District (MSD) or its successor, on an annual basis and may be so amended or revised more often than annually if deemed necessary by the City Council as provided in this Section. Annual amendment and revision for compliance with the above regional goals, objectives and plans shall be consistent with any schedule for reopening of local plans approved by the Land Conservation and Development Commission (LCDC).**

**Amendments to the maps and text of this Part shall comply with the provisions of Part 3 Chapter 4 Section 4.200.**

**ANALYSIS:** Amendments to the maps and text of Part II of the Comprehensive Plan must comply with Part 3, the Zoning and Community Development Code, Chapter 4, which has been renamed "Division VI. Planning Procedures," and Section 4.200, which has been renamed "Chapter 16.80 Plan Amendments." Compliance with Chapter 16.80 is discussed above in Section IV.

**FINDING:** As discussed in Section IV of this report above, staff finds that this criteria is satisfied.

### **Chapter 3. Growth Management**

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



**ANALYSIS:** The property is located within the City limits and within the UGB. Adjacent developed properties, the Daybreak Subdivision and the Edy Ridge Elementary/Laurel Ridge Middle school campus, have urban facilities such as adequate roadways, water, sanitary sewer, storm water sewer, and pedestrian connections.

The intent of the NC zone is to provide opportunities for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. The limited NC zoned property in this location was designed to accomplish this enhancement of the residential neighborhood. However, in light of the financial and environmental cost of the vehicular crossing of the tributary to the Chicken Creek, the planned crossing was abandoned in favor of a more environmentally friendly and cost effective connection further south and west of the parent parcel. This decision left a neighborhood commercial area with no surrounding neighborhood to serve. Amending the comprehensive plan and zoning designation to MDRL would allow for the development of a cohesive residential neighborhood adjacent to the Chicken Creek tributary, which has a better chance of creating a livable community that respects and protects the natural environment than trying to create an isolated pocket of neighborhood commercial or pursue the original crossing of the tributary at a high financial cost the community and natural environment.

Additionally, the proposed Comprehensive Plan and Zoning Map Amendment would increase the available “guaranteed” land supply for residential development, which, as discussed above, is in short supply.

**FINDING:** Based on the above discussion, staff finds that the proposal satisfies this policy.

## **Chapter 4. Land Use**

### **Section E - Residential Land Use**

**Policy 1.** Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

**Policy 2.** The City will insure that an adequate distribution of housing styles and tenures are available.

**Policy 3.** The City will insure the availability of affordable housing and locational choice for all income groups.

**Policy 4.** The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

**Policy 5.** The City shall encourage government assisted housing for low to moderate income families.

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

**ANALYSIS:** The subject site is a three-acre portion of a larger 21.28-acre site. The remaining site is zoned for a mix of MDRL and MDRH residential uses. The proposed Comprehensive Plan and Zoning Map Amendment would enable the entire site to be developed with residential uses to accommodate the need in Sherwood for residential housing. The combined MDRL and MDRH zoning would allow for the development of a variety of housing types to meet the need of current and future residents.

**FINDING:** Based on the analysis above, staff finds that the proposed Comprehensive Plan and Zoning Map Amendment could help meet some of the stated residential land use policies.

## **Chapter 6. Transportation**

The applicable Transportation Goals are Goals 1 and 2. Goals 3-8 are not specifically applicable to this proposal.

**Goal 1: Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.**

**Goal 2: Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.**

**ANALYSIS:** The lack of vehicular connectivity between the subject site and the existing and planned residential neighborhoods to the east suggests that the planned transportation network is more supportive of residential than commercial development at this location. As discussed above, the applicant's TA and the City Engineering analysis conclude that the proposed MDRL designation would not negatively impact the planned transportation system.

**FINDING:** Based on this discussion, staff finds that the proposed Comprehensive Plan and Zoning Map Amendment is consistent with these goals.

## **Chapter 8. Urban Growth Boundary Additions**

### **D. Mapping of Urban Growth Boundary Additions**

#### **D.4. Area 59 – A New Neighborhood in Sherwood**

**ANALYSIS:** As the applicant discusses in the Supplemental Letter (Exhibit B), the primary purpose for expanding the UGB in this area was to provide for a new elementary and middle school. Other land uses were flexible and determined based on community feedback rather than a demonstrated need. It appears that neighborhood commercial was chosen to create a walkable complete community. While this is a generally desirable outcome, retail simply cannot succeed unless the site meets specific characteristics. The site needs to have

enough households or drive-by traffic to provide a customer base. The site needs good access and dimensions to allow proper circulation and parking. The site must be generally flat. This site has a fair amount of drive-by traffic, but that is more appropriate for general commercial uses. Neighborhood commercial is localized and needs households within a small market area, generally within a five minute drive. As described above, the market area contains only about 54% of the households needed to support neighborhood retail. The property is generally flat, but the configuration does not work for loading and internal circulation, with a depth of only 130 feet.

Further, when the subject site was planned and assigned NC zoning, the idea was for the area to develop with a mix of uses, with neighborhood commercial uses on the ground floor and residential uses above. As identified in the Area 59 Concept Plan, the site was to be served with two access points. One of the connections was to SW Elwert Road, and the other was intended to cross the perennial tributary to Chicken Creek and provide access to SW Copper Terrace and the surrounding residential developments. However, as the area has developed, a crossing of the tributary has been found to be expensive both financially and environmentally. As discussed previously, the City Engineer determined during the design of the Daybreak subdivision that a new local street would be needed approximately 730 north of SW Handley Street, providing connectivity between SW Elwert Road and SW Copper Terrace. This new connection would be fully funded by the development of the property in which it lies (no city funding). Consequently, no street crossing of the tributary is planned or will be required of the subject property during any future land use review process. A pedestrian crossing and utility extensions would, however, be necessary for meeting minimum block length standards and utility service needs.

**FINDING:** Based on the above discussion, staff finds that absent the planned connectivity between the subject site and adjacent residential neighborhoods, the site is left isolated and detached from the very neighborhoods the neighborhood commercial development was intended to serve. The proposed Comprehensive Plan and Zoning Map Amendment is an appropriate response to the changed condition and respects the original desire for a neighborhood anchored by a school site and surrounded with single-family development.

## **VI. APPLICABLE REGIONAL (METRO) STANDARDS**

The only applicable Urban Growth Management Functional Plan criteria are found in Title 1 – Housing Capacity.

**Staff Analysis:** The City of Sherwood is currently in compliance with the Functional Plan and any amendment to the Comprehensive Plan and Zoning Map must show that the community continues to comply. The proposed amendment would increase Sherwood's housing capacity and meet the Title 1 purpose by providing the opportunity for development of residentially zoned property with a compact form.

**FINDING:** Based on staff’s analysis, the proposed Comprehensive Plan and Zoning Map Amendment is consistent with the Metro Functional Plan criteria and the City would continue to be in compliance if the request were approved.

**VII. APPLICABLE STATE STANDARDS**

The applicable Statewide Planning Goals include: Goal 1, 2, 9, 10, and 12.

**Goal 1 (Citizen Involvement)**

**ANAYLIS:** Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City’s public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1. A neighborhood meeting was held on July 21, 2015 prior to the applicant’s submittal to the City. The application is being discussed and decided by the City Council after a public hearing and a recommendation from the Planning Commission, made after holding a public hearing.

**FINDING:** Based on the above discussion, staff finds that Goal 1 will be satisfied at the conclusion of the hearings by the Planning Commission and City Council.

**Goal 2 (Land Use Planning)**

**ANALYSIS:** The Sherwood Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals and provides goals, policies, and procedures for reviewing and evaluating land use requests. The proposed amendment, as demonstrated in this report, is processed in compliance with the local, regional and state requirements.

**FINDING:** Based on the above discussion, staff finds that Goal 2 is satisfied.

**Goal 3 (Agricultural Lands)**

**Goal 4 (Forest Lands)**

**Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)**

**Goal 6 (Air, Water and Land Resources Quality)**

**Goal 7 (Areas Subject to Natural Hazards)**

**Goal 8 (Recreational Needs)**

**FINDING:** The Statewide Planning Goals 3-8 do not apply to this proposed plan amendment.

**Goal 9 (Economic Development)**

**ANALYSIS:** The proposal will change the Comprehensive Plan and Zoning Map designation from NC to MDRL. The applicant provides additional analysis of Goal 9 and the City’s 2007 Economic Development Strategy (EDS) in the Supplemental Letter (Exhibit B). The applicant notes that throughout the EDS document, there is no mention of specific requirements to

preserve NC zoning nor encourage its development. The focus of the report is to increase the inventory of employment lands, emphasize industrial lands (Tonkin Industrial Area), and encourage other, larger economic development initiatives, particularly tourism. The analysis does not find that the Goal 9/EOA document or policies that address commercial land specifically provide any protections or strategies for the maintenance and growth of lands zoned NC as key employment lands. Further, the applicant concludes that the isolation and bifurcation of what would normally be a more round trade area in all directions, encompassing significantly more households, has prevented the site from being developed with NC uses in the past.

The lack of development interest is as strong of an indicator of the feasibility of the site under current zoning as any and the applicant argues that underutilization of the site would be contrary to various economic development policies and strategies adopted by the City that seek effective growth management via attraction of investment within the existing City limits at acceptable densities and within architectural/design review criteria. The site should, therefore, be considered for rezoning to a use of greater benefit to the City that would yield higher investment value while being more consistent with surrounding uses and adjacent natural resource areas.

Staff notes that historically, the NC designation has not been widely used throughout the City. There are currently 1.03 acres of NC zoned property developed in the City. The only undeveloped NC zoned property is the subject site. The Brookman Road Concept Plan calls for a small amount of retail commercial, 2.07 acres, designated on the map as NC. While there appears to be a need for neighborhood commercial uses in the northwest section of the City, the isolated nature of the site, surrounded by rural residential and agricultural lands in the County and very limited residential development in the City without the originally planned roadway connection across the Chicken Creek tributary discussed earlier, render the site ineffective in meeting the need for neighborhood scale retail commercial uses.

Further, the NC zone significantly limits the number, type, size, and operational characteristics of potential businesses so as to ensure small scale retail and services compatible with residential development and sets a maximum development site size of one acre. As such, NC zoned land is not intended to meet the employment and economic development needs of the City, but rather to enhance the quality of life of the residential neighborhoods by conveniently locating business to meet the daily need for small-scale goods and services.

Finally, the EDS shows that the City has a surplus of 1-4 acre commercial sites. The documented inventory of such sites is 11 while the need in the medium growth forecast is 1, leaving a surplus of 10 sites in this category. Changing the Comprehensive Plan and Zoning Map designation from NC to MDRL will not negatively impact the City's ability to attract new industries and grow its employment base.

**FINDING:** Based on the above discussion, staff finds that Goal 9 is satisfied.

## **Goal 10 (Housing)**

**ANALYSIS:** This goal specifies that each city must plan for and accommodate needed housing types for its citizens. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

As discussed above, EcoNorthwest completed a Housing Needs Analysis (HNA) for Sherwood in conjunction with the Sherwood West Preliminary Concept Plan in June 2015. The HNA showed that there are 96 developable acres of residentially zoned land within the current city limits, 14 acres, or 8%, are zoned MDRL. There are an additional 52 acres of developable MDRL land outside the current city limits, but within the City's Urban Growth Boundary (UGB), in the Brookman Road Concept Plan area. Due to the previously described challenges in annexing land for residential development, the City is facing a potential deficit of 46 acres of buildable MDRL-zoned land in a "guaranteed land supply". Further, the current amount of "guaranteed land supply" is expected to be depleted within the next five (5) years, suggesting that Sherwood is in need of "guaranteed land supply" for housing.

Statewide Planning Goal 10 is implemented by the comprehensive plan and in the Metro region by OAR 660-007 (Metropolitan Housing). OAR 660-007 provides density standards and methodology for land need and supply comparisons. Metro Title 1 responds to the requirements of the Metropolitan Housing Rule. By complying with Metro Title 1, as discussed above, Sherwood complies with OAR 660-007 as well as Statewide Planning Goal 10.

**FINDING:** Based on the analysis as discussed above, staff finds that Goal 10 is satisfied.

## **Goal 11 (Public Facilities and Services)**

**FINDING:** The Statewide Planning Goal 11 does not specifically apply to this proposed plan amendment.

## **Goal 12 (Transportation)**

**FINDING:** As discussed earlier in this report, the proposed amendment is consistent with the Transportation Planning Rule (TPR) which implements Goal 12. Staff finds that Goal 12 is satisfied.

## **Goal 13 (Energy Conservation)**

## **Goal 14 (Urbanization)**

## **Goal 15 (Willamette River Greenway)**

## **Goal 16 (Estuarine Resources)**

## **Goal 17 (Coastal Shorelands)**

## **Goal 18 (Beaches and Dunes)**

## **Goal 19 (Ocean Resources)**

Ordinance 2015-009, Attachment to Staff Report

December 1, 2015

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**FINDING:** The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment.

**VIII. RECOMMENDATION**

Based on the above findings of fact and the conclusion of law based on the applicable criteria, the Planning Commission **RECOMMENDS APPROVAL** of PA 15-04.

**IX. ATTACHMENTS**

- A. Applicant's submittal packet
- B. Applicant's Supplemental Letter, dated October 30, 2015
- C. Steve Reynolds Email dated October 14, 2015
- D. DLCDC comments submitted October 21, 2015
- E. City of Sherwood Engineering comments submitted October 28, 2015
- F. Robert James Claus Letter dated November 17, 2015

# MANDEL FARM ZONE/PLAN MAP AMENDMENT

**DATE:** September 17, 2015

**SUBMITTED TO:** City of Sherwood  
Planning Department  
22560 SW Pine Street  
Sherwood, Oregon 97140

**APPLICANT:** Venture Properties  
4230 Galewood Street, Suite 100  
Lake Oswego, Oregon 97034  
Attention: Kelly Ritz



12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
P: (503) 563-6151  
F: (503) 563-6152  
[www.aks-eng.com](http://www.aks-eng.com)



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**EXHIBITS:**

- Exhibit A: Preliminary Development Concept Sketches
- Exhibit B: County Tax Map and Trio
- Exhibit C: Application Form
- Exhibit D: Pre-Application Meeting Notes
- Exhibit E: Neighborhood Meeting Documentation
- Exhibit F: Transportation Analysis
- Exhibit G: Economic Opportunity Analysis

# MANDEL FARM PLAN/ZONE MAP AMENDMENT

**SUBMITTED TO:** City of Sherwood  
Planning Department  
150 East Main Street, 4th Floor  
Hillsboro, OR 97123

**OWNER:** 2007 Mandel Family Trust,  
David Mandel and Randy Kieling  
16990 SW Richen Park Circle  
Sherwood, OR 97140

**APPLICANT:** Venture Properties  
Kelly Ritz  
4230 Galewood Street, Suite 100  
Lake Oswego, OR 97034

**APPLICANT'S  
CIVIL ENGINEER/  
LAND SURVEYOR/  
PLANNER/NATURAL  
RESOURCES** AKS Engineering & Forestry, LLC  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
Contact: Mimi Doukas, AICP, RLA ([mimid@aks-eng.com](mailto:mimid@aks-eng.com))  
Phone: (503) 563-6151

**ECONOMIC ANALYST:** PNW Economics  
Bill Reid  
2323 NW 188<sup>th</sup> Avenue, Suite 624  
Hillsboro, OR 97124

**TRANSPORTATION ENGINEER:** Lancaster Engineering  
Mike Ard  
321 SW 4<sup>th</sup> Avenue, Suite 400  
Portland, OR 97204

**SITE LOCATION:** 21340 SW Elwert Road  
Southeast corner of the intersection of SW Edy Road and  
SW Elwert Road

**ASSESSOR'S INFORMATION:** Taxlot 2S130CB 00250

**SITE SIZE/ZONE:** Approximately three acres of a 21.28 acre parcel

**CURRENT ZONE:** Neighborhood Commercial (NC)

**PROPOSED ZONE:** Medium Density Residential Low (MDRL)

## I. EXECUTIVE SUMMARY

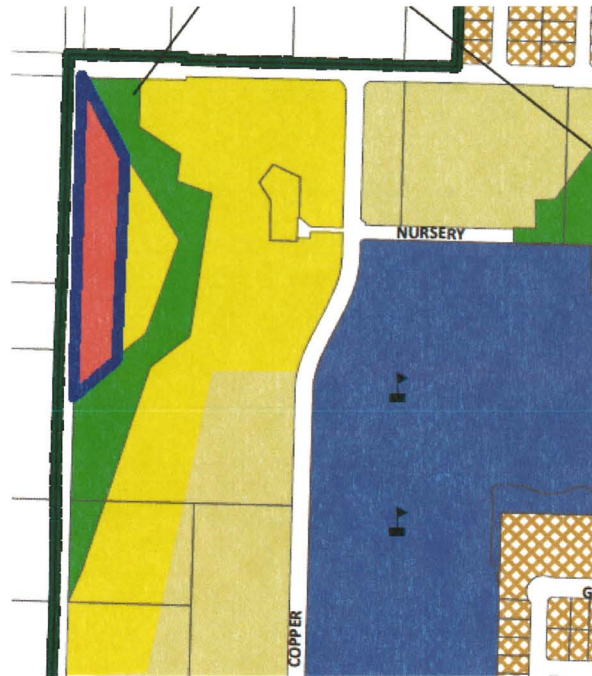
This application includes a Comprehensive Plan Map Amendment and Zone Change for an approximately three-acre portion of a +/-21.28 acre property located at 21340 SW Elwert Road in the City of Sherwood to apply a Medium Density Residential Low (MDRL) designation. The property sits at the southeast corner of the intersection of SW Edy Road and SW Elwert Road. The parent property has three zoning designations: Medium Density Residential High (MDRH), Medium Density Residential Low (MDRL), and Neighborhood Commercial (NC). The three acres zoned Neighborhood Commercial is the portion affected by this Comprehensive Plan Map Amendment and Zone Change. The mapped Open Space is an overlay zone for the vegetated corridor, as regulated by Clean Water Services for wetlands and drainageways. The drainageway bisects the property from south to north, releasing to Chicken Creek to the north. The property has one existing single-family home along SW Elwert Road.

This written narrative, together with preliminary plans and other documentation included in the application materials, establishes that the application is in compliance with all applicable approval criteria. This documentation represents substantial evidence and provides the basis for the Planning Commission to approve the application.

## II. SITE DESCRIPTION

As noted above, the property sits at the southeast corner of the intersection of SW Edy Road and SW Elwert Road. The site consists of approximately three acres of a 21.28 acre parcel, on tax lot 2S130CB 00250. There is a drainage area that bisects the property from south to north with an Open Space Overlay. The property has gentle topography outside of the drainageway and is in active farm use with nursery stock and field crops. The portion of the property involved in this application is the section in the Neighborhood Commercial zoning district, which is located on the west side of the property, abutting SW Elwert Road, extending approximately 130 feet to the east, and bounded to the north and south by the drainageway.

## ZONING MAP



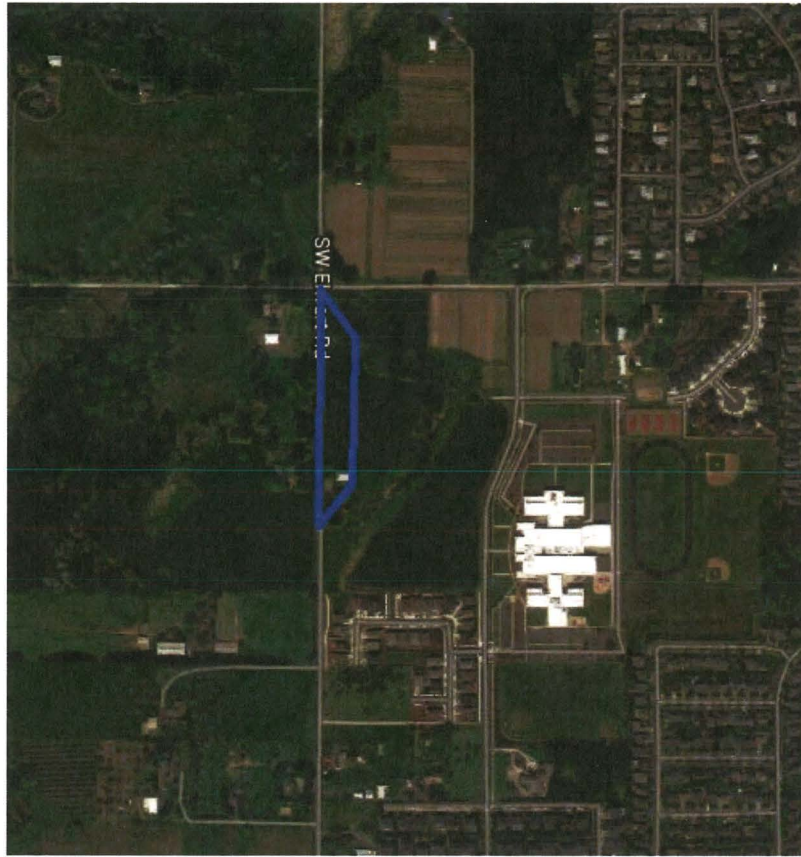
### SUMMARY OF PROPOSAL

The Applicant requests a Comprehensive Plan Map Amendment and Zone Change for the subject site located at 21340 SW Elwert Road (2S130CB 00250) from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL). This application is only for the Comprehensive Plan Map Amendment and Zone Change. A separate future application will be submitted for an 85-unit single-family subdivision and associated public improvements.

Sherwood Zoning and Community Development Code, Comprehensive Plan, Metro Plans, Transportation Planning Rule, and the Oregon Statewide Planning Goals are addressed within this narrative. As a Type V process, this application will include a public hearing before the Planning Commission who will forward a recommendation to the City Council for final decision. As required by the Sherwood code, this review includes a public notice and neighborhood meeting, which was held on July 21, 2015. A copy of the notice and meeting materials is included with this narrative under Exhibit E.

### Comprehensive Plan and Zoning Map Amendment

The site is currently designated Neighborhood Commercial on the City's Comprehensive Plan. The Applicant is proposing to redesignate and rezone the site for residential development. The Applicant has examined the needs of the community and has determined that additional residentially zoned land is necessary to meet the community's needs. A detailed Economic Opportunities Analysis has been prepared in support of this application request and is attached as Exhibit G.



## SURROUNDING USES

**Table A: SURROUNDING LAND USE**

<i>Location</i>	<i>Zoning Designation</i>	<i>Use</i>
North	AR-20	Farm Use
South	Open Space	Vacant
East	Medium Density Residential High	Farm Use
West	AR-20	Farm Use

### III. APPLICABLE REVIEW CRITERIA

## ZONING AND COMMUNITY DEVELOPMENT CODE

### CHAPTER 16.04 - ESTABLISHMENT OF ZONING DISTRICTS

#### 16.04.010 - Districts

For the purposes of this Code, the City is hereby divided into the following zoning districts:

Very Low Density Residential	VLDR
Low Density Residential	LDR
Medium Density Residential-Low	MDRL
Medium Density Residential-High	MDRH
High Density Residential	HDR
Neighborhood Commercial	NC
Office Commercial	OC
Office Retail	OR
Retail Commercial	RC
General Commercial	GC
Light Industrial	LI
General Industrial	GI
Flood Plain Overlay	FP
Institutional/Public	IP
Old Town Overlay	OT

**Response:** The current Zone of the subject site is Neighborhood Commercial (NC). The Applicant is requesting to change the Zone to Medium Density Residential-Low (MDRH).

#### 16.04.020 - Official Map

Zoning district boundaries are shown on the Official Plan and Zoning Map of the City. This Map is made part of this Code by reference, and shall be kept on file in the City Recorder's office. Any future changes to the zoning of land within the City shall be appropriately depicted on the Plan and Zoning Map and certified as to the date of amendment. The Official Plan and Zoning Map shall be the first and final reference point for verifying other land use mapping and in determining actual zoning district boundaries. A dated reproduction of the Official Plan and Zoning Map is attached as Appendix A.

**Response:** According to the Official Plan and Zoning Map of the City, the current Plan and Zone for the subject site is Neighborhood Commercial. The Applicant is requesting to change the Plan and Zone to Medium Density Residential-Low.

### CHAPTER 16.12 - RESIDENTIAL LAND USE DISTRICTS

The residential districts are intended to promote the livability, stability and improvement of the City's neighborhoods.

#### 16.12.010 - Purpose and Density Requirements

##### C. Medium Density Residential (MDRL)



The MDRL zoning district provides for single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirements.

**Response:** The Applicant requests to zone the subject property as Medium Density Residential Low. This would provide for needed residential land for development in the City of Sherwood. A further discussion of the need for residential property in the City of Sherwood is included in the Economic Analysis, attached as Exhibit G.

**16.12.020 - Allowed Residential Land Uses**

**A. Residential Land Uses**

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

USES	VLDR	LDR	MDRL	MDRH	HDR
<b>RESIDENTIAL</b>					
Single-Family Attached or Detached Dwellings	P	P	P	P	P
Two Family Dwelling Units	N	N	P	P	P
Multi-family Dwellings	N	N	N	P	P
Townhomes – subject to Chapter 16.44	N	N	N	P	P
Planned Unit Developments (PUDs) – subject to Chapter 16.40	P	P	P	P	P
Manufactured Homes on Individual Lots	P	P	P	P	P
Manufactured Home Park – subject to Chapter 16.46	N	N	P	P	N
Accessory Dwelling Unit – subject to Chapter 16.52	P	P	P	P	P
Group Homes <sup>[1]</sup>	P	P	P	P	P
Government-Assisted housing <sup>[2]</sup>	P	P	P	P	P
<b>ACCESSORY USES</b>					
Home Occupations – subject to Chapter 16.42	P	P	P	P	P
Temporary Uses – subject to Chapter 16.86	P	P	P	P	P
Amateur Radio Tower – subject to § 16.12.060	P	P	P	P	P
Family Daycare Providers	P	P	P	P	P
<b>COMMERCIAL</b>					
Agricultural Uses <sup>[3]</sup>	P	P	P	P	P
Residential Care Facilities	P	P	P	P	P
Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P
Plant Nurseries <sup>[4]</sup>	C	C	C	C	C
Public and Private Schools	C	C	C	C	C
Daycare Facilities	C	C	C	C	C
Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
Raising of Animals Other Than Household Pets	C	C	C	C	C
<b>CIVIC</b>					
Public Recreational Facilities <sup>[5]</sup>	P	P	P	P	P
Religious Institutions, Private Fraternal Organizations and Lodges, Country Clubs or Other Similar Clubs	C	C	C	C	C
Cemeteries and crematory mausoleums	C	C	C	N	N
Civic Buildings (such as police and fire stations, post office)	C	C	C	C	C
Public Use Buildings (such as libraries, and community centers)	C	C	C	C	C
Golf Courses	C	C	C	C	C

Basic Utilities (such as electric substations, public works yard)	C	C	C	C	C
Radio and Communications Stations, on lots with a minimum width and depth equal to the height of any tower in conformance	C	C	C	C	C

Whereas P=Permitted, C=Conditional, N=Not Allowed

- <sup>1</sup> Group homes not to exceed five (5) unrelated persons in residence provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.
- <sup>2</sup> Provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.
- <sup>3</sup> Includes truck farming and horticulture, but excludes commercial building or structures or the raising of animals except as otherwise permitted by this code.
- <sup>4</sup> Includes other agricultural uses and associated commercial buildings and structures
- <sup>5</sup> Includes, but is not limited to parks, playfields, sports and racquet courts, but excludes golf courses

- B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).
- C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

**Response:** Changing the Plan and Zone of the subject site to Medium Density Residential Low would provide land for needed residential housing in the City of Sherwood. Single-family, duplex, townhouse, and multi-family housing would all be permitted. Commercial operations, except for very limited uses, would not be permitted.

**16.12.030 - Residential Land Use Development Standards**

- A. **Generally**  
 No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)
- B. **Development Standards**  
 Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.
- C. **Development Standards per Residential Zone**

Development Standard by Residential Zone	VLDR	VLDR – PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas: (in square ft.)						
Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000

Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at building line <sup>[1]</sup> : (in feet)						
Single-Family	None	None	60	50	50	50
Two-Family	X	X	X	60	60	60
Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height <sup>[2]</sup> (in feet)	30 or 2 stories	30 or 2 stories	30 or 2 stories	30 or 2 stories	35 or 2.5 stories	40 or 3 stories
Amateur Radio Tower	70	70	70	70	70	70
Chimneys, Solar or Wind Devices, Radio and TV aerials <sup>[3]</sup>	50	50	50	50	55	60
<b>Setbacks (in feet)</b>						
Front yard <sup>[4]</sup>	20	20	20	14	14	14
Face of garage	20	20	20	20	20	20
Rear yard	20	20	20	20	20	20
<b>Interior side yard setbacks (in feet)</b>						
Single-Family Detached	5	5	5	5	5	5
Single-Family Attached	20	20	20	10	5	5
Two Family	X	X	X	5	5	5
Multi-Family						
Multi-Family 18 ft. or less in height	X	X	X	X	5	5
Multi-Family between 18-24 ft. in height	X	X	X	X	7	7
Multi-Family over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
<b>Corner lot street side setbacks (in feet)</b>						
Single Family or Two Family	20	20	20	15	15	15
Multi-Family	X	X	X	X	20	30
<p><sup>1</sup> Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.</p> <p><sup>2</sup> Maximum height is the lesser of feet or stories</p> <p><sup>3</sup> Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).</p> <p><sup>4</sup> Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.</p>						

**Response:** A subsequent subdivision application will be submitted that will be reviewed to ensure compliance with the development standards listed above.

## CHAPTER 16.22 - COMMERCIAL LAND USE DISTRICTS

### 16.22.010 - Purpose

- A. **Office Commercial (OC)** - The OC zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets.
- B. **Neighborhood Commercial (NC)** - The NC zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods.
- C. **Retail Commercial (RC)** - The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII.
- D. **General Commercial (GC)** - The GC zoning district provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Division VIII.

### 16.22.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

USES	OC	NC <sup>1</sup>	RC	GC
<b>RESIDENTIAL</b>				
Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings. <sup>2, 3</sup>	P	P	P	P
Residential care facilities	N	N	C	C
Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
<b>CIVIC</b>				
Hospitals	N	N	C	C
Correctional institutions	N	N	N	C
Cemeteries and crematory mausoleums.	N	N	C	C
Police and fire stations and other emergency services	N	C	C	C
Vehicle testing stations	N	N	N	C
Postal services - Public	N	C	C	C
Postal substations when located entirely within and incidental to a use	P	P	P	P

permitted outright.				
Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C
Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	N	N	C	C
Small-scale power generation facilities.	P	P	P	P
Large-scale power generation facilities.	N	N	N	C
Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
Public and private schools providing education at the elementary school level or higher	C	C	C	C
<b>COMMERCIAL</b>				
Commercial trade schools, commercial educational services and training facilities	C	N	P	P
<b>Entertainment/Recreation</b>				
Adult entertainment business, subject to Section 16.54.010	N	N	N	P
Motion picture and live theaters within enclosed building	N	N	P	P
Drive-in motion picture theaters	N	N	N	N
Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
Golf courses	N	N	N	N
Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities <sup>4</sup>	N	N	P	P
Hotels and motels	C	N	P	P
<b>Motor Vehicle Related</b>				
Motorized vehicle and sport craft repairs and service	N	C	C	P
Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
Vehicle fueling stations or car wash facilities	N	N	C	P
Junkyards and salvage yards	N	N	N	N
Manufactures' home sales and display area	N	N	N	N
<b>Office and Professional Support Services</b>				
Business and professional offices	P	P	P	P
Medical and dental offices and urgent care facilities	P	P	P	P
Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C	C
<b>Childcare</b>				
Day cares, preschools, and kindergartens, when clearly secondary to a	P	P	P	P

permitted use				
Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
<b>General Retail – sales oriented</b>				
General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P
Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
Wholesale building material sales and service	N	N	N	P
Retail building material sales and lumberyards.	N	N	C <sup>5</sup>	P
<b>Personal Services</b>				
Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
Public or commercial parking (non-accessory)	C	C	P	P
Veterinarian offices and animal hospitals.	N	N	C	P
Animal boarding/Kennels and daycare facilities with outdoor recreation areas <sup>6</sup>	N	N	C	C
<b>Eating and Drinking Establishments</b>				
Restaurants, taverns, and lounges without drive-thru <sup>7</sup>	P	C	P	P
Restaurants with drive-thru services	N	N	P	P
<b>INDUSTRIAL</b>				
Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
Medical or dental laboratories	N	N	C	P
<b>WIRELESS COMMUNICATIONS FACILITIES</b>				
Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
Wireless communication towers and transmitters <sup>8</sup>	C	C	C	C
Wireless communication facilities on City-owned property	P	P	P	P
Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
<b>OTHER</b>				
Agricultural uses including but not limited to: Farm equipment sales and rentals Farming and horticulture	N	N	P	P
Truck and bus yards	N	N	N	P

<sup>1</sup> See special Criteria for the NC zone, 16.22.050.

<sup>2</sup> The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

<sup>3</sup> Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

<sup>4</sup>If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

<sup>5</sup> All activities are required to be within an enclosed building.

<sup>6</sup> Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

<sup>7</sup> Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

<sup>8</sup> except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

**Response:** Uses currently permitted in the Neighborhood Commercial District include restaurants, business operations, and retail operations. The community has started conversations about the future of the land to the west described as Sherwood West. This area has the potential to design a healthy commercial district, where these operations would be better suited due to the lack of customers at the subject site. The subject site would not be a desirable location for businesses due to the high speed of traffic along SW Elwert Road, its remote location with limited customer catchment, and the limited shape of the district.

#### 16.22.050 - NC Special Criteria

All permitted and conditional uses shall be found by the Commission to conform to the purpose of the NC zone, and:

- A. Shall be conducted entirely within enclosed buildings, except for:
  - 1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five (5) percent of the gross floor area of each individual business establishment.
  - 2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.
- B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.
- C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one hundred (100) feet at the building line.
- D. Permitted and conditional uses may operate only between the hours of 7:00 a.m. and 10:00 p.m.

**Response:** The Neighborhood Commercial standards further restrict permitted businesses by restricting the number of businesses per site and their hours of operation. Restricting businesses to no more than four businesses and no more than 4,000 square feet each would dramatically reduce the type of businesses that would seek to be located at the subject site. The property would be better utilized as a residential development.

## CHAPTER 16.70 – GENERAL PROVISIONS

### 16.70.010 – Pre-Application Conference

Pre-application conferences are encouraged and shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.

**Response:** A pre-application conference was conducted on July 6, 2015 for this Comprehensive Plan Map Amendment and Zone Change as well as for the future subdivision application. A copy of the pre-application conference notes is included with this submittal package as Exhibit D.

### 16.70.20 – Neighborhood Meeting

- A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.
- B. Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.

**Response:** A neighborhood meeting for this Comprehensive Plan Map Amendment and Zone Change was conducted on July 21, 2015 at Edy Ridge Elementary School. Notice was sent via mail to property owners and recognized neighborhood organizations within 1,000 feet of the subject site. Copies of the neighborhood meeting materials are included in this submittal as Exhibit E.

### 16.72.010 - Generally Modified

#### 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:...

#### 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.

#### B. Hearing and Appeal Authority

1. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to



the City Council. The City Council shall conduct a public hearing and make the City's final decision.

**Response:** This application is being submitted for a Type V Review and will be subject to a public hearing to the Planning Commission and City Council.

## **CHAPTER 16.80 - PLAN AMENDMENTS**

### **16.80.010 - Initiation of Amendments**

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

**Response:** The Comprehensive Plan Map Amendment and Zone Change is being initiated by the property owner within the City of Sherwood.

### **16.80.20 - Amendment Procedures**

#### **Zoning Map or Text Amendment**

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

**Response:** The Applicant shall apply for the Zoning Map Amendment on forms provided by the City. The appropriate fee is included with this application.

### **16.80.030 - Review Criteria**

#### **B. Map Amendment**

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.

**Response:** This Zoning Map Amendment application proposes to change the zoning of the subject property from Neighborhood Commercial to Medium Density Residential Low, which is the same Zone as the southeast corner of the property. This narrative will address the requirements of the Sherwood Comprehensive Plan, the Transportation System Plan, and the Zoning and Development Code.

2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

**Response:** An economic analysis is included in this application as Exhibit G that addresses the need for additional residential zoning in Sherwood to meet the community's needs. The economic analysis shows that the need for Medium Density Residential acreage exceeds the existing inventory. In the recovery from the Great Recession, property values have increased, though new building permits have been slower to improve. The addition of new residentially zoned property would increase the reserve of land for development.

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

**Response:** This Comprehensive Plan Map Amendment is timely as there is a potential shortage of housing in Sherwood. There is a Medium Density Residential subdivision to the south of the property, Daybreak Estates, and Laurel Ridge Middle School is to the east of the site. The Applicant plans to submit, at a later date, a residential subdivision application for the 21.28 acre site. SW Elwert Road is not a suitable location for Commercial Services. There is not a customer base nor catchment to necessitate commercial operations. Traffic and parking would be challenging for a commercial operation located on the subject site, as SW Elwert Road is an arterial road and the narrow design of the site would prohibit sufficient parking. Additionally, the Sherwood West Concept Plan offers an opportunity for the community to plan for a true commercial district with proper traffic exposure and access and enough local customers in the immediate vicinity. The Applicant's analysis of the transportation system is included as Exhibit F, which includes an analysis of the proposed rezone and redesignation and how it would affect the system consistent with the Transportation Planning Rule. Based on the findings provided within this study, no mitigation is required for the rezone and redesignation as the expected reasonable worst case scenario for the proposed zoning is less than that of the existing zoning.

4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

**Response:** The City of Sherwood is in need of additional residential housing to meet a 20 year supply, specifically for the type of housing permitting within the MDRL zone. There are little to no alternative sites of this size that could accommodate the proposed density and provide access to public services in the City of Sherwood. One of the few opportunities is within the Brookman area that was added to the Urban Growth Boundary, but cannot develop until annexation to Sherwood. This land has been proposed for annexation twice in the past and failed to win an election. There is no certainty about the availability of this land to accommodate the long term growth demands of Sherwood. More information concerning the lack of appropriate sites is detailed within Exhibit G.

#### C. Transportation Planning Rule Consistency

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

**Response:** A Transportation Analysis addressing TPR consistency is included with this application as Exhibit F. Generally, the proposal results in less traffic impacts to the regional system and is therefore in compliance with the State Transportation Planning Rule.

2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional

classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.

**Response:** SW Elwert Road is an arterial road and SW Edy Road is a collector road and both roads are under the jurisdiction of Washington County. The proposed Comprehensive Plan Map Amendment and Zone Change would not change the functional classification of an existing or planned transportation facility or reduce the level of service of any of the proposed roads below the minimum level identified in the Sherwood TSP. The proposed Zone Change reduces the number of peak hour trips and therefore reduces the overall impact to the local roadway system. A detailed analysis demonstrating these findings is included within Exhibit F.

3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  - a. Limiting allowed uses to be consistent with the planned function of the transportation facility.
  - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.
  - c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

**Response:** The proposed Comprehensive Plan Map Amendment and Zone Change would not significantly affect the transportation facilities in the area, as described in the attached Transportation Analysis (Exhibit F); this criterion does not apply.

## COMPREHENSIVE PLAN

The applicable Sherwood Comprehensive Plan Policies and Goals are set forth below along with findings in support of the Comprehensive Plan Map Amendment and Zone Change.

### CHAPTER 2 – PLANNING PROCESS

**Response:** Chapter 2 of the Sherwood Comprehensive Plan highlights citizen involvement, agency involvement, the plan development process, plan interpretation, and plan amendments. As previously stated, a neighborhood meeting was completed for this application on July 21, 2015. The Sherwood City Council will have final decision-making authority in this Comprehensive Plan Map Amendment and Zone Change after a full public hearing with the Planning Commission.

### CHAPTER 3 – GROWTH MANAGEMENT

**Policy 1 – The City will periodically review and propose to Metro appropriate revisions to the Urban Growth Boundary (UGB) in conformance with the Metro 2040 Growth Concept Plan and the need to accommodate urban growth to the year 2017.**

**Response:** This application does not propose any changes to the UGB. The proposed Comprehensive Plan Map Amendment and Zone Change from commercial to residential are in conformance with the Metro 2040 Growth Concept Plan.

### CHAPTER 4 – LAND USE

**Policy 1 – Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.**

**Response:** The proposed Comprehensive Plan Map Amendment and Zone Change would enable the site to be developed for residential uses to accommodate the need in Sherwood for residential housing, addressing one of the strategies related to this policy and the City's need to provide residential development as detailed within Exhibit G.

**Policy 2 – The City will insure that an adequate distribution of housing styles and tenures are available.**

**Response:** The subject site is a three-acre portion of a 21.28 acre site. The remainder of the site is a mix of Medium Density Residential High and Medium Density Residential Low, with an Open Space overlay over a portion of it. The Applicant proposes to change the Neighborhood Commercial Zoning portion to Medium Density Residential Low, the same Zone as the southeast corner of the site.

The Daybreak Estates subdivision to the south of the subject site includes single-family home lots between 4,000 and 6,000 square feet. Further to the east, past Laurel Ridge Middle School, is a Low Density Residential Planned Unit Development. The surrounding area to the north and west of the site are outside the Urban Growth Boundary. This area is proposed to provide a variety of housing styles. The proposed Comprehensive Plan Map Amendment and Zone Change would provide additional housing for existing and future residents of Sherwood.

### CHAPTER 5 – ENVIRONMENTAL RESOURCES

#### B. ENVIRONMENTAL RESOURCES POLICY GOALS

Planning Goals: Energy Resources

4. Encourage energy efficiency in the design and use of sites, structures, transportation systems and utilities.

**Response:** The Plan Amendment and Zone Change would allow the site to be designed and developed in a way that would maximize energy efficiency in the use of the site, structures, transportation systems, and utilities.

#### C. NATURAL RESOURCES AND HAZARDS

**Policy 1 – Flood plain shall be prohibited from development in order to reduce the risk of flooding, prevent or reduce risk of human life and property, and maintain functions and values of floodplains such as allowing for the storage and**

conveyance of stream flows through existing and natural flood conveyance systems.

**Response:** The subject site is not within a flood plain. A tributary of Chicken Creek lies to the east of the site. When the subdivision application is submitted, the Chicken Creek tributary and area in the Open Space Overlay will be protected to the greatest extent possible. A preliminary concept development plan is included as Exhibit A, though no development is proposed with this Zone Change application.

**Policy 2 – Habitat friendly development shall be encouraged for developments with Regionally Significant Fish and Wildlife Habitats identified as Map V-2.**

**Response:** The site does not contain a waterway, though it is adjacent to a tributary of Chicken Creek. Future development will be designed to conserve this area to the greatest extent feasible. A subsequent application will be submitted for a residential subdivision on this site. A Natural Resource Assessment will be included with the subdivision application, which will define the boundaries of the resource and establish the regulatory buffers, as required by Clean Water Services.

**Policy 4 – Provide drainage facilities and regulate development in areas of runoff or erosion hazard.**

**Response:** This application is for the Comprehensive Plan Map Amendment and Zone Change only. A subsequent application will be submitted for a residential subdivision on this site. The subdivision proposal submittal will provide drainage facilities and regulate development in areas of runoff or erosion hazard to meet the standards of Sherwood Clean Water Services.

#### **D. ENVIRONMENTAL QUALITY**

**Policy 1 – Water quality will be protected from erosion and other forms of degradation.**

**Response:** The proposed Comprehensive Plan Amendment and Zone Change and subsequent subdivision would protect the natural resource areas to the east of the site through buffers established by Clean Water Services as well as proper erosion control measures and stormwater management facilities.

**Policy 2 – Air quality will be protected from significant degradation.**

**Response:** The proposed development would protect air quality by utilizing the site in an efficient manner.

**Policy 3 – Noise sources will be shielded from residential neighborhoods.**

**Response:** This application would not result in any additional noise sources that would necessitate shielding from residential neighborhoods. This application is for the Comprehensive Plan Map and Zone Change only. A future application will be submitted to develop the site with single-family, owner-occupied residences consistent with the existing surrounding development.

## E. RECREATIONAL RESOURCES

**Policy 4 – The City will encourage and support the private sector in the provision of needed recreational opportunities.**

**Response:** The subsequent subdivision will be linked to the existing open space area to the west of the subject site via a pedestrian connection, where appropriate. The subdivision will provide recreational opportunities.

## F. ENERGY RESOURCES

**Policy 4 – The City will encourage energy efficiency in the design and use of sites, structures, transportation systems and utilities.**

**Response:** The Plan Amendment and Zone Change would allow the site to be designed and developed in a way to maximize energy efficiency in the use of the site, structures, transportation systems, and utilities. The subject property is connected to existing roadways and has access to existing utility services. The availability of these existing infrastructures results in resource efficiency and encourages the use of existing systems.

## CHAPTER 6 – TRANSPORTATION

**Policy 1 – Open Space will be linked to provide greenway areas.**

**Response:** The conversion of the site from commercial to residential will allow for a subdivision that can provide additional open space and linkages to the existing open space area to the east via a pedestrian connection, where appropriate.

## CHAPTER 7 – COMMUNITY FACILITIES AND SERVICES

**Response:** The Applicant will support and adhere to all City of Sherwood requirements relating to facilities and services.

# METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

## TITLE 1 – HOUSING CAPACITY

### 3.07.110 Purpose and Intent

The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity as provided in section 3.07.120.

**Response:** This Comprehensive Plan Map Amendment and Zone Change would increase Sherwood’s housing capacity and meet the Title 1 purpose by providing the opportunity for development of residentially zoned property with a compact form.

## TITLE 3 – WATER QUALITY AND FLOOD MANAGEMENT

### 3.07.310 Intent

To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas

from development activities and protecting life and property from dangers associated with flooding.

**Response:** A portion of the property to the east of the proposed Comprehensive Plan Map Amendment and Zone Change site is within the Open Space Overlay, which includes the tributary of Chicken Creek. Future development plans will protect these areas to the greatest extent possible. At the time of future development, a Significant Natural Resource Assessment will be conducted and included with the proposal for that development.

#### **TITLE 4 – INDUSTRIAL AND OTHER EMPLOYMENT AREAS**

##### **3.07.410 Purpose and Intent**

The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

**Response:** The subject property does not contain any Title 4 Industrial Areas. Therefore, this Title is not applicable to this review.

#### **TITLE 6 – CENTERS, CORRIDORS, STATION COMMUNITIES AND MAIN STREETS**

##### **3.07.610 Purpose**

The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro’s approval.

**Response:** The subject site is not within an area designated in Title 6. While this application proposes to change a commercial zoning district to residential, the area designated for commercial would not provide meaningful commercial uses for the area. Traffic and parking would be problematic along SW Elwert Road, which is an arterial road, and there are not customers in the area to use the commercial facilities. It is possible to plan for a central, practical commercial district in the future in the land to the west in the area described as Sherwood West, outside the Urban Growth Boundary. This potential location could have the proper transportation network and enough market area to support a commercial district. The proposed amendment in this application would allow the Mandel property to be developed at a residential density consistent with the intent of Title 6 while ensuring the resulting development is in-line with the community values articulated within the comprehensive plan.

## TITLE 13 – NATURE IN NEIGHBORHOODS

### 3.07.1310 Intent

The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

**Response:** The site does not contain a waterway, though it is near a tributary of Chicken Creek. Future development will be designed to conserve this area to the greatest extent feasible. A subsequent application will be submitted for a residential subdivision on this site, which will include a Natural Resource Assessment that will provide protection to the waterway and natural resources.

## STATEWIDE PLANNING GOALS

The Sherwood Comprehensive Plan was acknowledged by LCDC to carry out the Statewide Planning Goals. The subsequent analysis shows how the proposed actions affect the Sherwood Comprehensive Plan's compliance with the Statewide Planning Goals.

### GOAL 1 – CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process

**Response:** The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to all property owners within the notice area, published in the newspaper, and will also be posted on the subject property, giving interested citizens an opportunity to be involved in the process. A public hearing to consider the request will be held by the Planning Commission and City Council. Through the notice and public hearing process, all interested parties will be afforded the opportunity to review the application, comment on the proposal, and participate in the decision. This process meets the requirements of this Goal for citizen involvement in the land use planning process. In accordance with the findings presented above, the proposed Comprehensive Plan and Zoning Map Amendment are consistent with Goal 1.

### GOAL 2 – LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Response:** The Sherwood Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals and provides goals, policies, and procedures for reviewing and evaluating land use requests. The City's adopted Type V land use planning process provides for Plan Map Amendments and is consistent with Goal 2.

### GOAL 3 – AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

**Response:** The subject property is comprised of land that is currently located within the Urban Growth Boundary (UGB) and fully within the City of Sherwood's Incorporated City limits.



The Comprehensive Plan Map Amendment and Zone Change would only affect the subject site. Therefore, it will not have a direct impact on any Goal 3 Agricultural Lands and this Goal is not applicable. In accordance with the findings presented above, the plan proposed with the Comprehensive Plan Map and Zone change is consistent with Goal 3.

#### **GOAL 4 – FOREST LANDS**

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

**Response:** The subject property comprises land that is currently located within the UGB and fully within the City of Sherwood's Incorporated City limits. The Comprehensive Plan Map Amendment and Zone Change would only affect the subject site. Therefore, it will not have a direct impact on any Goal 4 Forest Lands, and as such this Goal is not applicable. In accordance with the findings presented above, the plan proposed with the Comprehensive Plan Map and Zone change is consistent with Goal 4.

#### **GOAL 5 – OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES**

To protect natural resources and conserve scenic and historic areas and open spaces.

**Response:** The proposed Comprehensive Map Amendment and Zone Change would not affect or alter the natural resources in the area. The subsequent subdivision will be designed to minimize the impact to natural resource areas on-site.

#### **GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY**

To maintain and improve the quality of the air, water and land resources of the state.

**Response:** The subject property is located within the UGB and City limits, where development at an urban scale and density is anticipated to occur. While the type and organization of uses specifically allowed within the property would change, no significant negative change in the quality of air is expected to occur. The proposed uses do not involve any additional noise or smoke that would affect the surrounding air, water, or land resource quality.

City sewer and water services are readily available to the subject property, as well as storm drainage facilities. At the time of the subdivision application, the site will be designed and engineered to accommodate stormwater retention and drainage facilities, as specified by the City's adopted design and engineering standards. The proposal does not threaten the quality of local or regional air, water, and land resources. In accordance with the findings presented above, the proposed Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 6.

#### **GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS**

To protect people and property from natural hazards.

**Response:** The subject property is located outside the 100-year floodplain. The site is relatively flat with no areas identified as landslide hazards or steep slopes. Detailed review of the site will be completed during the subsequent subdivision process to ensure natural hazards are mitigated to the greatest extent practicable.

## **GOAL 8 – RECREATIONAL NEEDS**

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**Response:** The proposed Comprehensive Plan Map Amendment and Zone Change would allow for the development of the subject site. The proposed development of the site would include the development of open space and natural areas to benefit the proposed dwelling units.

A subsequent subdivision plan will be submitted to the City of Sherwood. The proposed plan will include the construction of pedestrian walkways, sidewalks, and trails to provide for pedestrian connections between all of the parks and open spaces proposed within the development. These improvements will provide the ability to connect with other parks and open space areas that exist or that are planned within the City. Therefore, the proposed Comprehensive Plan Map Amendment and Zoning Change are in compliance with Goal 8 by providing opportunities consistent with guidelines identified in the Comprehensive Plan.

## **GOAL 9 – ECONOMIC DEVELOPMENT**

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

**Response:** The proposed change would redesignate approximately three acres from Neighborhood Commercial to Medium Density Residential Low. The intent is to provide single-family residential housing to the area. Data necessary to address this Goal in relation to the proposed change, as required by OAR 660-009-0015, is available in the Economic Opportunity Analysis (EOA) included in this application. The EOA provides the most recent and comprehensive data available for economic development trends and the inventory of commercial and industrial land within the urban area for the 20-year planning period.

In summary, the Comprehensive Plan Map Amendment and Zoning Change conforms to the City’s EOA by providing a location for housing. This proposal serves to provide an opportunity for the residential activities that are vital to the citizens of Sherwood, which is consistent with the requirements of this Goal.

## **GOAL 10 - HOUSING**

To provide for the housing needs of the citizens of the state.

**Response:** The proposed change would redesignate approximately three acres from Neighborhood Commercial to Medium Density Residential Low. The intent is to provide opportunities for the development of additional housing in Sherwood.

The proposed Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 10. Based on the available data, the reduction of vacant commercial land inventory represented by this proposal would not cause a significant impact on the availability of commercial and retail services within the urban area. The future planning area to the west described as Sherwood West has the potential to provide for true commercial space in an area with a catchment and customer base, which this area does not have. For these reasons, approval of the proposed Plan and Zone change would not have a significant impact on the availability of commercial and retail opportunities within the UGB or in the

local area and would increase the amount of available residentially-zoned land. Therefore, the proposal does not adversely impact the requirements of this Goal.

## **GOAL 11 – PUBLIC FACILITIES AND SERVICES**

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**Response:** The City maintains an infrastructure of public facilities and services to support urban development. The City has adopted transportation, stormwater, wastewater, and water master facility plans. These plans outline the public facilities and services needed to serve land within the UGB. The existing public services and facilities in the area, as well as those required to serve the proposed development on the subject property, will be reviewed by the Public Works Department. In accordance with the findings presented above, the plan proposed within the Comprehensive Plan Map Amendment and Zoning Change is consistent with Goal 11.

## **GOAL 12 - TRANSPORTATION**

To provide and encourage a safe, convenient and economic transportation system.

**Response:** The City of Sherwood's Transportation System Plan (TSP) is in compliance with the requirements of this Goal. The relationship of the proposal to the transportation system as well as its impacts have been set forth in detail in the Transportation Analysis, included as Exhibit F. The Applicant has demonstrated that the identified amendments do not require mitigation to ensure that adopted operating standards would be met. The analysis has found that the traffic impacts of the project would not cause a change in the functional classification of any street or transportation facility, would not require or result in changes to the standards that implement the functional classifications system, would result in traffic volumes that are consistent with the functional classifications of the affected streets, and no mitigation would be required to assure that adequate levels of service and the functionality of the transportation system is maintained. The proposed amendments are therefore in compliance with the Oregon Transportation Planning Rule, the Sherwood Transportation System Plan, and the goals and policies contained within the Sherwood Comprehensive Plan. In accordance with the findings presented above, the proposed plan is consistent with Goal 12.

## **GOAL 13 – ENERGY CONSERVATION**

To conserve energy.

**Response:** The design of the proposed development will strive to provide integrated residential land uses, resulting in a livable, connected community within the City of Sherwood. Inherent in the design will be the ability to live in close proximity to other land uses, which will allow for less vehicle trips and miles traveled and result in a reduction of the consumption of gasoline and associated emissions. The proposed layout of the site encourages the use of alternative modes of transportation, both within and adjacent to the proposed development, through the provision of greenways, parks, and tree-lined pedestrian corridors.

A subsequent subdivision application will design the transportation system in this area to provide direct, efficient, and convenient access. The proximity of the development to adjacent developed residential neighborhoods and employment areas would reduce the

vehicle miles traveled throughout the area. The location and nature of the proposed development would promote the conservation of energy needed for transportation. For these reasons, the proposal would help to conserve energy and create energy efficiency, which is in keeping with the intent of this Goal.

#### **GOAL 14 - URBANIZATION**

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**Response:** The entire subject property is located within the Sherwood City limits. All required public facilities and services can be made available to the property. The site consists of vacant urban land. The use of the site as proposed would contribute to an efficient arrangement of land uses within the UGB and the efficient use of urban services, which would be consistent with the directives of this Goal. The proposal does not affect the size or location of the UGB. In accordance with the findings presented above, the Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 14.

#### **GOAL 15 – WILLAMETTE RIVER GREENWAY**

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

**Response:** The subject property is not directly located within the Willamette River Greenway. However, the property is within the Tualatin River Basin, a tributary of the Willamette River. This Comprehensive Plan Map Amendment and Zone Change commits to the protection of riparian corridors. The preservation of these areas would provide long-term shading of the streams, which would assist in improving the water quality.

A subsequent subdivision application will provide a design of the stormwater system. The proposal conforms to Goal 15.

#### **GOAL 16 – ESTUARINE RESOURCES**

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

**Response:** The subject property does not contain any Estuarine Resources. Therefore, this Goal is not applicable to this review.

#### **GOAL 17 – COASTAL SHORELANDS**

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and

property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

**Response:** The subject property does not contain any Coastal Shorelands. Therefore, this Goal is not applicable to this review.

#### **GOAL 18 – BEACHES AND DUNES**

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

**Response:** The subject property does not contain any Beaches or Dunes. Therefore, this Goal is not applicable to this review.

#### **GOAL 19 – OCEAN RESOURCES**

To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

**Response:** The subject property is not located adjacent to the Pacific Ocean. Therefore this Goal is not applicable to this review.

### **IV. CONCLUSION**

As evidenced throughout this project narrative and associated documents, this Comprehensive Plan Map Amendment and Zone Change meets or exceeds any applicable development regulation or objective of the Sherwood Zoning and Community Development Code, Comprehensive Plan, Metro's Urban Growth Management Functional Plan, and the Oregon Statewide Planning Goals.

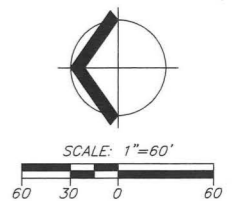
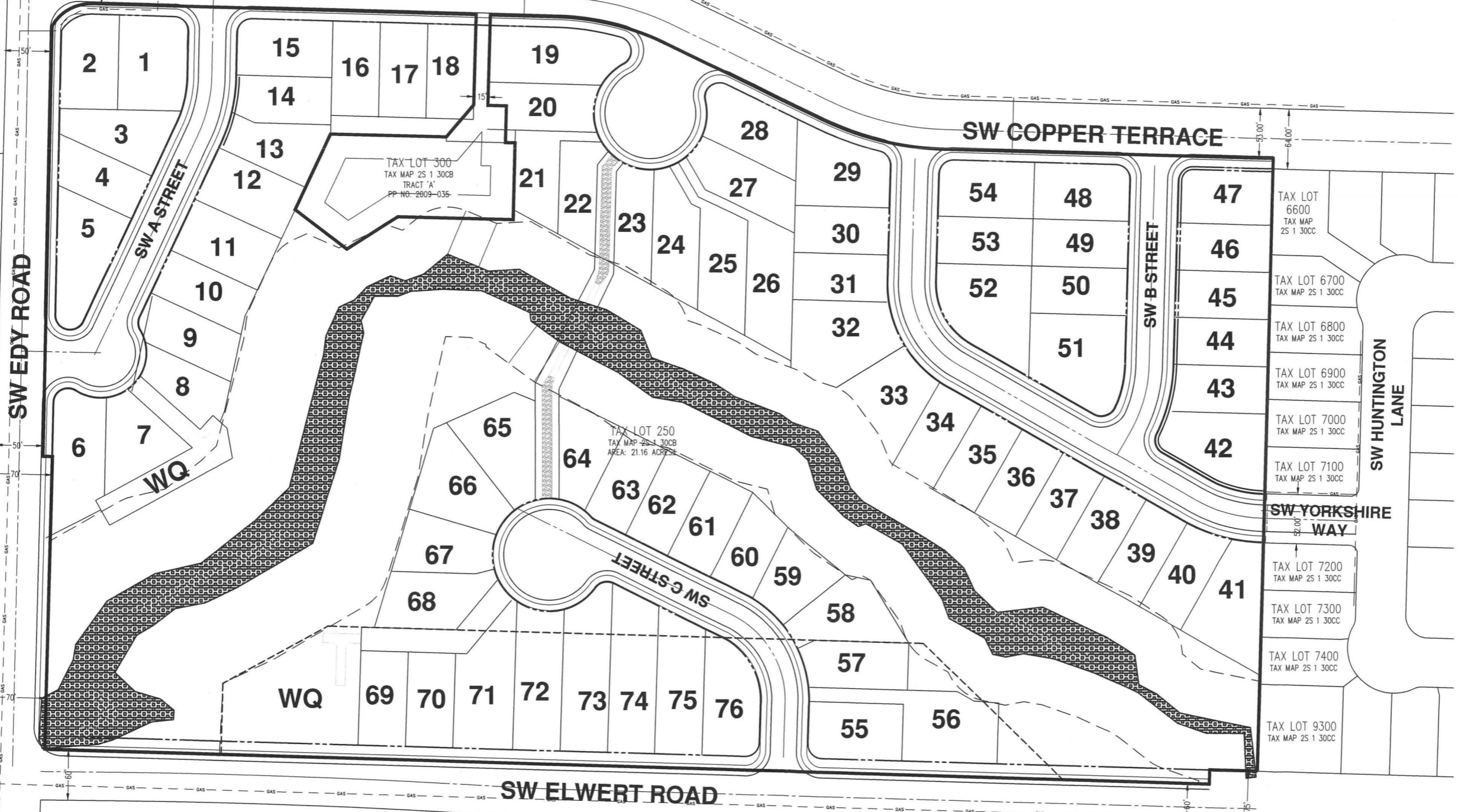


## **EXHIBIT A: PRELIMINARY DEVELOPMENT CONCEPT SKETCHES**

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TAX LOT 251  
 TAX MAP 25 1 30CB  
 77 78 79 80 81 82 83 84

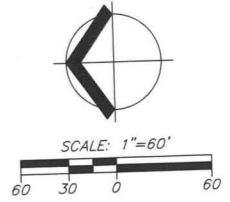
SW NURSERY WAY



DATE: 7/20/2015

<b>LAYOUT 3</b>		EXHIBIT A
<b>MANDEL PROPERTY</b>		<b>A</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: MD CHKD: AKS JOB: 4570





DATE: 7/20/2015

<b>LAYOUT 3</b>		<b>EXHIBIT A</b>
<b>MANDEL PROPERTY</b>		<b>A</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: MD CHKD: AKS JOB: 4570







## **EXHIBIT B: COUNTY TAX MAP AND TRIO**

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**First American  
 Title Company of Oregon**

Customer Service Department  
 121 SW Morrison Street Suite 300 - Portland, OR 97204  
 Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
 Email: cs.portland@firstam.com  
 Today's Date : 7/17/2015

**OWNERSHIP INFORMATION**

Owner	: 2007 Mandel Family	Bldg #	1	Of	1
CoOwner	: Mandel David	Ref Parcel Number	: 2S130CB 00250		
Site Address	: 21340 SW Elwert Rd Sherwood 97140	Parcel Number	: R0548642		
Mail Address	: 16990 SW Richen Park Cir Sherwood Or 97140	T: 02S	R: 01W	S: 30	Q: SW QQ: NW
County	: Washington (OR)				

**PROPERTY DESCRIPTION**

Map Page Grid :  
 Census Tract : 322.00 Block: 1  
 Neighborhood : 4TL0  
 School District : Sherwood  
 Subdivision/Plat :  
 Building Use : Single Family Res  
 Land Use : 5414 Agr,Farm Unzoned,Improved  
 Legal : ACRES 21.28, UNZONED FARMLAND-  
 : POTENTIAL ADDITIONAL TAX LIABILITY,  
 : LAND HOOK

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$1,812,520  
 Mkt Structure : \$63,260  
 Mkt Total : \$1,888,090  
 %Improved : 3  
 M50AssdTotal : \$163,240  
 Levy Code : 08810  
 14-15 Taxes : \$3,076.81  
 Millage Rate : 18.8485  
 Zoning : MDRH

**PROPERTY CHARACTERISTICS**

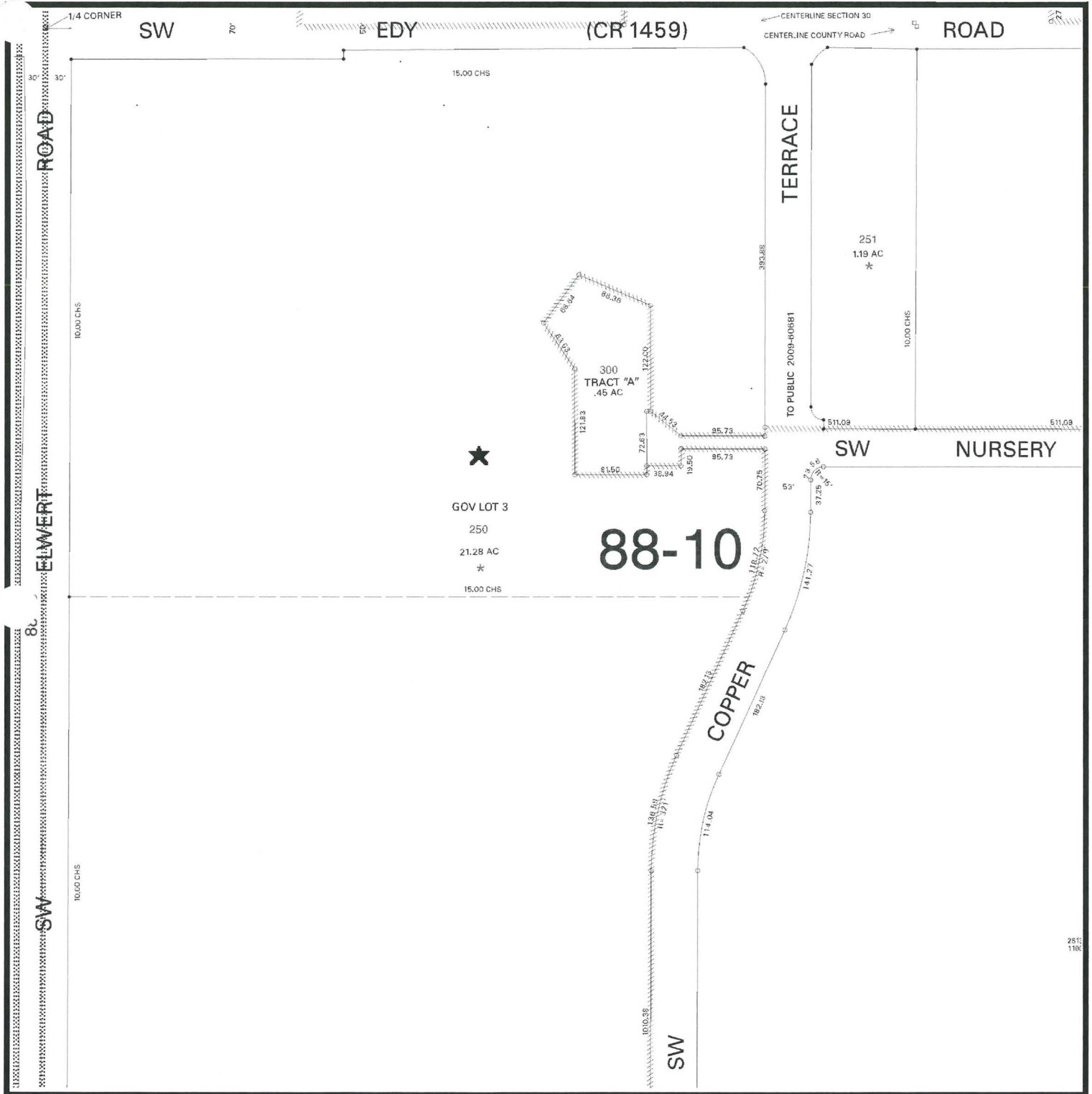
Bedrooms	: 4	Year Built	: 1936	Patio SqFt	:
Bathrooms	: 1.00	EffYearBlt	: 1936	Deck SqFt	:
Heat Method	: Stove	BsmFin SF	:	ExtFinish	: Wood Std Shtg
Foundation	: Concrete Ftg	BsmUnfinSF	: 1,146	Const Type	: Wd Stud\shgt
Lot Acres	: 21.28	BldgSqFt	: 2,877	Roof Shape	: Gable
Lot SqFt	: 926,957	1stFtrSF	: 1,146	Roof Matl	: Comp Shingle
Garage Type	:	UpperFISF	:	Porch SqFt	: 288
Garage SF	:	Attic SqFt	: 585	Paving Matl	:

**TRANSFER INFORMATION**

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:2007 Mandel Family	:02/12/2008	11973	:\$7,000	:Bargain & Sal	:	:
:Mandel Family Living 2007	:04/30/2007	48408	:	:Bargain &	:	:
:Mandel Marvin	:07/20/2001	71926	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Reference Parcel #: 2S130CB 00250



**First American**  
**Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com

Washington County, Oregon  
04/30/2007 04:10:26 PM 2007-048408

D-DBS Cnt=1 Stn=11 C WHITE  
\$15.00 \$8.00 \$11.00 - Total = \$32.00

**After Recording, Return to:**

MARVIN P. MANDEL  
JANE Q. MANDEL  
Co-Trustees of the  
2007 Mandel Family Trust  
21340 SW Elwert Road  
Sherwood, Oregon 97140

Reco:



01108754200700484080030034

I, Richard Hobermicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

*Richard Hobermicht*  
Richard Hobermicht, Director of Assessment and Taxation, Ex-Officio County Clerk



Until a change is requested,  
all tax statements shall be sent  
to the following address:

SAME AS ABOVE

---

**BARGAIN AND SALE DEED**

MARVIN P. MANDEL, ("Grantor"), conveys to MARVIN P. MANDEL and JANE Q. MANDEL, Co-Trustees of the 2007 MANDEL FAMILY REVOCABLE LIVING TRUST ("Grantees"), the following described real property located in Washington County, Oregon, free of encumbrances except those of public record:

**DESCRIPTION OF PROPERTIES:**

PLEASE SEE ATTACHED EXHIBIT A.

The true consideration for this conveyance is the transfer of the property to Grantees for estate planning purposes and is valued at \$0.00.

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR TO GRANTEEES AND GRANTEEES' HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTORS UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD EXTENDED. IT IS THE INTENTION OF THE GRANTOR TO PRESERVE ANY EXISTING TITLE INSURANCE COVERAGE. THE LIMITATIONS

Page 1 - BARGAIN AND SALE DEED - MARVIN P. MANDEL to MANDEL TRUST

2/27/2007

JOHN A. RANKIN, LLC.  
Attorney at Law  
26715 S.W. Baker Road  
Sherwood, Oregon 97140  
(503) 625-9710 / Fax (503) 625-9709

CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTORS OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

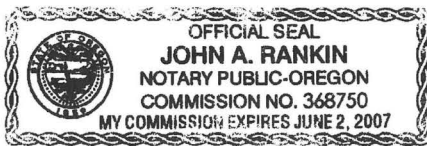
DATED: February 27, 2007.


  
MARVIN P. MANDEL  
Grantor

STATE OF OREGON            )  
  )  
County of Washington    )        ss.

Personally appeared the above named MARVIN P. MANDEL, Grantor, and acknowledged the foregoing to be his voluntary act and deed.

BEFORE ME:



  
Notary Public for Oregon  
My commission expires: 6-2-07

Page 2 - BARGAIN AND SALE DEED - MARVIN P. MANDEL to MANDEL TRUST  
JOHN A. RANKIN, LLC.  
Attorney at Law  
26715 S.W. Baker Road  
Sherwood, Oregon 97140  
(503) 625-9710 / Fax (503) 625-9709

2/27/2007

**EXHIBIT "A"**

Beginning at the one-quarter corner on the West line of Section 30, Township 2 South, Range 1 West, Willamette Meridian, in the County of Washington and State of Oregon, being also the Northwest corner of the Southwest one-quarter of said Section 30; thence East along the centerline of said Section 15 chains, more less, to the Northwest corner of the Mandel tract described in deed recorded December 8, 1900 in Book 56 at Page 141, Deed Records; thence South parallel to the West line of said Section 30, 20 chains, more or less, to the Southeast corner of the Mandel tract described in deed recorded March 14, 1914 Book 101 at page 413, Deed Records; thence West parallel to the North line of said Southwest one-quarter of Section 30 to the West line of said Section 30 at the centerline of Elwert Road; thence North along the West line of said Section 30, 20 chains, more or less, to the point of beginning.

Commonly known as 21340 SW Elwert Road, Sherwood, Oregon 97140



## **EXHIBIT C: APPLICATION FORM**

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Case No. PA 15-04  
Fee 5330-  
Receipt # 872492  
Date 8-7-15  
TYPE V

**City of Sherwood**  
**Application for Land Use Action**

**Type of Land Use Action Requested: (check all that apply)**

- |   |  |
|---|--|
| <input type="checkbox"/> Annexation   | <input type="checkbox"/> Conditional Use               |
| <input checked="" type="checkbox"/> Plan Amendment (Proposed Zone <u>MDRH</u> ) | <input type="checkbox"/> Partition (# of lots _____)   |
| <input type="checkbox"/> Variance(list standard(s) to be varied in description) | <input type="checkbox"/> Subdivision (# of lots _____) |
| <input type="checkbox"/> Site Plan (Sq. footage of building and parking area)   | <input type="checkbox"/> Other: _____                  |
| <input type="checkbox"/> Planned Unit Development                               |  |

*By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.*

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov). Click on Departments/Planning/Fee Schedule.

**Owner/Applicant Information:**

Applicant: Venture Properties, Kelly Ritz Phone: 503-387-7600  
 Applicant Address: 4230 Galewood St, Ste 100, Lake Oswego 97034 Email: \_\_\_\_\_  
 Owner 2007 Mandel Family Trust, David Mandel and Randy Kieling Phone: \_\_\_\_\_  
 Owner Address: 6990 SW Richen Park Cir, Sherwood, 97140 Email: \_\_\_\_\_  
 Contact for Additional Information: Kelly Ritz

**Property Information:**

Street Location: On the SE corner of the intersection of SW Edy Road and SW Elwert Road  
 Tax Lot and Map No: 2S130CB Tax lot 250  
 Existing Structures/Use: One single family home  
 Existing Plan/Zone Designation: Neighborhood Commercial/Medium Density Residential High  
 Size of Property(ies) 21.28 total acres (3 acres for Plan Amendment)

**Proposed Action:**

Purpose and Description of Proposed Action: \_\_\_\_\_  
Comprehensive Plan and Zone Change of the Neighborhood Commercial portion of the property to  
Medium Density Residential High (MDRH) to better suit the needs of the neighborhood.

Proposed Use: Residential

Proposed No. of Phases (one year each): N/A



## LAND USE APPLICATION FORM

### Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature

Jane Q. Mandel

Date

07/28/15

Owner's Signature

Jane Q. Mandel

Date

07/28/15

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 \* copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 \* folded** sets of plans
- At least 3 \* sets** of narrative addressing application criteria
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)
- Signed checklist** verifying submittal includes specific materials necessary for the application process

\* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

## LAND USE APPLICATION FORM

### Authorizing Signatures:

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I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature

*Randy Kelling*

Owner's Signature

Date

*7/27/15*

Date

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

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## LAND USE APPLICATION FORM

### Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

\_\_\_\_\_  
Applicant's Signature

*David Mandel*

\_\_\_\_\_  
Owner's Signature

*[Signature]*

\_\_\_\_\_  
Date

*24 July 2015*

\_\_\_\_\_  
Date

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 \* copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
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- At least 3 \* sets** of narrative addressing application criteria
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)
- Signed checklist** verifying submittal includes specific materials necessary for the application process

\* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

### LAND USE APPLICATION FORM

#### Authorizing Signatures:

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I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

  
Applicant's Signature Venture Properties, Inc. 7-22-15  
Date

\_\_\_\_\_  
Owner's Signature Date

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 \* copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
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- At least 3 \* sets** of narrative addressing application criteria
- Fee** (along with calculations utilized to determine fee if applicable)
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## **EXHIBIT D: PRE-APPLICATION MEETING NOTES**

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## Pre-Application Conference Notes

**PAC 15-06**

**Meeting Date: July 6, 2015**

Meeting Time: 2:30PM

Planning Staff Contact: Brad Kilby

503-625-4206

Kilbyb@sherwoodoregon.gov

### Residential Subdivision/Rezone

**PLEASE NOTE:** The conference and notes cannot cover all Code requirements and aspects related to site planning that should apply to the development of your property. Failure of the staff to provide information required by the Code shall not constitute a waiver of the applicable standards or requirements. It is recommended that a prospective applicant either obtain and read the Community Development Code or ask any questions of City staff relative to Code requirements prior to submitting an application.

#### **Proposed project name: Mandel Property**

**PROPOSAL DESCRIPTION:** Proposal to complete a sequence of land use applications including a partition to divide a 21.28 acres site two, then, a concurrent subdivision application on one of the parcels, and a rezone on the second parcel to remove the Neighborhood Commercial designation on the portion of the property that is south of SW Edy Road, and immediately east of SW Elwert Road. There is a single-family residence with accessory buildings on the portion of the site that is located west of a drainage that bisects the property, and a regional stormwater facility on the east side of the same resource. The property is also divided by SW Copper Terrace Road.

**APPLICANT: Venture Properties**  
Attn: Kelly Ritz  
4230 Galewood Street, Suite 100  
Sherwood, OR 97140 (503)625-9710

**APPLICANT'S REPRESENTATIVE:**  
AKS Engineering and Forestry  
Attn: Mimi Doukas  
12965 SW Herman Road  
Tualatin, OR 97062

**OWNER: Marvin and Jane Mandel**

**PROPERTY LOCATION: WCTM 2S130CB00250 Southeast corner of the intersection of SW Edy Road and SW Elwert**

**Identified potential constraints/issues:** Regional Stormwater Facility, Vegetated Corridor, Intervening

Right-of-way, Cul-de-sac length, connectivity and circulation

**Based on the information provided, NECESSARY APPLICATION: The Partition is a Type II process, The Rezone and Subdivision would be considered by Planning Commission with a recommendation to the City Council for their own consideration, and ultimately a decision.**

**ZONING DISTRICT DIMENSIONAL REQUIREMENTS (Refer to Code Section 16.12)**

The property is located within the Area 59 Concept Plan area and is split zoned with Medium Density Residential Low (MDRL), Medium Density Residential High (MDRH), and Neighborhood Commercial, this proposal is for the development of the MDRH and MDRL zoned portions of the site. The Neighborhood Commercial portion of the site is not being developed at this time.

MINIMUM LOT SIZE: 5,000 sq. ft. LOT WIDTH AT FRONT PROPERTY LINE: 25 ft.

LOT WIDTH AT BUILDING LINE: 50 ft.

MAXIMUM HEIGHT: 30 ft. or 2-stories for the MDRL zoned property, and 35 ft. or 2 ½ stories for the MDRH zoned property.

Setbacks: Front: 20 ft.

Side 5 ft.

Rear 20 ft.

Corner 15 ft. from street\* Keep this in mind for all corner lots in that the width of the lot is decreased by up to 20-feet with setbacks.

**NARRATIVE**  
The applicant shall submit a narrative which provides findings based on the applicable approval standards. Failure to provide a narrative or adequately address criteria would be reason to consider an application incomplete and delay review of the proposal. The applicant should review the code for applicable criteria.

**CLEAN WATER SERVICES SERVICE PROVIDER LETTER**  
The applicant shall submit a CWS Service Provider Letter at time of application submittal. An application will not be deemed complete without a CWS Service Provider Letter or a CWS prescreening noting that a Service Provider Letter is not required.

**PLAN AMENDMENTS (16.80)**

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

B. Map Amendment  
An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.
2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.
3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.
4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

C. Transportation Planning Rule Consistency

1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.

**PUBLIC INFRASTRUCTURE (16.104)**

All public improvements shall conform to City standards and specifications found in the **Engineering Design Manual** and installed in accordance with Chapter 108. The Council may establish additional specifications to supplement the standard of this Code and other applicable ordinances.

**TRANSPORTATION FACILITIES (16.106)**

**16.106.020** All developments containing or abutting an existing or proposed street that is unimproved or substandard in ROW or improvement, shall dedicate the necessary right of way prior to issuance of building permits or occupancy.

16.106.020.C.1. When development includes or abuts a proposed street in no event shall the required improvement exceed 40 ft.

2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

2. If 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 that would contribute only a minor portion of the anticipated future traffic on the street.

16.106.030: Location: Street Connectivity and Future Street Systems

16.106.040 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 the required roadway width. Dead-end streets less than 100' in length shall comply with the Engineering Design Manual.

**SANITARY SEWER (16.110)**

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. **NOTE: (This property is subject to a reimbursement district)**

**WATER (16.112)**

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with this Code, the Water System Master Plan, the City Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions. **NOTE: (This property is subject to a reimbursement district)**

**STORM WATER (16.114)**

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-0, or its replacement. **NOTE: (This property is subject to a reimbursement district)**

**FIRE (16.116)**

All developments are required to comply with the regulations of Tualatin Valley Fire & Rescue. TVF&R regulations can be found on their website at: [www.tvfr.com/Dept/fm/const/index.html](http://www.tvfr.com/Dept/fm/const/index.html).

**OVERHEAD UTILITIES (16.118)**

All existing and proposed utilities must be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the Commission.

**SUBDIVISIONS (16.120)**

No preliminary plat shall be approved unless:

- A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.
- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.
- C. 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).
- D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
- E. **Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.**
- F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.
- G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.
- H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.
- I. **A minimum of five percent (5%) open space** has been provided per Section 16.44.010.B.8 (Townhome-Standards) or Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

**LAND PARTITIONS (16.122)**

*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.*

**LAND DIVISION DESIGN STANDARDS (16.128)**

Block Length, Pedestrian and Bicycle ways, and Lot standards.

**ENVIRONMENTAL RESOURCES (16.144 Wetlands, Habitat, and Natural Areas)**

There is an existing vegetated corridor that will require protection and enhancement consistent with CWS standards. Applicant must provide a Service Provider Letter from CWS, and delineate any wetlands on-site. **THE PROPOSAL FOR SEWER SERVICE AND/OR PEDESTRIAN CROSSING SHOULD BE INITIALLY PROPOSED AND SHARED TO CONSOLIDATE CROSSINGS AND PERMITTING**

**LANDSCAPED VISUAL CORRIDOR (16.142.040)**

A landscaped visual corridor is required along all collectors and arterials (as designated by the Transportation System Plan) as well as Highway 99W. The required width of the corridor for collectors is ten (10) feet, arterials is fifteen (15) feet and Highway 99W is twenty-five (25) feet. **This development is required to provide a 15 foot landscaped visual corridor along SW Elwert**

**Road as an arterial, and a 10 foot landscaped visual corridor along SW Edy Road as a collector on the TSP. (May use portions of the lot to achieve the visual corridor with limitations on fence placement)**

The required visual corridor shall be planted as specified by the review authority to provide a continuous visual buffer between major streets and developed uses.

**STREET TREES (16.142.060)**

Trees are required to be planted along public streets abutting any new development. Spacing is based on the maximum canopy spread identified in the recommended street tree list with the intent of providing a continuous canopy without an opening. For example, 30 canopy spread = 30 ft. spacing between trees. Root barriers will be required with new street trees.

**TREES ON PRIVATE PROPERTY (16.142.070)**

All applications shall be required to preserve trees to the maximum extent feasible.

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 %. The canopy percentage is based on the expected mature canopy of each tree regardless of spacing. Arborists provide the estimate.

**APPLICABLE CODE CRITERIA**

(These sections *must* be addressed in the narrative submitted with the land use application)

- 16.12 (Residential Land Use Districts)
- 16.58 (Clear Vision and Fence Standards)
- 16.92 (Landscaping)
- 16.106 (Transportation Facilities)
- 16.108 (Improvement Plan Review)
- 16.110 (Sanitary Sewers)
- 16.112 (Water Supply)
- 16.114 (Storm Water)
- 16.116 (Fire Protection)
- 16.118 (Public and Private Utilities)
- 16.120 (Subdivisions)
- 16.128 (Land Division Design Standards)
- 16.142 (Parks, Trees and Open Space)- Visual Corridor, Street trees and Trees
- 16.156 (Energy Conservation)

**ADDITIONAL CONCERNS OR COMMENTS:**

**PROCEDURE**

- Type II - Administrative Staff Review, Planning Commission for any appeals.
- Type III- Public hearing before the Hearings Officer, Planning Commission for any appeals.
- Type IV- Public hearing before the Planning Commission, City Council for any appeals.
- Type V- Public hearing before the Planning Commission with the Commission making a recommendation on the proposal to the City Council. An additional public hearing shall be held by the City Council. Any appeals shall be heard by the Land Use Board of Appeals (LUBA).

**APPLICATION SUBMITTAL PROCESS**

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 \* copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 \* folded** sets of plans
- At least 3 \* sets** of narrative addressing application criteria
- Fee** (along with calculations utilized to determine fee if applicable) **CHECK WITH STAFF PRIOR TO SUBMITALL OF APPLICATION TO CONFIRM FEES DUE.**
- Signed checklist** verifying submittal includes specific materials necessary for the application process

**\* Note** that the required number of copies must be submitted for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, required number of copies and one full electronic copy will be required to be submitted.

The Planning Department will perform a preliminary review of the application and will determine whether an application is complete within 30 days of the counter submittal. Staff will notify the applicant if additional information or additional copies of the submitted materials are required.

The administrative decision or public hearing will typically occur approximately 45 to 60 days after an application is deemed complete by the Planning Department. Applications involving difficult or protracted issues or requiring review by other jurisdictions may take additional time to review. Written recommendations from the Planning staff are issued seven (7) days prior to the public hearing. A 14-day public appeal period follows all land use decisions.

**Information/Handouts provided at Pre-app:**

- Application form
- CWS pre-screen form
- Copy of fee schedule
- Copy of maps including: \_\_\_ Aerial, \_\_\_ Wetlands, \_\_\_ Floodplain, \_\_\_ Sanitary lines, \_\_\_ Storm lines
- Other Area 59 Concept Plan Maps
- Neighborhood Meeting Packet

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**Response to Questions from Applicant**

1. This seems feasible, however, the CWS vegetated corridor will be required to be set aside in a tract and enhanced in accordance with CWS design standards. the Code states, "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. This means that you would be required to meet the subdivision requirements, but does not preclude you from asking for a partition first.

2. The City review type will depend on the application type. Type II, Type V. Consider a Planned Unit Development? Partition (Type II), Subdivision (Type IV), Rezone or PUD (Type V). Road Modifications.
3. Studies required for the rezone will require an analysis to justify the rezone, and a traffic study to ensure compliance with the Transportation Planning Rule. Traffic study will be required for the subdivision based on traffic generation alone. Wetland Delineation and resource survey.
4. Aside from this standard, single-family developments are required to provide a minimum of 5% of the net buildable site is required for usable open space aside from environmentally constrained areas, yards or setbacks, visual corridors, and buffers.
5. Check with Building and Engineering.

**SEE ENGINEERING COMMENTS FOR RESPONSES TO REMAINDER OF QUESTIONS.**

**ADDITIONAL COMMENTS**

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6. The road is part of the concept plan, but that plan does not necessarily dictate the location of the connection. Without the connection, the project would not meet block length standards. A connection will ultimately need to be provided and stubbed to the undeveloped tract along with all public utilities. (The connection could potentially be bonded for as opposed to constructed provided it was approved by the City Engineer, and it was demonstrated by the applicant that the connection is proposed in a location that is feasible.
7. There is the potential that usable open space created over and above the 5% required above could be eligible for park SDC credits since there is a need for 14 acres identified in the concept plan.
8. Neighborhood Meeting is required
9. A reimbursement district is in place for this property

**End of pre-application conference comments**



# Engineering Pre-Application Comments

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To: Brad Kilby, Planning Manager

From: Bob Galati, P.E., City Engineer, Engineering Department

Project: Mandel Property Subdivision (PAC 15.06)  
Pre-Application Review Comments

Date: July 6, 2015

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Engineering staff has reviewed the information provided for the above cited project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

## Sanitary Sewer

City data shows an existing 15" diameter sanitary sewer mainline alignment down Copper Terrace. The flow direction is from Cereghino Way towards Edy Road. The line is sized to serve the undeveloped area between Elwert and Copper Terrace, Cereghino and Edy, along with the existing school district develop east of Copper Terrace, and future development west of Elwert.

A 15" diameter sanitary mainline stub exists from Derby Terrace to Elwert Road within a public utility easement. This sanitary stub has not been extended along Elwert Road in either direction.

The portion of the subdivision adjacent to Elwert Road will need to extend public mains to provide service to these isolated lots.

There is adequate sanitary volume to provide service to the proposed development.

## Water

City data shows an existing 16" diameter water main running within Copper Terrace. There is also an existing 8" diameter water main stubbed to the property line within Yorkshire Way. A 12" diameter water main has been extended to the south property line within Elwert Road.

The portion of the subdivision adjacent to Elwert Road will need to extend the water system to be able to gain access to public water. Looping of the system may also be required to provide redundancy and balance of pressures.

There is adequate water volume and pressure to serve the proposed development.

## Storm Sewer

Project: Mandel Property Subdivision (PAC 15-06)  
Date: July 6, 2015  
Page: 2 of 3

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City data shows an existing WQF located west of Copper Terrace. The facility has been sized to accommodate the undeveloped area adjacent to Copper Terrace.

#### Transportation

The proposed site development is located between Elwert Road to the west, Copper Terrace to the east, Edy Road to the north, and the existing Daybreak subdivision to the south.

Two of the roads (Elwert Road and Edy Road) are Washington County controlled roads. Elwert Road is classified as an arterial road; Edy Road is classified as a collector road, with Copper Terrace being classified as a neighborhood road.

The proposed development will impact these roads and frontage improvements will be required according to their classification and jurisdictional control. Right-of-way will need to be dedicated to comply with the road classification right-of-way requirements.

The proposed local road layout is partially acceptable. There are components of the proposed design which do not fit in with the City's concepts for neighborhood connectedness and general local road layout within the City.

The partial cul-de-sac off Copper Terrace is not acceptable. The issue is that there is another option which would provide appropriate intersection spacing and lot layout efficiency, without losing lot count. The two cul-de-sac's will require design modification requests of the City Engineer because their lengths exceed code standards.

#### Other Engineering Issues:

The proposed Mandel development area is within the Sherwood School Reimbursement District created under Resolution 2008-011. The Reimbursement District's repayment terms were revised under Resolution 2014-073 to exclude payment of interest on the original reimbursement assessment. The original assessments are noted as follows:

Transportation (Copper Terrace) Assessment:	\$440,268.00
Water Assessment:	\$113,984.00
Sanitary Assessment:	\$234,962.00
Storm Assessment:	<u>\$157,943.00</u>
Total of all Assessments:	\$947,156.00

These assessments will need to be paid prior to plat approval.

An As-Built Request Form is available on the City of Sherwood website for the obtaining of as-builts.

City of Sherwood standards require an 8-foot PUE along all right-of-way.

Properties between 1 acre and 5 acres require a NPDES 1200-CN permit.

A Service Provider Letter and Storm Connection Permit Authorization from Clean Water Services is required.

Project: Mandel Property Subdivision (PAC 15-06)  
Date: July 6, 2015  
Page: 3 of 3

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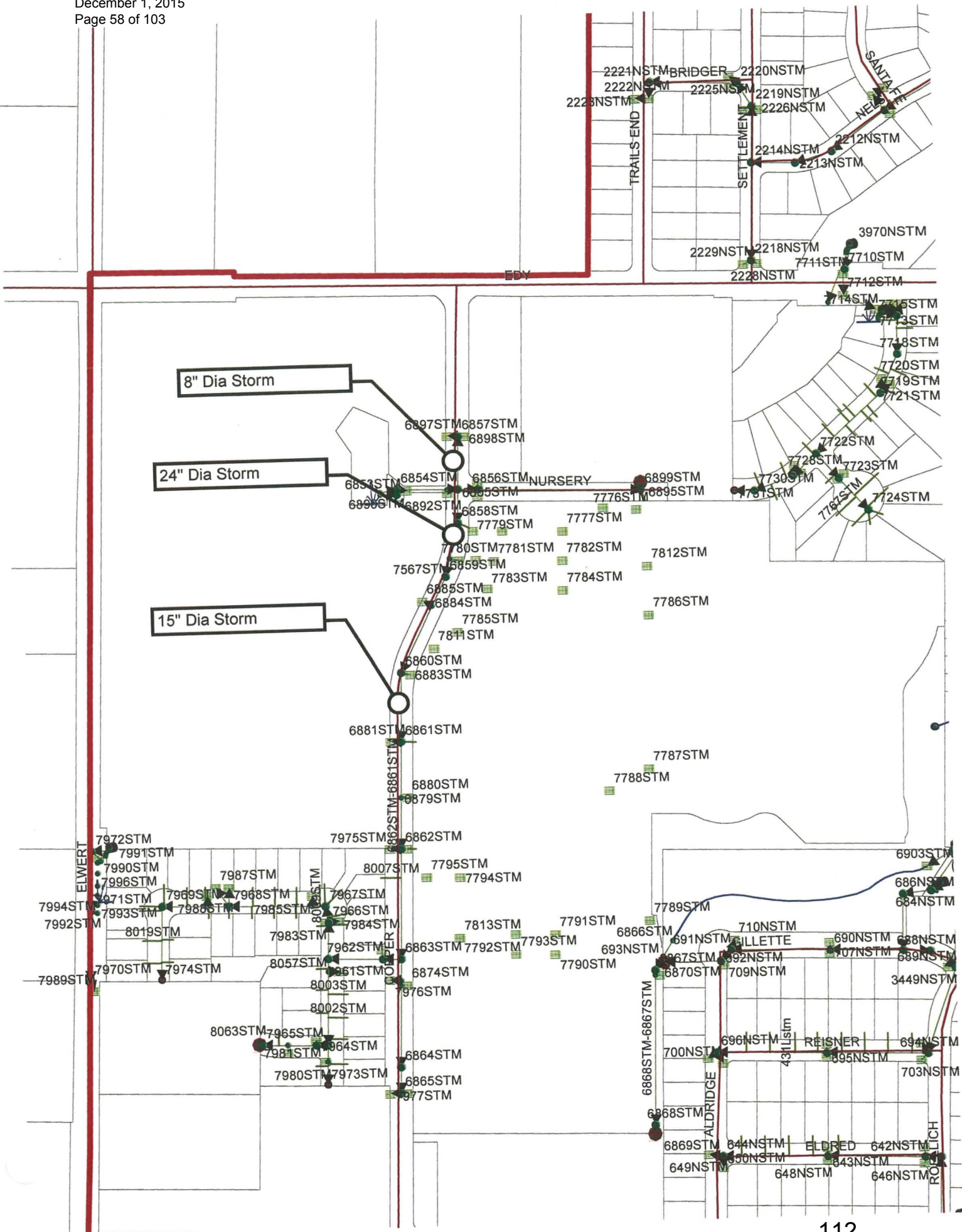
Permits for any building removal will need to be obtained from the City of Sherwood Building Department.

Sherwood Broadband utilities shall be installed along the subject property's frontage on SW Main Street as per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

END OF COMMENTS

DISCLAIMER: The comments provided above are initial in nature and are in no way binding as to what conditions may or may not be imposed upon the development in the Notice of Decision.







## **EXHIBIT E: NEIGHBORHOOD MEETING DOCUMENTATION**

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July 7, 2015

**Ref: Notice of Neighborhood Meeting**  
**Development of an approximately 85 lot subdivision at 21340 SW Elwert Road (Washington County Assessor's Map 2S130CB Tax Lots 250 & 251)**

Dear Property Owner/Neighbor:

AKS Engineering & Forestry, LLC is holding a neighborhood meeting regarding the +/- 22.5 acre property located at 21340 SW Elwert Road, Washington County Assessor's Map 2S130CB Tax Lots 250 and 251, zoned MDRH (Medium Density Residential High), MDRL (Medium Density Residential Low), NC (Neighborhood Commercial), and Open Space. The project involves subdividing the property to create approximately 85 lots for future detached single-family homes. The applicant is also proposing a Comprehensive Plan Amendment/Zone Change to change the NC (Neighborhood Commercial) Zoning to MDRL (Medium Density Residential Low). Prior to applying to the City of Sherwood Planning Department we would like to take the opportunity to discuss the project in more detail with you.

The purpose of this meeting is to provide a forum for the applicant and surrounding property owners/residents to review and discuss the project before an application is submitted to the City. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions, which may be relevant to meeting development standards consistent with City of Sherwood's Zoning and Development Code.

#### **MEETING INFORMATION:**

**Tuesday, July 21, 2015 at 6:00 p.m.**  
**at Edy Ridge Elementary School**  
**21472 SW Copper Terrace, Sherwood, Oregon 97140**

Please note this meeting will be an informational meeting to discuss preliminary plans. These plans may be altered prior to submittal of an application to the City. Depending upon the type of land use action required, you may receive official notice from City of Sherwood for you to either participate with written comments and/or an opportunity to attend a public hearing.

I look forward to discussing this project with you. If you have questions, but will be unable to attend, please feel free to call me at 503-563-6151.

Sincerely,  
**AKS ENGINEERING & FORESTRY, LLC**



Mimi Doukas, AICP, RLA  
Planning Project Manager

### Affidavit of Mailing

DATE: 07-07-15

STATE OF OREGON       )  
  )  
Washington County     )

I, Connor Huske, representative for the Mandel Subdivision proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 07-07-15.

Connor Huske  
Representatives Name: Connor Huske  
Name of the Organization: AKS Engineering and Forestry

## NEIGHBORHOOD MEETING SIGN IN SHEET

Proposed Project: Mandel Property - 85 lot Subdivision  
 Proposed Project Location: 21340 SW Elwert Rd - SE Corner of Edy & Elwert  
 Project Contact: Jim Doukas - AKS 503-563-6151  
 Meeting Location: Edy Ridge Elementary School  
 Meeting Date: 7/21/15

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
PAUL CHRISTEN	18201 SW EDY RD SHERWOOD			X		
MARGARETA WMLAND	18125 SW Edy Sherwood			X		
ROB FAGLIANO	SHERWOOD SD (20250 SW CRADLE RD. TUALATIN, OR)	rfagliano@sherwood-k12-or.us				X
Ron/Barbara Bennirk	21615 SW Elwert Rd Sherwood	rbennirk@msn.com		X		
JEFF HILL	21644 SW OXFORD TERRACE	nutmegsruse@msn.com		✓		
Verena Schmidt	18107 SW. Edy Rd <sup>97140</sup>	sgarden1@Frontier.com		✓		
DEANUS CHRISTEN	18201 SW EDY RD, SHERWOOD			X		

ARTIST @ MSU

## NEIGHBORHOOD MEETING SIGN IN SHEET

Proposed Project: Mandel Property - 85 lot Subdivision  
 Proposed Project Location: 21340 SW Elwert Rd - SE Corner of Edy & Elwert  
 Project Contact: Uim. Doukas - AKS 503-563-6151  
 Meeting Location: Edy Ridge Elementary School  
 Meeting Date: 7/21/15

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Mary Lowe	21660 SW Oxford Terrace.	mccarthy23@gmail.com		X		
Steve Reynolds	21880 SW Elwert	SREYNOLD@CH2M.M		X		
Joan Reynolds	21880 SW Elwert	SBR323@AOL.COM		✓		
Joy Dickover	16541 SW Daubility Ct	team-jd@kw.com		✓	✓	
Kimberly Merrill	21591 SW Derby Terr.	Kimberly.merrill12@gmail.com		✓		
Jeff Roberts	15373 SW SUNSET BLVD	jeff@crandallgroup.com	X			
James Bryant & Jennifer Ballard	20762 SW TRAILS END	JamesJBryant@frontier.com	X	X		

## NEIGHBORHOOD MEETING SIGN IN SHEET

Proposed Project: Mandel Property - 85 lot Subdivision  
 Proposed Project Location: 21340 SW Elwert Rd - SE Corner of Edy & Elwert  
 Project Contact: Umi. Doukas - AKS 503-563-6151  
 Meeting Location: Edy Ridge Elementary School  
 Meeting Date: 7/21/15

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Leonard Bolen	21588 SW Oxford Terrace	jr-bolen@hotmail.com	<input checked="" type="checkbox"/>			
Margo Weinberger	20855 SW Trails End Dr. Sherwood		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

July 23, 2015

**Neighborhood Meeting Summary:** 21340 SW Elwert Road  
Assessor's Map: 2S130CB Tax Lots 250 & 251  
Sherwood, Oregon 97006

**Meeting Date:** July 21, 2015

**Time:** 6:00 PM

**Location:** Edy Ridge Elementary School, 21472 SW Copper Terrace, Sherwood, Oregon 97140

The following serves as a summary of the primary subjects covered at the Neighborhood Meeting. Mimi Doukas from AKS Engineering & Forestry facilitated the meeting. A brief presentation about the project with a rendered site plan was made, followed by questions and answers. The project involves subdividing the property to create approximately 85 lots for future detached single-family homes. The applicant is also proposing a Comprehensive Plan Amendment/Zone Change to change the NC (Neighborhood Commercial) Zoning to MDRL (Medium Density Residential Low). Business cards with contact information were provided, as well as an attendance sheet for attendees to sign.

Major discussion questions:

- 1. When Area 59 was first proposed there wasn't going to be any access to Elwert Road and now things have changed and there is so much traffic – how will the County allow this?**
  - They will review the application but the access spacing on Elwert Road is an arterial with Washington County and they allow access points at 600 feet away from intersections, which this is.
  - In addition, there not any lots fronting onto Elwert, and only 20 lots proposed on the cul-de-sac connecting to Elwert.
- 2. The homes on Elwert Road wouldn't access their homes on Elwert Road?**
  - No, they would access it internally through the cul-de-sac. All of the lots would front on the cul-de-sac. Elwert Road and Edy Road are both visual corridors so Elwert Road must have a 15-foot landscape space and Edy Road requires a 10-foot landscape space. A few lots access on Copper Terrace which is permitted. The design minimizes the number of lots with direct access onto Copper Terrace.
- 3. What is happening with existing home and is it historical?**
  - We are not sure at this time, though it is located essentially on lot 56. There has been no discussion about the home. Not familiar with the home and whether it is historical or not.
- 4. With the initial design of the area part of the requirement was that there would be this commercial area, with all of the time and effort put forth to make that designation why is it so easy to ignore it?**
  - It is definitely not easy to change the designation; we have to go through public hearings with both the planning commission and then the city council. Also, there has been an economical



analysis of land inventory done of the viability of this as a commercial business location. Commercial development needs a certain level of population to provide enough customers to achieve the proper rents. The City has a shortage of residential lands, particularly if the Brookman annexation does not move forward. The strong need for residential land outweighed the limited commercial need.

**5. Are you planning to move forward with this even though the roads aren't ready for it/aren't taken care of?**

- We will need to do a Traffic Study to show that this project will not make things worse. Most of the traffic study is about the impacts to intersections so it will look at how intersections in the area will react and whether any mitigation is needed. It may show that a stop sign or turn lane or something like that may be needed to ensure that the project does not make any intersections fall below performance standards.

**6. What is the projected completion date of the Traffic Study?**

- It will have to be part of the Land Use Application for the subdivision.

**7. What about environmental impact?**

- We have to go through Clean Water Services for stormwater review and for the protection of the drainageway and wetlands. This will require wetland delineation and service provider letters. The wetland delineation to show what regulatory buffers are supposed to be and the impacts we are proposing like the bridge crossing.

**8. 100 year flood plain?**

- It is not within the 100 year flood plain.

**9. Estimated target date for first build?**

- The first stage (namely infrastructure) consisting of when the pipes go into the ground is expected to begin next summer and then homes will follow that – all expected to be done in one phase.

**10. Is the developer (Venture) associated with a builder?**

- Venture Properties is primarily associated with Stone Bridge Homes and anticipate them as the builder again. Locally owned builder.

**11. Where is all of the traffic going to go?**

- Not too many options – they will have to go either Elwert Road or Edy Road.

**12. Value of commercial – convenience store or coffee shop?**

- Originally, there was a thought to put something like that in but with the traffic issues on Elwert Road you would be putting even more traffic on Elwert Road. It does not benefit the community as much as it was thought. Elwert Road is not designed to be a pedestrian street.

**13. The people that come through the area are using it already as a bypass from Hillsboro, isn't there something that could be added (commercially like a McDonald's or something) that would benefit the people who actually live in the area without creating more traffic than there already is?**

- Commercial developers cannot make it work – it isn't a viable option for them. Drive by commercial is more appropriate on Highway 99W. That type of use would make Elwert worse and not provide much of a neighborhood benefit.

**14. Is there any concern about access off of Copper Terrace?**

- Yes, we are trying to minimize the number of lots that are accessed from or front onto Copper Terrace because it is less than ideal. There is an existing water quality facility that will prevent certain lots from being accessed on internal streets/cul-de-sacs. It creates a pinch point.

**15. Is there street parking on Copper Terrace or the internal streets?**

- There is on-street parking on the internal streets on one side and parking on the non-school side of Copper Terrace.

**16. Why do you need off-street parking?**

- It is just good for a community to have lots of parking options for visitors, etc.

**17. How many homes are proposed?**

- Currently proposed at 85. This may go up or down by a lot, but should be close.

**18. Is there a standard rule for the number of homes and maximum capacity in the school?**

- Oregon Land Use does not tie school capacity and land use review together.

**19. This is in the City limits?**

- Yes

**20. What are the next steps?**

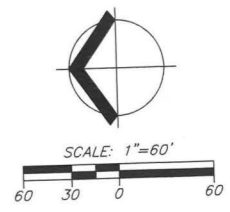
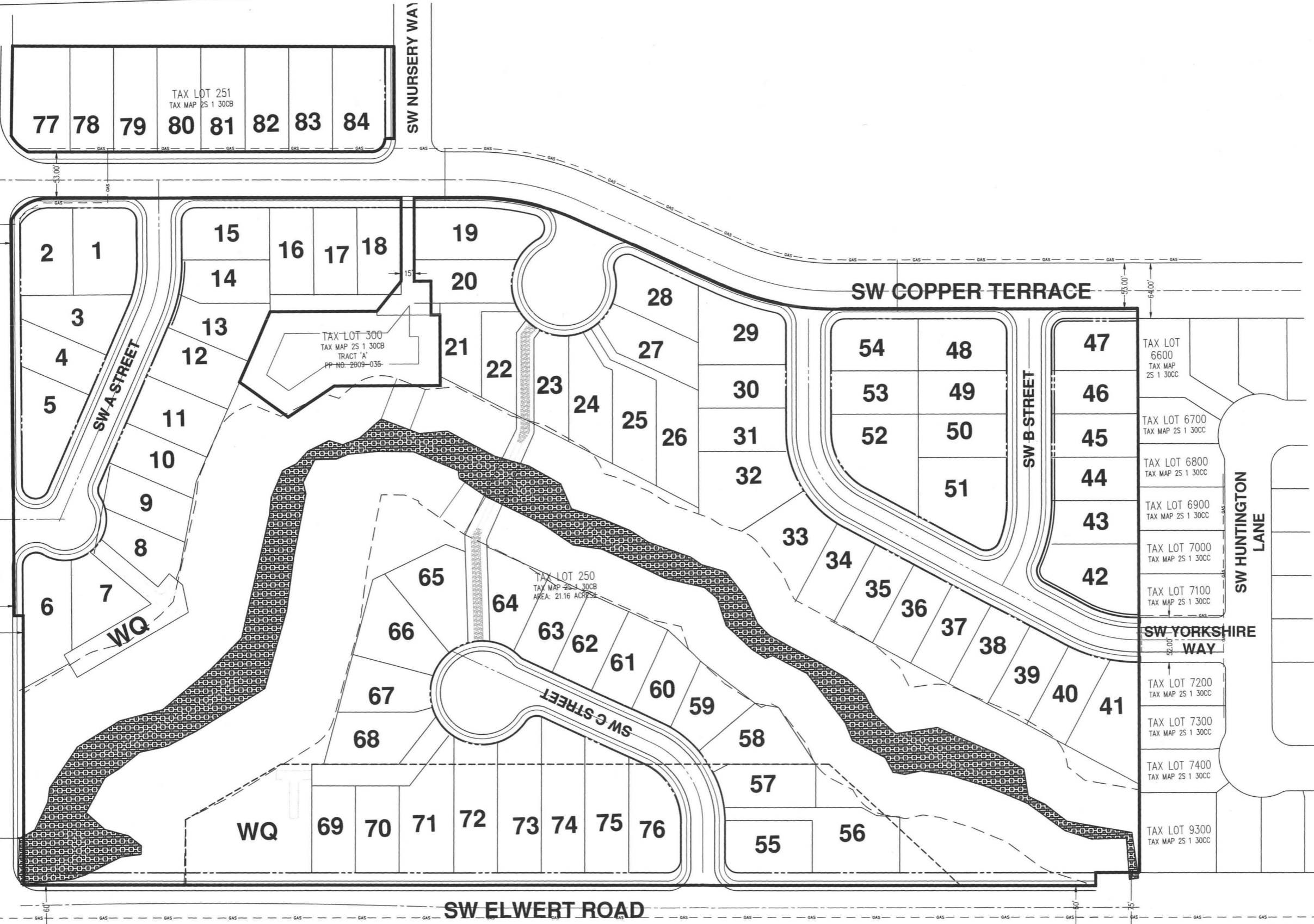
- We are proposing two applications – in the next couple of weeks we will submit the zone change/comprehensive plan amendment application which will request a change from commercial to residential. After submitting that application we will submit a subdivision application. They will overlap, but the zone change will go first. The subdivision will show the commercial land at tracts for future re-platting.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**

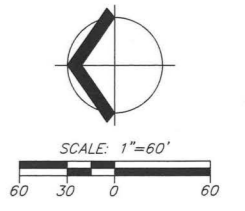


Mimi Doukas, AICP, RLA  
Planning Project Manager



DATE: 7/20/2015

<b>LAYOUT 3</b>		<b>EXHIBIT A</b>
<b>MANDEL PROPERTY</b>		<b>A</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: MD
		CHKD:
		AKS JOB: 4570



DATE: 7/20/2015

LAYOUT 3

EXHIBIT A

**MANDEL PROPERTY**  
 AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD, STE 100  
 TUALATIN, OR 97062  
 P: 503.563.6151 F: 503.563.6152 aks-eng.com



**A**  
 DRWN: MD  
 CHKD:  
 AKS JOB:  
 4570



## **EXHIBIT F: TRANSPORTATION ANALYSIS**

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September 10, 2015

Mimi Doukas  
AKS Engineering and Forestry  
12965 SW Herman Road #100  
Tualatin, OR 97062



321 SW 4<sup>th</sup> Ave., Suite 400  
Portland, OR 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

Dear Mimi,

At you request, we have undertaken an investigation of the potential transportation impacts of a proposed zone change for the property within Tax Lot 2S130CB00250 located in the southeast corner of the intersection of SW Elwert Road at SW Edy Road.

The subject property is currently zoned for a mix of Medium-Density Residential (MDRH) development and Neighborhood Commercial (NC) development. Upon completion of the proposed zone change, the entire property will be zoned for medium-density residential development.

The neighborhood commercial portion of the property has an area of approximately 3.0 acres. Under the City of Sherwood's Code of Ordinances 16.22.050, "No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas." Accordingly, the maximum reasonable development scenario for the NC-zoned property was determined to consist of four uses with gross floor areas of 4,000 square feet each. The worst-case development was determined to consist of a 4,000 square foot convenience store, a 4,000 square foot day care center, a 4,000 square foot health/fitness club and a 4,000 square foot medical/dental office.

Under the proposed MDRH zoning, the 3.0-acre portion of the property proposed for a zone change could be developed with single family homes, duplexes, or apartment buildings. Assuming that up to 80 percent of the land area can be used for individual lots and the minimum lot size of 4,000 square feet for duplex units, the maximum reasonable development scenario under the MDRH zoning would consist of single-family attached development with a total of 26 dwelling units.

### **Trip Generation Analysis**

In order to assess the traffic impacts of full development under the existing and proposed zonings, an estimate of trip generation was prepared for each of the reasonable worst case development scenarios. The trip estimates were calculated using data from the *TRIP GENERATION MANUAL, 9<sup>TH</sup> EDITION*, published by the Institute of Transportation Engineers. For the commercial uses, the trip estimates are based on the gross floor areas of the individual uses. For the residential development scenario, the trips estimate was based on the number of dwelling units.



Mimi Doukas  
 September 10, 2015  
 Page 2 of 4

A summary of the trip generation estimate is provided in the tables below. Detailed trip generation worksheets are provided in the attached technical appendix.

### WEEKDAY TRIP GENERATION SUMMARY

Current NC Zoning Scenario

	Size	AM Peak Hour			PM Peak Hour			Weekday		
		In	Out	Total	In	Out	Total	In	Out	Total
Health/Fitness Club	4	3	3	6	8	6	14	66	66	132
Medical/Dental Office Building	4	8	2	10	4	10	14	72	72	144
Convenience Market (24 Hours)	4	134	134	268	107	103	210	1,476	1,476	2,952
<i>Pass-By Trips (51%)</i>		68	68	136	54	54	108	753	753	1506
Day Care Center	4	26	23	49	23	26	49	148	148	296
<b>Total Driveway Trips</b>		<b>171</b>	<b>162</b>	<b>333</b>	<b>142</b>	<b>145</b>	<b>287</b>	<b>1,762</b>	<b>1,762</b>	<b>3,524</b>
<i>Pass-by Trips</i>		68	68	136	54	54	108	753	753	1,506
<b>Net New Trips</b>		<b>103</b>	<b>94</b>	<b>197</b>	<b>88</b>	<b>91</b>	<b>179</b>	<b>1,009</b>	<b>1,009</b>	<b>2,018</b>

### WEEKDAY TRIP GENERATION SUMMARY

Proposed MDRH Zoning Scenario

	Units	AM Peak Hour			PM Peak Hour			Weekday		
		In	Out	Total	In	Out	Total	In	Out	Total
Single-Family Residential	26	5	15	20	16	10	26	124	124	248

Based on the detailed trip generation calculations, the proposed zone change is projected to result in a net reduction of 177 site trips during the morning peak hour, 153 fewer trips during the evening peak hour, and 1,770 fewer daily trips.

#### Safety and Operational Impacts

Under the current Neighborhood Commercial zoning, additional points of access would be required along SW Elwert Road to support the commercial uses. However, with approval of the proposed residential zoning, no additional intersections will be necessary to serve the proposed development. As detailed in the trip generation analysis, a significant decrease in traffic volumes and resulting vehicular conflicts is projected with the proposed zone change.

Given the 45 mph speed limit along SW Elwert Road, a reduction of as many as 3,276 daily trips would be expected to result in a safer, more efficient and more comfortable living environment for local residents and the nearby school facilities.



Mimi Doukas  
September 10, 2015  
Page 3 of 4

### ***TRANSPORTATION PLANNING RULE ANALYSIS***

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

#### **660-012-0060**

*(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

The proposed zone change will not necessitate changes to the functional classification of existing or planned transportation facilities. Accordingly, this section is not triggered.

*(b) Change standards implementing a functional classification system; or*

The proposed zone change will not change any standards implementing the functional classification system. Accordingly, this section is also not triggered.

*(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

In this instance the proposed zone change will result in fewer trips on area streets and through area intersections. Accordingly, the proposed zone change cannot result in degradation of performance of area roads and intersections.





Mimi Doukas  
September 10, 2015  
Page 4 of 4

Based on the analysis, the proposed zone change will result in a reduction in traffic in the site vicinity and the Transportation Planning Rule is satisfied. No mitigations are necessary or recommended in conjunction with the proposed zone change.

Sincerely,



Michael Ard, PE  
Senior Transportation Engineer

## APPENDIX

## TRIP GENERATION CALCULATIONS

*Land Use:* Single-Family Detached Housing  
*Land Use Code:* 210  
*Variable:* Dwelling Units  
*Variable Value:* 26

### AM PEAK HOUR

*Trip Rate:* 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	<b>5</b>	<b>15</b>	<b>20</b>

### PM PEAK HOUR

*Trip Rate:* 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	<b>16</b>	<b>10</b>	<b>26</b>

### WEEKDAY

*Trip Rate:* 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>124</b>	<b>124</b>	<b>248</b>

### SATURDAY

*Trip Rate:* 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>129</b>	<b>129</b>	<b>258</b>

Source: TRIP GENERATION, Ninth Edition

## TRIP GENERATION CALCULATIONS

*Land Use:* Health/Fitness Club  
*Land Use Code:* 492  
*Variable:* 1000 Square Feet Gross Floor Area  
*Variable Quantity:* 4

### AM PEAK HOUR

*Trip Rate:* 1.41

	Enter	Exit	Total
Directional Distribution	45%	55%	
Trip Ends	3	3	6

### PM PEAK HOUR

*Trip Rate:* 3.53

	Enter	Exit	Total
Directional Distribution	57%	43%	
Trip Ends	8	6	14

### WEEKDAY

*Trip Rate:* 32.93

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	66	66	132

### SATURDAY

*Trip Rate:* 20.87

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	42	42	84

Source: TRIP GENERATION, Ninth Edition

*le*

## TRIP GENERATION CALCULATIONS

*Land Use:* Day Care Center  
*Land Use Code:* 565  
*Variable:* 1000 Sq Ft Gross Floor Area  
*Variable Value:* 4

### AM PEAK HOUR

*Trip Rate:* 12.18

	Enter	Exit	Total
Directional Distribution	53%	47%	
Trip Ends	<b>26</b>	<b>23</b>	<b>49</b>

### PM PEAK HOUR

*Trip Rate:* 12.34

	Enter	Exit	Total
Directional Distribution	47%	53%	
Trip Ends	<b>23</b>	<b>26</b>	<b>49</b>

### WEEKDAY

*Trip Rate:* 74.06

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>148</b>	<b>148</b>	<b>296</b>

### SATURDAY

*Trip Rate:* 6.21

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>12</b>	<b>12</b>	<b>24</b>

Source: TRIP GENERATION, Ninth Edition

## TRIP GENERATION CALCULATIONS

*Land Use:* Medical-Dental Office Building  
*Land Use Code:* 720  
*Variable:* 1,000 Sq Ft Gross Floor Area  
*Variable Quantity:* 4.0

### AM PEAK HOUR

*Trip Rate:* 2.39

	Enter	Exit	Total
Directional Distribution	79%	21%	
Trip Ends	<b>8</b>	<b>2</b>	<b>10</b>

### PM PEAK HOUR

*Trip Rate:* 3.57

	Enter	Exit	Total
Directional Distribution	27%	73%	
Trip Ends	<b>4</b>	<b>10</b>	<b>14</b>

### WEEKDAY

*Trip Rate:* 36.13

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>72</b>	<b>72</b>	<b>144</b>

### SATURDAY

*Trip Rate:* 8.96

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>18</b>	<b>18</b>	<b>36</b>

Source: TRIP GENERATION, Ninth Edition

*Le*

## TRIP GENERATION CALCULATIONS

*Land Use:* Convenience Market (Open 24 Hours)  
*Land Use Code:* 851  
*Variable:* 1,000 Sq Ft Gross Floor Area  
*Variable Value:* 4.0

### AM PEAK HOUR

*Trip Rate:* 67.03

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	134	134	268

### PM PEAK HOUR

*Trip Rate:* 52.41

	Enter	Exit	Total
Directional Distribution	51%	49%	
Trip Ends	107	103	210

### WEEKDAY

*Trip Rate:* 737.99

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	1,476	1,476	2,952

### SATURDAY

*Trip Rate:* 863.10

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	1,726	1,726	3,452

Source: TRIP GENERATION, Ninth Edition



## **EXHIBIT G: ECONOMIC OPPORTUNITY ANALYSIS**

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NEED ANALYSIS IN  
SUPPORT OF  
RESIDENTIAL ZONE  
CHANGE IN  
SHERWOOD, OREGON  
VENTURE PROPERTIES, INC.

Prepared by: PNW Economics, LLC

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## Contents

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## I. INTRODUCTION

### General Information

<b>Applicant:</b>	Venture Properties, Inc. 4230 Galewood Street Lake Oswego, Oregon Phone: (503) 387-7600 Contact: Kelly Ritz
<b>Applicant's Representative</b>	PNW Economics 2323 NW 188 <sup>th</sup> Avenue #624 Hillsboro, Oregon 97124 (503) 522-1236 phone Contact: Bill Reid bill@pnweconomics.com
<b>Location:</b>	City of Sherwood, Oregon Along SW Elwert Road at SW Edy Road.
<b>Current Zoning District:</b>	Neighborhood Commercial (NC)
<b>Project Site Area:</b>	+/- 3.0 acres

## **Summary of Proposal**

PNW Economics was retained by the Venture Properties, Inc. to evaluate market need to rezone a 3.0 acre parcel from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL). The rezone to MDRL would enable the development of up to 20 additional single-family residential units likely ranging in size from 1,900 to 2,750 square feet.

This analysis will assess the unmet need for this residential product type in Sherwood, Oregon, as well as findings to show how the proposed action helps to satisfy that demand and unmet need in the larger market context.

This memorandum summarizes these trends and our preliminary conclusions regarding potential at the subject site.

## II. EXECUTIVE SUMMARY

Analysis in this report documents demand and supply conditions related to single-family residential development in the City of Sherwood over a twenty-year land use planning horizon, from 2015 to 2035. Market findings expressed in this document are crucial for answering several key questions integral to the Venture Properties application for a zone change for the subject property from NC to MDRL. These key questions include:

1. Is the existing supply of land sufficient to provide attainable residential ownership for detached housing within the City of Sherwood?

Based on the most recent residential land inventory completed by the City of Sherwood in the Draft *2015 Housing Needs Analysis*, the existing vacant acreage within the city limits dedicated to MDRL use is 14 acres accounts for only 8% of the overall capacity. This translates into capacity of 88 dwelling units based on historical densities as assumed in the 2015 Draft *Housing Needs Analysis*.

An additional 56 acres of MDRL-zoned land is anticipated within the Brookman Addition, though the area is uncertain as to when it will be approved by voters for annexation, and then after that, when specifically the MDRL-zoned land would be serviced by utilities and infrastructure.

2. Is there market demand to dictate additional acreage needed for MDRL-zoned residential development in the City of Sherwood?

Analysis of detached ownership housing supply shows that current guaranteed, incorporated inventory for MDRL-zoned land is approximately:

- 4 years of supply at a maximum if only 60% of new households require detached single-family homes as projected in the 2015 Draft *Housing Needs Analysis*; and
  - 3 years of supply if 80% of new households require detached single-family housing consistent with historical Sherwood residential growth.
  - 56 acres in the Brookman Addition would meet the need for MDRL-zoned land in Sherwood, but after existing supply is depleted over the short-term and the City likely suffers housing cost escalation based purely on scarcity.
  - Demographics at risk of unavailable housing choices include price-sensitive families and seniors seeking smaller, move-down detached housing opportunity.
3. Can the subject property better serve demand for medium density residential development with MDRL versus NC zoning?

Analysis (Figure 2) of the number of housing units required to support Neighborhood Commercial development of the site indicates 2,800 homes/households within a five-minute drive time would be required. Feasible NC development, therefore, would only be possible with the realization of hypothetical and likely very long-term future development outside of the current UGB. NC zoning precludes medium-density residential development within the zone,

while the MDRL designation is provided to meet the medium-density detached residential needs of the City of Sherwood, which are significant based on analysis. Therefore, the subject property would better serve demand for medium-density residential development with an MDRL zoning designation as opposed to hypothetical, very long-term *potential* feasibility with NC zoning.

### III. SUBJECT SITE & SURROUNDING AREA

#### Subject Site Description

The subject site is a roughly 3.0 acre rectangular parcel located in the City of Sherwood, Oregon, with primary access from SW Elwert Road. The site is unimproved vacant, flat, on the northwest boundary of the City of Sherwood UGB and is bounded by undeveloped land zoned for medium density residential high (MDRH) to the east and open space on the south. An aerial image of the subject site and immediately surrounding environs is found in FIGURE 1.

**FIGURE 1: AERIAL VIEW OF SUBJECT SITE**



#### *Transportation & Access*

Situated along SW Elwert Road approximately ¾ miles north of Highway 99W, or alternatively, one mile west of Highway 99W along SW Edy Road, the site is ideally situated for easy access to the 99W corridor, downtown Sherwood and the nearby schools, commercial retail centers, and community parks as shown within the area amenities map in Figure 2.

*Subject Locational Features*

Figure 2 provides an aerial map of the subject property in the context of the broader Sherwood, Oregon area and its important economic and community features. The subject site is situated along SW Elwert Road, which is proximate and convenient to the Highway 99W corridor, the Langer Drive Commercial District, a Target, Albertsons, Home Depot and the Sherwood City Center. There are numerous schools and community parks within the area. Major employers within the City of Sherwood include the school district and the Allied System Company.

Immediately surrounding features include undeveloped higher-density residential zoned land to the immediate east. To the north and south, is open space and to the west is farm land. The site is bounded by the City of Sherwood UGB to the immediate west and along SW Edy Road to the north. This in turn provides some park-like setting, some view shed, and a measure of privacy for development that would occur on the subject site immediately adjacent. All of these factors should be considered amenities for residential development specifically.

In turn, due to the farm land to the west and undeveloped open space surrounding the site as well as its easy access to existing commercial centers within the City of Sherwood, the site's development within the current NC zoning should be considered infeasible. To demonstrate the feasibility Neighborhood Commercial development of the site, an analysis of the number of households, and thus residential units, needed to support such commercial development of the site is found in Figure 2.

**FIGURE 2: RESIDENTIAL UNIT SUPPORT OF SITE NEIGHBORHOOD COMMERCIAL DEVELOPMENT**

Measure	Unit	Comment/Source
	3.0 Acres	Gross Site Size
x	<u>0.9</u>	Gross-to-Net Reduction
=	2.7 Acres	Net Site Size
x	<u>43,560</u> Square Feet	Per Acre
=	117,612 Square Feet	Net Site Size
x	<u>\$250</u> Sales per Sq. Ft.	Neighborhood Commercial (Urban Land Institute)
=	\$29,403,000	Gross Center Sales
÷	<u>\$10,500</u> Per HH Neighborhood Retail Spending	Nielsen Claritas, Inc.
=	<b>2,800 HHs Needed to Support Neighborhood Retail</b>	



Analysis in Figure 2 assumes that the entire 3.0 gross acres of the site is developed as Neighborhood-scale commercial retail and services. Based on the analysis using standard retail land use assumptions such as gross-to-net conversion, floor area ratios for neighborhood commercial retail, and conservative retail sales and spending figures, the site would require 2,800 residential units strongly preferred within a five-minute drive time due to the neighborhood scale and nature of the development type.

Successful commercial development of any type either requires significant vehicle or other shopper traffic volume and related visibility, or must be surrounded by "rooftops" or residential development so that households can find the commercial development convenient. Rural land with no possibility – or hypothetical residential development over a very long-term planning period - within even a five-minute drive-time renders the site unattractive for commercial investment and infeasible as a development.

The site is also physically unsuitable for commercial development even if it were on a higher-volume street or if residential development surrounded the subject. At roughly 130 feet of width/depth, the site would have challenging building footprint placement. At only 130 feet of depth, a building structure with adequate parking and freight truck access and turnaround would not likely be possible or even feasible for commercial businesses that would even consider the site for business operations, no matter the visibility, nearby traffic, or volume of nearby households.

### *Subject Site Conclusions*

In short, it is concluded that the site is both appropriate and highly amenable to residential development:

- At 3.0 acres, undeveloped, and flat, the site provides appropriate flexibility with regard to residential development feasibility, unit mix, and site plan to provide a variety of residential options.
- Locationally, offering bi-direction easy access to Highway 99W but without direct visibility or access, the site affords adequate access by residences on the site to various public and commercial amenities in the Sherwood and greater regional area via Highway 99W.
- Adjacent to open space, farm land and future higher-density residential development, the site is well-suited as a residential location consistent with other surrounding residential development.

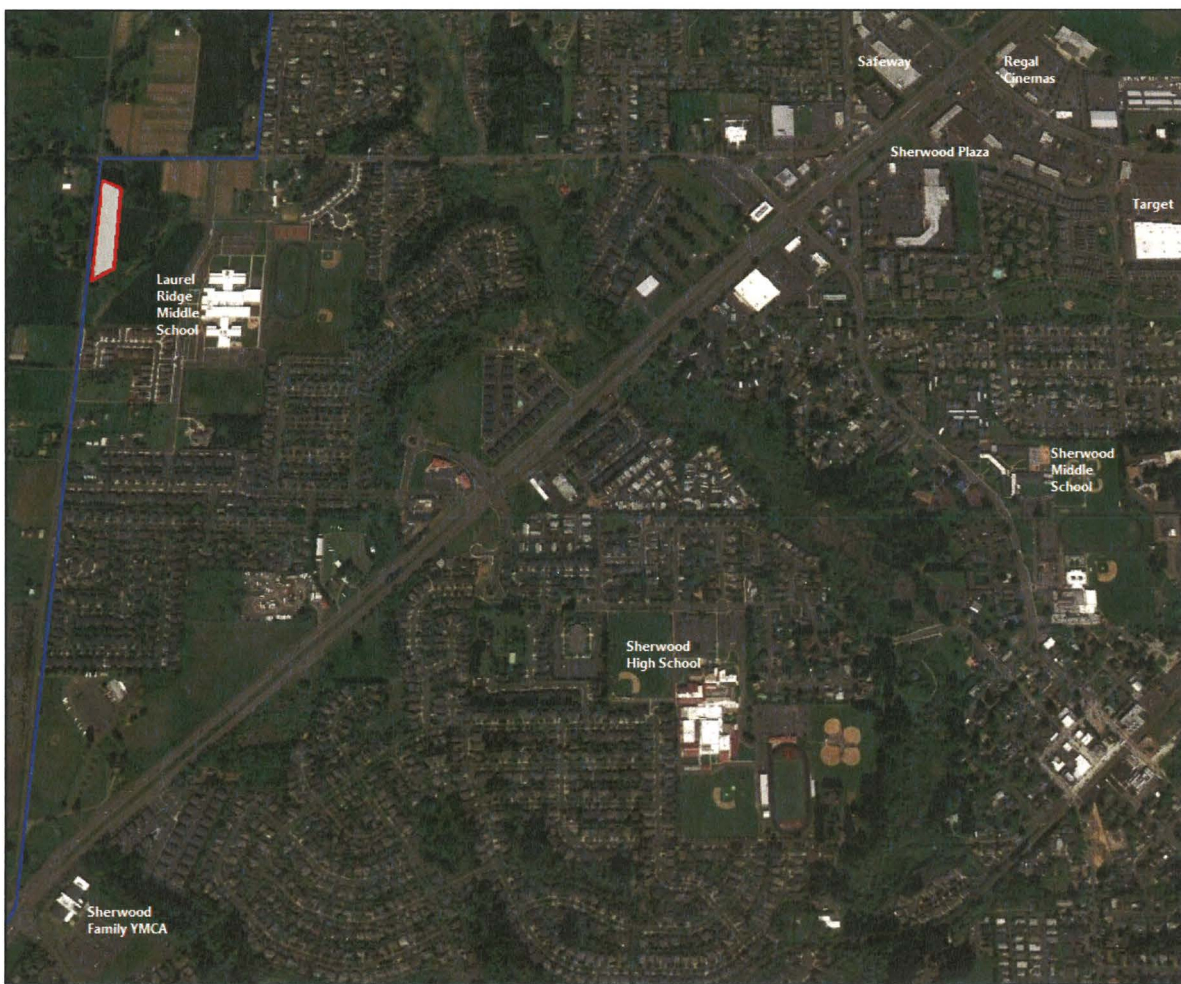
Alternatively, it is found that the site currently has significant disadvantages as a commercial development site:

- Although offering easy access to Highway 99W, it is separated from the existing commercial development by  $\frac{3}{4}$  mile to the south and one mile to the east, completely

limiting its visibility and access, generally the two most important features of a commercial development site.

- Surrounded by future residential development and open space, traffic, noise, and other disamenity issues from the standpoint of existing, nearby residents, the site would further realize lower economic and community value as commercial development instead of residential development.
- Commercial development on-site would not realize economic and community value from the surrounding farm land and open space, but rather would be treated as a development site constraint.
- Even under ideal surrounding land uses and transportation access, the physical depth of the site renders commercial development with adequate parking, freight truck access and turnaround challenging and infeasible for commercial business attraction and operations under current zoning.

**FIGURE 3: AERIAL VIEW OF SUBJECT SITE & AREA AMENITIES**



## IV. PRIMARY MARKET AREA

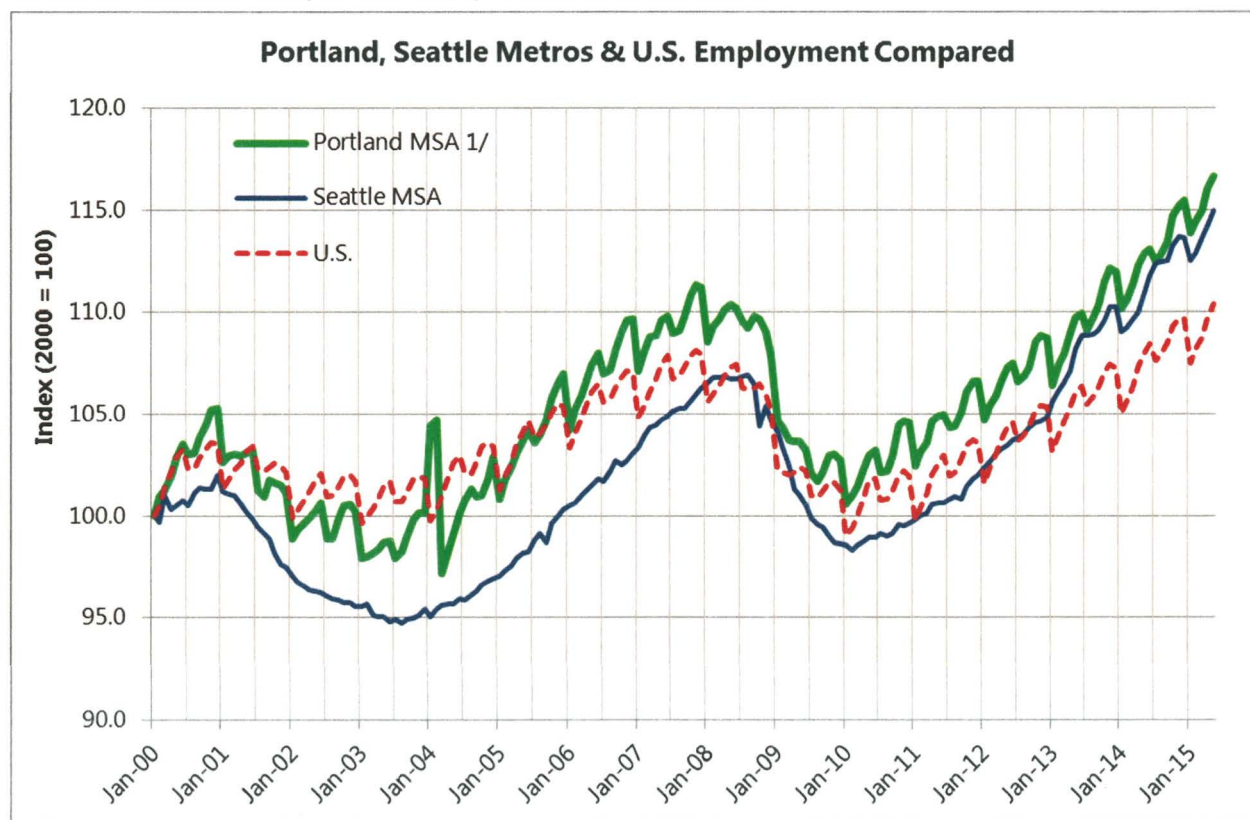
The Primary Market Area (PMA) for the subject site in this analysis is defined as the City of Sherwood. Sherwood represents the geographic area from which the subject development will likely draw the majority of its demand due to the local need for high-density attainable housing based on demographics, income levels, and younger families seeking affordable housing alternatives.

## V. ECONOMIC OVERVIEW

### PORTLAND METRO ECONOMY

The Pacific Northwest economy continued its trend of exceeding the nation in terms of job growth through the First Quarter of 2015. The Portland metro area has trended closely with the Seattle metro area in terms of total percentage expansion.

**FIGURE 4: PORTLAND MSA, SEATTLE MSA, & U.S. ECONOMIC TREND**



1/ The Portland-Vancouver-Hillsboro MSA includes all of Clackamas, Columbia, Multnomah, Washington and Yamhill counties in Oregon and Clark and Skamania counties in Washington State.

Source: U.S. Bureau of Labor Statistics, Oregon Employment Department, Washington Employment Department

First Quarter details for the Portland economy include:

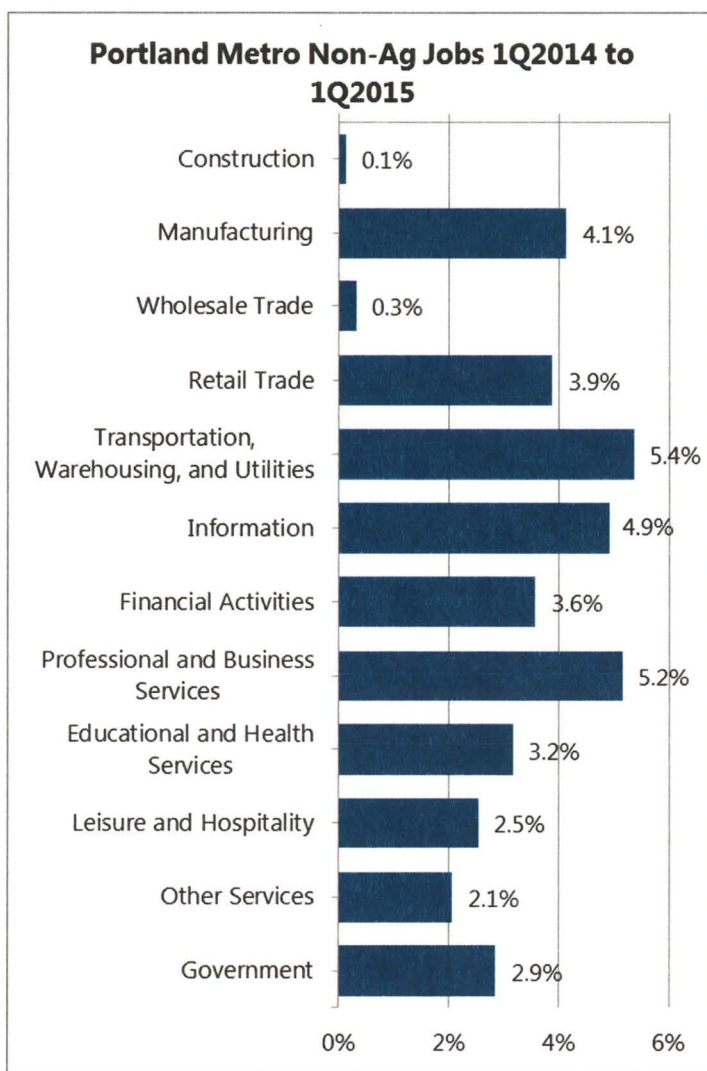
- The Portland metro added 33,900 jobs from March 2014 through March 2015. The expansion translates into a 3.2% annualized rate of growth.
- The metro area economy returned to its 2007 peak of 1.04 million jobs in May of 2013 and has since added 65,900 jobs.
- Current total jobs in the Portland metro area stand at 1.11 million.
- The Portland area continues to have significantly greater seasonal fluctuation to job gains due to stronger ties to agricultural industries, as well as major construction projects in Washington County.

**Fastest Portland Job Growth Among Industrial & Office/Business Park Growth Sectors**

**FIGURE 5: PORTLAND METRO INDUSTRY 1-YEAR JOB GROWTH RATES**

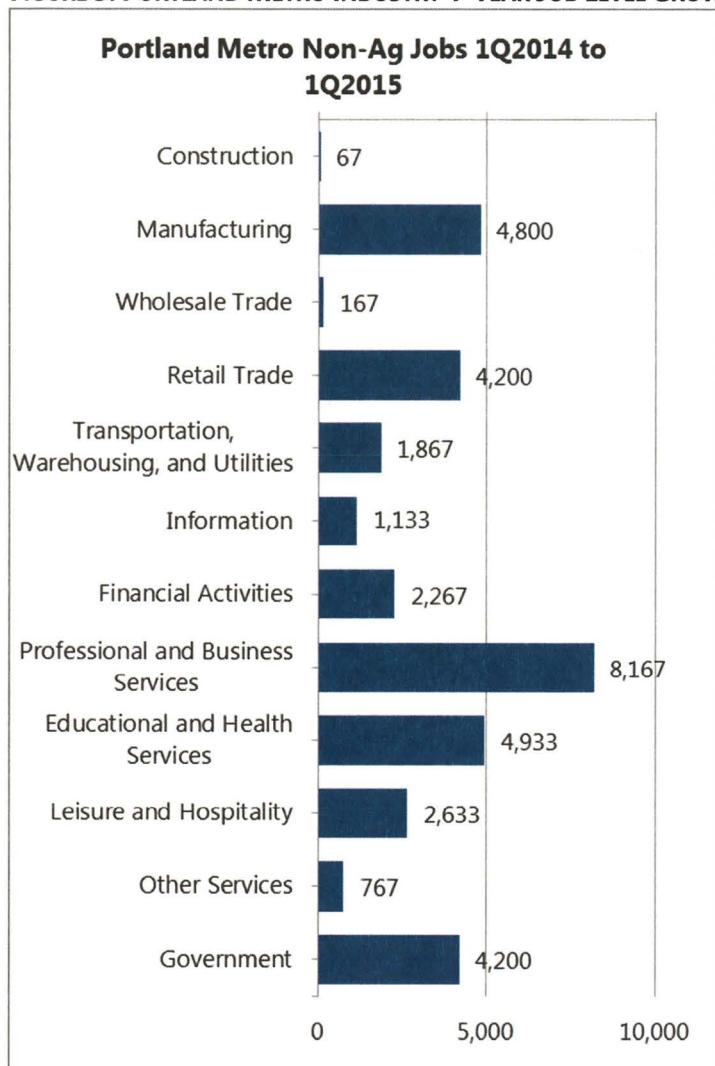
Portland metro area industry sector growth over the past year was positive for all sectors. It was most brisk in Transportation, Warehousing and Utilities (5.9%), Professional & Business Services (5.2%), Information (4.9%) and Manufacturing. The uptick in expansion in those four sectors indicates returning balance and strength to the overall Portland economy.

Sectors with positive but less-pronounced expansion between March 2014 and March 2015 were Other Services (2.1%) and Leisure and Hospitality (2.5%). Construction and Wholesale Trade experienced negligible growth at 0.1 percent and 0.3 percent, respectively.



### Most New Jobs in Portland Metro Among Office/Business Park Growth Sectors

**FIGURE 5: PORTLAND METRO INDUSTRY 1-YEAR JOB LEVEL GROWTH**



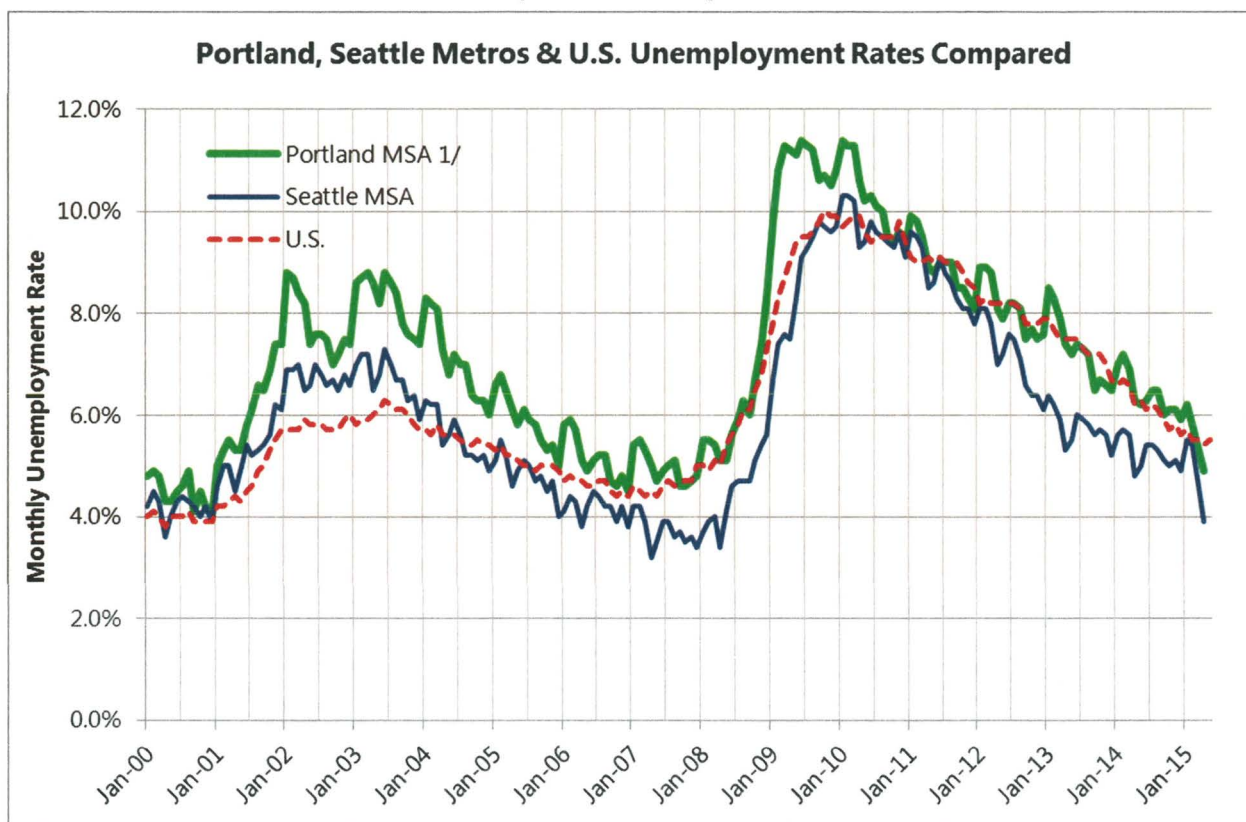
In terms of total jobs added over the last twelve months, Portland metro was led by Professional & Business Services at 8,167. Also experiencing exceptional total job growth was Educational and Health Services adding 4,933 jobs, Manufacturing adding 4,800 jobs and Retail Trade adding 4,200 jobs. Although Transportation, Warehousing and Utilities enjoyed the highest growth rate during the period, the sector added 1,867 jobs to a smaller industry sector base.

Information and Financial Activities together added 3,400 jobs. Leisure and Hospitality added 2,633 jobs. Meanwhile, Portland metro area Construction and Wholesale Trade combined for 234 new jobs between March of 2014 and 2015.

### Portland Metro Unemployment Returns to National Average

The Portland metro economy continued its steady decline in the regional unemployment rate between March of 2014 and March of 2015. The jobless rate in the region now stands at 4.9% with the national rate at 5.5%.

**FIGURE 7: PORTLAND METRO, SEATTLE METRO, & U.S. UNEMPLOYMENT TREND**



1/ Not Seasonally Adjusted

At its worst, the Portland metro area unemployment rate hovered around 11 percent for most of the months between February of 2009 and April of 2010, reaching a peak of 11.4 percent in January of 2010. The regional jobless rate is now below the level of the pre-Great Recession economy in 2004.

## VIII. PROPOSED PRODUCT & DEMOGRAPHICS DEFINED

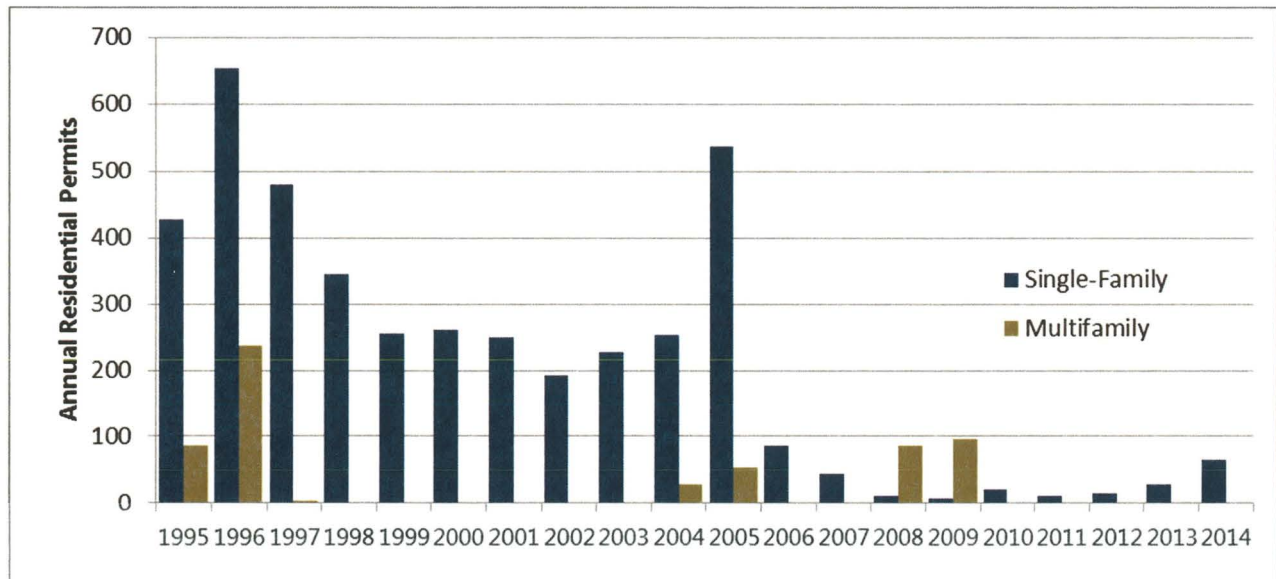
### *Sherwood Housing Development Trend*

Housing development in Sherwood has experienced two distinct periods over the last twenty years. (Figure 8)

- 1995-2005: Sherwood averaged 309 single-family permits between 1995 and 2005, peaking in 2006 at roughly 650 single-family units.
- 2006-Current: Housing market weakness, which ultimately resulted in the Great Recession, began early for the Sherwood housing market in 2006. From 2006 through 2014, Sherwood has averaged 23 single-family residential permits annually.

Single-family permitting has begun an upswing, recording more permits in 2014 than in 2007.

**FIGURE 8: CITY OF SHERWOOD HISTORICAL BUILDING PERMIT ACTIVITY**



SOURCE: State of the Cities Data Systems (SOCDS), U.S. Department of HUD

Overall, since 1995, Sherwood has permitted an average of 209 single-family residences annually and 30 multifamily units annually. 2009 was the last year in which multifamily units were permitted at nearly 100 total units.

Finally, since 1995, the City of Sherwood has had the following average structure type split:

- Single-Family: 88% of all permitted residential units (80% since 2006); and
- Multifamily: 12% of all permitted units (20% since 2006).

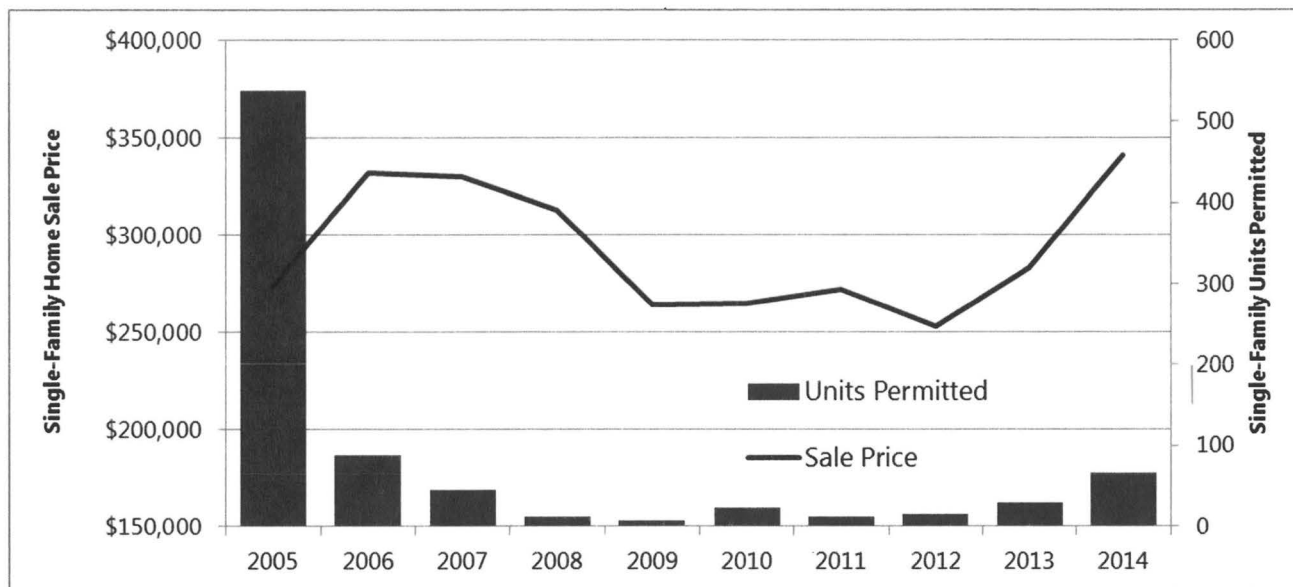
In other words:

- Sherwood’s residential growth has gone through a pre-Great Recession growth phase (Pre-2006) and is now winding down from a Great Recession & Recovery phase (2006-Current);
- Single-family permitting is now showing signs of recovery long-delayed by the extremely severe Great Recession.
- Households that move into Sherwood have long shown an overwhelming preference for single-family detached housing at 88% over overall demand since 1995 and even 80% during the slower Great Recession & Recovery period for the City.

### *Sherwood Home Price Trend*

In 2013 and 2014, Sherwood experienced sharp recovery in home sale prices as depicted in Figure 9. By 2014, the average sale price for a single-family home in Sherwood reached \$341,000 after several years of Great Recession-induced weakness and lost home values.

**FIGURE 9: CITY OF SHERWOOD SINGLE-FAMILY HOUSE SALE PRICE & PERMITTING TREND**



SOURCE: State of the Cities Data Systems (SOCDS), U.S. Department of HUD and Zillow.com (Zip Code 97140)

In fact, home sale prices in Sherwood have escalated by an average of over 16% annually over the past two years, recording over 20% growth in 2014 alone.

As Figure 9 also demonstrates, however, the sharp escalation in home sales prices in Sherwood over the past couple of years have not been attributable to major new home development and new product pricing leading the market as happened between 1995 and 2006.

With Sherwood single-family permitting recovering but still low compared to pre-Recession years, the spike in home prices over the past two years has occurred with limited new supply on the market. In other words, new for-sale home scarcity is contributing escalating housing prices in Sherwood instead of home builder cost-pushed home price growth.

In other words:

- Sherwood’s home values have recovered from the Great Recession, growing by a steep average of over 16% in 2013 and 2014 (20.5% price growth in 2014 alone);
- Steep home price escalation has been driven by growth in housing demand while recovering but modest new supply has been built.

*New Household Residential Demand*

PNW Economics conducted an analysis of likely expected household demographics growth projected for a 20-year planning period through 2035 (Figure 10).



**FIGURE 10: SHERWOOD FORECASTED RESIDENTIAL DEMAND, 2015-2035**

Household Income Range	Net HH Increase		Assumed Tenure Split		Net Increase	
	Total	%	Owner	Renter	Owner	Renter
Income Less than \$15,000	29	2.5%	5.0%	95.0%	1	28
Income \$15,000 - \$24,999	38	3.3%	10.0%	90.0%	4	34
Income \$25,000 - \$34,999	69	6.0%	25.0%	75.0%	17	52
Income \$35,000 - \$49,999	62	5.4%	40.0%	60.0%	25	37
Income \$50,000 - \$74,999	170	14.7%	60.0%	40.0%	102	68
Income \$75,000 - \$99,999	196	17.0%	60.0%	40.0%	118	78
Income \$100,000 - \$124,999	193	16.7%	65.0%	35.0%	126	68
Income \$125,000 - \$149,999	152	13.2%	70.0%	30.0%	107	46
Income \$150,000 - \$199,999	135	11.7%	75.0%	25.0%	101	34
Income \$200,000 or more	111	9.6%	85.0%	15.0%	95	17
Total/Weighted Avg.	1,156	99.9%	60.0%	40.0%	696	461

All Ownership Housing Income Range	Net Increase	Qualified Payment 1/ Minimum Maximum		% of Max	Affordable Home 2/ Minimum Maximum	
		Minimum	Maximum		Minimum	Maximum
Income Less than \$15,000	1	\$0	\$250	100.0%	\$0	\$58,200
Income \$15,000 - \$24,999	4	\$250	\$375	100.0%	\$58,200	\$87,300
Income \$25,000 - \$34,999	17	\$375	\$625	95.0%	\$83,000	\$138,300
Income \$35,000 - \$49,999	25	\$625	\$875	95.0%	\$138,300	\$193,600
Income \$50,000 - \$74,999	102	\$875	\$1,250	90.0%	\$183,400	\$262,000
Income \$75,000 - \$99,999	118	\$1,250	\$1,875	90.0%	\$262,000	\$392,900
Income \$100,000 - \$124,999	126	\$1,875	\$2,500	85.0%	\$371,100	\$460,300
Income \$125,000 - \$149,999	107	\$2,500	\$3,750	85.0%	\$460,300	\$742,200
Income \$150,000 - \$199,999	101	\$3,750	\$6,250	80.0%	\$698,600	\$1,164,300
Income \$200,000 or more	95	\$6,250	\$12,500	75.0%	\$1,091,500	\$2,183,000
Total/Weighted Avg.	696			85.2%		

1/ Assumes 30% of gross income towards payment.

2/ Based on the following financing assumptions

Interest Rate	5.00%
Mortgage Term	30
% of Income	30.00%
% Financed	80.00%

Analysis utilizes household growth projections documented in the recent Draft *Sherwood Housing Needs Analysis*.<sup>1</sup> Projections of housing demand by specific income levels are not treated with the same detail in the Housing Needs Analysis as it is in Figure 10. Figure 10 does, however, utilize the assumed future housing demand tenure split of 60% ownership, 40% rental.

<sup>1</sup> [http://www.sherwoodoregon.gov/sites/default/files/fileattachments/Planning/page/3740/08\\_21928\\_hna\\_march\\_25\\_2015.pdf](http://www.sherwoodoregon.gov/sites/default/files/fileattachments/Planning/page/3740/08_21928_hna_march_25_2015.pdf)

As pointed out earlier in this report, historically over 80% of housing development in Sherwood has been detached single-family and 20% attached residential product. This would indicate that projected housing need in the Housing Needs Analysis dramatically departs from historical trend. The implications of this are treated later in this document.

Estimates in Figure 10 are provided for both the total household growth in the Sherwood market, as well as income qualifying households for for-sale housing product across the planning period.

Findings can be summarized as follows:

- The Sherwood PMA is anticipated to grow by 1,156 new households through 2035.
- The single largest-growing cohort in Sherwood is expected to be households with an income range of between \$75,000 and \$99,999.
- Households within the \$100,000 to \$124,999 income are expected to comprise the largest number of households seeking homeownership, followed by households that earn between \$75,000 and \$99,999 annually.
- PNW Economics, based on review of the Sherwood market, finds that demand for homes typically on land zoned MDRL and associated density are represented by households that earn between \$75,000 and \$149,999 annually (highlighted in blue).
- Demand for homes developed on MDRL-zoned land is estimated to be 368 single-family homes through 2035.

## **IX. SHERWOOD LAND SUPPLY AND DEMAND RECONCILIATION**

This final section of the report considers whether MDRL-zoned land capacity within Sherwood, as documented by the Draft 2015 *Sherwood Housing Needs Analysis* is sufficient to meet need similarly documented by that report and further analyzed in this study.

Three scenarios are considered:

1. Guaranteed Incorporated Sherwood MDRL Land Capacity
2. Incorporated Sherwood & Potential Brookman Addition MDRL Land Capacity
3. Historical (80%) Single-Family Tenure Split Demand for MDRL Land

### **MDRL-Zoned Land Demand & Supply Reconciliation: Incorporated City of Sherwood**

Based on the most recent residential land inventory completed for City of Sherwood in the Draft 2015 *Housing Needs Analysis*, the existing and developable acreage within the city limits dedicated to medium-density residential-low (MDRL) is the following:

- 14 acres, or 8% of overall capacity;
- Unit capacity of roughly 85 units zoned MDRL based on a historical average density of 6.1 units per acre.

Alternatively, at 6.1 units per acre, 20-year demand for MDRL-zoned land is estimated to be 60 acres.

This would indicate a deficit of guaranteed, buildable MDRL-zoned land within incorporated City of Sherwood over the 20-year planning period of 46 acres.

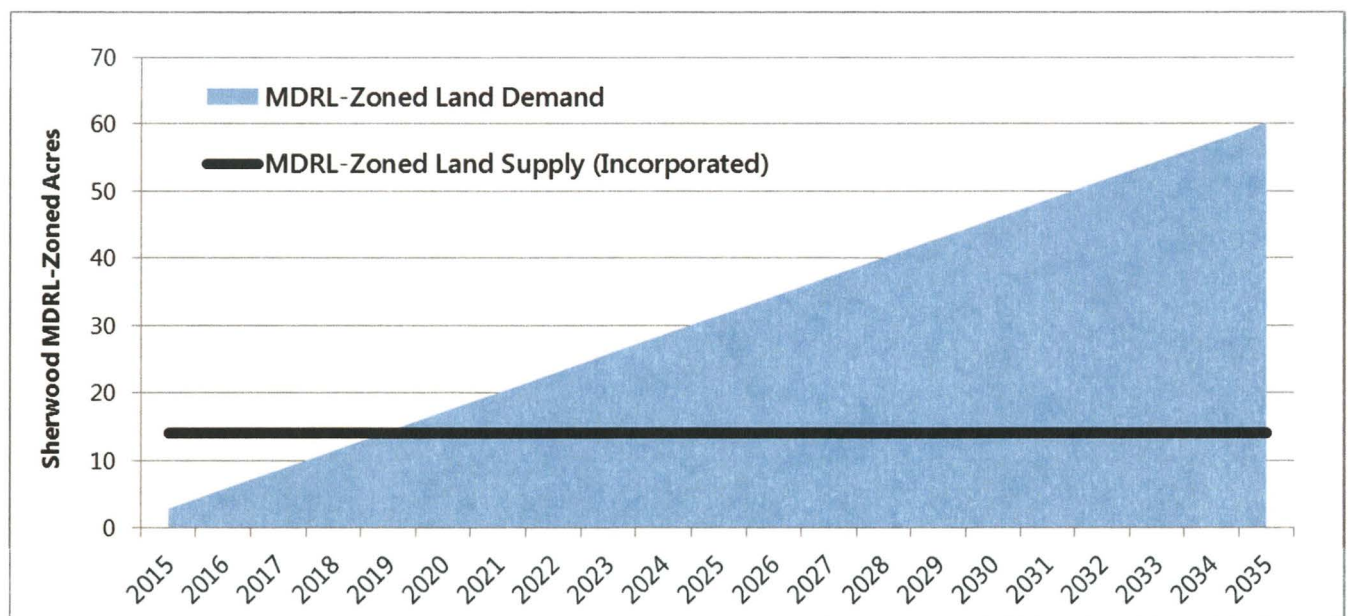
By “guaranteed,” PNW Economics refers to land currently within the City of Sherwood city limits and is imminently developable, as opposed to within the UGB but requiring uncertain annexation prior to urbanization.

The deficit is particularly problematic for the City. Demand for homes typically possible on MDRL-zoned land, the higher-density single-family zoning designation, is the highest category of demand and need according to both the Draft Housing Needs Analysis as well as analysis conducted by PNW Economics. Demographics in this housing need category include:

- Price sensitive families seeking adequately-sized, detached homes on more moderately-sized parcels; and
- Senior households wishing to move to or stay in Sherwood and own a smaller, move-down detached single-family home.

Figure 11 provides a graphical representation of the City’s known 14-acre supply of MDRL-zoned land along with demand for MDRL-zoned land as it cumulatively grows to 60 acres of demand-driven need.

**FIGURE 11: INCORPORATED SHERWOOD MDRL-ZONED LAND RECONCILIATION, 2015-2035**



- Based on existing MDRL-zoned land inventory within the City and need expressed, the currently incorporated City of Sherwood has enough capacity in this zoning category to last only 5 years, or through 2019.

### **MDRL-Zoned Land Demand & Supply Reconciliation: Incorporated City & Brookman Addition**

According to the Draft 2015 *Housing Needs Analysis*, total MDRL-zoned land capacity in both incorporated Sherwood and within the Brookman Addition proposed annexation area is expressed as follows:

- 66 acres, or 38% of overall incorporated and Brookman Addition capacity;
- Unit capacity of roughly 403 units zoned MDRL based on a historical average density of 6.1 units per acre.

As before, at 6.1 units per acre, 20-year demand for MDRL-zoned land is estimated to be 60 acres for the City of Sherwood.

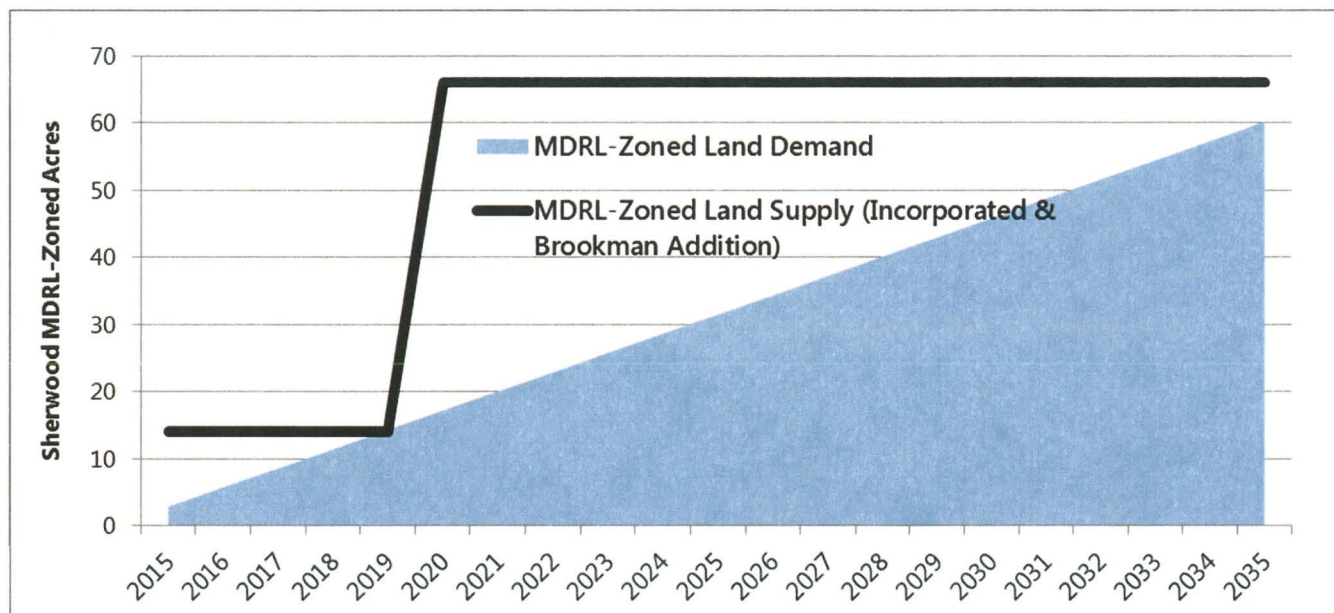
This would indicate that with the Brookman Addition, the City of Sherwood has six more acres of MDRL-zoned land capacity than needed over the 20-year planning period.

Given that Sherwood voters have once already rejected the annexation of the Brookman Addition area, there is no certainty about when Brookman Addition MDRL-zoned land capacity would be added to Sherwood, not to mention be feasibly serviced by infrastructure and utilities.

For purposes of analysis, PNW Economics assumed a five-year timeframe for Brookman Addition annexation and infrastructure and utility extension to all land zoned MDRL. Figure 12 provides a resulting graphical representation of the City's known 66-acre supply of MDRL-zoned land including the Brookman Addition, along with demand for MDRL-zoned land as it cumulatively grows to 60 acres of demand-driven need.

- By 2035, total MDRL-zoned land capacity including Brookman Addition (66 acres total) is sufficient for estimated twenty-year need.
- However, before the Brookman Addition is annexed and fully serviceable and buildable, Sherwood is still expected to have a short-term shortage of MDRL-zoned land with full depletion expected within five years (2019).

**FIGURE 12: INCORPORATED & BROOKMAN ADDITION MDRL-ZONED LAND RECONCILIATION, 2015-2035**



**Historical (80%) Need For Single-Family & Total Sherwood Land Capacity Reconciliation**

The Draft 2015 *Housing Needs Analysis* made the assumption that future housing tenure in Sherwood would be the following:

- Ownership: 60%;
- Rental: 40%.

Historical housing market data for Sherwood indicate, however, that that assumption is a significant change from the previous twenty years. Households that have moved to Sherwood have demonstrated something far closer to the following:

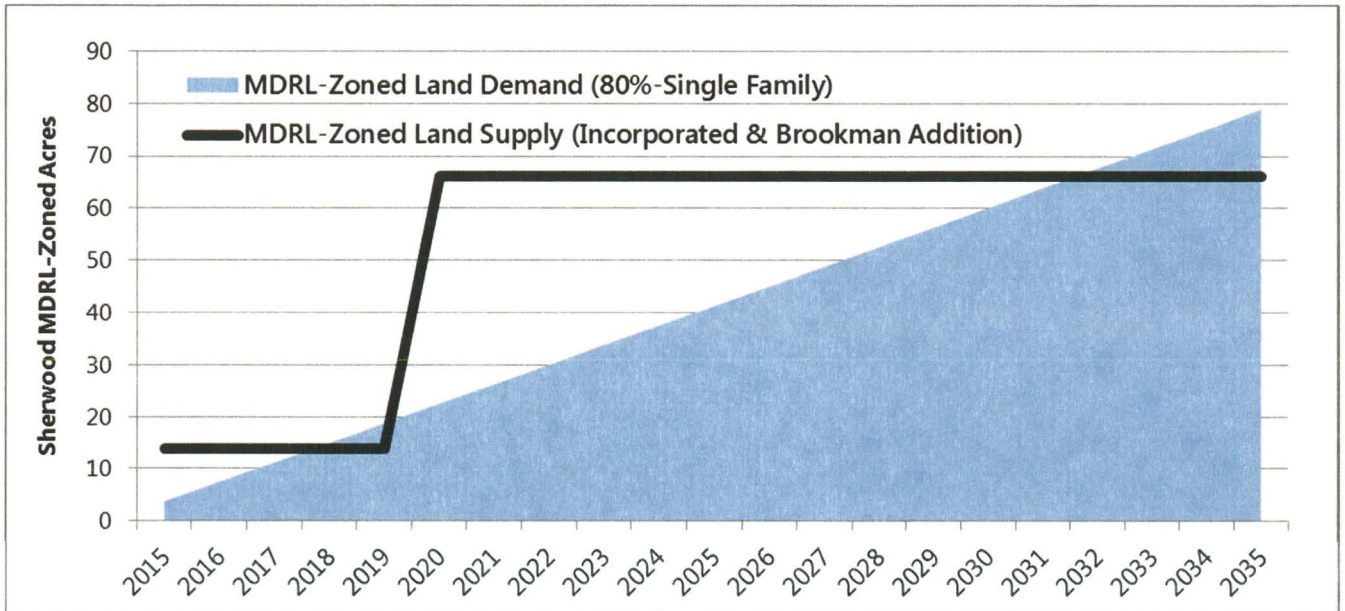
- Ownership: 80%+;
- Rental: 20% maximum.

To the extent that future demand for Sherwood housing more closely follows historic pattern and does not change so dramatically, the Draft 2015 *Housing Needs Analysis* underestimates housing demand that the City will ultimately realize. This will have two specific effects:

- Faster depletion of existing residential land capacity; and
- Home price escalation and increasing housing affordability issues driven by scarcity.

At 80% of housing demand going to for-sale, detached homes based on historical average, 20-year MDRL-zoned land demand is estimated to be 79 acres (roughly 4 acres annually) rather than 60 acres (roughly 3 acres annually). Figure 13 provides a graphical representation of the 80% single-family housing demand scenario, the City’s known 14-acre supply of MDRL-zoned land within the current incorporated area of the City, and the addition of Brookman Addition acreage by 2020.

**FIGURE 13: SHERWOOD MDRL-ZONED LAND & 80% SINGLE-FAMILY DEMAND RECONCILIATION, 2015-2035**



Results are summarized as follows:

- By 2018, the existing 14-acre inventory of MDRL-zoned land is insufficient to meet Sherwood housing need.
- The MDRL-zoned land deficit would continue for another year into 2019, with local housing price escalation and affordability impacts.
- The addition of the Brookman Addition inventory of zoned land by 2020 would mitigate the land shortage, but after the fact.
- By 2032, demand for MDRL-zoned land would again exceed the total 66-acre inventory in Sherwood.

In other words, if Sherwood housing demand is more consistent with historical patterns, Sherwood will face both a deficit of MDRL-zoned land within 4 years and again during the planning period even with the Brookman Addition.

And again, MDRL-zoned land comprises the largest segment of future identified need as well as the more moderately-priced housing choice for a number of demographic groups including families and seniors needing to or desiring to stay in Sherwood in a detached, owned home.

October 30, 2015

Connie Randall, Associate Planner  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

**RE: Supplemental Findings  
Mandel Plan Amendment/Zone Change (PA 15-04)**

Dear Connie,

This letter provides additional information requested by Staff in regard to the proposed Plan Amendment/Zone Change (Casefile PA 15-04) for the Mandel property, located at the southeast corner of SW Edy Road and SW Elwert Road as requested by Venture Properties, Inc.

#### **Economic Viability of Neighborhood Commercial**

As described in the supplemental memo from PNW Economics, this site is not viable for Neighborhood Commercial (NC). The trade area is generally defined by a five minute drive from the site, but is shortened to the southeast by the numerous retail opportunities along Pacific Highway that individuals would need to pass before reaching the Mandel property. Within the trade area there are only 1,522 households. The Mandel NC property would need 2,800 households to viably support retail uses.

#### **Chapter 8 of the Sherwood Comprehensive Plan**

Additional findings for Chapter 8 of the Sherwood Comprehensive Plan have also been attached to this memo. This Chapter outlined the concept planning efforts for Urban Growth Boundary expansion areas, including Area 59 that includes the Mandel property. Unfortunately, this Chapter only contains a brief history of the Concept Planning process and the decision making that occurred to reach the final plan. The chapter does say that the primary objective for this district was for the development of an elementary school and a middle school. The remaining land had two land use goals. First, there was a desire for only single family homes with no apartments. The second goal was to accommodate "mixed use: Small retail/commercial with housing above." There is no explicit rationale listed for this goal, but it was likely chosen to achieve a 'complete community' with services near housing. This is a laudable goal, but retail is a challenging land use that needs specific parameters to be successful, such as a healthy trade area, proper site access, good site geometry, and gentle topography.

As discussed above, this site does not have a proper trade area; there are not enough households to support this site. Access appears to be good with direct frontage onto SW Elwert Road, but Neighborhood Commercial is not meant to attract regional drive-by customers, but rather customers that are within a small geographic area that travel by car, bicycle, or by foot. The households served by this site should be the homes to the southeast, not the cars on the western frontage. Access for the homes to the southeast is separated by the drainageway of the perennial tributary to Chicken Creek that surrounds the site to the north, east, and south. A local street connection is shown on the concept plan for Area 59, however, as

shown below, this street connection is expensive, has significant environmental impacts, is subject to environmental permitting, and is generally redundant to existing SW Edy Road to the north. Without this street connection, the site is very isolated from the customer base expected in the Area 59 Concept Plan.

### **Challenges for the Planned Roadway Connection over Drainageway**

The Mandel property is bisected south to north by a perennial tributary to Chicken Creek. It is both difficult and expensive to cross this drainageway with a local road as shown in the Area 59 Plan. The Applicant would like to make this connection a pedestrian rather than a full roadway. The environmental impacts and expense are not warranted for the limited value a full roadway connection would offer, particularly with SW Edy Road providing existing east west connectivity to the north. AKS has provided a memo (attached) outlining the details of what a street crossing would require from an engineering standpoint and the approximate cost to make this connection. It should be noted that a sanitary sewer connection is needed in conjunction with the street or pedestrian crossing, so the location of the crossing needs to happen in the middle of the site, near the existing water quality facility. This analysis shows an approximate cost of \$720,000.

AKS has also provided a memo (attached) that outlines the environmental permitting required to make this crossing. Permits and mitigation would be required from the US Army Corps of Engineers, the Oregon Department of States Lands, and Clean Water Services. These reviews are discretionary and part of the criteria includes review of an alternatives analysis to assure that the impacts are absolutely necessary. There is time, expense, and uncertainty in these reviews. Further, mitigation would be required for the impacts to the wetlands and vegetated corridor, reducing the usable land on the rest of the site. The wetland area is two wide to fully span with a roadway, so impacts to the wetland would trigger substantial stormwater detention facilities, reducing the residential density by approximately four lots.

A pedestrian crossing can be provided with a wider span that does not impact the wetlands, allows for the sewer connection, and is much more cost effective. The cost of a pedestrian bridge is approximately \$180,000, a cost differential of \$540,000. On balance, the impacts of a creek crossing are substantial relative to the value this road provides when an alternative east-west street connection is existing and available with SW Edy Road, just 600 feet to the north.

### **DLCD Comments**

The Department of Land Conservation and Development (DLCD) requested evidence of compliance with OAR 660-009-0010(4), which requires compliance with the City's acknowledged Economic Opportunities Analysis (EOA).

*(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*

*(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*



*(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*

*(c) Adopt a combination of the above, consistent with the requirements of this division.*

We have attached an additional memo from PNW Economics addressing the applicable policies from the EOA and how the proposed change is consistent with the adopted policies.

This letter provides additional testimony and findings in support of the proposed Plan Amendment/Zone Change for the Mandel property to change the Neighborhood Commercial designation to Medium Density Residential Low. We are happy to provide any additional information that would help Staff, the Planning Commission, and the City Council in their deliberation.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



Mimi Doukas, AICP, RLA

Attachments: Memo from PNW Economics  
AKS Findings on Chapter 8 of the Comprehensive Plan  
Memo from AKS on Costs for creek crossing  
Memo from AKS on wetland permitting for creek crossing

## MEMORANDUM

To: Mimi Doukas, AICP, RLA  
AKS Engineering & Forestry

From: Bill Reid, Principal  
PNW Economics, LLC

Subject: Mandel Property Zone Change Application: Additional Issues

Date: October 27, 2015

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During the City of Sherwood staff review of the Mandel Property application for a zone change from Neighborhood Commercial (NC) to Medium Density Residential-Low (MDRL), additional questions were raised by DLCD and Staff regarding economic need arguments that had been put forth in support of the rezone. This memorandum is intended as a response to the following issues and concerns:

- Sherwood Goal 9 Employment Land concerns due to the size of the property at roughly 3 acres; and
- The trade area for a Neighborhood Commercial center at the property and whether it is appropriate or supported by sufficient households.

### **Sherwood Goal 9 Land Need Concern**

PNW Economics reviewed the November 2006 "City of Sherwood Economic Development Strategy,"<sup>1</sup> which is the most recent Goal 9 Employment Land/Economic Opportunities Analysis for the City of Sherwood. This document was intended as an update and policy elaboration on the Growth Management Chapter (Chapter 3) of the City's Comprehensive Plan. The following policies relate to Neighborhood Commercial-zoned lands and development. Policy strategies that are particularly pertinent to the subject property are in bold-face, followed by responses related to the subject property's current zoning:

#### Land Use Policies

*Policy 1. Commercial activities will be located so as to most conveniently service customers.*

#### Strategies

*-Community wide and neighborhood scale commercial centers will be established.*

***-Commercial centers will be located so that they are easily accessible on major roadways by pedestrians, auto and mass transit.***

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<sup>1</sup>[https://www.sherwoodoregon.gov/sites/default/files/fileattachments/Economic%20Development/page/85/economic\\_development\\_strategy.pdf](https://www.sherwoodoregon.gov/sites/default/files/fileattachments/Economic%20Development/page/85/economic_development_strategy.pdf)

***-Neighborhood commercial centers will be designated in or near residential areas upon application when need and compatibility to the neighborhood can be shown.***

**PNW Economics Response:** The site is isolated at the western edge of incorporated City of Sherwood on SW Elwert Road and cannot be considered "easily accessible on major roadways by pedestrians, auto and mass transit." The site is located at the far northwest corner of the City and the Urban Growth Boundary, making Neighborhood Commercial zoning of the site inappropriate. Neighborhood Commercial zoning of more centrally-located land near residential areas west of Pacific Highway would be more appropriate and likely to succeed.

Furthermore, Neighborhood Commercial development cannot be considered compatible with the surrounding neighborhood as the land located across SW Elwert Road from the site is unincorporated land outside of the incorporated City and Urban Growth Boundary. As will be demonstrated later in this document, the area's population is insufficient to adequately serve such a development, rendering it inconsistent with the existing neighborhood.

*Policy 2. Commercial uses will be developed so as to complement rather than detract from adjoining uses.*

Strategies

- *-Commercial developments will be subject to special site and architectural design requirements.*
- *-The number and locations of commercial use access will be limited along major streets in accordance with the City's Transportation Plan.*
- *-Non-Retail and primarily wholesale commercial uses will be separated from retail uses where possible.*
- *-The older downtown commercial area will be preserved as a business district and unique shopping area.*
- ***-A buffer between commercial uses and adjoining greenways, wetlands, and natural areas shall be established.***

**PNW Economics Response:** The subject site is bordered by a natural area to the north and south, with existing rural residential development located nearby. Therefore, the developable area of the site as a commercial development, including requisite parking, is limited in terms of what commercial improvement can be feasibly achieved on site.

*Policy 3. Highway 99W is an appropriate location for commercial development at the highway's intersections with City arterial and major collector roadways.*

*c. Commercial Planning Designation Objectives*

*4) Neighborhood Commercial (NC)*

*This designation is intended to provide for neighborhoods serving small scale retail and service uses consistent with sound site planning in the following general areas:*

- ***-Areas which are within reasonable walking distance from living areas and/or convenient access by way of collector or arterial streets.***
- ***-Areas where retail or service uses can be adequately screened from adjoining living areas so as to enhance rather than detract from the residential***

**character of the neighborhood. Site review standards relating to setbacks, landscaping, buffering, signs, access and architectural features shall assure compatibility with surrounding uses.**

- *-Where a full range of urban facilities and services are available or can be provided in conjunction with development.*

**PNW Economics Response:** The subject site is located at the edge of the incorporated City and the Urban Growth Boundary, which cannot be considered convenient or reasonable walking distance for the neighborhood it would serve with Neighborhood Commercial zoning. This issue will be further illustrated later in this document with a map of the Neighborhood Commercial trade area for the property under current zoning.

The subject site is also located across SW Elwert Road from rural residential areas that will likely see urbanized development stretched over a long time period, due to the location of the Urban Growth Boundary. Neighborhood Commercial development, auto traffic, and parking detract from the rural residential character of the immediate area. Requisite setbacks, landscaping, and other improvements would only serve to diminish what little commercially developable land there is on the site, even if it was compatible with the surrounding character of residential uses.

Economic Development Policies

*Policy 5. The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.*

Strategies

- *-The City will encourage the revitalization of the Old Town Commercial area by implementation of 1983's "Old Town Revitalization Plan" and the Old Town Overlay Zone.*
- *-The City will encourage the development of light industrial and office parks.*
- *-The City will seek to attract industries that are labor and capital intensive.*
- *-The City will seek to attract "target" industries which will expand industrial sectors inadequately represented in the urban area in order to diversify and stabilize the local economy.*

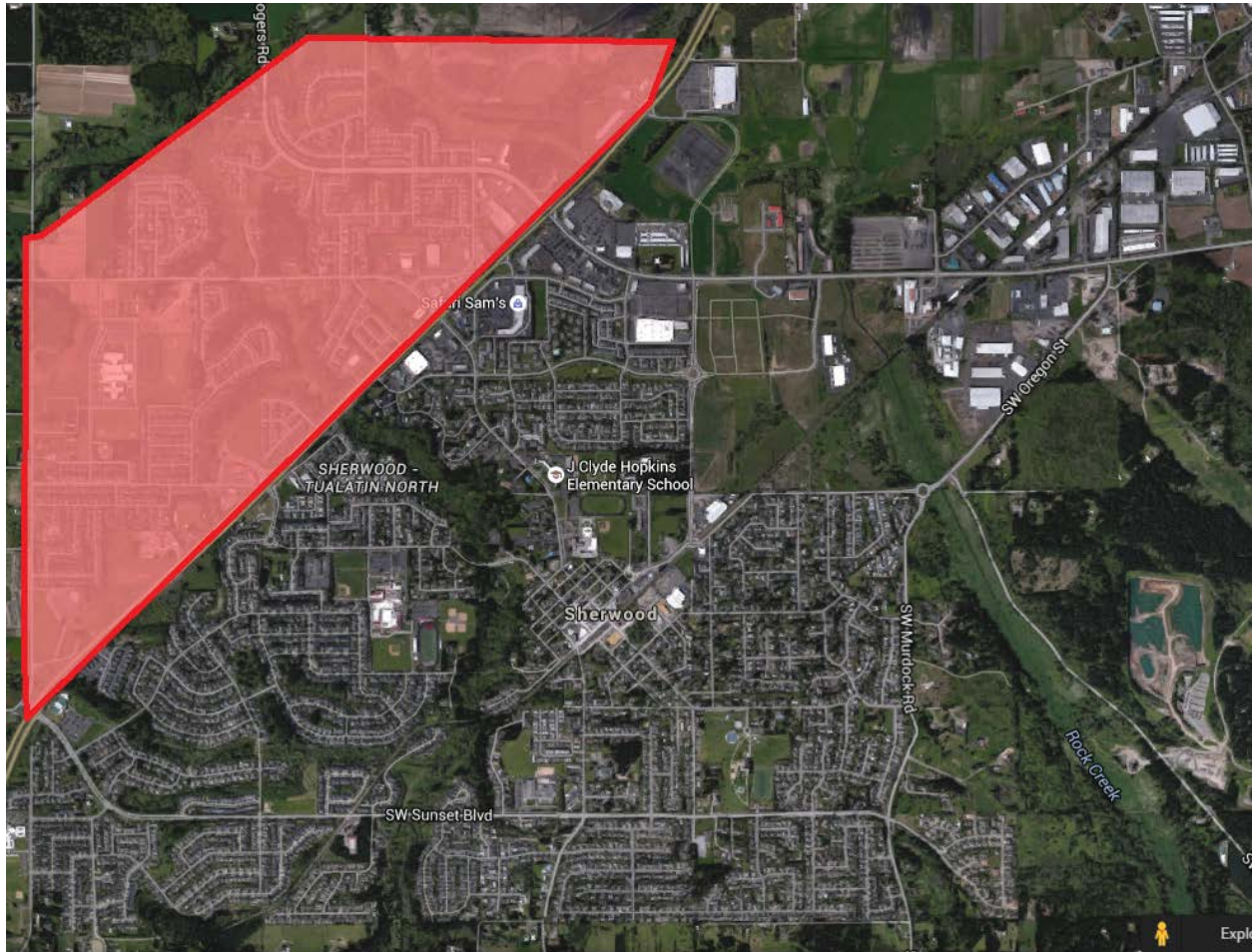
**PNW Economics Response:** It is important to note that throughout the rest of the Goal 9 document, there is no mention of specific requirements to preserve NC zoning nor encourage its development. The focus of the report is to increase the inventory of employment lands, emphasize industrial lands (Tonkin Industrial Area), and encourage other, larger economic development initiatives, particularly tourism.

Accordingly, PNW Economics does not find that the Goal 9/EOA document or policies that address commercial land specifically provide any protections or strategies for the maintenance and growth of lands zoned Neighborhood Commercial as key employment lands.

**Subject Neighborhood Commercial Trade Area**

Figure 1 displays a map of the likely market area for the subject site developed as Neighborhood Commercial. The trade area is shaded in red.

**FIGURE 1: MANDEL PROPERTY NEIGHBORHOOD COMMERCIAL TRADE AREA**



The subject site's Neighborhood Commercial trade area, generally defined as a 5-minute drive time, is roughly bounded by the Sherwood City limits to the north and west, and Pacific Highway to the south and east.

Technically, Herman Road is the 5-minute drive-time limit for the subject site. However, from a commercial retail development perspective, households east of Pacific Highway have numerous retail offerings at or east of Pacific Highway that they would have to pass by in order to reach the isolated location of the subject site. Therefore, Pacific Highway realistically defines the eastern-most edge of the trade area for households that might shop at the subject site under current zoning.

As was demonstrated in the initial Economic Analysis memo by PNW Economics in support of the zone change application, a minimum household count of 2,800 would be required to properly support commercial development at the subject site and make development feasible. According to 2013 American Community Survey population estimates for the trade area, largely defined as Block 1 of Washington County Census Tract 322, there were 1,522 households within the Neighborhood Commercial trade area, leaving a deficit of roughly 1,300 households. We therefore find that, largely due to the isolated location of the site adjacent to land not likely to be urbanized for a number of years, the site is not a feasible Neighborhood Commercial development location.

If current zoning is maintained, development of the subject site as Neighborhood Commercial retail is highly unlikely. If development were to occur, it would be extremely low intensity and likely significantly underutilized, due to the site's isolated location and lack of basic trade area households to the west.

The isolation and bifurcation of what would normally be a more round trade area in all directions, encompassing significantly more households, has prevented the site from being developed as Neighborhood Commercial in the past. The lack of development interest is as strong of an indicator of the feasibility of the site under current zoning as any.

Underutilization of the site would be contrary to various economic development policies and strategies adopted by the City that seek effective growth management via attraction of investment within the existing City limits at acceptable densities and within architectural/design review criteria. The site should, therefore, be considered for rezoning to a use of greater benefit to the City that would yield higher investment value while being more consistent with surrounding uses and adjacent natural resource areas.

# MANDEL FARM PLAN/ZONE MAP AMENDMENT

## III. SUPPLEMENTAL APPLICABLE REVIEW CRITERIA

### COMPREHENSIVE PLAN

The supplemental Sherwood Comprehensive Plan Policies and Goals are set forth below along with findings in support of the Comprehensive Plan Map Amendment and Zone Change.

#### CHAPTER 8 – URBAN GROWTH BOUNDARY ADDITIONS

##### 1. Area 59 -A New Neighborhood in Sherwood

###### Background

As mentioned previously Area 59 is an 85 acre area brought into the UGB in 2002. "Area 59" is a nameless designation placed by Metro and does not reflect the local history of the area. "Blue Town", as it was called by the pioneer families at the turn of the 20th century, is predominantly a rural residential and farming community. Blue Town received its name because German immigrants painted farm buildings the same color blue. The area is characterized by historic farmhouses, newer large lot country estates, rolling hillsides, a neatly groomed landscape, stunning views of Mount Hood, and forested riparian areas that feed Chicken Creek and the Tualatin River Basin. The CAC developed a list of new names for the neighborhood, but none were recommended to the policymakers. Without a clear designation, future development will be assigned subdivision names for final platting purposes. The City has a policy choice, and a clear opportunity, to designate a coherent new neighborhood either as part of implementation or through some other yet to be determined process.

Area 59 is the first UGB expansion area that required a concept plan under Metro's Functional Plan Title 11 requirements. The relatively small size of the subject area offered an opportunity to the stakeholders to create a neighborhood scale plan with roads, land uses, and public spaces all integrated into the existing urban fabric of Sherwood. The City took the lead in concept planning the area because the County did not express an interest and the Sherwood School District lacked expertise in land use planning and real estate development. The City provided the planning through general funds and in kind services.

###### Public Involvement

The City officially initiated the concept planning process in late 2004. The City Council established a Citizens Advisory Committee (CAC) via Resolution 2004-090 on October 12, 2004 to guide the development process and provide recommendations to the Planning Commission. The City held numerous types of meetings to develop a concept plan for Area 59. These included: work sessions open to the public, a public workshop (the first charrette in

She1wood), a field trip, regular public meetings with two advisory groups, and finally public hearings. Throughout the concept planning process individual electronic notice was sent to those that expressed interest. A project website was developed on the City's homepage to provide a clearinghouse for all meeting materials and project binders were created for public use at City Hall and the Library. Although not required for the concept planning phase, the City sent mailed notice twice: after the second Citizens Advisory Committee (CAC) meeting in March 2005 and prior to the charrette in July 2005. Monthly project updates were provided in the Archer portion of the Sherwood Gazette in addition to numerous newspaper articles that appeared in the Oregonian.

In addition to general public outreach efforts, the CAC met from December 2004 to December 2005 to rigorously review City staff and consultant findings. The CAC consisted of three representatives from the City Council, Planning Commission, and Parks Board, two property owners from Area 59, two property owners who reside in the County but outside the study area, and the Sherwood School District. A technical advisory committee, referred to as the "Project Team," was established by the Planning Department to advise City staff on regulatory and technical issues that pertain to concept planning. Affected agencies include:

- |                      |   |                                |
|----------------------|---|--------------------------------|
| Clean Water Services | • | Washington County              |
| ODOT                 | • | Raindrops to Refuge            |
| DLCD                 | • | Tualatin Valley Water District |
| Metro                | • | Tualatin Valley Fire & Rescue  |

The Project Team met periodically (five times) from January 2005 to October 2005 to review consultant and staff findings, draft alternatives, and various staff reports on the framework of a concept plan. The CAC met six times in addition to the charrette that was held in July 2005 at the She1wood Police Facility. The combined efforts of the advisory committees resulted in one set of goals for the project referred to as the "Goals Matrix."

<b>Issue</b>	<b>Citizen's Advisory Committee</b>	<b>Project Team</b>
<i>Land Use</i>	Single family units only, no apartment complexes.	Goal conflicts resolved: Metro density requirements (Metro Housing Rule).
	Mixed use: Small retail/commercial with housing above.	
	Schools (30 acres): Middle & Elementary Meet timeline for increased enrollment.	
<i>Quality of Life</i>	Recreational fields: Co-share fields & facilities with schools?	Natural area protection & Goal 5 resources.
	Green Space: Parks (tennis courts), trails, greenways, open space.	Open spaces: Integrate active & passive parks; Co-locate these to other lands.
	Livability: "Proud to live there".	Create unique neighborhood structure: "Sense of place".
	Farmland: Allow existing agriculture; co- exist with new neighborhood.	
<i>Transportation</i>	Traffic management plan	Connectivity: Road system, bicycle & pedestrian pathways; off-site mitigation.
<i>Public Facilities</i>		Adequate water supply & pressure for fire suppression.



		Address stormwater impacts; provide sanitary sewer.
		Infrastructure Costs? Avoid expensive and determine how to pay.

The above goals, a balancing act or competing priorities, were the basis for the development of evaluation criteria. The design alternatives produced through the charrette were analyzed and "graded" based on the criteria approved by the CAC and Project Team. Staff made findings throughout the process that demonstrated how the evaluation criteria were met or not met for each alternative.

**Response:** In terms of 'Land Use', the Citizen Advisory Committee for the Area 59 Concept Plan identified two goals. First, that the area be planned for only single family detached homes, not apartments. The proposed Plan amendment to MDRL honors this vision. The second land use goal stated a desire for 'Mixed use: Small retail/commercial with housing above'. This goal is reflected in the current zoning designation of Neighborhood Commercial. The Mandel property has carried this designation since 2006 with no interest in commercial development. As shown in the Economic Opportunities Analysis in Exhibit G, there is not a market to support retail in this location, and mixed use retail with residential on the upper floors of a building is a more complex type of retail that can be difficult to finance. Retail would require 2,800 households within the trade area, roughly defined by the area within a five minute drive of the site, but there are only 1,522 households which is 54% of what is needed. This small NC district abuts rural county land to the west and north. To the east a large amount of land is dedicated to a combined elementary school and middle school. This site is less than a mile from the existing Retail Commercial property located at Edy Road and Highway 99, and 3,200 feet (3/4 of a mile) from the General Commercial lands at Meineke Road and Highway 99. This neighborhood has access to retail districts, and will not have enough households in the future to support neighborhood commercial in this location.

**Land Use**

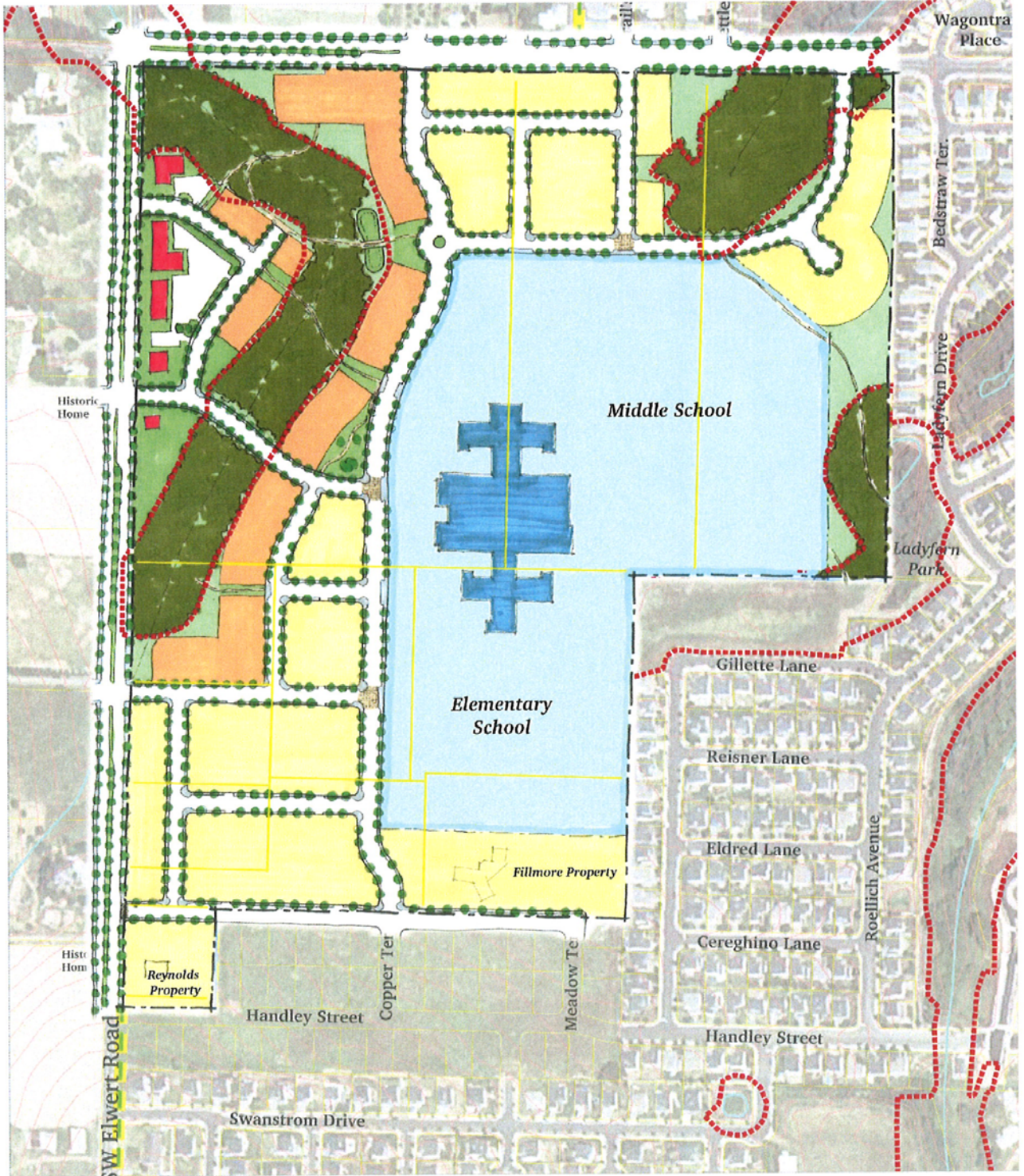
Notwithstanding the competing stakeholder objectives, the primary focus of the concept plan was to determine a location and an adequate size site for new school facilities. The original impetus for the UGB expansion, via Metro Ordinance 2002-969B, was to provide a new elementary and middle school for the rising enrollment in the Sherwood School District 88J. In short, once a new school site was identified the remaining land use pieces of the puzzle fell into place around the school. After a thorough examination of the charrette alternatives through a traffic analysis and CAC review, the process eventually determined that a 29 acre site was adequate to co-locate the facilities along with recreation fields and attendant uses related to school business. Some stakeholders wanted more land while others wanted a new school on less land. The remaining "pieces" or in this case buildable land was planned for a mix of residential and neighborhood commercial served by a street grid network of local street and a north-south and east-west neighborhood route to reduce vehicle miles traveled, encourage alternative modes of transportation, provide emergency access, and a site for a neighborhood park to serve the new neighborhood and the existing west side neighborhoods.

**Response:** As described above, the primary purpose for expanding the UGB in this area was to provide for a new elementary school and middle school. Other land uses were flexible and determined based on community feedback rather than a demonstrated need. It appears that neighborhood commercial was chosen to create a walkable complete community. While this is a generally desirable outcome, retail simply cannot succeed unless the site meets specific characteristics. The site needs to have enough households or drive-by traffic to provide a customer base. The site needs good access and dimensions to allow proper circulation and parking. The site must be generally flat. This site has a fair amount of drive-by traffic, but that is more appropriate for general commercial uses. Neighborhood commercial is localized and needs households within a small market area, generally within a five minute drive. As described above, the market area contains only about 54% of the households needed to support neighborhood retail. The property is generally flat, but the configuration does not work for loading and internal circulation, with a depth of only 130 feet.

### Policy Outcomes

In December 2005, the Citizens Advisory Committee recommended a third party alternative that was based on a hybrid of two designs - Alternative A/G. The Planning Commission recommended a revised Alternative A/G to the City Council in February 2006, which was approved, albeit in lesser detail, via Resolution 2006-017 in April 2006. This policy direction authorized the City to initiate the plan amendment process to implement the concept plan map through the comprehensive plan and zoning code.

The following map illustrates the adopted concept plan for Area 59 through the plan amendment process.



**LEGEND**

- School
- Park
- Single Family
- Townhome / Small Lot
- Neighborhood Commercial / Mixed Use
- Natural Area
- Lot Lines
- Goal 5 Boundaries

## Area 59 Neighborhood

**Sherwood, Oregon**  
 Exhibit 2-K Approved Concept Plan  
**Alternative E**  
 with Lots and Goal 5 Boundaries



## Cost Estimate Memo

**Date:** October 29, 2015

**To:** Mimi Doukas, AICP, RLA

**From:** Alex Hurley, PE, PLA  
Jeff Nelson

**Re:** Mandel Farms Vegetated Corridor Street Crossing Cost Estimate

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### PERENIAL STREAM STREET CROSSING HARD COST ESTIMATE

This cost estimate to provide a street crossing of the vegetated corridor (VC) assumes a Local Street standard with a 28-foot wide travel lane, a 50-foot wide right-of-way, and a length of approximately 320 linear feet. Additionally, 8-foot wide public utility easements are assumed on each side of the street, providing an overall width of 66 feet.

To minimize impacts to the vegetated corridor and wetlands, it was assumed Ultra Block retaining walls would be constructed on each side of the street to an approximate maximum exposed height of 20 feet within the area of the VC. The area between the walls would be filled with imported granular fill.

A 10-foot wide x 6-foot high x 66-foot long bottomless concrete box culvert would be utilized to span the existing channel and a portion of the wetland.

The street section would be built to City of Sherwood standards for a Local Street with 4-inch AC over 12-inches of compacted crushed rock, including curb, gutter, and 6-foot wide sidewalk.

It was assumed a small area, comprising approximately 0.06 acres, would be levied with a wetland mitigation fee for filling the wetland at a cost of \$175,000 per acre. In addition, approximately 6,800 square feet of VC area would be mitigated elsewhere on the site with additional VC mitigation plantings and irrigation.

The total estimated cost of providing a street crossing, as opposed to a pedestrian bridge crossing, is approximately \$720,000, including a 25% contingency factor.

With allowances for deducting the estimated total cost of the pedestrian bridge, estimated at \$180,000 including a 25% contingency, the total additional cost to construct the street is estimated to be approximately \$540,000, excluding engineering, jurisdictional, and permitting costs.

Our costs assume a portion of the wetland can be permitted to be filled; however, if this is not allowed, a bridge will be required at significantly more cost.

CONSTRUCTION COST ESTIMATE

**AKS ENGINEERING & FORESTRY, LLC.**

12965 SW HERMAN ROAD, SUITE 100  
TUALATIN, OR  
503-563-5161



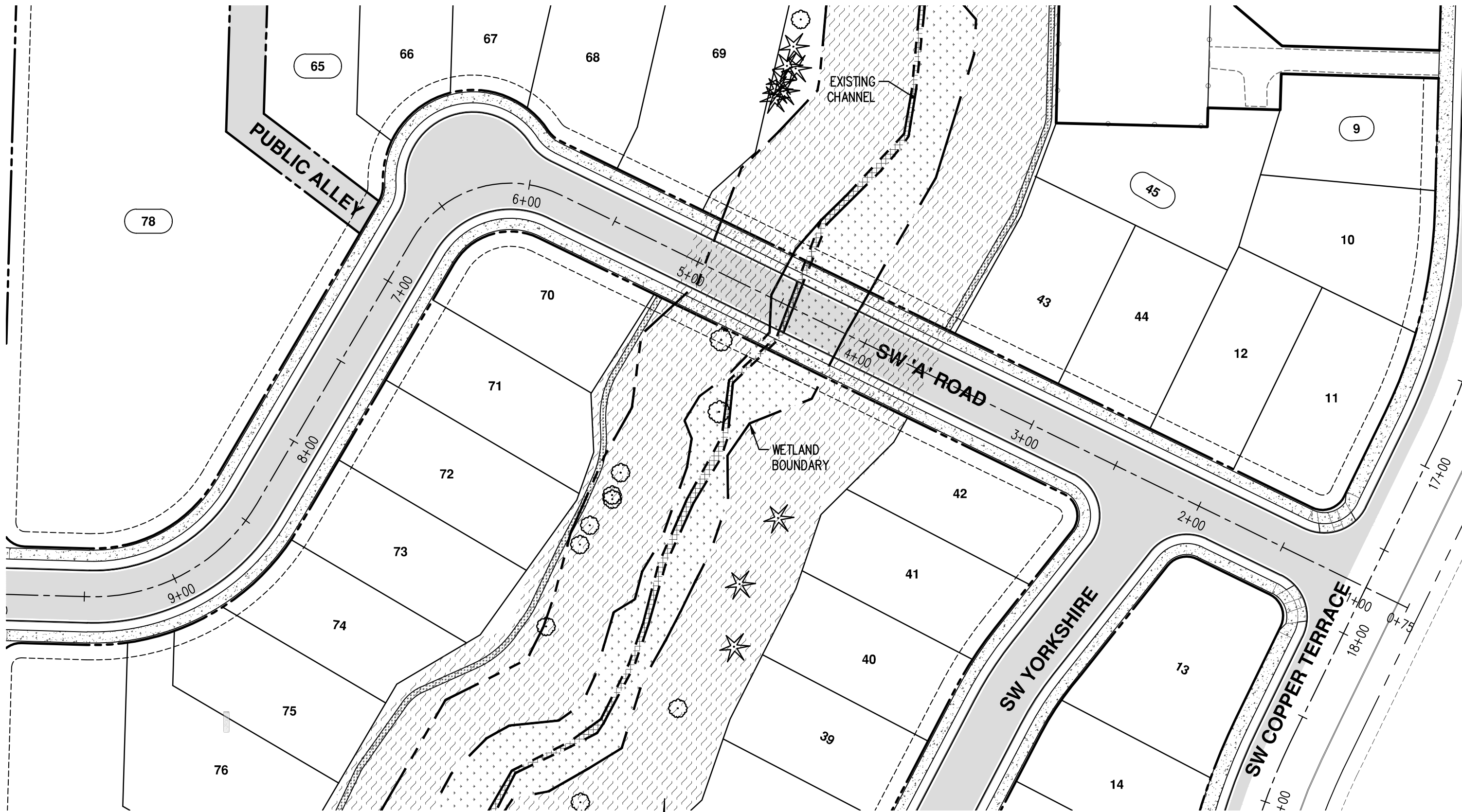
**VEGETATED CORRIDOR STREET CROSSING COST ESTIMATE - 10/29/2015**

**MANDEL PROPERTY**

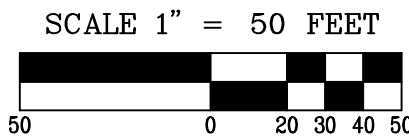
Job No.: 4570  
Estimate By: JN

ITEM	SCHEDULE 2 - STREETS	QUANTITY	UNIT	UNIT PRICE	COST
	<b>VC STREET CROSSING - 66' Wide x 320' Length</b>				
2-1	Mobilization	1	L.S.	\$ 2,400.00	\$ 2,400
2-2	Erosion Control	1	L.S.	\$ 2,500.00	\$ 2,500
2-3	Clearing and Grubbing	1	AC.	\$ 2,500.00	\$ 1,250
2-4	Stripping and Haul Off (Assume 6" Strip) (0.50 AC)	400	B.C.Y.	\$ 18.00	\$ 7,200
2-5	Ultra-Block Wall	4,400	S.F.	\$ 40.00	\$ 176,000
2-6	Import Granular Backfill Between Walls	4,800	B.C.Y.	\$ 31.00	\$ 148,800
2-7	Imported Structural Soil Fills (Outside the VC)	1,300	B.C.Y.	\$ 20.00	\$ 26,000
2-8	10' x 6' Concrete Box Culvert (Bottomless)	66	L.F.	\$ 1,500.00	\$ 99,000
2-9	Storm Drainage	1	L.S.	\$ 7,500.00	\$ 7,500
2-10	9" Crushed Rock - 1 1/2"-0 Base Course	1,100	S.Y.	\$ 12.00	\$ 13,200
2-11	3" Crushed Rock - 3/4"-0 Leveling Course	890	S.Y.	\$ 4.00	\$ 3,560
2-12	4" Lift AC Pavement	890	S.Y.	\$ 20.00	\$ 17,800
2-13	Curb and Gutter	640	L.F.	\$ 12.00	\$ 7,680
2-14	6' Wide Sidewalk (4" Concrete)	3,840	S.F.	\$ 5.00	\$ 19,200
2-15	4' Chainlink Fencing (Along VC Corridor Walls)	300	L.F.	\$ 25.00	\$ 7,500
2-16	Signage and Stripping	1	L.S.	\$ 800.00	\$ 800
2-17	Street Light - LED With Base	2	EA.	\$ 5,500.00	\$ 11,000
2-18	Wetland Mitigation Fee	0.06	AC.	\$ 175,000.00	\$ 10,500
2-19	Vegetated Corridor Mitigation	6,800	S.F.	\$ 2.00	\$ 13,600
				<b>SUBTOTAL</b>	<b>\$ 575,490</b>

**25% CONTINGENCY \$ 143,873**  
**TOTAL \$ 719,363**

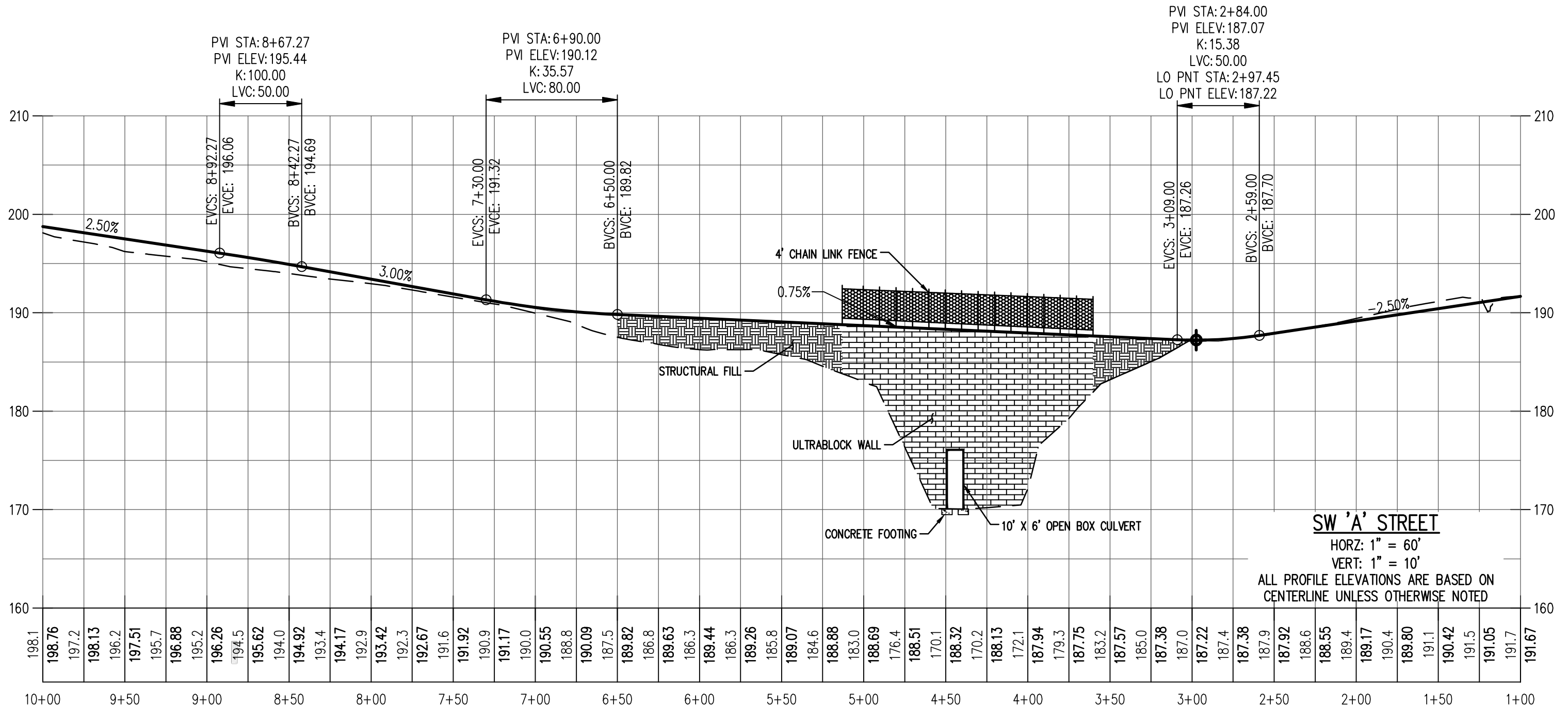


DATE: 10-27-2015



<b>ALTERNATIVE STREET CONNECTION</b>		EXHIBIT
<b>MANDEL FARMS SUBDIVISION</b>		<b>A</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: DS CHKD: JN
		AKS JOB: 4570

Ordinance 2015-009, Exh B-F to PC Rec.  
December 1, 2015



DATE: 10-27-2015

<b>ALTERNATIVE STREET CONNECTION SW 'A' STREET CROSS SECTION</b>		EXHIBIT
<b>MANDEL FARMS SUBDIVISION</b>		<b>A</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: DS CHKD: JN AKS JOB: 4570



# Memo

To: Mimi Doukas, AICP, RLA  
From: Stacey Reed, PWS  
Date: 10/30/2015  
Re: 4570 Mandel Farms Road Crossing Permitting

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If a road is required to cross the tributary that bisects the Mandel property, there will be significant environmental permitting and mitigation required.

A perennial tributary to Chicken Creek and associated floodplain wetlands extend through the central portion of the site. Therefore, a road crossing will likely result in permanent wetland and/or water impacts. A wetland and waters delineation report will need to be prepared and submitted to the Oregon Department of State Lands (DSL) to receive concurrence on the wetland and water boundaries. DSL has 120 days to concur with the delineation report. A joint removal-fill permit application will be necessary for submittal to DSL and the US Army Corps of Engineers (Corps). The permit application will need to demonstrate the need for a road crossing, that there are no alternatives to avoiding wetland and/or water impacts (i.e. whether a bridge crossing can be utilized), and techniques employed to minimize any unavoidable wetland or water impacts. The on-site drainage is perennial tributary to Chicken Creek, which is listed as an Essential Salmonid Habitat (ESH) stream. Therefore, an Oregon Department of Fish and Wildlife (ODFW) fish passage plan will be required for submittal and approval by ODFW. The road crossing may also require compliance with National Marine Fisheries (NMFS) SLOPES V Transportation design requirements. DSL has 120 days to review and issue permit authorization (which can run concurrent with wetland boundary concurrence). The Corps permit process generally takes approximately 4-6 months. DSL will require compensatory mitigation for unavoidable wetland impacts, which can be mitigated for at a wetland mitigation bank. The wetland mitigation banks serving the Mandel Farms site currently charge approximately \$175,000 per acre of wetland impact. On-site riparian enhancement can be proposed to mitigate for any unavoidable water impacts.

In addition to the wetland and/or water impacts, a road crossing will result in permanent impact to vegetated corridor. The vegetated corridor encroachment for the road crossing may require a Tier 2 Alternatives Analysis by Clean Water Services. Replacement vegetated corridor mitigation will be required to mitigate for the permanent vegetated corridor impacts.



**Connie Randall**

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**From:** Steven.Reynolds@CH2M.com  
**Sent:** Wednesday, October 14, 2015 8:22 AM  
**To:** Connie Randall  
**Subject:** Mandel Property

At the public meeting last month many citizen issues regarding traffic on Elwert Road were asked and with no real positive answers from the City personnel or the Developer. Without traffic adjustments to Elwert Road this development adds traffic to an already busy and dangerous road.

All mail boxes are considered foot traffic on to the road. There are bicycle riders that use this arterial, Elwert Rd. daily with no real road shoulder or safe traffic pattern for them. Traffic on Elwert is a life safety issue that appears to be second thoughts to the City and surly to the Developer.

This road has always had the Basic Rule speed limit and now is posted at 45 mph which means traffic speeds are over 45mph and sometimes a lot more than 45 mph.

As a property Owner on Elwert Road it is my opinion that the traffic issue is taking a second seat to the wants of the Developer. There is no safe way for the access from the proposed development on to Elwert Road. Has the access from the new development onto Elwert been addressed?

Thank you for your time

*Steve Reynolds  
CH2M HILL  
Construction Management  
Portland, OR  
Cell Phone 503 952-6833  
(FAX) 503 736-2067  
sreynold@ch2m.com*

**Connie Randall**

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**From:** Debbaut, Anne <anne.debbaut@state.or.us>  
**Sent:** Wednesday, October 21, 2015 1:54 PM  
**To:** Connie Randall  
**Subject:** Notice of Proposed Plan Amendment (Local File #PA 15-4; DLCDC PAPA 004-15)

Greetings Connie,

I have a comment regarding the subject Notice of Proposed Plan Amendment for a 3 acre rezone from commercial to residential, and the Goal 9 findings in the report. The applicant must show compliance with Oregon Administrative Rule 660-009-0010(4) by demonstrating the change is consistent with the city's acknowledged EOA. Stating that the proposal addresses the need for additional residential zoning in the city does not address the rule requirement. For ease of reference the Goal 9 rule is linked here: [http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_660/660\\_009.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_660/660_009.html)

Please feel free to call if you have additional questions.

Best Regards,  
Anne Debbaut

**Anne Debbaut** | Metro Regional Representative  
Community Services Division  
Oregon Department of Land Conservation and Development  
1600 SW Fourth Ave., Suite 109 | Portland, OR 97201  
Office: 503.725.2182 | Cell: 503.804.0902  
[anne.debbaut@state.or.us](mailto:anne.debbaut@state.or.us) | [www.oregon.gov/LCD/](http://www.oregon.gov/LCD/)



# Engineering Land Use Application Comments

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To: Connie Randall, Associate Planner

From: Craig Christensen, P.E., Engineering Department

Project: Mandel Property Zone Change (PA 15-04)

Date: October 28, 2015

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Engineering staff has reviewed the information provided for the above cited project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

## Sanitary Sewer

Currently there is no sanitary sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future sanitary service will come from a 15-inch diameter sanitary sewer within SW Copper Terrace. Since the amount of area of the zone change is relatively small in respect to the overall basin that will be served by the 15-inch diameter sanitary sewer, any changes in zoning will not have a significant effect on the sanitary sewer system.

## Water

Currently there is no public water service available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future water service will be looped through the subject zone change property providing adequate service for the new zoning classification.

## Storm Sewer

Currently there is no storm sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that the subject zone change property will discharge storm runoff into the existing tributary. The new zoning will likely have less impervious area than the existing. Therefore, the proposed zone change will slightly reduce the future flows at the culvert crossing beneath the SW Elwert Road/SW Edy Road intersection.

## Transportation

The subject zone change property is adjacent to SW Elwert Road and would likely get sole access from SW Elwert Road due to a tributary around the other 3 sides of the property. A Trip Analysis by Lancaster Engineering has concluded that the proposed

zone change from Neighborhood Commercial to Medium Density Residential High would result in less traffic than the current zone designation. Therefore the new zoning will reduce the future traffic impacts to SW Elwert Road from development of the subject property.

Since the proposed zone change reduces the number of trips to and from the subject zone change property, the change in zoning does not significantly affect an existing or planned transportation facility therefore not requiring any additional measures per OAR 660-012-0060.

The City of Sherwood Transportation System Plan (TSP) shows a future neighborhood route connecting SW Elwert Road and SW Copper Terrace through the subject zone change property. This future street is identified in the TSP under Section E (Aspirational Project List) as project D35. Even though the TSP shows the neighborhood route through the subject zone change property, exact locations of future streets within the TSP are graphical in nature and are not intended to designate exact locations. In the case of this connector street between SW Elwert Road and SW Copper Terrace locating it within the subject zone change property would be very expensive on both monetary and environmental levels since it would require crossing a tributary that is significantly lower than the surrounding property. The cost of bridging the tributary in this area would likely exceed \$2,000,000 for a 700-foot section of roadway. During the design of the subdivision south of the subject zone change property (Daybreak Subdivision) a future street plan was submitted identifying an interconnect between SW Copper Terrace and SW Elwert Road where a new local street would intersect with SW Elwert Road approximately 730 north of SW Handley Street. This new interconnect will be fully funded by the development of the property in which it lies (no city funding).

Due to the above data, no street crossing of the tributary will be required of the subject property during the land use review process. This should be taken into account when considering the acceptability of a zone change.

### Final Analysis

From a public improvement standpoint, the proposed zone change for the western portion of the subject property will not have a significant effect on public facilities.

Engineering conditions for the subject property will be made at the time of development of the subject property. Therefore there are no engineering conditions at this time.

END OF COMMENTS

Received 6:55pm  
11/17/15  
GPH

To: Sherwood Planning Commission  
From: Robert James Claus Ph.D.  
RE: Mandel Zoning Change Request on Three Acres  
DATE: Nov 17, 2015

Land Use Change Without Even Rational Relationship (Just Pure Politicization) is Sherwood History

In and of itself, the request for zoning change is a de minimis matter. It is, in fact, already occurring as it did with the nearly 80 town house units D.R. Horton is building on what was to be a congregate care center by Patrick Lucas. The indication when you begin to move to town houses or condominiums from single family residents is the demand for housing has increased to the point single family detached houses are beyond the reach of the average buyer. In fact, if we are to believe what we are told about the proposed Brookman Annexation, all 250 lots had been pre-purchased. It has been open knowledge that the Elks lodge site also has people willing to buy the single family detached lots from any developer. It is also true that all of the recent subdivisions were absorbed in a matter of weeks with no credible inventory of new homes. Within 30 days after the occupancy permits were issued, the home were sold. Rapid absorption rates are an indication there is a shortage of housing in the market. There should be a supply of new houses on the market which are there for three to six months. The simple fact in Sherwood is you cannot identify any single family detached home lots on new houses that have been finished, ready for occupancy, and not had offers to purchase (in some cases multiple offers). As soon as financing was available.

Is Mandel Supplying Sherwood Workers a Home-site this is the Question

The troubling aspect of the land use planning on the Mandel subdivision, with some 80 to 90 lots including the three acres (which should contribute 15 more lots), is you supposedly need to prove a series of conditions, such as there is a need for this kind of change zoning and you will not negatively impact the general land use zoning or the community. Although it is clothed in different words in Oregon, the fundamental principles of changing zoning have the three aforementioned concepts, with the exception of a self-imposed hardship [which Sherwood has not paid any attention to]. Sherwood has never checked the record to see if the landowner originally demanded zoning or if the city staff encouraged that zoning.

For the Sherwood "Worker" is Sherwood Home as was in the Cannery Era? Workers are Supposed to Be Part of the Village in our Town of Apartheid-- Two worlds with workers in Sherwood Living Outside their Trade/Work Area

This next point is extremely germane, but may be disjointed. The Sherwood staff and former elected officials have continually boasted about the income level of Sherwood residents, as well as the age level of resident citizens. There is no question, because Sherwood went into its rapid development boom in the 1980s working on land, much of which was virtually in foreclosure and readily available with infrastructure and sales price, about this latter factor. Sadly, for all of its talk about this boom in building and the level of income of residents, there has never been any serious discussing about the location and distance of the workplace [to and

from work, origin-destination trip] of these residents or more bluntly where the citizen (voter) worked to obtain the high income.

What you would be lead to believe, in looking at the income figures of the residents, there would be a number of high rise office building where lawyers, accountants, and business persons alike worked. But that is not correct. The urban land use morphology is as segregated and disjointed as South Africa Apartheid from its commercial industrial and retail base. In other words, if you look at the employment patterns of the industrial use, you do not see high tech capital intensive work uses in Sherwood. In fact, at the risk of not being understood in what I am saying, Washington Square Regional Shopping Center, which is truly categorized as a Regional Shopping Center with anchor tenants and walking malls, has 1,441,000sq/ft. {please see enclosed brochure} Amazing as it might see, given the disparity of the transportation system around Washington Square, a true interstate freeway as well as a dense and varied land use pattern, one would be astounded to hear that Sherwood has more retail commercial space than Washington Square.

Home Depot is something around 140,000sq/ft underroof. Across from Home Depot are two separate parcels supposedly light industrial, but have a history of retail and commercial use for another 100,000sq/ft. Safeway has 200,000sq/ft. Albertsons 200,000sq/ft. Walmart has 250,000sq/ft. The Sherwood Plaza has 200,000sq/ft. The McDonalds'/Kohl's area has another at least 200,000sq/ft. This is not including the Theater Complex, Les Schwab, the Providence Medical, Walgreens, service stations, nor a large number of industrial buildings which are quasi-commercial and retail.

Sherwood boasts endlessly about its residential or permanent resident in town but never mentions the "two" towns of Sherwood. What is very interesting is how after all these years of promoting retail commercial uses, at the very low end of the income area for the bulk of workers, the Sherwood Staff has never found the average wage of the individuals and where they live. I can put that a number of ways. Sherwood has two towns- Sherwood would look down on its citizens while the Langerville citizens also look down as they struggle to earn a living. The fact of the matter is that every time people talk about the income of the average Sherwood resident, they fail to mention where they work. This leads to an amazing disjointed function.

Sherwood Southeast Seems to Think They are an Elite Residential Neighborhood With No Connection to the Retail/Commercial area Workers

Why do I make anything of this point? You cannot establish a residential use pattern and what will happen within the pattern until you learn more about the people who live in the area and the people who work in the area. This is where I would suggest the South African Apartheid comparison is best used to explain Sherwood land use zoning.

If you work in the typical Sherwood area, you are exceptional if working at the paralegal level, etc. We do not discuss where the workers who live in our wonderfully overbuilt retail commercial go to work.

Without Knowledge of our "Worker's Income" it is Efficiently Impossible to Develop a "Housing" Plan- Especially When the City of Sherwood Staff by and Large do not live in Sherwood

Something even more telling than traffic patterns is looking at the income of a typical worker at the complex, along with the hours of work. Look at the pattern of restaurants; Sherwood is dominated by fast food restaurants where 60% of their volume come through the drive through window. As to fine dining, sit down restaurants, a fourth category used by high income "folks", there is only arguably one. That some restaurant type in the same location failed once before. I am struck by what one of my friends said years ago about Atherton, California. The only pedestrian aspect of Atherton was when the multimillionaires and high income class workers walked off the subway to their chauffeured cars for the daily experience. We are simply not a community where the retailing reflects it alleged "residential" income. We have two separate communities of "folks" in Sherwood- the workers vs. the residents.

6sq/ft per person is the lowest area you should consider for retail. 21sq/ft begins to impact the rents and is marching towards excess to meet land use needs, but Sherwood has around 100sq/ft per person while planning another 25-50sq/ft per person. That is exactly why the largest builder in the nation, D.R. Horton, did not seek to retain the four acres as retail commercial. They are building town houses on this "high value" ground.

The Mandel Rezoning is Just Another example of our Sherwood Ex-Mayor and Council Politically Zoning With Select Developers Ignoring Zoning Criteria

This brings me to Mandel's rezoning. No one objected to the rezoning. You cannot speak of any harm being done to Sherwood if excluding workers living where they work is excepted, and I do not remember any public meeting where Mandel's representatives screamed "I want retail commercial". I do remember how the group who sold out to Walgreens make threats of lawsuits if they could not put in a service station. Then, they left town happily after Walgreens bought it from them. I do not remember seeing the Mandels lining up like Hitchcock and the Langers for their original zoning. To say the Mandels should not be able to rezone that is sheer hypocrisy. Is there a need? If those lot were completed now, they would be sold. The quick sale is the best illustration of market place demand. But, you are not going to have anyone opening their fine jewelry shop (maybe a new drive-thru coffee shop) because of the rezoning. It is only fair they can rezone it. We have been using that type of political rezoning since we were blessed with former Mayor Hitchcock's methods of lot rezoning.

Sherwood Will Develop All Housing By Price or Rent-Income so why not Consider a Different Approach and Not Continue the Sherwood Two Worlds de facto segregation Approach?

What I am suggesting, which is very different than is being transacted by the city of Sherwood at this time, is, since you have a need for housing for the young working couple who need their first house, we do not have them. The very people working here are being frozen out of the market by gentrification and simple pressure on the housing stock. The council should think about giving every single family detached lot to the Mandels and letting them average on lot sizes at 5,000sq/ft. In other words, or for instance a corner lot with 6,500sq/ft because of the geometric form of the street, they should be able to put in a 3,500sq/ft lot with all setbacks reduced to offset their loss of housing by the road division land use pattern of building lots. We certainly did that for D.R. Horton. The very same Planning Commission dreamed by every exception reason imaginable to give D.R. Horton every request in order to have more houses, which of course generated more funds for our city budget.

Let us Try to "Transfer" the Development Fees to the Potential City Located Worker- I am Sure the Staff will not Object to the Transfer of Their Wealth to Other Sherwood Workers

I suggest something even more un-Sherwood behavior. The SDC front loads the cost of building a house to about \$50,000 per house. Every single family detached home which is to build for every house sold under \$300,000, for every \$10,000 reduction in that price, the builder should receive a SDC of \$5,000 reduction, up to a reduction in SDC's of 75%. Those houses should have to be sold to below average income families for their residence so the Ex-City Council's belief in bring in low wage business to line the Urban Renewal receiving some benefit to those working in Sherwood. It is time we start thinking about building a village you can live, shop, and work in. Then, once we finish the bicycle path to the refuge, their family can have clean and healthy recreation, which is what Oregon is supposedly all about.

The Claus Family has Always Shared our Land Development with Our Citizens as a Gift

Over and over I hear it takes a village to raise a child. Sherwood was a village and did have considerable integration of workplace, schooling, recreation, etc. until we built Langerville work place. The Sherwood housing dream should be available for the fast food workers in our town, for those people who work in mass merchandisers, such as Target, Kohl's, and Walmart, and for the staff who are administering our quasi-governmental operations. It will not be enough to rezone the Mandel Land, and we should not expect them to shoulder the work for all of our mistakes of no Sherwood workers housing. They should simply be encouraged and the staff should be told to aid them in building these single family detached houses for the low income working family which have been priced out of Sherwood. We did it for D.R. Horton, why can we not do that for everyone else?

Let us be thankful for our State and find a plan to create dwellings for our workers. There is no reason for not using creative thinking- at least, one planner has some excellent ideas for affordable housing. We need to establish an environment where such energy and concerns can return us to a village-- somewhat.

Sincerely,



Jim Claus





# WASHINGTON SQUARE

PORTLAND, OR

MARKET PROFILE  
2015



**PROPERTY TYPE:**

Super-regional

**TOTAL SQUARE FEET:**

1,441,000

**MAJOR RETAILERS:**

Nordstrom, Macy's, JCPenney,  
Sears, Dick's Sporting Goods

**RESTAURANTS & ENTERTAINMENT:**

The Cheesecake Factory,  
Portland Seafood Company,  
Red Robin, Thirsty Lion Pub & Grill

**FOOD COURT:**

10 units

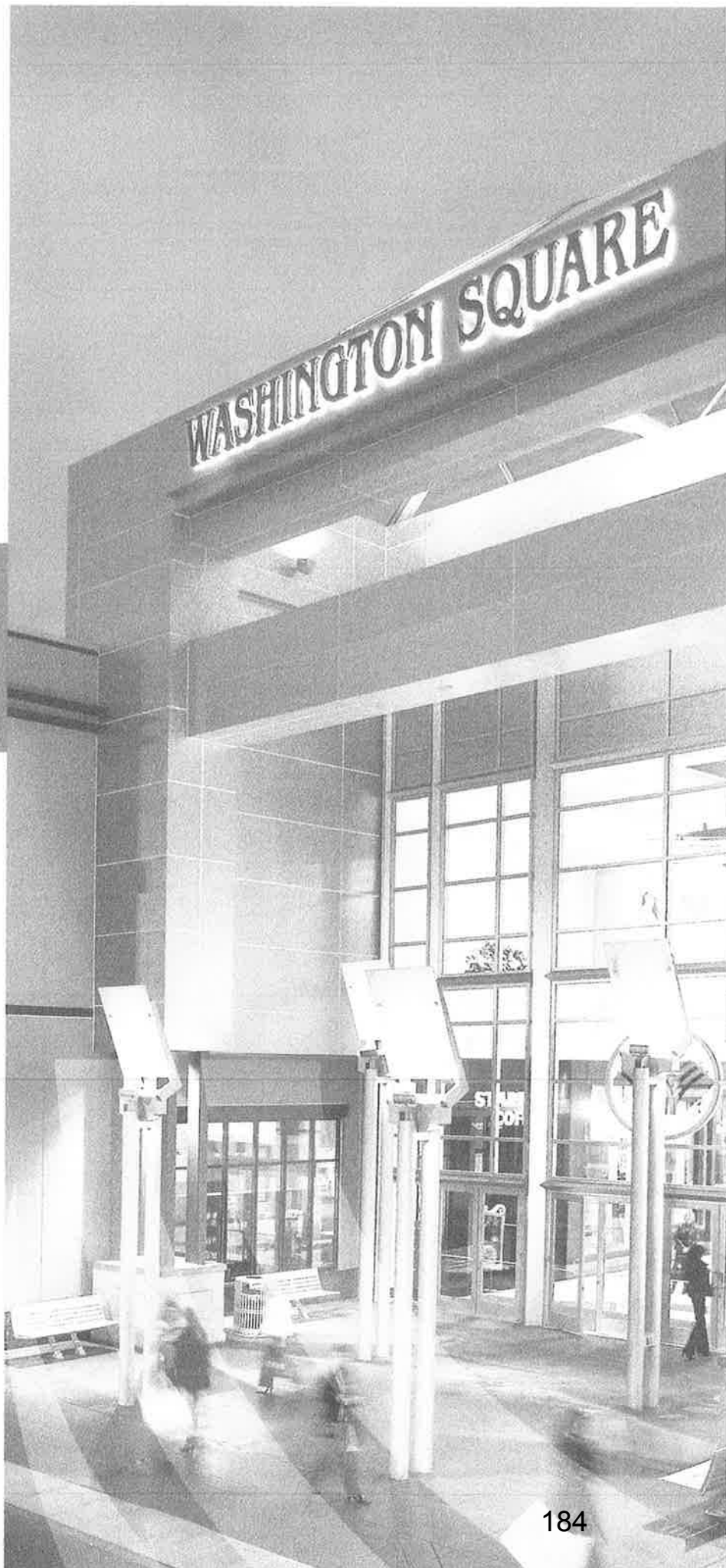
**BUILT / RENOVATED:**

1974 / 2005

**FOR INFORMATION:**

503-639-8865

Ordinance 2015-009, Exh B-F to PC Rec.  
December 1, 2015  
Page 27 of 32



# DEMOGRAPHIC SUMMARY

POPULATION	PRIMARY TRADE AREA		TOTAL TRADE AREA		PORTLAND-VANCOUVER-HILLSBORO, OR-WA [MSA]	
2014 Population	619,797		1,037,093		2,296,285	
2019 Population	654,601		1,091,770		2,411,146	
2014-2019 Population Growth	5.6%		5.3%		5.0%	

HOUSEHOLDS	PRIMARY TRADE AREA		TOTAL TRADE AREA		PORTLAND-VANCOUVER-HILLSBORO, OR-WA [MSA]	
2014 Households	241,250		417,182		896,982	
2019 Households	255,159		440,406		944,056	
2014-2019 Household Growth	5.8%		5.6%		5.2%	

INCOME	PRIMARY TRADE AREA		TOTAL TRADE AREA		PORTLAND-VANCOUVER-HILLSBORO, OR-WA [MSA]	
Average Household Income	\$92,622		\$84,183		\$76,835	
Median Household Income	\$70,685		\$62,354		\$57,441	
Per Capita Income	\$36,157		\$33,958		\$30,135	

HOUSEHOLD INCOME RANGES	PRIMARY TRADE AREA		TOTAL TRADE AREA		PORTLAND-VANCOUVER-HILLSBORO, OR-WA [MSA]	
\$50,000 +	156,480	64.9%	250,851	60.1%	514,010	57.3%
\$75,000 +	115,371	47.8%	178,767	42.9%	345,062	38.5%
\$100,000 +	83,039	34.4%	123,802	29.7%	228,347	25.5%
\$150,000 +	36,788	15.2%	51,413	12.3%	85,521	9.5%

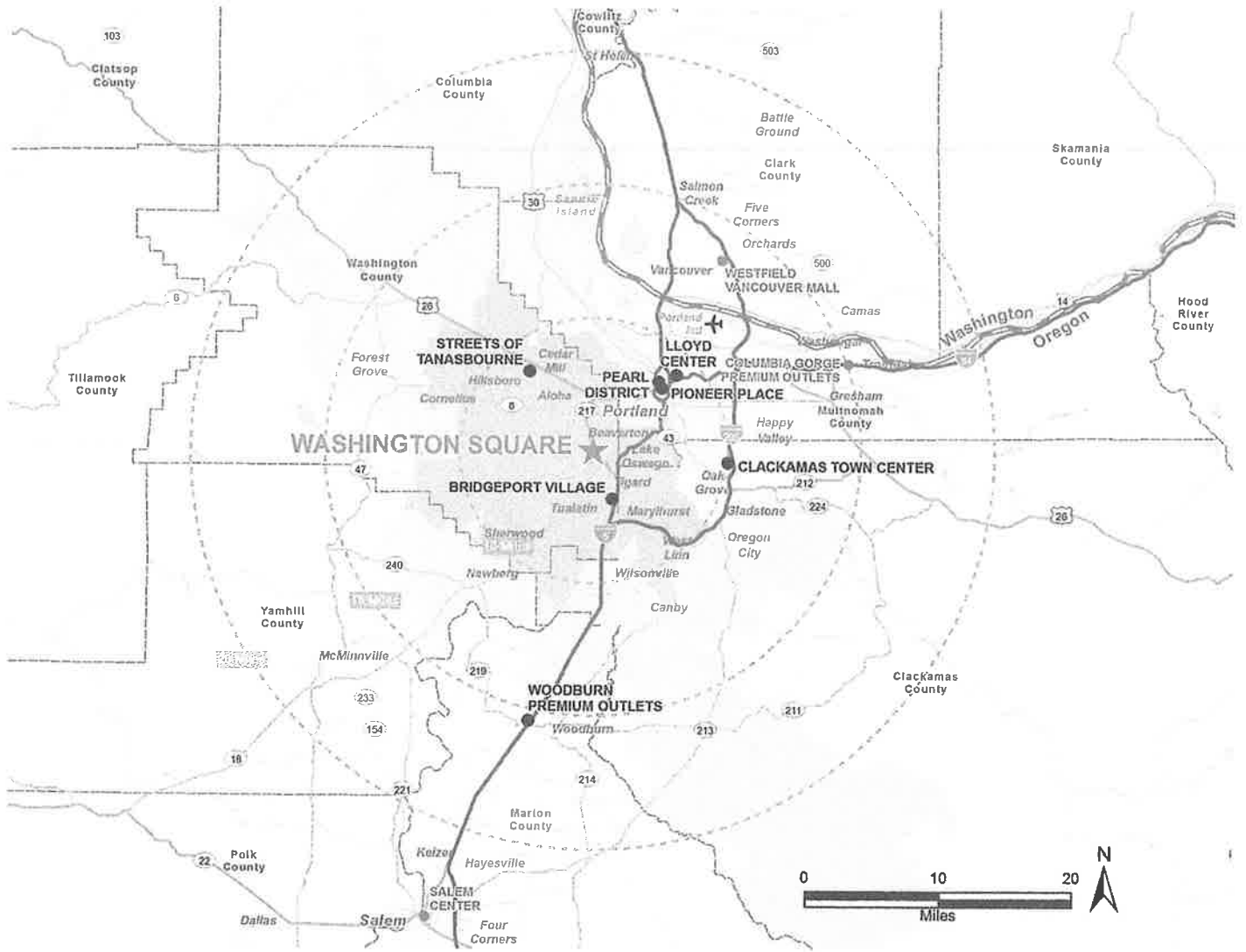
AGE BY POPULATION	PRIMARY TRADE AREA		TOTAL TRADE AREA		PORTLAND-VANCOUVER-HILLSBORO, OR-WA [MSA]	
Median Age	37.3		37.7		37.5	

EDUCATION/OCCUPATION LEVELS	PRIMARY TRADE AREA		TOTAL TRADE AREA		PORTLAND-VANCOUVER-HILLSBORO, OR-WA [MSA]	
Bachelor's Degree Plus	189,689	45.5%	297,594	41.9%	536,149	34.3%
White Collar	212,479	70.7%	341,403	68.0%	671,481	63.1%

RACE/ETHNICITY	PRIMARY TRADE AREA		TOTAL TRADE AREA		PORTLAND-VANCOUVER-HILLSBORO, OR-WA [MSA]	
White	476,466	76.9%	828,563	79.9%	1,831,137	79.7%
Black	12,095	2.0%	18,049	1.7%	65,630	2.9%
American Indian	4,313	0.7%	8,268	0.8%	21,826	1.0%
Asian	57,472	9.3%	74,801	7.2%	141,804	6.2%
Pacific Islander	2,834	0.5%	3,905	0.4%	11,574	0.5%
Other Race	66,617	10.7%	103,507	10.0%	224,314	9.8%
Hispanic or Latino	84,783	13.7%	130,905	12.6%	271,044	11.8%
Not Hispanic or Latino	535,015	86.3%	906,188	87.4%	2,025,241	88.2%

DAYTIME EMPLOYMENT	PRIMARY TRADE AREA		TOTAL TRADE AREA		PORTLAND-VANCOUVER-HILLSBORO, OR-WA [MSA]	
Total Businesses	61,506		109,258		219,131	
Total Employees	280,486		520,554		1,056,120	

# TRADE AREA MAP



## LEGEND

- ★ WASHINGTON SQUARE
- ▭ PRIMARY TRADE AREA
- ▭ SECONDARY TRADE AREA
- COMPETITIVE CENTERS
- OTHER CENTERS



# MARKET INFORMATION

## MAJOR EMPLOYERS

	EMPLOYEE COUNT
1 INTEL	17,500
2 NIKE	8,500
3 PROVIDENCE HEALTH & SERVICES	5,570
4 BEAVERTON SCHOOL DISTRICT	4,091
5 HILLSBORO SCHOOL DISTRICT	2,425
6 KAISER PERMANENTE	2,000
7 HOME DEPOT	2,000
8 FRED MEYER	1,900
9 TIGARD-TUALATIN SCHOOL DISTRICT	1,500
10 WELLS FARGO BANK	1,500
11 TARGET STORES	1,378
12 TUALITY HEALTHCARE	1,302
13 IBM	1,272
14 TEKTRONIX	1,227
15 XEROX	1,163

## YEARLY SALES

MONTH	SALES %
JAN	7.5%
FEB	7.3%
MAR	7.9%
APR	7.1%
MAY	6.9%
JUN	8.1%
JUL	8.7%
AUG	7.3%
SEP	8.9%
OCT	7.3%
NOV	9.2%
DEC	13.8%

## HOUSING

	AVERAGE SELLING PRICE 2014	NEW HOUSING PERMITS - SINGLE & MULTI FAMILY WASHINGTON COUNTY	2012	2013	2014
NW WASHINGTON COUNTY	\$387,423		515	691	679
TIGARD/WILSONVILLE	\$306,000				
BEAVERTON/ALOHA	\$250,381				
LAKE OSWEGO/WEST LINN	\$423,800				
HILLSBORO/FOREST GROVE	\$234,900				

## VEHICLE TRAFFIC COUNTS

MAJOR HIGHWAYS NEAR CENTER	2014 AVG DAILY	2014 AVG YEARLY	ROADS NEAR CENTER ENTRANCES	2014 AVG DAILY	2014 AVG YEARLY
HWY 217	101,000	36,865,000	GREENBURG ROAD	12,000	4,380,000
			HALL BOULEVARD	22,000	8,030,000
			SCHOLLS FERRY ROAD	45,000	16,425,000

## SCHOOLS

	NUMBER OF SCHOOLS	NUMBER OF STUDENTS
TIGARD TUALATIN SCHOOL DISTRICT	17	12,480
BEAVERTON SCHOOL DISTRICT	51	39,763
HILLSBORO SCHOOL DISTRICT	35	20,955
LAKE OSWEGO/WEST LINN-WILSONVILLE SCHL DIST	26	17,135
SHERWOOD/NEWBERG SCHOOL DISTRICT	21	10,192

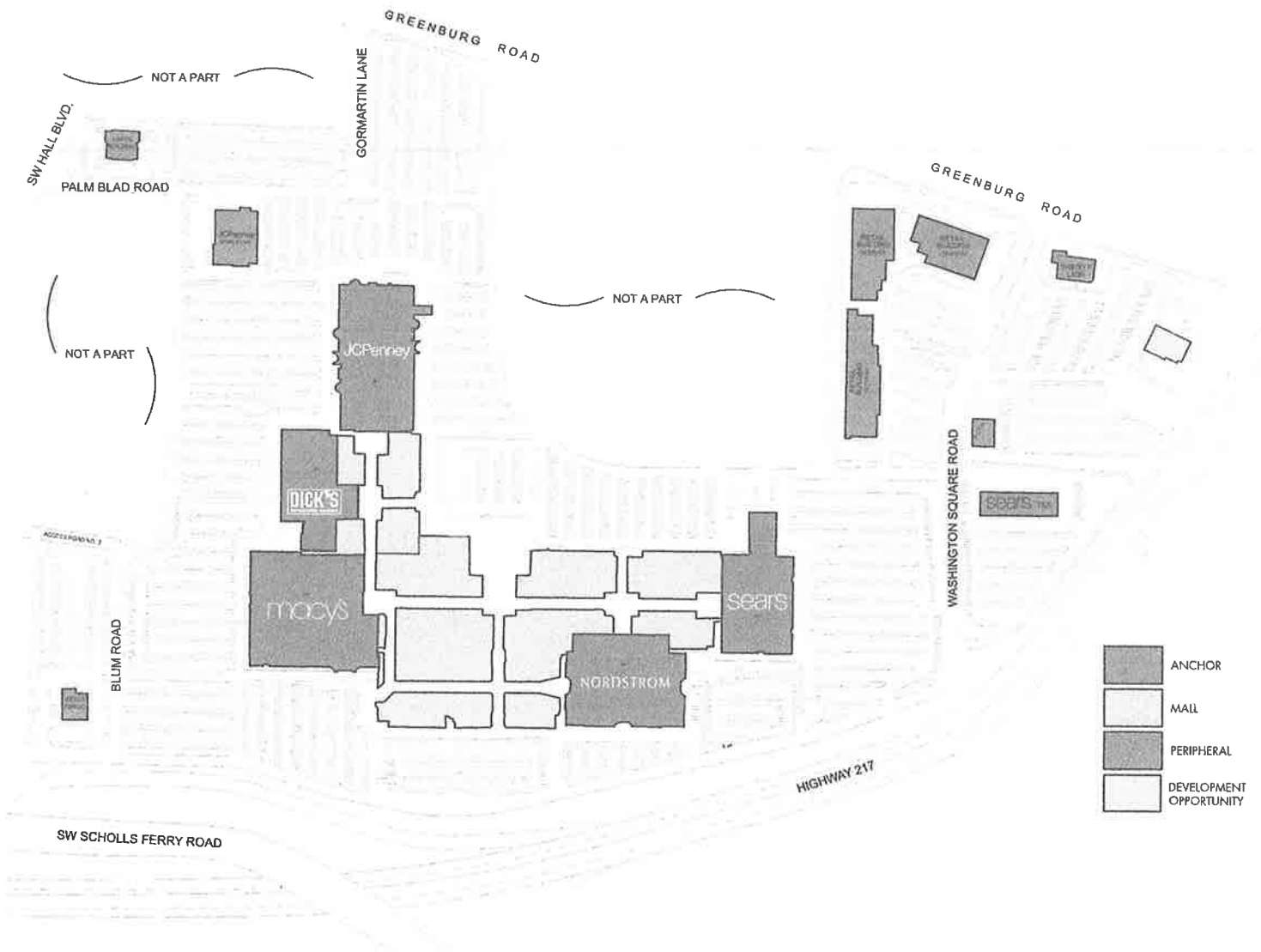
COLLEGE/UNIVERSITY	LOCATION	STUDENT POPULATION
PORTLAND STATE UNIVERSITY	PORTLAND	29,452
OREGON HEALTH & SCIENCE UNIVERSITY (OHSU)	PORTLAND/HILLSBORO	2,861
LEWIS & CLARK COLLEGE	PORTLAND	3,518
GEORGE FOX UNIVERSITY	NEWBERG	3,712
PACIFIC UNIVERSITY	FOREST GROVE	3,500

## TOURISM

MAJOR HOTELS	NUMBER OF ROOMS	MAJOR HOTELS	NUMBER OF ROOMS
EMBASSY SUITES PORTLAND – WASHINGTON SQUARE	356	HILTON GARDEN INN – HILLSBORO	150
HOLIDAY INN - WILSONVILLE	170	COURTYARD BY MARRIOTT – BEAVERTON	149
EMBASSY SUITES – HILLSBORO	165	THE GRAND HOTEL – TIGARD	124
CROWNE PLAZA – LAKE OSWEGO	161		
COURTYARD BY MARRIOTT – HILLSBORO	155		

WASHINGTON COUNTY TOTAL NUMBER OF ROOMS 4,750

# SITE PLAN



- Situated in the heart of the state's fastest growing urban county, Washington Square is located just southwest of downtown Portland, off busy Highway 217. Washington Square has long been considered Oregon's premier destination for retail commerce.
- With five anchor stores, including Oregon's largest Nordstrom, Washington Square delivers a varied merchandise mix of first-to-market retailers and better national brands including The Apple Store, Michael Kors, Pottery Barn, Tesla and The Cheesecake Factory.
- Pulling from an affluent, highly educated and receptive trade area of more than one million residents, Washington Square shoppers have an average annual household income of \$101,196, higher than the trade area of \$84,183.
- Dubbed "Silicon Forest," the trade area is dominated by technologically diverse employers including Intel.
- The trade area, which includes the world headquarters of Nike, Columbia Sportswear and the U.S. headquarters of Adidas, attracts young, active and health conscious residents.



 WASHINGTON SQUARE



**ORDINANCE 2015-009**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND ZONING MAP TO REDESIGNATE AN APPROXIMATELY THREE-ACRE PARCEL FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL LOW**

**WHEREAS**, the City received a land use application, PA 15-04, requesting a comprehensive plan and zoning map amendment on an approximately three-acre of portion of the property located at 21340 SW Elwert Road, tax lot 2S130CB00250, generally located at the southeast corner of SW Elwert and SW Edy roads; and

**WHEREAS**, the applicant seeks a comprehensive plan and zoning map amendment from Neighborhood Commercial to Medium Density Residential Low for the subject property as identified in Exhibit A; and

**WHEREAS**, after testimony from the public, staff and applicant, the Sherwood Planning Commission recommended approval of the proposed comprehensive plan and zoning map amendment; and

**WHEREAS**, the proposed comprehensive plan and zoning map amendment was reviewed for compliance and consistency with the Comprehensive Plan, and regional and state regulations and found to be fully compliant; and

**WHEREAS**, the proposed amendment was subject to full and proper notice and review and a public hearing held before the Planning Commission on November 10, 2015; and

**WHEREAS**, the Planning Commission voted to keep the record open and accept additional written testimony for one week and continued the public hearing to November 24, 2015; and

**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in Exhibit 1 of the City Council Staff Report; and

**WHEREAS**, the City Council held public hearings on December 1, 2015 and January 5, 2016 and determined that the proposed comprehensive plan and zoning map amendment met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

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

**Section 2. Approval.** The proposed comprehensive plan and zoning map amendment as shown in Exhibit A and referenced as case number PA 15-04 in Exhibit 1 of the City Council Staff Report 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 to the Comprehensive Plan and Zoning Map, including notice of adoption to the Department of Land Conservation and Development in accordance with City ordinances and regulations.

**Section 4 - 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 5<sup>th</sup> day of January, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

ATTEST:

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Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Brouse	_____	_____
Harris	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Robinson	_____	_____
Clark	_____	_____



# PA 15-04 Mandel Property Comprehensive Plan and Zoning Map Amendment

