



Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
December 1, 2015

WORK SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:02 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Councilors Linda Henderson, Jennifer Harris, Dan King and Renee Brouse, Council President Sally Robinson via conference call. Councilor Jennifer Kuiper arrived at 6:10 pm.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
4. **TOPICS:**

A. Review of Solid Waste/Recycling Rate Consultant Study

City Manager Gall introduced Chris Bell a CPA with Bell and Associates.

Mr. Bell presented information to the Council (see record, Exhibit A), an overview of the City's current system. He explained local Oregon governments have the responsibility to issue franchises, set rates and implement programs. He explained these are also regulated by State, Federal and Metro laws and ordinances. He said Rate Review is the examination of the financial and operational results of operations to determine the cost of services and that Rate Reports are submitted annually. He stated Pride Disposal and Pride Recycling is the City's franchise partner. He explained Pride has the exclusive collection franchise with the City and is locally owned and operated. He recapped stats and collection costs as indicated in the exhibit. He recapped 2014 and 2015 City services and associated costs. He explained Rate of Return and Rate Range and said rates are adjusted when the hauler's return is above 12% or lower than 8%. He explained rates are calculated to return a 10% margin on allowable costs, and the City doesn't guarantee a return of 10%, and no payments are made to Pride if they don't achieve a 10% return. He said the City Council direction and City policy influence how rates are set. He explained Metro area jurisdictions have the 10% margin with 8%-12% for franchise waste collection. He reviewed residential collection comparable rates of neighboring cities and discussion followed. He stated the next step is a rate package that will be submitted to the Council in January 2016, with an initial Council vote on January 19 with rates to be effective March 1, 2016.

Mr. Bell provided the Council with a Solid Waste and Recycling Rate Review Report dated November 24, 2015, (see record, Exhibit B). He briefly recapped the report and discussion followed.

Mr. Bell distributed a handout, History of Rate Increases, (see record, Exhibit C) which included rates of neighboring cities and Washington County. He briefly reviewed the handout and discussion followed.

B. Trimet Route Discussion

Tom Mills a Senior Planner with Trimet presented information to the Council on Transit Service Planning Consideration, (see record, Exhibit D). He briefly recapped the handout and explained ridership, cost, efficiency, connections, equity, accessibility, regional and community aspirations, and neighborhood and business input. He explained operational concerns and discussion followed regarding proposed routes for line 97 (see map in Exhibit).

5. ADJOURN:

Mayor Clark adjourned the work session at 7:02 pm and convened to a regular Council meeting.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Clark called the meeting to order at 7:08 pm.
- 2. COUNCIL PRESENT:** Mayor Clark, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris, Dan King and Renee Brouse. Council President Sally Robinson 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, Planning Manager Brad Kilby, Associate Planner Connie Randall, and City Recorder Sylvia Murphy.

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

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA, SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR, (COUNCIL PRESIDENT ROBINSON VIA CONFERENCE CALL).

Mayor Clark addressed the next item on the agenda and said the City Recorder provided the Council with corrections to scrivener errors in the November 17, 2015 Council meeting minutes.

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**

C. Resolution 2015-089 Authorizing the City Manager to execute an IGA with Washington County for the Tualatin Sherwood Road Widening Project

MOTION: FROM COUNCILOR HARRIS TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR, (COUNCIL PRESIDENT ROBINSON VIA CONFERENCE CALL).

Mayor Clark addressed the next item on the agenda.

6. PRESENTATIONS:

A. Mayors Award – Outstanding Volunteer for 2015

Mayor Clark said former Mayor Middleton started this award last year and she is continuing the tradition of recognizing a citizen that has dedicated themselves to serving the community. She recognized Lee Weislogel and asked him to come forward. She stated since 1995 Mr. Weislogel has served on a number of community organizations with an emphasis on Old Town Sherwood. She said his service includes Sherwood Main Street, Robin Hood Festival Association, Sherwood Historical Society, Friends of the Sherwood Library, Sherwood Chamber of Commerce, Sherwood City Councilor, Sherwood Planning Commission, SURPAC, Sherwood Public Works Director and Interim Sherwood City Manager. She said this past year Mr. Weislogel was recognized by the Sherwood Chamber of Commerce as the recipient of the Outstanding Community Service Award. She stated on behalf of the Sherwood City Council and the City of Sherwood she recognized Mr. Weislogel as the recipient of the 2015 Mayors Award. Mayor Clark presented Mr. Weislogel with a framed certificate.

Mayor Clark addressed the next item on the agenda.

B. Recognition of 2015 Outgoing Board & Committee Members

Mayor Clark recognized the 2015 outgoing board & commission members and said this is a tradition that she would like to start. She recognized the following outgoing members: Planning Commissioners Beth Cooke, John Clifford and James Copfer, Budget Committee members Tim Carkin, Brian Stecher and Neil Shannon, Cultural Arts Commission members Judy Silverforb, Angelisa Russo, Jennifer Harlow, Anna Lee, James Bosco, Ramin Rouhbakhsh, Library Advisory Board members Conrad Thomason and Amy Christie, Parks and Recreation Advisory Board members Luther Vanderburg, Brian Stecher, James Foresyth and Lynn Snyder. She thanked the outgoing members for their commitment and service to Sherwood.

Mayor Clark addressed the next item on the agenda.

7. CITIZEN COMMENTS:

Tony Bevel, Sherwood resident approached the Council and commented about the traffic in his neighborhood and in Sherwood. He referred to the Mandel property and that it may put in 76 new homes and he referred to the widening of Tualatin Sherwood Road and a small development on Edy Road. He said he has heard of the development but not improvements regarding traffic mitigation. He said the Tualatin Sherwood project will go to Borchers and will end, and then it will be the same as Roy Rogers.

He stated Lynny Street is still going to be a cut-through with drivers that are not concerned about the neighborhood. He said more attention needs to be paid to traffic in Sherwood, especially in the neighborhoods and cut-through's.

Tess Keis, Sherwood resident came forward and said she agrees with Mr. Bevel that traffic is a concern for the community. She provided an update for the YMCA and said there are boot camp programs available. She shared her personal experience attending the YMCA and said Santa Claus will be there December 12 from 9 - 11 am.

Jim Claus, Sherwood resident approached the Council and said there is a metamorphous in town. He said it is retailed out, there is a shortage of housing of all kinds, and there are some kinds we don't have at all. He referred to his previous work where they removed civil rights protection in land use zoning. He commented on the sign code and said Sherwood has possibilities and said this should be looked at as an opportunity. He referred to the sign code in Canada. He said Sherwood has a lot of possibilities, but is running out of the old way things were done. He said he hopes the Council looks at this as an opportunity, not as the end. He said land use planning without signs is done on the presumption, the state has to say it's a good idea with a substantial benefit and if you violate it, you're a criminal and the sign code shifted all of their thinking. He referred to the sign code in Las Vegas and it being a weigh finding system. He said the Council has many opportunities with an educated population and an experienced and educated staff but said they will face real changes because there is too much square footage in retailing that can't be sustained. He said the Council will need to think through the housing types because they are very restrictive.

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

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

Associate Planner Connie Randall provided a presentation (see record, Exhibit E) and stated the applicant is requesting a comprehensive plan and zoning map amendment for a three acre parcel on the southeast corner of Edy and Elwert Road from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL). She said the site is an active farm and has an existing single-family residence and an outbuilding. She stated it is part of a larger 21.28 acre parent-parcel. She said the site is bisected from north to south in an arching manner by a tributary to Chicken Creek which creates a pocket of developable land adjacent to Elwert Road. She said the site was brought into the Urban Growth Boundary (UGB) in 2002 as part of Area 59 and the Area 59 Concept Plan was adopted by the City Council in 2007 and applied the current land use and zoning designation that we have today. She said public and agency notice was provided in accordance with the City Zoning and Community Development Code. She said to date, staff received two public comments, one from Mr. Reynolds which is attached to the Planning Commission recommendation as Exhibit C. She noted Mr. Reynolds is concerned about the safety in accessing Elwert Road from the subject site. She said the request before the Council is a legislative policy decision about the land use designation of the property. She stated access to the site will be evaluated at a future land use application such as a subdivision application and it would be required to

meet all standards outlined in the Zoning and Community Development Code as well as the City Engineering Design and Standard Details Manual. She said they would be fully vetting any type of access and improvements to the road at that time. She said with respect to anticipated traffic from future development, the residential uses associated with the proposed use are expected to generate significantly less traffic than what would currently be allowed today under the NC designation. She noted the second comment the Planning Commission received was from Mr. Robert James Claus which is attached to the Planning Recommendation as Exhibit F and his statement appears to be in general support of the application. She stated staff received agency comments from the Department of Land Conservation and Development (DLCD) and the City Engineering Department which are attached to the Planning Commission Recommendation as Exhibits D and E. She said the DLCD raised concern that they did not believe the applicant's narrative adequately addressed statewide Planning Goal 9 which is relating to economic development. She said the applicant's response to this concern is attached to the Planning Commission Recommendation as Exhibit B. She said the Engineering Department's comments will be discussed during the required findings of the report.

She said Section 16.80.030 of the Zoning and Community Development Code outlines 5 required findings that must be made in order to amend the City's Comprehensive Plan and Zoning Map. She said the first requires that the request be consistent with the policies of the Comprehensive Plan and the Transportation System Plan. She stated as indicated in the staff report, staff finds that this criterion has been met.

She said the second required finding is that there is a demonstrated need for MDRL in light of the importance of residential uses to the City's economic health, the current market demand for residential uses, the ability and location of other residential land in the area, and the general public good. She stated the City completed a residential buildable land inventory earlier this year and the consultants for the Sherwood West Preliminary Concept completed a housing needs analysis in June. She noted these studies showed there were 96 acres of residential buildable land in the City and an additional 79 acres available in the UGB primarily within the Brookman area. She said within the City there are 14 acres of MDRL designated land which represents about 8% of the current residential available land in the City. She said a bulk of the available land in the planning area is in the Brookman area with 52 acres which is 30% of the total available land which is outside the city limits but within the UGB. She said as the applicant has discussed in a project narrative, Sherwood has a need for what they have identified as a guaranteed land supply, and this is not a term that is defined in the zoning ordinance or the Comprehensive Plan, but is one that the applicant has identified and speaks particularly to the City of Sherwood being a voter approved annexation City. She said Sherwood is one of the few Cities in the area that has this and it limits our ability to implement plans like the Concept Plan in Brookman. She said the applicant has identified the concept of a guaranteed land supply, which means we can guarantee that we can develop the land within the City but there is no guarantee on when or how land outside the City limits will be developed. She said staff agrees with their argument that Sherwood has a limited guaranteed land supply for residential uses in the City.

She said the third required finding is that the proposed amendment is timely, given the existing development patterns, changes in the area, and utility and service availability. She said the two most recently completed residential developments in the City are located immediately south and east of this site. She stated the City Engineer has reported that existing water, sewer and storm water facilities are available and are expected to be developed and extended to this area with development. She said all associated utility master plans demonstrate capacity in the system and anticipate development of the

subject site. She said there have been significant changes in the neighborhood, which supports the proposed amendment, and specifically the adopted plan for Area 59 called for a mixed-use commercial and residential development on the subject site. She said the site was to have two points of access to Elwert Road with the southernmost access crossing the Chicken Creek tributary and connecting to the proposed development surrounding the site. She said however, crossing the Chicken Creek tributary has been found to be expensive both financially and environmentally. She said the Transportation System Plan identified the proposed crossing and associated environmental mitigation to cost more than \$2 million for a 700 foot stretch of roadway with the majority of the costs falling on the City. She said when the Day Break subdivision was approved it was determined that the planned connection between Elwert Road and Cooper Terrace would be relocated further south to avoid that crossing and expense and that the Day Break subdivision was developed in a manner to reflect this decision. She stated staff believes that this request is timely and an appropriate response to the recent transportation system changes and meets that finding.

She said the fourth required finding requires a determination that other MDRL zones are unavailable or unsuitable for immediate development. She stated there is a limited amount of MDRL in the City and the majority of the land is in the UGB and not available for immediate development as demonstrated in the challenges of annexing that property.

She stated the fifth required finding is that the proposed amendment will not negatively impact any local, county, regional or state transportation facility. She said in looking at the anticipated vehicle trips generated by the potential NC and MDRL development, the analysis shows that the proposed development would result in 1,860 fewer weekday peak-hour vehicle trips and consequently staff believes this finding is met and there will not be a negative impact to the surrounding transportation system.

She addressed the first finding and the Comprehensive Plan Policies and said the following five apply: Chapter 2 Planning Process, which states we must go through the findings as indicated in the code. Chapter 3, to plan for growth in a manner that respects established growth limits, desired population density, land capacity, environmental quality and livability. She said Chapter 4 aims to accommodate a variety of housing types while preserving the integrity of our community. She said Chapter 6 establishes goals for the Transportation System Plan and calls for connectivity between land uses and Chapter 8, while this area is not an urban growth boundary expansion, the area is in a former UGB expansion as our Comprehensive Plan predates the Area 59 being in the City. Ms. Randall referred to the graphic and said this is what she used in her decision process in looking at the proposed development and evaluating it against the general plan criteria.

Ms. Randall disclosed that she lives in the immediate area and was originally disappointed to see a request to remove NC because she felt it was needed in that area, but once she looked at the goals in the plan and the surrounding area, she explained what she saw. She stated, in looking at growth and developing, livable neighborhoods as discussed in that plan, we typically plan for a ¼ mile neighborhood. She said that ¼ mile is the established distance that most people generally can and are willing to walk comfortably within 15 minutes. She said this is what is shown in yellow, referring to the presentation. She said on three sides of that, it is rural county land and no residential. She said removing that plan connection across that tributary sort of isolates that piece from the plan residential development that is in the City and it creates an isolated island adjacent to Elwert Road that is not serving a residential neighborhood. She said isolated from that adjacent neighborhood, the site is left to develop in a manner oriented towards Elwert Road, as it provides a sole point of access. She said she believes the applicant

has demonstrated the difficulties of the site possess for commercial development. She said it is a long narrow strip of land and said as well as the additional limitations of the neighborhood commercial zoning, which restricts single development to one acre in size and also limits the business size, type and operation. She said the site would likely need to be parceled out and developed in a more typical strip retail commercial fashion and said she did not believe this was the intent of either the Comprehensive Plan or the Area 59 Plan and doesn't believe it is in the interest of the community at large to have that type of development occur at Elwert. She said staff has concluded that it meets the goals of the Comprehensive Plan.

She said there are a number of Metro and Statewide standards that apply, Title One Housing Capacity, and some Statewide planning goals in terms of Goal One, Citizen Involvement, 2-Land Use Planning, 9-Economic Development, 10-Housing and 12-Transportation. She said the Planning Commission recommendation discusses this in detail, particularly Economic Development Goal 9 which she alluded to at the beginning that the DLCDD had concerns with the applicant addressing this goal. She said Goal 9 requires that the proposal not negatively impact the City's ability to provide economic development opportunities as identified in the adopted Economic Opportunities Analysis (EOA). She said they asked if there is a need for residential land and Goal 9 has you look at the opposite side of the coin and ask what happens if you remove commercial land from the supply and what's the impact on the community. She said originally there was a need for that and that is why we planned for that and they want to make sure we are not removing that or changing those policies.

She referred to the EOA and said part of our 2007 Economic Development Strategy, and said it's important to note that this document was completed prior to the adoption of the Area 59 plan and consequently the subject site is not included in that analysis. She said the analysis does address general commercial and industrial land needs for job creation and business development, however it does not specifically address NC land or uses.

She said historically the NC zone has not been well utilized in the City and to date there is only 1.03 acres of NC designated land developed and the only other NC zoned property in the City is the subject site. She said there is some additional acreage that is planned and designated in the Brookman area. She stated the zoning code specifically limits the number, type, size and operational characteristics of NC development to ensure that it is small-scale and compatible with residential development and consequently it is not intended to meet or contribute to our economic development goals, not intended to attract businesses or to be our job providing land. She said it is intended to enhance the livability of our residential communities. She said this is why we limit it to, it can't be larger than 1 acre and we limit the number of businesses, types, how they can operate and hours of operation. She said what we have determined is that it isn't meant to generate jobs and therefore it won't hurt our ability to attract jobs or attract businesses by changing the designation. She said additionally, the Economic Development Strategy identifies the need for parcels of commercial land by size of land and there is a category of 1 to 4 acres in size and it says we need 1 parcel of commercial land in that category and there is a documented supply of 11 parcels that meet that.

She stated even though this one particular parcel is not inventoried because it was done prior to that, even if we remove this, it is not going to meet that need as we already have an oversupply so removing it from the supply of commercial land will not negatively impact our ability to provide those opportunities to our residents.

She stated based on findings of fact in the Planning Commission recommendation and presented in the Public Hearing, and the conclusion of law based on the applicable criteria, the Planning Commission recommends approval of PA15-04. Ms. Randall offered to answer Council questions.

Councilor Kuiper asked how close the subject site is to the intersection of Edy and Elwert Road and referred to the drainage area. Ms. Randall said there are two different things to look at, one is the area that is zoned and then what will be developed or developable land. She said the actual zoning extends to that corner and includes parts in the tributary. She said the tributary has NC zoning but it doesn't mean they would allow it to be developed with NC uses. Ms. Randall referred to protections in the code that require protections and buffers near streams and wetlands.

Councilor Kuiper asked what the buffer is. Ms. Randall said we don't have a Clean Water Services report yet and can't provide an exact answer, she said in general it is 50 feet. Councilor Kuiper asked if it's 50 feet from the stream or from the edge of the riparian zone. Ms. Randall stated 50 feet from the corridor.

Planning Manager Brad Kilby said the buffer is from the ordinary high water mark and varies between 50 and 200 feet and depends on Clean Water Services. He said in our urban areas you rarely see anything beyond 50 feet and said they will go to the edge or the top of the bank and then go 50 feet back.

Councilor King referred to a map in the exhibit and Ms. Randall said this is the current Transportation System Plan.

Councilor Kuiper asked what the proposed access from Elwert is. Ms. Randall clarified for the development? Councilor Kuiper asked how many access points? Ms. Randall said currently they have submitted an application for a subdivision and it was deemed incomplete and therefore she doesn't have a complete application, but based on the incomplete application that was submitted, there is a single point of access from Elwert Road.

Community Development Director Julia Hajduk reminded the Council that Elwert is a County road so they will regulate the access and the distance from the intersection.

Councilor Kuiper referred to page 122 of the packet, AKS Survey Map. Ms. Randall said that map was used at their neighborhood meeting and there are concerns with that. She referred to the exhibit and said this was a conceptual layout that was included with the subdivision application, which is more realistic than what was discussed at their neighborhood meeting. General discussion followed.

Councilor Harris referred to the map and asked if the area between lot 71 and 70 is a road for vehicles or a path for pedestrians. Ms. Randall said it is a pedestrian connection, a bridge crossing. Ms. Randall said that is what is proposed in their application. Mr. Kilby said this is minimum block standard requirements and said if it is not possible for you to make the road connection for cars, then you have to endeavor to make pedestrian connections. He said in this case, it makes sense for them to make this connection because they can have it elevated and can run sewer or water underneath the bridge.

Councilor Harris referred to the close proximity to the schools and the need for safety.

Councilor Brouse referred to the presentation and number of trips and asked how they are calculated. Ms. Randall said the numbers came from the applicant's proposal and includes a trip generation and trip

analysis and they looked at the traditional trips you would see with MDRL development and the number of households and the NC trips were generated based on the four most likely businesses that could develop per our NC code and would be the most onerous trip generating uses.

Councilor Brouse said if there are potentially 76 homes how could it only generate 248 weekday trips. Ms. Randall said the trip analysis is not for the subdivision it is for the 3 acres of NC.

Councilor Kuiper asked why the Council did not have a copy of the P21 map in their packet. Ms. Randall said it is part of the subdivision application and not part of the Comprehensive Plan and Zoning Map amendment.

Councilor Henderson asked if the homes that exit off of Elwert would be a separate subdivision. Ms. Randall said the map in the presentation is the map that was submitted and the intent of the different colors is to show it being developed in four phases. She said as far as she knows it is intended to be one subdivision with the same homebuilder, one neighborhood being developed in phases. Ms. Randall said if the application fails tonight or the amendment fails, their intent would be to have these parcels, which align with the commercial, that these two are described as being reserved for future development so they are not part of the current subdivision application. She said if they are successful, they would come in and amend their application or process a separate application, depending on how they wanted to proceed to convert those two lots to residential from commercial. She said they are currently identified as future commercial because that is what the zoning is.

Councilor Henderson asked about the density differences between the proposed four phases. Ms. Randall said there is not a lot of difference and the amount allowed in MDRL is 5.6 up to 8, and MDRH is 5.6 up to 11. She said the lot sizes seem to be consistent. She said this is one of the incomplete items not identified.

Mayor Clark asked what the square footage of the lots will be. Ms. Randall said they all have a minimum requirement of 5,000 square feet for single-family detached homes and there are no proposed attached homes in the application.

Mr. Kilby reminded the Council that in the subdivision code they can go to 90% of the lot size so you could see a 4,500 square feet lot.

Councilor Harris clarified that the Council is voting on the land use change and not the subdivision. Ms. Randall said the issue before the Council is, should the 3 acres be NC or MDRL. Councilor Harris clarified that this is the first of two readings of the ordinance.

Councilor Harris asked if the applicant met all of the legal obligations for a land use change, is the Council legally obligated to pass it. City Attorney Josh Soper said he would look into the question and get back to Council before the next meeting. He said at this point the Council is not making the final decision.

Councilor Harris referred to prior Council meetings and hearing comments that if all legal requirements were met the Council did not have a choice. Mr. Soper said this is the rule for quasi-judicial decisions and this is a legislative decision.

Councilor Henderson referred to the staff report on page 44 of the packet which states that *"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-zones land"* and asked if the staff agrees that there is a deficit of 46 acres of buildable MDRL zoned housing. Ms. Randall said it specifically states that it is what the applicant states. She said, it would not be what staff says. She said what they talk about is that it is more of a guaranteed land supply and said if you look at the housing needs analysis and what Metro projects Sherwood to accommodate for the next 20 years, which is what we are required to do, we can meet our needs for residential development in our UGB. She said what they are talking about in terms of a deficit, is that guaranteed land supply. If we are unable to annex the 79 acres of buildable land, we will in essence have a deficit of buildable land in the City. She referred to the 46 acres and said as staff, if she were looking at that as being low, because we know we have 52 acres outside, plus there is more, where we have a split parcel that is MDRL and High of 15 acres, so some of that would be in that medium low. She said there could actually be more than 52 acres that we would have a deficit if we are not able to annex any more land to the City. She said this would be staffs analysis unless we were to change the current zoning on that and we were able to accommodate more units, but as currently zoned, staff is comfortable saying we have a deficit of what they have identified as "guaranteed buildable land". She said by the state, in terms of what is in our UGB, we don't have a deficit.

Councilor Kuiper asked if this is based on the comparison with our housing supply analysis. Ms. Randall confirmed.

Councilor Henderson said her concern with the statement being in there is that it is making a statement that we need more land for MDRL housing and that may lead to multiple zone changes. She said she believes this is one of many future requests and referred to a Community Development Report in the last City Council meeting packet. She said this will lead to zone change requests, higher density requests and or requests to divide and subdivide lots. She asked if 46 acres is accurate, based on a 20 year land supply. She said she would like to know this before she votes on this issue.

Ms. Randall said it is a low estimate based on the information provided. She referred to a chart in the presentation that highlights MDRL outside the City limits is 52, plus there is a category 2 below that identifies 15 acres that split between the MDRL and MDRH categories, so there are likely more than 46 acres of deficit based on guaranteed buildable land within the City. She said the City can only control what is in the City limits and that is 96 acres.

Councilor Kuiper clarified that the applicant is using the number 46 acres as being the deficit making the calculation from the areas that are unincorporated or not yet in the City limits. Ms. Randall said correct, what we are required to plan for our UGB and this is what the state calculates our land supply is everything in our City limits and in our UGB, because it is anticipated that the land will be annexed into the City over the course of that 20 years. She said in looking at the long-range look, with how the state statutes are set up for planning, we don't have a deficit, we can accommodate it. However, we have proven difficulty in controlling the ability to bring that land in with the three failed annexation attempts. She said that makes it difficult for us to meet our 20 year land supply and that is why the applicant is referring to the term, "guaranteed land supply."

With no further Council questions, Mayor Clark asked the applicant to come forward.

Mimi Doukas with AKS Engineering came forward as a representative for the applicant, Venture Properties. Ms. Doukas said this portion of the Mandel property was designated NC in 2007 as part of the Area 59 Concept Plan. She said the Area 59 district was added to the UGB and annexed primarily to allow for the development of a new elementary and middle school. She said that was the primary function and then the community got together and asked what to do with the remainder of the land. She stated it was decided that the remainder of the property within Area 59 would primarily be residential and a small pocket of NC. She said it is understandable why the community would want a pocket of NC, it was understood at the time that it was aspirational. She said through the Planning Commission deliberations, Commissioner Griffin said he participated in Area 59 Concept planning effort and that was in fact an aspirational effort to have the NC. She said since that time the area has developed out. She said there are two sides to the conversation this evening and said the first question is whether the property is appropriate for NC, and is it appropriate for MDRL. She explained how it is not appropriate or functional as NC.

She said primarily the site is separated from the community and the neighborhood that it is intended to serve particularly with the tributary to Chicken Creek. She said the subject site is on the edge of the City limits and on the edge of the UGB and is isolated from Sherwood. She stated beyond that, the City has an excess supply of NC and plenty of commercial in general. She noted the uses that are permitted within NC are also permitted within the other commercial zones. She said it is not a special zone that only certain uses can go into, the uses can be accommodated in your other commercial districts. She said as a neighborhood commercial site, it is also quite large, at 3 acres and is really designed to be a tiny pocket at 1 acre.

She discussed why the property is appropriate for MDRL and asked Bill Reid with PNW Economics to come forward. She said Mr. Reid is an economist that put together the report in their application that discusses the land supply and other designations.

Mr. Reid with PNW Economics, 2323 NW 188th Hillsboro, 97124, referred to the discussion regarding land acreage deficit and said the numbers on their analysis are from Sherwood's Housing Needs Analysis from June. He said the deficit that was calculated is for a 20 year planning period which is consistent with Oregon Planning Goal 10-Housing. He said the additional information they considered was what happened with Brookman and what that does to land capacity within the City. He said they asserted two scenarios, Brookman is added or not, and if it is not, there is really only that certain land capacity that you have within the City, as a result of Brookman not being added to the City.

Ms. Doukas noted that residential will have much less impact onto Elwert Road. She said that roadway is a regional thoroughfare and putting additional in and out movement for commercial use will stress that facility that much more as opposed to the volume and lower turn movements you will find with residential. She referred to the Council's questions regarding the subdivision design and said this is not before the Council tonight. She said it is the answer to the question of timeliness and said services are available to the site and development has occurred around it to the south and east. She said mostly from a timeliness issue, we are requesting a zone change right now so that this land can be properly designed and planned for the subdivision application that Venture Properties is hoping to move forward with.

She said they have submitted the preliminary application not accounting for the zone change and if the zone change is approved they would like to incorporate that into the application. She said they are hopeful the City Council will approve tonight. Ms. Doukas offered to answer Council questions.

Councilor Harris asked if Council is legally allowed to do both readings tonight. City Attorney Soper said you can and said if the Council does two readings and adopts it unanimously it can be done in a single hearing.

Mayor Clark asked Council if they had any questions for the applicant. With no Council questions, Mayor Clark asked to receive public comments.

Tony Bevel, SW Lynnly, approached the Council and referred to the trip analysis by Lancaster Engineering which has concluded that the proposed zone change from NC to MDRH would result in less traffic. He said he understands that but with the additional residential development there will still be traffic. He referred to the figure of 248 and said this seems like a very low number for him, when you have 76 new residential houses going in. He said Elwert and Edy roads are problematic now, coming into a bowl, with traffic coming from 99 going down Edy Road into the bowl, and traffic coming from Hillsboro and said this is a lot of traffic and with a new development without widening the roads. He said he is not an engineer but has a bit of common sense and believes this needs to be looked at very heavily.

Tess Keis, Sherwood resident came forward and agreed with Mr. Bevel and said she does not see how that many houses can reduce traffic. She said if you have commercial property usually people are coming in the morning and are staying parked and then leaving in the evening. She said with this many houses, her concern is all the people driving their kids to school and asked about what will be done to handle the capacity in the schools. She said we have already said we did not want Brookman annexed because we did not want more people in Sherwood and did not want more houses. She asked how will we handle this traffic? She said she does not agree that the traffic will be minimal in comparison to what it would be commercially.

Councilor Harris clarified that they are changing the zoning from NC on three acres only and the remainder is already residential, which would be an additional 20 homes.

Ms. Randall clarified that the trip analysis is based on the three acres of development and you would not be able to develop the whole 3 acres because of the tributary. She said in the earlier proposal, included in your packets, we are looking at maybe 11 homes that might be allowed to develop in that area.

She said typically you see 8 to 10 trips per household and that is why the numbers seem low, because you're not evaluating the entire area. She said the larger area of 23 acres, all but 3 acres are already zoned for either MDRL or MDRH and is allowed to develop under those current rules. She said the difference we are looking at, is should we have the 3 acres zoned NC and generate that traffic on those adjacent roadways, or should it be residential and generate residential traffic.

She said in terms of improving roadways they are typically improved with development and the developers fix the roads. She said the way the system is set up, when an applicant's subdivision is approved, whether residential or commercial, the City requires the applicant to install all public improvements first before they are given any building permits. She explained they will be required to extend sewer, storm water facilities, required to do public improvements to that roadway, and potentially dedicate additional right-of-way. She said we don't know yet, as we don't have the application yet. She said all this will occur before and referred to the Cedar Brook development.

Councilor King stated that will be regulated by the County because it is a County road. Ms. Randall said that is correct and the City does work with the County.

Mayor Clark clarified the subject site is zoned commercial, not industrial therefore the additional trips are a quick in and quick out. Ms. Randall said yes and stated NC zoning is intended for quick convenient trips for the neighborhood.

Councilor Harris noted that when the planning development process goes through and is brought back to the Council, that is when we can talk about the sidewalks and improvements. Ms. Randall replied correct, we are not approving any particular layout, density or imposing anything. She said the decision before the Council is should the 3 acres be zoned commercial or residential.

City Manager Gall asked Ms. Randall to address the school capacity issue. Ms. Randall said the Sherwood School District (SSD) does planning and their planning accounts for all the land in the City and what the zoning is and the potential development. She said their projections and their capacity for the future includes this area being developed for residential development, but it does not include the three acres being considered now, so approximately 11 homes would impact the schools. She noted that the SSD had also projected for the development of Brookman since 2007.

Mayor Clark clarified that the City and the SSD are two separate governmental bodies and do not have jurisdiction over each other. Ms. Randall said that is correct and noted that the two bodies work together on planning and referred to the work of Area 59.

Mr. Gall said there is confusion when a subdivision comes in that because the school doesn't have the facilities, there's an argument that the City should say no to development and he does not believe that is the case. Comments were received regarding SDC's and the development occurring in the future and not affecting current school capacity.

Councilor Henderson said Oregon Land Use Law does not tie land use planning and school capacity together, other states do, but not Oregon.

Julia Hajduk clarified it is not an SDC, it's a construction excise tax.

Mayor Clark asked if the Council had any additional questions or comments, with none received she asked if the applicant wanted to provide a rebuttal.

Ms. Doukas approached the Council and referred to the transportation analysis and said it was comparing worst-case scenario. It was maximum residential density on the three acres and that is why you're getting so many trips. She said we are only planning 10 lots in the currently NC zoned area, if the zone change is approved. She said the design shows one cul-de-sac for that island with access to Elwert and the total number of homes that are planned in that area are 22 and would be less of a traffic impact than NC in terms of total daily trips.

Mayor Clark asked if she should close the public hearing.

The City Recorder informed the Mayor she had the option to close the public hearing or continue it to the next meeting to allow for more public comment.

Mayor Clark stated that questions have been posed to City Attorney Soper and she proposed to continue the public hearing.

Mr. Soper said he discussed the question with Julia Hajduk. Julia said the question of whether or not, you have the ability, if they met all the criteria, to not approve it. She said technically no, if you find they met all the criteria the Council has to approve. She said however there is a lot of discretion in whether or not Council feels they met the criteria. She said if the Council doesn't believe they made a good case in being timely, or a good case for there being a need, or any other criteria that was covered, that's where the Council has the discretion to say you don't agree with that and this is why. She said if you agree with everything, then yes, you have to approve it.

Councilor Harris clarified that Council cannot say no because they don't want more homes there. Julia said yes, but there is a lot of discretion in whether or not as a Council, believe they have met the criteria that is laid out in the code.

Mayor Clark said on our ordinance adoption when we went through a committee on this we talked about having two readings unless there was an emergency. She said she doesn't feel there is, said she is always open to giving the public an opportunity to provide comment, and said she is comfortable having this be the first reading and moving it to a second reading. With no Council comments received, the following motion was stated.

MOTION: MAYOR CLARK MOVED TO APPROVE 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 AND PLACE IT ON THE NEXT AVAILABLE COUNCIL MEETING WHICH IS JANUARY 5, 2016 CITY COUNCIL MEETING AGENDA FOR ADDITIONAL PUBLIC COMMENT AND CONSIDERATION, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR, (COUNCIL PRESIDENT ROBINSON VIA CONFERENCE CALL).

Mayor Clark addressed the next item on the agenda.

9. CITY MANAGER REPORT:

City Manager Joe Gall announced that there will not be a second regular Council meeting in December. He stated there will be a Boards and Commission Appreciation dinner on December 15 at 6:00 pm in the Community Room.

Mayor Clark addressed the next item on the agenda.

10. COUNCIL ANNOUNCEMENTS:

Mayor Clark announced that it is Councilor Harris' birthday and the Council wished her a happy birthday. She announced that Saturday is the Robin Hood Winter Festival with a parade at 4 pm followed by the tree lighting and hot dogs and hot chocolate will be provided. She stated that she was appointed to the Westside Transportation Association (WTA) Board which focuses on alternative transportation options. She said she has been busy and encouraged citizens to look at her Sherwood Mayor Facebook page to

stay informed of what she is doing. She said she attended a Town Hall at Beaverton High School with Congresswoman Bonamici and Senator Merkley. She stated she represented the City on Thanksgiving at the Give N' Gobble and commented on the amount of food raised for Helping Hands, she thanked the promoters.

Councilor Harris announced that the citizens of Sherwood passed the Library Levy by 59%. She stated the Library won a Community Enhancement Grant through the City of Sherwood and Metro and has purchased an audio system and microphone for the upcoming Open Mic Slam Program for teens which will start in January. She said Food for Fines will be from December 7 - 13 and patrons can have up to \$20 of fines waived by bringing food in for the Food Bank. She said the Library had over 24,000 visitors last month with 98 new library cards and 20,411 check-outs. She said the Children's Choir will be at the Library on Thursday from 5 - 6 pm. She announced the Art Walk is December 10 from 5 - 8 pm. She said on December 11 the Library will host Stuffed Animal Friends Sleepover. She said there is a Holiday Happy Hour on December 11 from 4:30 - 6 pm at the Library and the Polar Express on December 13 from 1 - 2 pm. She reported on the Art sessions at the Center for the Arts and said for the first session they offered 10 classes with a net of \$774. She said at the second session they offered 10 classes with a net of \$2,142. She stated winter and spring class registration opens on December 7.

Councilor King thanked the City staff and businesses that supported the Dog Park opening.

Councilor Henderson stated the Police Advisory Board continues to meet and they are interested in doing a Community Academy. She said the Community Development Block Grant Advisory Board will be meeting January 30. She said she would like the City to apply for a block grant in the future that could benefit seniors and those looking for affordable housing options in Sherwood.

Councilor Brouse said the Give N' Gobble had a record attendance this year of over 2,800 participants. She commented on the upcoming Robin Hood Winter Festival and said the Robin Hood Committee has volunteer opportunities. She said the Sherwood Plaza is also having festivities on Saturday from 12 - 4 pm. She said other opportunities to give back to the community include, 4 Kids' Sake and Hope's Dinner. She said Adam's Screen Print is having an open house on December 8 and the Chamber Breakfast is December 8 at Al's Garden Center.

Councilor Kuiper congratulated Economic Development Intern Mark Yager and said with his efforts the City was awarded a \$30,000 grant from Washington County Visitors Association for bike improvements on Cedar Creek Trail. She noted the City does apply for and is awarded a number of grants that help provide services to community members. She said the Robin Hood Association always has a need for volunteers and there is an opportunity to decorate for the Winter Festival on Saturday at noon. She said there will be cookie decorating and gingerbread house decorating at the Odd Fellows Hall. She said on December 12 at 4 pm the VPA will have a Christmas Program.

Mayor Clark asked City Manager Gall to discuss the grant from Washington County Visitors Association. Mr. Gall said Sherwood received approximately \$30,000. He stated Mayor Clark heard that Tigard received a similar grant and encouraged the City to apply. He said the grant will fund bike racks and at least two bike repair stations. He said the City will continue to pursue grants. He noted the City is currently preparing a grant application for Veteran's Memorial Park.

Mayor Clark thanked Tigard Mayor John Cook for sharing the information with Sherwood and commented on the importance of relationships with our neighboring communities. She thanked Mark Yager for his efforts.

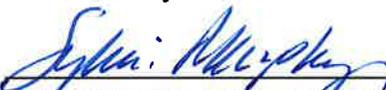
Council President Robinson announced that Tuesday December 8 the Planning Commission will meet and have a work session regarding the Sherwood Preliminary West Concept Plan update and industrial land use district development code discussion. She encouraged citizens to attend.

Mayor Clark addressed the next item on the agenda.

11. ADJOURN:

Mayor Clark adjourned the meeting at 8:50 pm and convened to a URA Board of Directors meeting.

Submitted by:



Sylvia Murphy, MMC, City Recorder



Krisanna Clark, Mayor