



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, January 5, 2016**

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

**6:00 pm Work Session**

**6:15 pm Executive Session**

**(ORS 192.660 (2)(i), Performance Evaluation of Public Official and Employees)**

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



Home of the Tualatin River National Wildlife Refuge

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

1. **Willamette Governance Group Update** (Craig Sheldon)

### **6:15 PM EXECUTIVE SESSION**

1. **Performance Evaluation of Public Official and Employees, ORS 192.660(2)(i)** (City Attorney Soper)

### **REGULAR SESSION**

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF AGENDA**

5. **CONSENT AGENDA**

- A. **Approval of December 1, 2015 City Council Meeting Minutes**
- B. **Approval of December 15, 2015 City Council Meeting Minutes**

6. **PRESENTATIONS**

- A. **Recognition of Eagle Scout Award Recipients**

7. **NEW BUSINESS**

- A. **Selection of 2016 City Council President**

8. **CITIZEN COMMENTS**

9. **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) *Second Reading*

## **AGENDA**

**SHERWOOD CITY COUNCIL  
January 5, 2016**

**6:00 pm Work Session**

**6:15 pm Executive Session  
(ORS 192.660(2)(i))**

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

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

- B. Ordinance 2016-001 Repealing Chapter 3.25 Marijuana Tax (Josh Soper, City Attorney) *First Reading***
  
- C. Ordinance 2016-002 Declaring a Ban on Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and Recreational Marijuana Retailers; Referring Ordinance; and Declaring An Emergency (Josh Soper, City Attorney) *First Reading***
  
- D. Ordinance 2016-003 Imposing a Three Percent Tax on the sale of Marijuana items by a Marijuana Retailer and Referring Ordinance (Josh Soper, City Attorney) *First Reading***

## **10. CITY MANAGER REPORT**

## **11. COUNCIL ANNOUNCEMENTS**

## **12. ADJOURN**

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

City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), by the Thursday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the Sherwood 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**  
**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 retailled 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 DLCD 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 188<sup>th</sup> 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:

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Sylvia Murphy, MMC, City Recorder

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Krisanna Clark, Mayor



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**December 15, 2015**

**City Council Work Session with City Boards, Committees and Commissions**

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:10 pm.
2. **CITY COUNCIL, BOARDS AND COMMISSION MEMBERS AND CITY STAFF PRESENT:** Mayor Clark, Council President Sally Robinson, Councilors Jennifer Kuiper, Dan King, and Renee Brouse. Councilors Linda Henderson and Jennifer Harris were absent.

**Board & Commission Members:** See sign in sheet, not all present signed in.

**Staff:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, Finance Director Julie Blums, Police Chief Jeff Groth, Planning Manager Brad Kilby, Library Manager Adrienne Doman-Calkins, Center for the Arts Manager Maggie Chapin, Librarian Crystal Garcia, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

3. **BUSINESS:** Mayor Clark welcomed members and thanked 2015 outgoing Board and Commission members for their service. A representative from each City Boards, Committee and Commission provided a brief recap of their Annual Reports, (see record, Exhibit A). An appreciation dinner was provided for all attendees.
4. **ADJOURN:**

No formal adjournment of the meeting, dinner concluded at approximately 7:30 pm.

Submitted by:

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Sylvia Murphy, MMC, City Recorder

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Krisanna Clark, Mayor

**TO:** Sherwood City Council

**FROM:** Connie Randall, Associate Planner

Through: Julia Hajduk, Community Development Director and Joseph Gall, ICMA-CM, City Manager, Tom Pessemier, Assistant 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 (Second Reading)**

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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 the intersection 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.

This is the second of two required readings and public hearings. The first reading and public hearing was held on December 1, 2015. During the public hearing, the following points were clarified:

- The scope of the proposed action is limited to the three acres of land currently designated for Neighborhood Commercial (NC) uses along SW Elwert Road. While the applicant intends to develop the larger 21.28 acre parcel in the future, the current application and associated analysis is limited to the impacts of Neighborhood Commercial versus Medium Density Residential Low development on the three-acre site.
- A subdivision application would need to be reviewed and approved prior to any residential development on the larger 21.28-acre site. This application would be processed separate from the Comprehensive Plan and Zoning Map Amendment. Development specific items, such as lot layout, roadway improvements, public utility improvements, open space provisions, pedestrian amenities, and natural habitat protection will be reviewed and provided through the subdivision process.
- SW Elwert and SW Edy roads are both county roadways and under Washington County's jurisdiction. Required improvements would be reviewed by and coordinated with Washington County during the subdivision review.

**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 as recommended for approval by Planning Commission.

**Attachments:**

Ordinance 2015-009

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: December 30, 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  $\frac{3}{4}$  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 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

January 5, 2016

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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



**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

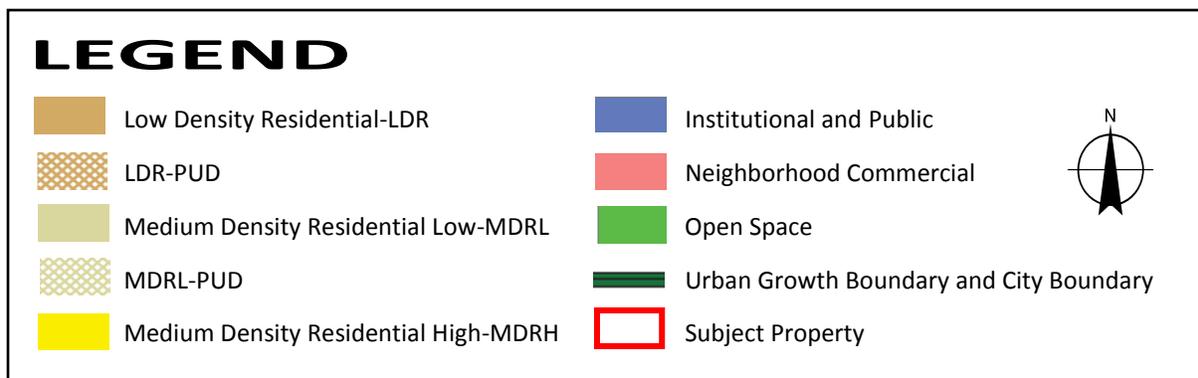
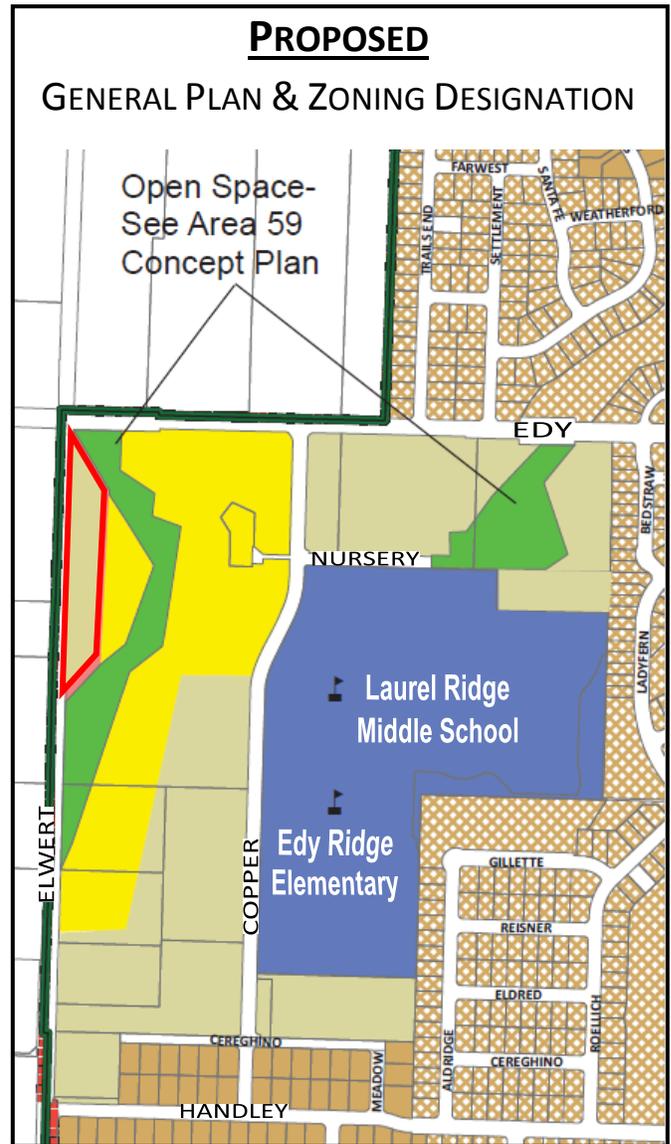
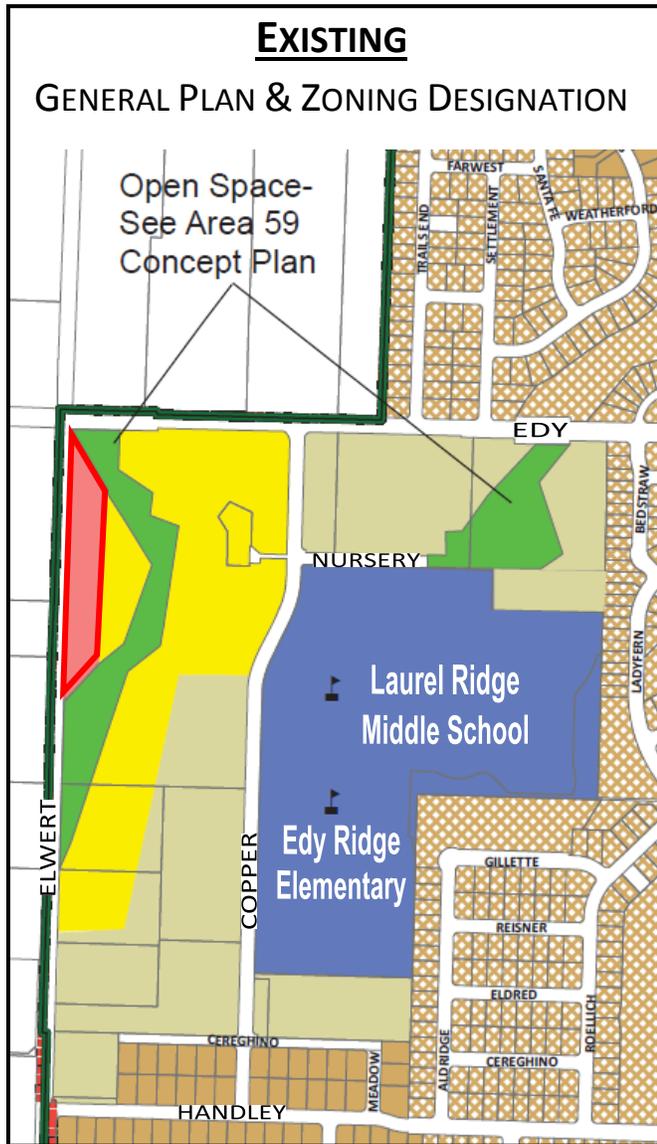
**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in Exhibit 1 of the City Council Staff Report; and

**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:**



# PA 15-04 Mandel Property Comprehensive Plan and Zoning Map Amendment



**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney  
**Through:** Tom Pessemier, Assistant City Manager

**SUBJECT:** **Ordinance 2016-001**, Repealing Chapter 3.25 Marijuana Tax

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**Issue:**

Shall the City Council approve an ordinance repealing the marijuana tax imposed prior to the passage of Measure 91?

**Background:**

Various options relating to action the City could take regarding recent changes in marijuana laws were discussed at a Council work session on November 17, 2015. At the conclusion of that work session, Council directed staff to prepare several items for further Council discussion and possible adoption. One of those was an ordinance repealing the marijuana tax imposed by the City prior to the passage of Measure 91 by Oregon voters.

Many cities in Oregon were taking similar actions at the time this tax was imposed because the law was at that time arguably unclear regarding the potential grandfathering of taxes adopted prior to the passage of Measure 91. Since that time, the Oregon Legislature has approved bills that allow for cities to impose a tax of up to 3% on retail sales of recreational marijuana and which clarify that no other such taxes are permitted.

An ordinance adopting the 3% tax now authorized by Oregon law is also before Council for consideration at the January 5, 2016 Council meeting.

**Financial Impacts:**

No financial impacts are anticipated because the tax imposed by the existing code provisions has not yet been assessed against any marijuana sales, and because in any event the existing code provisions are preempted by state law.

**Recommendation:**

Staff respectfully recommends Council adopt Ordinance 2016-001, Repealing Chapter 3.25 Marijuana Tax.



**ORDINANCE 2016-001**

**REPEALING CHAPTER 3.25 MARIJUANA TAX**

**WHEREAS**, the Sherwood City Council previously adopted an ordinance imposing a marijuana tax in Chapter 3.25 of the Municipal Code prior to the passage of Measure 91 by Oregon voters; and

**WHEREAS**, it appears that the tax so imposed is now pre-empted by Oregon statute;

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

**Section 1. Repeal**

After full and due consideration of the information presented, the Council finds that the text of the Sherwood Municipal Code shall be amended to repeal chapter 3.25 in the Revenue and Finance title of the Municipal Code in its entirety.

**Section 2. Manager Authorized**

The City Manager is hereby directed and authorized to take such actions as may be necessary to implement this ordinance, including necessary updates to the Municipal Code.

**Section 3. Effective Date**

This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 19<sup>th</sup> day of January, 2016.**

Krisanna Clark, Mayor		Date

Attest:

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

	<u>AYE</u>	<u>NAY</u>
Brouse	_____	_____
Harris	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Robinson	_____	_____
Clark	_____	_____

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney

Through: Tom Pessemier, Assistant City Manager

**SUBJECT:** **Ordinance 2016-002**, Declaring a Ban on Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and Recreational Marijuana Retailers; Referring Ordinance; and Declaring an Emergency

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**Issue:**

Shall the City Council approve and refer to the voters at the November 2016 election an ordinance declaring a ban on specified categories of marijuana-related businesses?

**Background:**

Various options relating to action the City could take regarding recent changes in marijuana laws were discussed at a Council work session on November 17, 2015. At the conclusion of that work session, Council directed staff to prepare several items for further Council discussion and possible adoption. One of those was an ordinance imposing a ban on specified categories of marijuana-related businesses.

Under HB 3400, cities may impose a ban on medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and/or recreational marijuana retailers by referring an ordinance to the voters at a statewide general election. The first opportunity for such an election is therefore November 2016. The attached ordinance was drafted to ban all of the above categories of marijuana-related businesses, but Council could choose to amend the proposed ordinance language to ban only some (or none) of them.

HB 3400 also provides a mechanism for imposing a tax of up to 3% on the retail sale of recreational marijuana, but states that a city that adopts a ban may not also impose a tax. An ordinance creating such a tax is also before Council for consideration at the January 5, 2016 Council meeting. Council may refer either one of these ordinances to the ballot without creating any conflict; however, if Council wishes to refer both, the proposed tax ordinance will not be effective if the prohibition ordinance is approved by voters, even if the tax ordinance is also approved. A statement to that effect would be included in the ballot title.

A few other specifics of note relating to this ordinance:

- If adopted by Council, per state law this ordinance will also act as a moratorium on the establishment of new facilities in the categories banned until the time of the November 2016 election. OLCC will begin accepting applications for licenses for some types of recreational marijuana businesses on 1/4/16. Therefore, in order for that moratorium to go into effect immediately, the attached ordinance includes an emergency clause, and if Council is considering approving the ordinance, it should consider doing so after a single hearing as permitted by the City Charter. That would require unanimous approval by Council. Without unanimous approval, the ordinance would need to be re-drafted to be effective thirty days after approval, and would require a second hearing, both of which would create the potential complication of a period in which the aforementioned moratorium would not be in effect.
- Medical marijuana dispensaries are grandfathered and are able to operate despite a ban if they: (1) have applied to be registered by July 1, 2015 or were registered prior to the date on which the ordinance is adopted by Council, and (2) successfully completed the land use application process (if applicable).
- Medical marijuana processors are grandfathered and are able to operate despite a ban if they: (1) were registered under ORS 475.300 to 475.346 and were processing usable marijuana on or before July 1, 2015 or (2) are registered under section 85 of HB 3400 prior to the date on which the ordinance is adopted by the governing body, and (3) have successfully completed a local land use application process (if applicable).
- Cities that adopt an ordinance prohibiting the establishment of medical or recreational marijuana businesses are not eligible to receive a distribution of state marijuana tax revenues.

**Financial Impacts:**

If this ordinance is approved by Council and referred to the ballot, and then approved by voters, it will prevent the City from imposing a local tax of up to 3% on recreational marijuana retail sales. It will also prevent the City from receiving its share of the distribution of state marijuana tax revenues. Because this is a new industry and no such taxes have yet been collected, an accurate estimate of the loss of potential revenue is impossible at this time.

**Recommendation:**

Staff respectfully recommends Council discuss and consider adoption of Ordinance 2016-002, Declaring a Ban on Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and Recreational Marijuana Retailers; Referring Ordinance; and Declaring an Emergency.



**ORDINANCE 2016-002**

**DECLARING A BAN ON MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS; REFERRING ORDINANCE; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Oregon Medical Marijuana Act, as amended by House Bill 3400 (2015) provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries; and

**WHEREAS**, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana; and

**WHEREAS**, section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city; and

**WHEREAS**, the Sherwood City Council wants to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers, and retailers, as well as medical marijuana processors and medical marijuana dispensaries to the voters of the City of Sherwood;

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

**Section 1. Findings.**

After full and due consideration of the information presented, the Council finds that the text of the Sherwood Municipal Code shall be amended to adopt a ban on certain specified marijuana-related businesses, and the proposed amendments, if approved by the voters, shall be added as chapter 5.30 in the Business Licenses and Regulations title of the Municipal Code.

**Section 2. Approval.**

The proposed amendments for the Municipal Code identified in the attached Exhibit 1, are hereby **APPROVED**.

**Section 3. Manager Authorized**

The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this ordinance, including necessary updates to the Municipal Code.

**Section 4. Referral**

This ordinance shall be referred to the electors of the City of Sherwood at the next statewide general election on Tuesday, November 8, 2016. The City Attorney shall prepare a resolution for presentation to the Council referring this matter to said election and approving a ballot title and explanatory statement.

**Section 5. Emergency**

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on the date of its passage.

**Duly passed by the City Council this 19<sup>th</sup> day of January, 2016.**

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

\_\_\_\_\_  
Date

Attest:

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

	<u>AYE</u>	<u>NAY</u>
Brouse	_____	_____
Harris	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Robinson	_____	_____
Clark	_____	_____

## EXHIBIT 1

### 5.30 Marijuana Businesses

#### 5.30.010 Definitions

As used in this chapter, unless the context requires otherwise:

- (1) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
- (2) "Medical Marijuana Processing Site" means an entity registered with the Oregon Health Authority to process Marijuana.
- (3) "Recreational Marijuana Processor" means an entity licensed by the Oregon Liquor Control Commission to process Marijuana.
- (4) "Recreational Marijuana Producer" means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest Marijuana.
- (5) "Recreational Marijuana Retailer" means an entity licensed by the Oregon Liquor Control Commission to sell Marijuana items to a consumer in this state.
- (6) "Recreational Marijuana Wholesaler" means an entity licensed by the Oregon Liquor Control Commission to purchase Marijuana items in this state for resale to a person other than a consumer.
- (7) "Medical Marijuana Dispensary" means an entity registered with the Oregon Health Authority to transfer Marijuana.

#### 5.30.020 Ban Declared

As described in section 134 of House Bill 3400 (2015), the City of Sherwood hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the City:

- (1) Medical Marijuana Processing Sites;
- (2) Medical Marijuana Dispensaries;
- (3) Recreational Marijuana Producers;
- (4) Recreational Marijuana Processors;
- (5) Recreational Marijuana Wholesalers;
- (6) Recreational Marijuana Retailers.

#### 5.30.030 Exception

The prohibition set out in this ordinance does not apply to a Medical Marijuana Processing Site or Medical Marijuana Dispensary that meets the conditions set out in subsections 6 or 7 of section 134, section 136, or section 137 of House Bill 3400 (2015).

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney  
**Through:** Tom Pessemier, Assistant City Manager

**SUBJECT:** **Ordinance 2016-003**, Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring Ordinance

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**Issue:**

Shall the City Council approve and refer to the voters at the November 2016 election an ordinance imposing a 3% tax on the sale of marijuana items by marijuana retailers?

**Background:**

Various options relating to action the City could take regarding recent changes in marijuana laws were discussed at a Council work session on November 17, 2015. At the conclusion of that work session, Council directed staff to prepare several items for further Council discussion and possible adoption. One of those was an ordinance imposing a 3% tax on the sale of marijuana items.

Under HB 3400, cities may impose up to a 3% tax on sales of marijuana items made by those with recreational retail licenses by referring an ordinance to the voters at a statewide general election. The first opportunity for such an election is therefore November 2016.

However, that bill also provides a mechanism for prohibiting the establishment of certain marijuana businesses, but states that a city that adopts such a prohibition may not also impose a tax. An ordinance creating such a prohibition is also before Council for consideration at the January 5, 2016 Council meeting. Council may refer either one of these ordinances to the ballot without creating any conflict; however, if Council wishes to refer both, the proposed tax ordinance will not be effective if the prohibition ordinance is approved by voters, even if the tax ordinance is also approved. A statement to that effect would be included in the ballot title.

**Financial Impacts:**

If this ordinance is approved by Council and referred to the ballot, and then approved by voters, it will likely eventually result in a revenue increase for the City. The amount of revenue is dependent on the number of recreational marijuana retail stores in the City (currently zero) and their sales figures. Because this is a new industry, an accurate estimate is impossible at this time.

**Recommendation:**

Staff respectfully recommends Council discuss and consider adoption of Ordinance 2016-003, Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring Ordinance.



**ORDINANCE 2016-003**

**IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE**

**WHEREAS**, section 34a of House Bill 3400 (2015) provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

**WHEREAS**, the Sherwood City Council wants to refer the question of whether to impose a tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the City to the voters of the City of Sherwood;

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

**Section 1. Findings.**

After full and due consideration of the information presented, the Council finds that the text of the Sherwood Municipal Code shall be amended to adopt a marijuana tax, and the proposed amendments, if approved by the voters, shall be added as chapter 3.25 in the Revenue and Finance title of the Municipal Code.

**Section 2. Approval.**

The proposed amendments for the Municipal Code identified in the attached Exhibit 1, are hereby **APPROVED**.

**Section 3. Manager Authorized**

The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this ordinance, including necessary updates to the Municipal Code.

**Section 4. Referral**

This ordinance shall be referred to the electors of the City of Sherwood at the next statewide general election on Tuesday, November 8, 2016. The City Attorney shall prepare a resolution for presentation to the Council referring this matter to said election and approving a ballot title and explanatory statement.

**Section 5. Effective Date**

This ordinance shall be effective thirty (30) days after the date of such election, if it receives the affirmative majority of the total number of votes cast thereon.

**Duly passed by the City Council this 19<sup>th</sup> day of January, 2016.**

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

\_\_\_\_\_  
Date

Attest:

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

	<u>AYE</u>	<u>NAY</u>
Brouse	_____	_____
Harris	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Robinson	_____	_____
Clark	_____	_____

## EXHIBIT 1

### 3.25 Marijuana Tax

#### 3.25.010 Definitions

As used in this chapter, unless the context requires otherwise:

- (1) "Marijuana Item" has the meaning given that term in Oregon Laws 2015, chapter 614, section 1.
- (2) "Recreational Marijuana Retailer" means a person who sells Marijuana Items to a consumer in this state.
- (3) "Retail Sale Price" means the price paid for a Marijuana Item, excluding tax, to a Recreational Marijuana Retailer by or on behalf of a consumer of the Marijuana Item.

#### 3.25.020 Tax Imposed

As described in section 34a of House Bill 3400 (2015), the City of Sherwood hereby imposes a tax of three percent (3%) on the Retail Sale Price of Marijuana Items by a Recreational Marijuana Retailer in the area subject to the jurisdiction of the City.

#### 3.25.030 Collection

The tax shall be collected at the point of sale of a Marijuana Item by a Recreational Marijuana Retailer at the time at which the retail sale occurs and remitted by each Recreational Marijuana Retailer that engages in the retail sale of Marijuana Items.

Sherwood Field House Monthly Report November 2015					
<u>November-15</u>	<u>Nov-15</u>		<u>YTD</u>		<u>Nov-14</u>
<b><u>Usage</u></b>		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	8	660	11	1635	741
Rentals	111	1554	268	4310	1440
Other (Classes)					
[1] Day Use	10	140	38	427	84
<b>Total Usage</b>		<b>2354</b>		<b>6372</b>	<b>2265</b>
<b><u>Income FY 15 16</u></b>	<b><u>Nov-15</u></b>	<b><u>YTD</u></b>			
Rentals	\$6,945	\$18,377			
League fees (indoor)	\$13,889	\$30,855			
Card fees (indoor)	\$1,558	\$1,838			
Day Use	\$526	\$1,350			
Advertising					
Snacks	\$843	\$1,180			
Classes					
<b>Total</b>	<b>\$23,761</b>	<b>\$53,600</b>			
<b><u>FY 14 15</u></b>					
<b><u>Income</u></b>	<b><u>Nov-13</u></b>	<b><u>YTD</u></b>			
Rentals	\$4,995	\$13,815			
League fees (indoor)	\$17,070	\$36,467			
Card fees (indoor)	\$1,781	\$2,211			
Day Use	\$237	\$453			
Advertising					
Snacks	\$647	\$1,145			
Classes					
<b>Total</b>	<b>\$24,730</b>	<b>\$54,091</b>			

\*Estimated number of people served.



### **Fields and Gyms**

Youth soccer played 54 Recreational games during the month of November. They also held 18 Classic games at Snyder Park during the month. The Recreational side is done for the year, while the Classic side will continue to practice at Snyder Park. Classic will be also renting some Field House time.

Youth Football held six playoff games at the High School and two Championship games at the High school in November. Youth football season is over.

Youth basketball is in full swing with practices every night the gyms are available. We have had a few hiccups with custodians opening gyms, but so far so good.

Greater Portland Soccer District rented Snyder Park for two hours during the month of November.

### **Field House**

- We had 33 new youth teams sign up for our first youth session.
- We hosted 140 kids for preschool play days during the month of November.
- Rentals are going strong as we have no room after 5:00pm each night.

Respectfully Submitted

Lance Gilgan

November 30, 2015

# Community Development Department – Monthly update

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December 7, 2015

The City of Sherwood Community Development Division consists of three departments which, provides quality current and long range planning, building and engineering services to support the infrastructure, livability, well-being and economic development of the community. The following is a summary of the key projects or tasks each department routinely does for the community and an update on current projects or status.

## Planning:

### Current Planning- Projects in Review

- Claus Property Rezone (22211 SW Pacific Highway) – Proposal to rezone 2.66 acres of a 5.86 acre site from General Commercial to Medium Density Residential Low.
- Mandel Property Rezone (21340 SW Elwert Road) – Proposal to rezone the Neighborhood Commercial portion (3 acres) of an approximately 21 acre parent parcel to Medium Density Residential High– under review.
- Mandel Property Subdivision (21340 SW Elwert Road) – Proposal to divide approximately 21 acres into 78 individual lots. Two of the lots make up the neighborhood commercial acreage that the applicant is proposing to rezone in a separate application.
- Parkway Court Zone Change (corner of SW Parkway Ct and Meinecke Parkway) – Proposal to rezone approximately 1 acre from General Commercial to Medium Density Residential Low. – under review
- Endurance Products Site Plan (13990 SW Galbreath Drive) – Proposal to add a new 15,550 sq. ft. building on site. The current building is approximately 13,400 sq feet. – under review
- Symposium Tree Removal (22461 SW Pine Street) – Proposal to remove four Cottonwood trees at the back corner of the parking area, and replace them with three Maple trees.
- Cedar Brook Professional Building Expansion (17680 SW Handley Street) – Proposal to enclose an existing outdoor deck on the second floor of the building and increase the existing building square footage by 1,296 square feet. The existing footprint of the building will not change.

For approved projects or more detail, check out “projects” under “more resources” on the website at <http://www.sherwoodoregon.gov/projects>, or contact Brad Kilby at (503)625-4206.

### Long Range Planning

- **SW Corridor Plan** – The primary focus lately has been on evaluating High Capacity Transit choices from Portland to Tualatin. The Steering Committee is expected to make a decision on line terminus and narrow alignments options in Central Barbur, Tigard and Tualatin in December. A mode decision (light rail or bus rapid transit) is anticipated in February. A final preferred package to move into the next stage in project development is anticipated in April/May 2016.
- **Tri-Met Local Service** - Tri-met has added into their budget the addition of a new line between Sherwood and Tualatin. They anticipate having serve start in June 2016. They are currently refining the exact alignment, including ending location in Sherwood, and stop locations. A work session was held on 11/3/15 and 12/1/15 with Council. Based on feedback received at the Council worksession, Tri-met will be planning service to go down Langer Farms Parkway and Century Drive rather than Baler and Langer Drive as originally planned. This will provide more service options to more residents. Once service has started, feedback will be important since Tri-met can make adjustments to the alignments. Staff will continue to coordinate with Tri-Met.

- **Cedar Creek Trail (Regional Flexible Fund grant)** – The engineering design work continues on the Oregon St-99W segment with the wetland delineation and the geotechnical work progressing, as well as the refinement of the trail design. We held an open house December 3, 2015 to provide citizens and residents along the trail corridor an opportunity to comment on the design and alignment. Approximately 20 people attended the open house. Staff provided an update to Sherwood Main Streets on November 19<sup>th</sup>.
- **Sherwood West Concept Planning (CET grant funded)** – 1,290 acre preliminary concept plan west of Elwert Road, north of Highway 99W, and south of Scholls-Sherwood Road. The preferred alternative will be presented to the Sherwood Planning Commission in a work session on December 8, 2015. The next steps include hearings before the Planning Commission and City Council which are tentatively scheduled for January 12, 2016 and February 2, 2016 respectively.
- **Washington County Transportation Study** – No new information for this report. Staff is continuing to actively monitor and participate in the study to evaluate the long-term transportation strategies and investments needed to sustain the county's economic health and quality of life in the coming decades. The study results will provide a better understanding of long-term transportation needs, tradeoffs between alternative transportation investments, and inform future choices and decisions.
- **Tannery Site Assessment (EPA grant funded)** – The City is doing an environmental site assessment on a portion of the former Frontier Leather Tannery site to help the City identify issues, risks and costs associated with acquiring the property from Washington County and potentially developing it. Field work to collect soil samples began on 11/2 and is expected to take a couple of weeks. Once the samples have been obtained, they will be tested in the lab over the next month. Additional field work is expected to occur in the Spring of 2016 followed by the second planned public meeting to discuss the preliminary assessment findings.
- **City of Sherwood Comprehensive Plan Update** – Staff is beginning to gear up for a multi-year effort to update the City's Comprehensive Plan. The last major update of the plan was in 1991 when the City's population was under 4,000 people. Council approved a resolution September 15, 2015 supporting the project and authorizing staff to seek state funding for the effort. Staff submitted a Technical Assistance grant request to DLCD on September 30<sup>th</sup> for \$66,500; however we learned last week that we did not receive the grant. Staff is continuing to work on finding other potential sources of funding for elements of the comprehensive plan update to offset general fund costs. Staff will be identifying how to break the project up into phases that will allow the project to move forward in a timely manner. The comprehensive plan update project is expected to take 2-3 years to fully complete due to the extensive community outreach and engagement required.
- **Tualatin-Sherwood Road widening project** – Staff met with County staff and representatives for the owners of the Haggen property (MGP) on October 16th. County staff reiterated that there is no option on the table that includes the light staying. County staff did express a willingness to continue exploring maintaining a left in, however they were skeptical that it would be able to work. The representative indicated they would speak to their client. The County has a meeting scheduled with representatives from MGP 12/8 and has invited Julia to attend. Staff will report back to Council how that meeting went. Meanwhile, progress is being made on the Tekfal property (Regal, Roses, KFC site) in reaching a settlement.
- **Industrial Uses** – In response to feedback from a number of brokers looking at potential development in the Tonquin Employment Area, we realized that we need to evaluate the industrial uses allowed in the Industrial Employment Zone. At this time, there are a very limited number and type of uses allowed in this zone, making it very difficult to market. Julia and Tom presented the issue to the Planning Commission and received support on the importance of taking on this project. Because the planning work program is already full with existing projects underway, Julia will be leading this project and has identified a very quick timeline. The hope is to have revised code language in place by June 2016. The focus will be on opening up the uses to allow more of what we want while ensuring the types of uses that would be incompatible continue to be prohibited.

## Other

- Street Tree Permits - 64 permits issued this calendar year.

- Pre-application Conferences- Below is a list of pre-application meetings held. If an application is submitted they will be taken off the list. In addition, if additional activity occurs (that staff knows of) this will be reported in this section as well.
  - Proposal to construct a 66,000 square foot flexible industrial building on Galbreath Drive, just west of the intersection with Cipole Road.
  - Sentinel storage expansion – proposal to do a two lot partition on the property fronting Langer Farms Parkway south of Century drive and do an expansion of the existing facility on 5.89 acres on the southern portion of the site.
  - Proposal for approximately 18-20 single family homes on Pacific Highway just west of SW Meinecke Road.
  - Sherwood Elks Lodge (22770 SW Elwert Road) held a meeting on June 8, 2015 to discuss various development options.
  - Proposal to construct 82 multi-family units behind Safari Sam’s on the property located at 16380 SW Langer Road (Preapp was held on July 14, 2015). Engineering is providing Traffic Impact Study (TIS) requirements and information on required infrastructure.
  - Sherwood Patel Hotel (21930/21970 SW Alexander Lane near the corner of SW Meinecke Pkwy and 99W) Proposal for a hotel with approximately 80 rooms and associated parking. Meeting was held on September 14, 2015. Engineering is providing Traffic Impact Study (TIS) requirements and information on required infrastructure.
- Planning staff is assisting City Administration in preparing land use applications for a new parking lot in Old Town as well as the proposed community gardens.

## Engineering:

### Capital (City or URA) projects

- **Columbia Street Water Quality Facility Phase 2** - Project construction has been completed. The improvements included a railroad undercrossing upgrade (bore pipe to replace undersized and poor condition existing culvert) and in-street mainline pipe upgrade (size increase for capacity) Craig Christensen is the project manager for the City.
- **Tonquin Employment Area Sanitary Sewer upgrade**-Project is generally complete, however there were some issues in one segment when the pipe bursting was done causing a “belly” in the pipe. The City is working to remedy pipe bursting issue. Additionally, the contractor defaulted on their contract and the City is trying to negotiate a resolution with the bonding company. The City Attorney is leading the negotiations efforts. Craig Christensen is the project manager.
- **Stormwater Master Plan Update and rate study** –Master plan update is in process. MSA contracted with to perform MP update. Project schedule spans two fiscal years (FY14/15 and Fy15/16). Once modeling process is complete, a full CIP project listing will be developed and estimated design/construction costs will be generated for use in SDC rate analysis. Bob Galati is the project manager
- **Sanitary Sewer Master Plan Update and rate study** – Master plan update is in process. MSA contracted with to perform MP update. Project schedule spans two fiscal years (FY14/15 and Fy15/16). Once modeling process is complete, a full CIP project listing will be developed and estimated design/construction costs will be generated for use in SDC rate analysis. Bob Galati is the project manager
- **Woodhaven Park Phase 2 (Design)** – Planning has approved the project. It is finishing design and will go out for bid in the near future. Project consists of development of planning approval process documents for park development, and full bid set containing design plans, specifications, and cost estimates. Kristen Switzer is project manager, with Bob Galati providing support and coordination with civil engineering firm (HHPR) performing design and planning approval, and project budget oversight.
- **Downtown Parking Lot Development** – Project consists of constructing public parking lot of City owned lots located on north side of 1<sup>st</sup> Street between Pine and Oak Streets. The project will require Land Use application and approval. Project scheduled to be complete by June 2016, however, it is

anticipated that the project design and construction will be completed within the current Fiscal Year 15/16. Survey for the project has been completed and engineering design for land use action is underway. Bob Galati is the project manager.

- **Downtown Streetscapes Monument Removal** – Project consists of removing concrete pylons located at the intersections of 1<sup>st</sup> Street with Pine, Washington and Main Streets. The first phase of the project is a feasibility study to determine the requirements and impacts associated with removal. The second phase will include design and construction of the pylon removal and replacement structures (if any). The first phase has been budgeted in the current Fiscal Year 15/16, phase 2 will be discussed further upon the completion of Phase 1. RFP for consultant services has been discussed. RFP was issued for public notice in the DJC on Tuesday, November 2<sup>nd</sup>. The City received two qualified engineering firm submittals. Review and grading of the submittals is currently underway. Jason Waters is the project manager.
- **Transportation SDC and Rate Study** – Project consists of performing an SDC and Rate study associated with the projects identified in the TSP and refined in the TSP Construction Cost Refinement Project. It is anticipated that this project will be completed within the current Fiscal Year 15/16. Consultant services were solicited and Council approved resolution authorizing City Manager to sign a contract with FCS Group. Notice to Proceed (NTP) has been issued. . Bob Galati is the project manager.
- **Langer Farms Parkway Pedestrian Crossing** – DKS was contracted to perform an analysis and provide a recommendation on whether a pedestrian crossing on Langer Farms Parkway between the Parkway Village site and the Target site was warranted and whether a safe crossing could be provided if warranted. The report has been prepared confirming it is warranted and recommendations made. Staff has identified potential funding options and will report to Council once a recommendation is finalized.

#### *Private Development:*

- McFall Subdivision – Subdivision is nearing completion pending submittal of Maintenance Bonds by developer. Private stormwater quality treatment systems will be installed with each individual lot and will not hinder sign-off on subdivision approval. Bob Galati is project manager.
- Cedar Creek PUD – D.R. Horton development of multi-family residential units on lot adjacent to Cedar Creek Condos and bounded by Cedar Brook Way street extension. Design review and approval completed. Construction in process. Craig Christensen is project manager.
- Main Street Subdivision – Single family residential development is under construction. Public improvements are being constructed prior to construction of buildings. Public improvements for the project have been completed. Craig Christensen is project manager.
- Roshun Village Development – Project public improvements have been completed. On-site building construction is underway. Craig Christensen is project manager.

#### *Other:*

- Right of Way permits: 47 ROW permits issued from 01/01/15 to date. \$6780 revenue generated from permits. 13 permits are currently active.
  - The engineering department is working closely with the DR Horton developers on Cedar Brook/Meinecke to facilitate their ability to construct necessary water line and other infrastructure improvements in Meinecke; however partial closures will be necessary. The City is requiring significant coordination with the School District and emergency service providers, advance notice to property owners and public notice via our traditional methods. After coordination and additional input from the School District, the construction schedule has been modified by breaking it up into two different phases. A shorter, 3 day closure of the westbound lane (off 99W onto Meinecke) will occur late October and will avoid closure during the morning drop off period. A longer closure will be needed to install a water line in the street but will be scheduled once the Cedar Brook extension is complete to Meinecke (which will allow for a shorter detour option) and for a

period when school is not in session. More information on the longer closure will be provided as that time approaches.

- Addressing: 68 new addresses issued this month
- Erosion control inspections: Staff has 7 active/open erosion control permits which require inspections weekly and monthly reports to Clean Water Services. 1 inactive sites requiring bi-weekly inspections. 15 active SFR and/or ground disturbing activity permits issued by Building Department.
- Traffic Control Management Planning: In response to numerous requests from residents CDD staff is in the process of developing guidance policy draft for future traffic calming requests. This will be an on-going discussion and no formal action will be taken until conversations with Council are held.
  - Request for speed and noise reduction along Langer Drive from resident on Holland Drive. Suggesting installation of stop signs along Langer Drive to control speed and traffic volume. PD notified of complaint. Engineering and PD contacted resident to discuss issue and possible resolutions (if any). City Manager issued statement maintaining current City policy and relying on PD traffic enforcement to modify drivers speeding habits along Langer Drive collector road
- Kruger/Elwert Intersection Improvements – The County will begin design of the intersection improvement (which includes a roundabout on the City owned property). An IGA with Washington County has been signed by City Manager. The 30% design level work by County has begun. It is anticipated that a 30% design will be complete within 1 year and then will be put on standby until 2018. If development is planned prior to 2018 which necessitates its construction sooner, the County will be able to move up the timeline. Resolution for authorizing City Manager signature on IGA with County being presented at November 17<sup>th</sup>.
- CWS MS4 NPDES – Clean Water Services (CWS) is currently in the process of updating their Municipal Separate Storm Sewer Systems (MS4) Nation Pollution Discharge Elimination System (NPDES) permit which will include new EPA requirements that City’s will need to incorporate into engineering and development standards. The impacts to the City of Sherwood’s engineering and development standards appear to be relatively small as the City’s stormwater facilities and natural drainage ways are in good condition. One item that will impact the City and development within the City is the hydro-modification requirement (detention on-site to mitigate stream corridor impacts such as erosion). This item is currently being discussed in depth by CWS with EPA as other municipalities within the CWS service area may be impacted to a larger extent which would result in jurisdictions like Sherwood to mitigate more than actually necessary.

CWS has submitted a draft of the permit to EPA for initial review and discussion. It is anticipated that CWS will be obtaining their permit within the next 6-months. Implementation of the conditions of the Phase I Permit will occur over an estimated 5-year timeline, with full implementation occurring in year 5.

## Building:

### Permits issued and under construction

- Grading permit for new DR Horton sub-division (Cedar Brook) Engineering approved for construction
- Sherwood industrial Park-New Building #3-14944 SW Century Dr- Tilt-up panels up
- Sherwood industrial Park-New Building #4-15028 SW Century Dr- Tilt-up panels up
- Northstar office addition-14200 SW Tualatin/Sherwood Rd - Completed
- JB Insulation Office Addition-14175 SW Galbreath-Waiting for final inspection
- Old Spaghetti Factory – 21192 SW Langer Farms-Slab-on-grade - Framing
- Schmizza Public House Tenant improvement-15982 SW Tual/sher Rd. – Completed
- NW Natural Office Tenant improvement-20285 SW Cipole - Framing
- Koba Grill Tenant Improvement-21370 SW Langer Farms - Framing
- Roshun Village Apartments BLD C-Foundation Poured - Framing
- 11 Single Family Homes Issued and/or in construction
- 12 Structural Residential Additions/Remodels/Misc.
- Multiple plumbing/mechanical/misc. permits issued

- Roshun Village Apartments BLD B-Frame
- Roshun Village BLD A-Foundation
- Artizan Salon T/I-21430 SW Langer Farms Pkwy #152-Issued

#### Permits in review

- 22 Single Family Home in review, 2 other ready to issue.
- Baja Fresh Mexican Grill T/I-16002 SW Tual/Sher Rd.
- Screen Magic-(screen printing)-21655 SW Pacific Hwy (The abandoned tractor rental bld)
- Darryl's Ice Cream T/I (Production, not retail)-14889 SW Tual/Sher Rd.

**Sherwood Public Library**  
**Monthly Management Report**  
**November 2015**



Submitted by: Adrienne Doman Calkins, Library Manager

**Contents:**

- 1) Statistics
- 2) Programs & Activities
- 3) Service Stories

*The biggest news for November is **the levy for countywide library services passed with 64% yes votes (59% in Sherwood)**. Funding for the next five years will increase to help meet the needs of our growing communities.*

**Statistics**

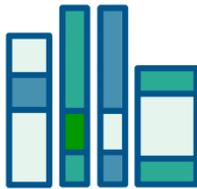
Monthly Circulation	Last month	This month	This month last year	% Change from same month last year	% Change from last month
Total check outs	30,067	<b>29,322</b>	29,252	0.2%	-2.5%
Physical check outs & renewals	28,506	<b>27,630</b>	27,925	-1%	-3.1%
Self-checkouts only	7,489	<b>7,511</b>	6,797	11%	0.3%
% @ self-check	26%	<b>27%</b>	24%	12%	3.5%
Digital checkouts (Library2Go)	1,143	<b>1,210</b>	1,124	8%	5.9%
Digital checkouts (3M)	418	<b>482</b>	203	137%	15.3%
Total digital checkouts	1,561	<b>1,692</b>	1,327	28%	8.4%
% of total checkouts	5.2%	<b>5.8%</b>	4.5%	27.2%	11%
Check ins	19,787	<b>19,667</b>	20,495	-4.0%	-0.6%
Checkouts per capita	1.3	<b>1.3</b>	1.3	-1.2%	-2.5%
Checkouts per card holder	2.5	<b>2.5</b>	2.4	1.7%	-1.1%
FTE	10.08	<b>10.08</b>	8.53	18.2%	0.0%
Checkouts per FTE	2,983	<b>2,909</b>	3,429	-15.2%	-2.5%

*A quarter of our nearly 12,000 patrons used their library card this month—whether to checkout a book, use an internet station, download an e-book, use a database, or more.*

Monthly Patrons	Last month	This month	This month last year	% Change from same month last year	% Change from last month
New library cards	97	<b>98</b>	95	3%	1%
Total registered users	11,787	<b>11,885</b>	12,057	-1%	1%
Active this month	2,902	<b>2,810</b>	472	495%	-3%
% of patrons active this month	25%	<b>24%</b>	4%	504%	-4%

NOTE: Database purge and patron activity algorithm update February, 2015.

Collection Development	Last month	This month	This month last year	% Change from last year	% of budget available	% of ordering window for FY left
Count of items added	424	568	337	69%	59.7%	55%
Count of items withdrawn (including periodicals)	385	705	203	247%		
Total collection size	48,511	48,556	49,439	-2%		



*Librarians have been evaluating the condition, accuracy, relevance and interest level in the library collection to freshen it up and make room for new material. Withdrawing material is an ongoing process in libraries, but we have been giving it more attention than usual to catch up with current expectations.*

Volunteers	November	Equivalent FTE	# of volunteers
Checkin (returns)	62.5	0.36	13
Checkin (tasket processing & holds)	48.25	0.28	8
Requests to fill	39.75	0.23	6
Homework Helper	14	0.08	2
Shelving	10	0.06	3
Teen LAB	8.6	0.05	6
Clerical/office asst	8	0.05	1
Bulletin Board	5	0.03	1
Publicity Courier	3.5	0.02	1
Youth Services Assistant	2.75	0.02	1
Adopt-a-shelf	2	0.01	1
<b>Grand Total</b>	<b>204.35</b>	<b>1.18</b>	<b>41</b>
Last month	231.50	1.34	35
% change	-13%	-13%	15%



*The Library had over 24,000 visits in November—a 32% increase compared to the same month last year.*

Visits last month	This month	% Change from last month	Visits this month last year	% Change from last year	Open hours this month	Open days	Visits per hour	Visits per day	Avg physical checkouts & renewals per hour
19,960	24,070	20.6%	18,277	32%	210	30	115	802	132

Social media	This month	Last month	% change
Facebook	631	596	6%
Twitter	188	180	4%
Instagram	110	106	4%
NOTE: social media started 5/2014			



## Programs & Activities

Programs & outreach	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15
# of Adult Programs	3	3	8	7	<b>8</b>
# of Teen Programs	1	-	1	4	<b>4</b>
# of Youth Programs	31	34	30	41	<b>31</b>
<i>School-aged</i>	21	22	9	24	<b>18</b>
<i>Storytimes</i>	24	20	23	23	<b>19</b>
# of Programs for All Ages	12	5	1	5	<b>1</b>
TOTAL # of Programs	47	42	40	58	<b>44</b>
Program participation	7,025	1,792	1,032	2,361	<b>1,211</b>
Program participation per FTE	697	178	102	234	<b>120</b>
Program participation per capita	0.31	0.08	0.05	0.11	<b>0.05</b>
<i>Program participation: adult programs</i>	319	311	61	86	<b>164</b>
<i>Program participation: teen programs</i>	10	-	4	59	<b>45</b>
<i>Program participation: youth programs</i>	2,369	1,111	890	1,201	<b>921</b>
<i>Program participation: all age programs</i>	4,327	370	77	1,057	<b>108</b>
<i>Program participation: school-aged</i>	4,407	1,078	126	1,281	<b>345</b>
<i>Program participation: storytimes</i>	909	714	845	963	<b>715</b>

### All Ages

- International Games Day—108 participants

### Youth & Family Programs:

- Busy Builders—47 participants
- Homework Help—12 participants (6 sessions)
- Paperback Pals—3 participants
- Read to the dogs—10 participants (2 sessions)
- Squish, Mush & Play—59 participants
- Storytimes
  - Saturday Family Storytime: Fancy Shawl Dance -- 15 participants
  - Toddler Storytimes, Tuesdays & Wednesdays: 387 participants (7 storytimes)
  - Preschool Storytimes, Tuesdays & Wednesdays: 243 participants (7 storytimes)
  - Baby Time: 70 participants (4 storytimes)

**Adult & Teen Ages Programs:**

- Census Data for Community Analysis—14 participants
- Basics of Going Solar—21 participants
- Writing Workshop—17 participants (2 sessions)
- Infant Toddler Mental Health—40 participants
- Thanksgiving Tales by Ken Iverson—15 participants
- TeenLAB kick-off—4 participants
- Fiction Friends—6 participants
- Teen Movie Night—8 participants
- DIY Craftshop: Glitter Houses—27 participants

**Outreach & Presentations:**

- Veteran's Day Celebration—30 participants
- Hopkins Reading Night—75 participants (estimate)
- Helping Hands, share library fliers

**Other Activities:**

- Recruitments: Hired Christie Surprise-Tolj, Library Assistant; Marcy Sherfey, Library Assistant (On-Call), Jessica Otto and Stephanie June, Library Pages; Catherine Goetz, Library Page (On-Call). We still have two on-call Library Assistant positions vacant, which we will work on filling in the New Year.
- New Library Advisory Board member: Joyce Venjohn
- Displays: Staff Picks, Thanksgiving, Dogs, Veterans, International Games Day
- Washington County Cooperative Library Services Meeting attendance:
  - Adult Services (Pinn Crawford)
  - CircUs (Jenny Swanson)
  - Art of the Story Luncheon (Jenny)
  - Executive Board (Adrienne)
  - Policy Group (Adrienne)
  - Youth Services (Jaime Thoreson)
  - WACQO (Acquisitions) (Mary Madland)
- Other meetings:
  - Main Street meeting (Adrienne)
  - Library staff meeting (all)
  - Information Services (Adrienne, Jenny, Pinn, Crystal, Jaime)
  - Sherwood Early Learning Team (Jaime)
  - City Council, publicly thanked Council and the public for supporting Washington County libraries (Adrienne)
- Staff trainings:
  - New volunteer

## Service Stories

*I was refilling the documentary display and a patron who was browsing the titles up top asked who had done the display. I told him that I created and refilled it as a way to make some space & promote the collection since it was so hidden. We talked for a moment about several favorite titles that he had found up top and why they caught his eye. Before walking away with a few titles to checkout he said "I hope you keep it up. It's really great."—Submitted by Jenny Swanson, Public Services Supervising Librarian*

*You are doing such a great job with programming!—Wendy Wells, Sherwood Rotary*

*We loved it! Thank you for doing this!--Becky Sander after attending DIY Craftshop: Glitter Houses*

*I love sharing this service story from one of our Fiction Friends, the book group for 6-8th graders, members. This month's book is sooooo cool that it is being passed from middle schooler to middle schooler and becoming known as "the best book ever" at Laurel Ridge Middle School. Big thanks to Jaime Thoreson for bringing this program to Sherwood, and to our Library Advisory Board Chair, Chrissie, and her daughter for sharing this story with me. The book is Keeper of the Lost Cities, by Shannon Messenger.—Submitted by Adrienne Doman Calkins, Library Manager*