

**From:** [Jim Rose](#)  
**To:** [Eric Rutledge](#)  
**Subject:** Re: Cedar Creek Garden Trail Comment  
**Date:** Tuesday, June 14, 2022 11:57:37 AM  
**Attachments:** [image001.png](#)

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Hi Eric,

Thank you for the opportunity to comment on the proposed Cedar Creek Gardens. The school district typically doesn't comment on proposed developments because we serve all students that live inside our district boundaries. In this case though the district is interested in how the future developments on Brookman Road are built and, more importantly, connected to existing neighborhoods. The District would like to see multiple walking paths connect the Cedar Creek Gardens development areas east of Cedar Creek to the existing neighborhood to the north. That neighborhood includes Red Fern and Shady Grove Drives. Connecting the two developments with walking paths will allow the district the opportunity to make the new developments walking zones for Archer Glen Elementary. Without the connection the school district will likely be required to bus those students at a considerable annual cost.

Thank you. Please let me know if you have any questions.

Jim



On Fri, Jun 10, 2022 at 9:06 AM Eric Rutledge <[RutledgeE@sherwoodoregon.gov](mailto:RutledgeE@sherwoodoregon.gov)> wrote:

Hi Jim,

Got your VM last week regarding the proposed trail. The existing trail behind the homes on Redfearn Ln. will be extended as far as possible to the south through the development property. When the remaining properties in the area develop, they will be required to continue the trail through their property.

The trail will likely be provided whether or not you provide comment, but it would still be great to have you comment from a school route perspective. This will allow the Hearings Officer to understand how the trail will actually be used.

You can send any comments on the application directly to me via email. Recommended comment deadline is Friday 6/24.

Thanks!

Eric Rutledge

City of Sherwood

Associate Planner

[rutledgee@sherwoodoregon.gov](mailto:rutledgee@sherwoodoregon.gov)

Desk 503.625.4242

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**From:** [lorijkaylor@gmail.com](mailto:lorijkaylor@gmail.com)  
**To:** [Planning Mailbox](#)  
**Subject:** LU 2021-023 sub cedar creek gardens  
**Date:** Thursday, June 30, 2022 12:06:01 PM

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Hello,

I am concerned about this development's removal of trees to accommodate 3 homes.

I seem to be having trouble opening your website to view more details. I know there is a meeting tonight and I can't attend, but I do care about this and don't want the trees removed or the road put through onto Redfern. The road going through will put additional traffic into that neighborhood and put more stress on the intersection of Redfern and sunset. It is difficult to pull out of there now.

Lori Kaylor

**From:** [Varunee Buerkle](#)  
**To:** [Planning Mailbox](#)  
**Subject:** LU 2021-923 SUB  
**Date:** Thursday, June 30, 2022 6:39:30 PM

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HI : Planning Deapartment::

This is Varunee Buerkle like to provide testimony of NO for SW Brookman Road project.

It is impact city Of Sherwood resources which are limited and expensives.

Delayed for 6 to 12 years,I also think, it is too big for Sherwood.

Thank you,

Varunee **Buerkle**  
23765c SW Redfern Drive  
Sherwood, OR. 97140.

**From:** [dave.sweeney](#)  
**To:** [Eric Rutledge](#)  
**Subject:** Red Fern trees application info...  
**Date:** Tuesday, July 5, 2022 6:21:03 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Trees recommended for removal in the flagpole section .pdf](#)

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Hey Eric,

Here are a few items I think should be looked at before the City approves the Cedar Creek Gardens developer's application. Some of these are the same things I discussed at our meeting on 6-24-22. There are others but I'm saving those for the hearing.

If you wish, you may include the First & Second parts of this letter in your report. Please do not include the Third part in your report.

**First**, regardless of what happens to the Red Fern trees, the City should **vigorously object** to the building of ANY "community trail" in the Flagpole section of Cedar Creek Gardens for the following reasons!

**Instead, I would strongly recommend getting the "right-of-way" (or an easement) for a trail but not allow the building of any trail for the following reasons.**

-One, at this time, the land South of the flagpole section has not been annexed to the City.

-Two, the land is still privately owned and the owners (the Gregory's) have no intention of selling to a developer. They would much rather the City purchase their land and preserve it as a natural park/nature preserve/environmental learning center for the use of the entire community.

-Three, even if the land were to be developed there is no indication (much less guarantee) that the next developer would connect to the "flagpole" trail. **No trail should be built of the flagpole lot before there is a final plan for the use of the land south of the flagpole.** Don't get me wrong, I love Sherwood's trail system but to slap down a strip of asphalt just so a developer can check off a box that says, "I put a trail there", is highly irresponsible.

**-Fourth and most important**, extending the "flagpole" trail another 60-80' (south) would run it smack dab into the vegetative corridor (VC) and wetland boundaries. And THAT would

prohibit any further extension of the trail. The developer would end up destroying a section of useable forest open space for the sake of 720 (UNuseable) square feet of asphalt. Quite literally, a trail to nowhere with nowhere to go. (see graphic #1).

**Second**, in conjunction with the discussion of trails in Cedar Creek Gardens, the developer should be required to follow the Sherwood Trail Standards, he is not.

In the 2014 Sherwood Transportation System Plan, page 55, Figure 16F, it shows that the “Feeder Trails” in Sherwood are to be 8-10 feet wide while the “Primary Trails are to be 12’ wide. (See graphic #2).

Most of the trails in Sherwood are “Feeder Trails”. Most of the trails in Sherwood are that 8-10’ wide.

- the Arbor Lane Trail is 9’ wide
- the Woodhaven trails are 9’10’ wide
- the trails in Stella Olsen Park are from 8 to 10’ wide with the exception of the big bridge South of the stage (to the left as you look at the stage). That bridge is 12’ wide but then the path on either side tapers to 8-9’. The bridge that connects the playground section to the stage area section is 8’ wide while the path under the road is 9’ wide.
- the trail that parallels highway 99 from the new Cedar Creek bridge is (mostly) 9’ wide.
- even the newest trail at The Reserve at Cedar Creek, the development right next to Cedar Creek Gardens is 9’ wide.

-The only trail that is 12’ feet wide is the new Cedar Creek Trail that leads from Stella Olsen Park to highway 99. THAT trail IS 12’ wide. But that trail serves the entire community and would certainly be considered a “Primary Trail”.

And here’s the rub...all of the trails in Cedar Creek Gardens are 12 feet wide.

There’s no way any trail serving 39 houses should be considered a “Primary” trail. They are (most obviously) Feeder Trails and should be 8-10 feet wide as are the vast majority of neighborhood trails in Sherwood.

Having 12’ wide trails in the Cedar Creek Gardens subdivision is simply wrong!  
It’s a violation of the Sherwood Trail Standards and should not be allowed to happen!

**Third**, I have to...we ALL have to abide by the City Codes of Sherwood. I can’t put up a billboard on my front lawn, and Westwood Homes can’t chop down those Red Fern trees IF the City exercises its authority in the Code and “Requires those trees to Be Retained”.

Well, you say the City doesn't have that authority.

Yes...yes it does!

City code: **16.142.070 - Trees on Property Subject to Certain Land Use Applications.**

The VERY FIRST item in this section of the code, **16.142.070.A**, under the heading of:

"General" is the following:

***"The purpose of this Section is to establish processes and standards which will minimize the cutting or destruction of trees and woodlands within the City."***

The PRIMARY PURPOSE of this section of the Code is to "minimize the cutting or destruction of trees"

The entire section A states this:

*"The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time."*

The City HAS the authority, YOU, as a representative of the City, have the authority to preserve those trees if you chose to exercises it!

In section **16.142.070.D.4** of the Code it states:

*"The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained."*

Section **16.142.070.D.4.e** of the code states that, along with a number of other reasons to retain certain trees, that they

*"otherwise merit retention because of unusual size, size of the tree stand, historic association, habitat or wildlife preservation, or some combination as determined by the City."*

What does the developer say in response to those?

On page #87 of the developer's Written Narrative, concerning "unusual size"

the developer says...nothing.

Concerning “the size of the tree stand” the developer says...nothing.

He does argue that there is no historic association, and that there is plenty of wildlife habitat in the open space he is required to preserve but he can’t argue against “unusual size” because his own Tree Plan documents many trees of just that...“unusual size”.

Further, in that same section of Code **16.142.070.C.3.c** (under Definitions), the City Code defines “large stature” trees as:

*“A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.”*

My point here is that there are many “large stature” trees of “unusual size” both within the boundaries of the flagpole and “off-site” of the flagpole section. While the “off-site” trees should definitely be retained, a strong case can be made to retain those trees of “unusual size” within the flagpole. (see attached document: “Trees recommended for removal in the flagpole that should not be removed”.)

In another section of the Code, **16.142.080.A, Trees on Private Property — not subject to a land use action** (under Generally) it states:

*“In general, existing mature trees on private property shall be retained unless determined to be a hazard to life or property. For the purposes of this section only, existing mature trees shall be considered any deciduous tree greater than ten (10) inches diameter at the breast height (dbh) or any coniferous tree greater than twenty (20) inches dbh.”*

Again, the Code (City) stresses, right from the beginning, it’s strong desire to preserve as many trees as possible.

In summary here, all of the Red Fern trees in the light green box (graphic #4) should be retained with the exception of #6586, an 8” DBH Doug Fir that is dead.

The two large, Dougs at the top left corner of that green box (#6602 & 6603) are to the left of the purple tree protection fence and should be protected as all the other trees to the left of that tree protection fence are. There’s no reason to remove those trees. The developer doesn’t need those trees, he’s got 702 trees scheduled for removal. Leaving a few scraps for the peasants won’t hurt him in the least. As for the trees in that graphic to the right of the tree protection fence, although there are several quite large Dougs, most of those are trees are relatively insignificant to the developer. He’s not gonna miss those either but they do enhance the open space to the left of the fence. Why remove them? Don’t strip the area. and lastly, tree #6560 is a very large Doug that is just inside the boundary of lot #40. Again, no reason to



take it down as it will be in the back corner of the lot. Leave it for the aesthetics of the area.

As for the Brookman side trees, those five trees in the light green box are clearly in the open space, Vegetative Corridor area and the purple tree protection fence has been adjusted to exclude those trees from protection. Come on, seriously, he's gonna chop those five down? He's taking close to 700 other trees, he doesn't need those! Plus, they're in the damn protection zone.

So, has anybody talked to this guy, tried to reason with him? Rather than get in a (metaphorical) brawl with him, make some attempts to compromise on some things?

OK, I think I'm done...for now. :-)

Thanks,

Dave

## Trees recommended for removal in flagpole that *Should NOT* be removed

### Trees in Open Space H:

Common Name	DBH	Condition	Comments
-9221.....Doug Fir	28" DBH	Good	Unbalanced
-9223.....Doug Fir	17" DBH	Good	
-9224.....Western Hemlock	42" DBH	Good	

Trees 9221, 9223, 9224 are *all within the boundary of Tract H Open Space*, Eastern end of the flagpole, abutting Brookman Rd. There are actually 5 trees in a North-South line, on the East edge of the flagpole, that are marked for removal but only three have been given a number. Two others are marked for removal but not identified. *They are all part of Open Space H, they are all part of the vegetative corridor. And yet, the purple protective tree fence has been placed just slightly to the West of these five trees to exclude them from the protective area! They should not be removed.*

-8339.....Doug Fir                      40" DBH    Good

Tree #8339 straddles the property line and belongs, in part, to the land owner to the North. It is a tree of "unusual size" tree and a "large stature" tree according to the Sherwood Code (16.142.070.3.C.). *It should not be removed.*

-8252.....Doug Fir                      18" DBH    Good    Unbalanced, on lot # 34 Arbor Lane

While tree # 8252 is clearly on the Arbor Lane, homeowners property (it is listed as "offsite" on the developers Tree Plan), it is nonetheless, recommended for removal in the footnote #3, on page three of the developers Tree Plan part of the application. *It should not be removed.*

-8320.....Big Leaf Maple              16" DBH    Good

North (top) of Open Space H near driveway and within the Vegetative Corridor. *It should not be removed.*

-8271.....Doug Fir                      32" DBH    Good    Sweeping Trunk

Just outside the Western edge of Open Space H. It is a tree of “unusual size” and considered a “large stature” tree by the Sherwood Code (see above). It *could easily be retained*.

## Trees at the end of Red Fern:

-6616.....Western Red Cedar      49” DBH      Good      Marked RETAIN!!!

Tree #6616 is on the North side of the Arbor Lane path and **not part of the flagpole area at all**. While it is clearly part of Arbor Lane subdivision (and is clearly marked retain of the developers Tree Plan list of trees) it nonetheless is found in footnote #3, on page three of the developers Tree Plan part of the application, as recommended for removal.

*This tree, above all others, SHOULD NOT BE REMOVED!*

-6602.....Doug Fir      16,29” DBH      Good      Codominant leaders

-6603.....Doug Fir      37” DBH      Good

Both trees # 6602 & 6603 (at the South end of Red Fern) are on the “save” side of, or West of the purple *tree protection fence*. Both trees are of “unusual size” and considered “large stature” trees by the Sherwood Code (see above). *They should not be removed.*

-6565.....Doug Fir      34” DBH      Good

-6571.....Doug Fir      35” DBH      Good

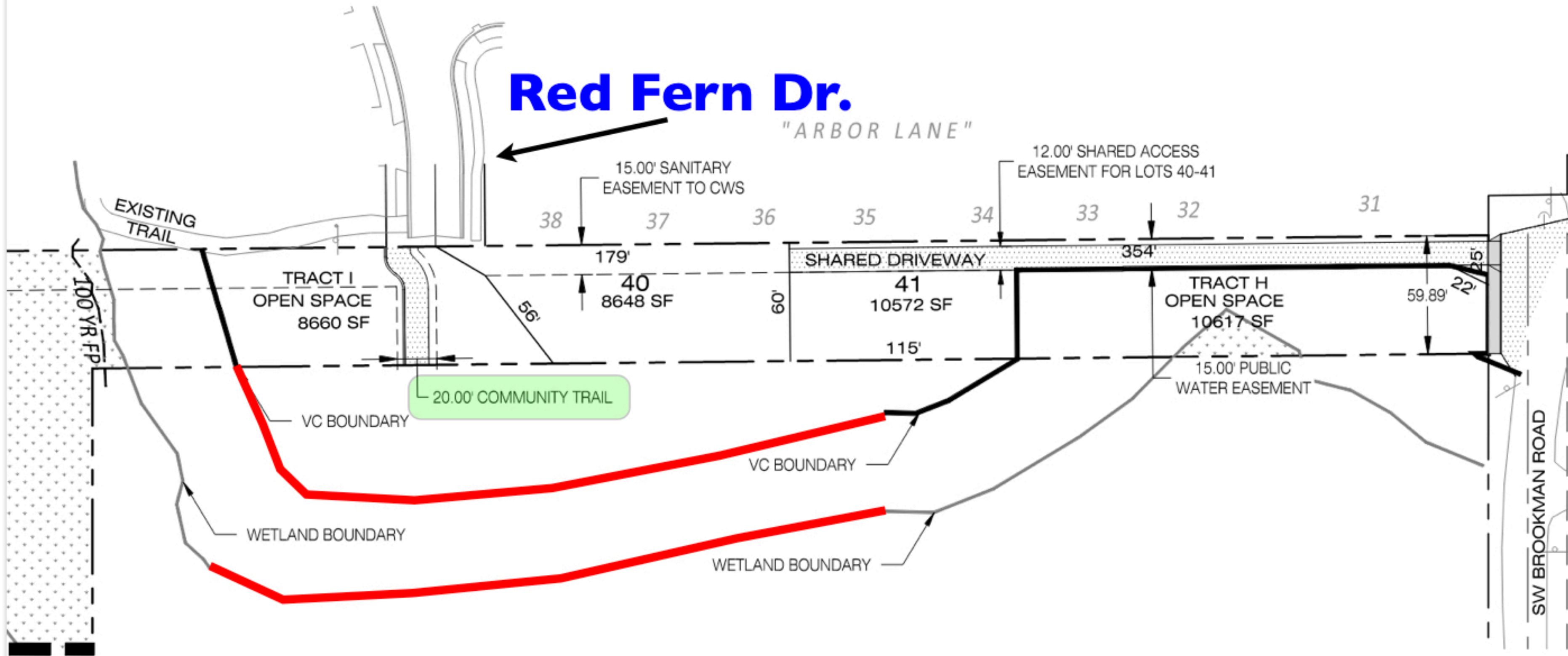
Both trees #6565 & #6571 are of “unusual size” and considered “large stature” trees by the Sherwood Code (see above). *They should not be removed.*

-6560.....Doug Fir      37” DBH      Good

This tree is within the boundaries of lot #40 but on the edge of the lot and not near the house site. *It should not be removed.*

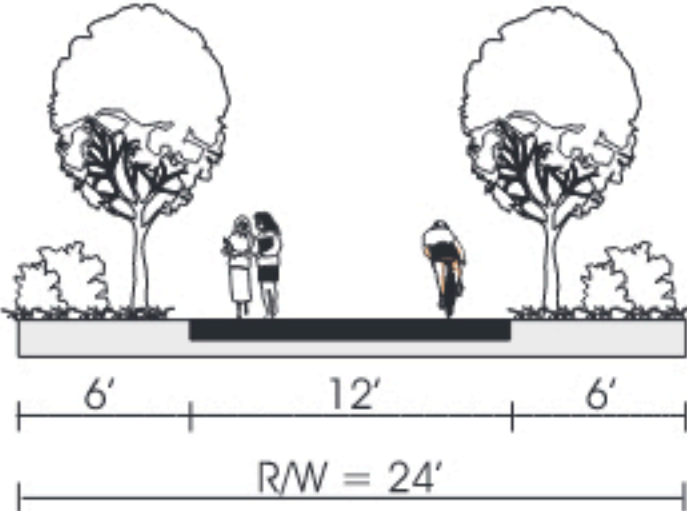
# Red Fern Dr.

"ARBOR LANE"

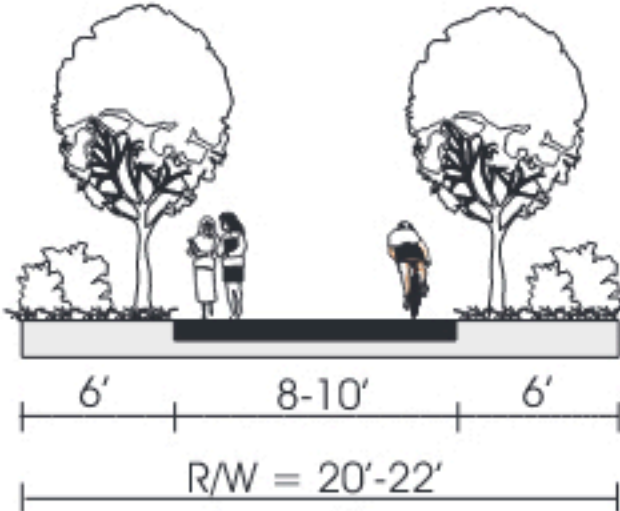




# Primary Trail



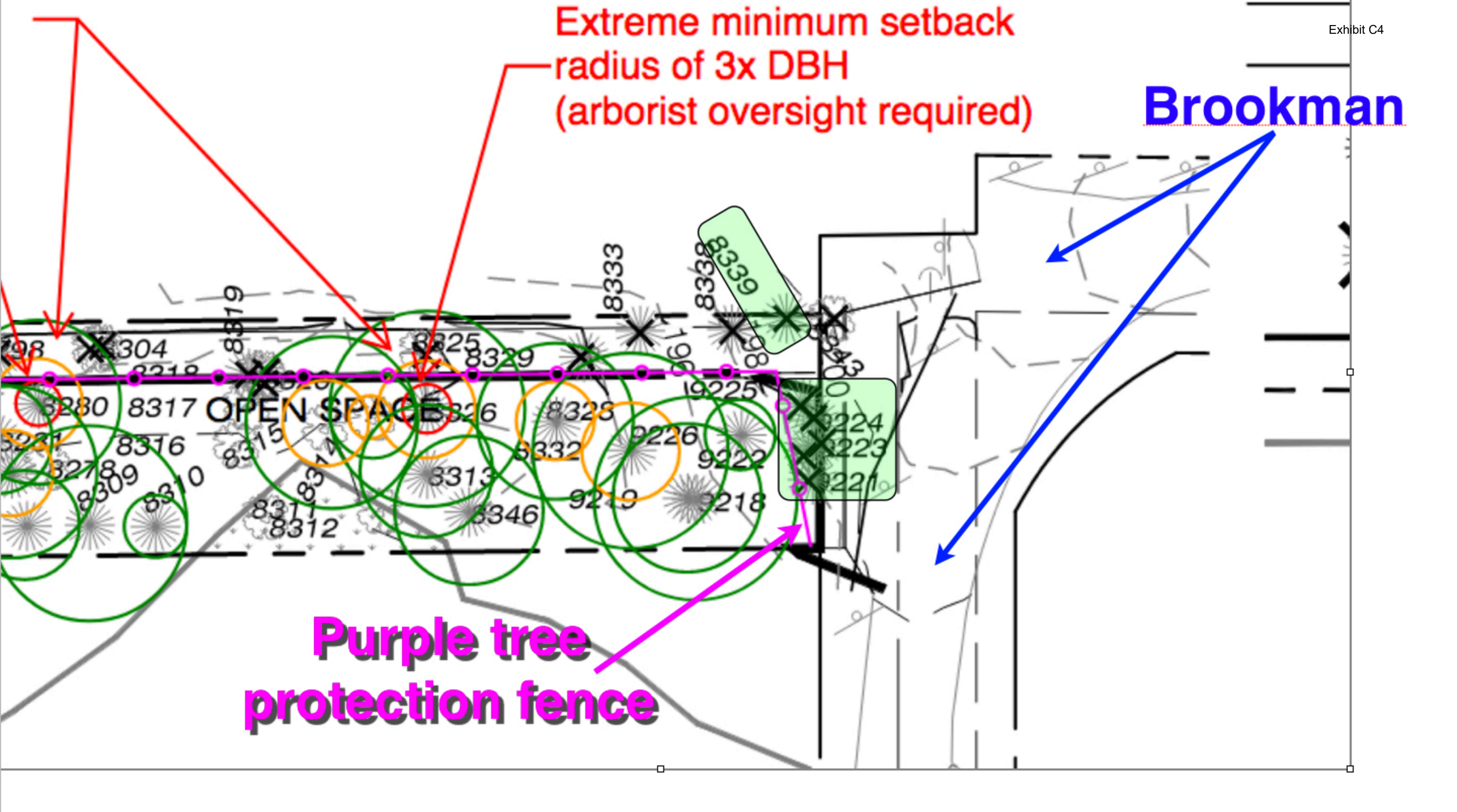
# Feeder Trail



**Figure 16F**  
**TRAIL STANDARDS**  
**SHERWOOD**  
**CROSS SECTIONS**

Extreme minimum setback  
radius of 3x DBH  
(arborist oversight required)

Brookman



Purple tree  
protection fence