



*Home of the Tualatin River National Wildlife Refuge*

**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**February 7, 2023**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Taylor Giles, Renee Brouse, and Dan Standke. Councilor Doug Scott was absent.
3. **STAFF PRESENT:** City Manager Keith D. Campbell, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Economic Development Manager Bruce Coleman, HR Manager Lydia McEvoy, Police Chief Ty Hanlon, Finance Director David Bodway, City Attorney Ryan Adams, Community Development Director Eric Rutledge, IT Systems Analyst Mark Swanson, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.
4. **TOPICS:**

**A. ARPA Funds Discussion**

Finance Director David Bodway presented the "American Rescue Plan Act (ARPA)" PowerPoint presentation (see record, Exhibit A) and reported that it was signed into law by President Biden on March 11, 2021 and explained that it allocated \$1.9 trillion to COVID-19 relief and economy recovery. He reported that Sherwood had received \$4,415,423 in ARPA funds and commented that the figure had grown slightly since the funds earned interest. He outlined that ARPA funds were required to be obligated by December 31, 2024 and cities had until December 31, 2026 to complete projects or spend the funds. He stated that April 30, 2023 was the next federal reporting deadline the city had to comply with. Mr. Bodway recommended that the city transfer the ARPA funds from the Grant Fund to the General Fund and explained that by doing so, the funds would be recorded into the Police Department budget as payroll was an eligible use of ARPA funds. He explained that by doing this, it made it easier to comply with federal compliance requirements and commented that external city auditors had approved of this practice, as other cities in Oregon had also spent ARPA funds this way. He provided an overview of the benefits of his recommendation and stated that the Police Department was funded entirely by the General Fund, and by using the ARPA funds to pay for payroll, it made over \$4.4 million in unrestricted funds available that would normally have been used to fund the Police Department. He explained that his recommendation satisfied federal reporting requirements, significantly reduced risk to the city, eliminated spending deadlines, and offered more flexibility in how additional unrestricted funds could be spent. Mr. Bodway recapped next steps and explained that he would prepare a supplemental budget before April 30, 2023, which would be presented to Council for approval. He continued that at a resolution committing the newly freed up funds would be presented at that same meeting. He explained



that he recommended that Council commit the funds because committed funds were not included in the five-year forecast and were not considered to be available funds when discussing the General Fund. Councilor Young commented that once the ARPA funds were transferred to the General Fund, they should be referred to as something other than "ARPA" dollars and asked once the ARPA money was transferred to the General Fund, would it be easy to tell that those funds were already committed? Finance Director Bodway replied that once transferred, the funds could be added to the Reserved for Future Years. Council President Mays commented that the city was obligated to make a one-time payment to organized groups and asked Finance Director Bodway what that total was? Finance Director Bodway replied that it was roughly \$250,000. He recapped the remaining reasons why he recommended committing the funds as: Council had the authority to commit funds, committing funds placed specific constraints on how resources could be used, and Council could modify or rescind commitment at any time via a resolution. Council President Mays stated that he was supportive of the concept and commented that he wanted to create a label for the fund after the obligated \$250,000 was paid. He suggested "City Investment Fund" and explained that the fund was for the future investment in things like real property acquisition for capital improvements. He commented that future conversations would be needed regarding how to invest that money and explained that the funds would have limitations on what they could be spent on. Finance Director Bodway replied that he would look into different fund structures outside the General Fund and explained that he would need to bring a supplemental budget resolution to Council to create a new fund. He stated that it would need to be a part of the budgeting process and could be completed in June. Council President Mays replied that transferring the money to the General Fund was the priority, then at a future date, legislation could be passed to create the fund and Council could then transfer the funds out of the General Fund into the newly created fund. Councilor Giles commented he could not come up with a reason not to follow Finance Director Bodway's recommendation of transferring the ARPA funds into the General Fund and discussion regarding educating the public on what the new fund was going to be used for occurred. Mayor Rosener commented that transferring the ARPA funds to the General Fund would provide Council with more resources on how to best evaluate and fund future projects and stated he was in favor of following Finance Director Bodway's recommendation. Councilor Standke asked what the federal government's original intent was for ARPA funds? Mr. Bodway explained that it was originally intended to provide relief for cities to replace lost revenue due to the pandemic and discussion regarding the impacts of the pandemic and ARPA funds on neighboring cities occurred. Councilor Brouse stated that she was in favor of following the recommendation and said that she wanted to have more conversations about what to spend the money on, specifically she wanted to make sure that the funds were not limited to use for projects or infrastructure. Mayor Rosener commented that he also wanted to have additional conversations about what the funds could be used for and voiced that Council had to be careful with how the money was spent because this was "one-time money."

## **B. Transient Lodging Tax**

Councilor Brouse recused herself from the discussion citing a conflict of interest. Finance Director David Bodway presented the "Transient Lodging Tax (TLT)" PowerPoint presentation (see record, Exhibit B) and cautioned that discussion of the usage of the funds should focus on the budget for future years. He reported that by June 30, 2023, there would be a conservative estimated fund balance of \$350,000 and the city anticipated \$150,000 in collections for FY 23-24. Mr. Bodway explained that per ORS 320.350, 70% of the net revenue had to be used to fund tourism promotion or tourism-related facilities, or the financing or refinancing of the debt of tourism-related facilities. He continued that the remaining 30% of the net revenue was unrestricted and could be used to fund city services. He provided an overview of the possible uses of the TLT revenue for the city-supported special events, tourism-related facilities, parks maintenance, and capital projects related to tourism on page 4 of the presentation. He outlined that TLT funds could be used on the Robin Hood Festival, Cruisin' Sherwood, Music on the Green, Movies in the



Park, the Sherwood Center for the Arts operations, public art, parks maintenance, park amenities that benefitted tourists visiting Sherwood, and trail projects. He explained that the remaining 30% of the net revenue could be put towards General Fund Operations. Mr. Bodway advised that ensuring that third parties complied with state statutes that restricted the use of TLT revenue was the risk of passing on revenue to third parties. Discussion regarding what constituted tourism and if public art promoted tourism occurred and Councilor Young commented that people visited cities to view their public art and referred to the murals in North Plains. Council President Mays explained that the City of Pendleton used their unrestricted 30% to fund their public art program. Mayor Rosener commented that Council could put the money into a "Economic Development/Tourism" fund, which would then make the funds unrestricted, allowing the city to give funding to a community organization if they chose to. Council President Mays stated that the unrestricted 30% could go to the General Fund. Of the 70%, 33% could go into a Public Art Fund and 66% could go to the Arts Center operations and create a community development/community tourism fund. He continued that that fund could then be a sponsor of some city events/festivals. He asked that Economic Development Manager Bruce Coleman to produce a report with examples of what other communities did to support tourism and economic development. Councilor Giles commented that the city could use the funds to help local businesses improve their visibility/advertise their businesses. Council President Mays commented that Council could change their mind at any time about what to spend the funds on as Council had the authority to change the distribution of the funds. Mayor Rosener commented that he wanted to see what other neighboring communities were doing. He commented that unless the city owned the property, the city would have little say over what businesses moved into the city, but the city could create SDC grant offsets with some restrictions attached to help attract the type of businesses they wanted. Councilor Young recapped that the unrestricted 30% would go to the General Fund, of the 70%, 33% would go to public art and 66% would go towards the Arts Center, with the newly available funds from the Arts Center operations being transferred to a newly created "economic development/tourism" fund in the General Fund. Council President Mays replied that was correct and added that in the first year, some funds should be earmarked for the sponsorship of the city's two leading tourism events. Finance Director Bodway recapped that he would need to draft a resolution authorizing the city to add additional funds, with the funds being budgeted for during the budgeting process. Mayor Rosener commented that some coastal cities were pushing for legislation that would expand what TLT funds could be used for, including transportation projects, and discussion occurred. Mr. Bodway commented that he had heard about the potential option to raise the local TLT tax to help pay for the debt issuance of tourism-related construction, and once the bond was paid off, being able to lower the TLT down to the original level.

### **C. Outdoor Seating Permit**

Community Development Director Eric Rutledge presented the "Outdoor Seating Permit Program" PowerPoint presentation (see record, Exhibit C) and explained that staff wanted Council feedback on if the Outdoor Seating Permit Program should be made permanent. He outlined that questions for Council to consider included: if the program should be made seasonal or year-round, if the eligible area should be expanded or reduced, and should the on-street seating option be removed? Mr. Rutledge recapped that the pilot Outdoor Seating Permit program ran from spring 2022 through fall 2022. He stated that there were strict requirements for the location and design of seating; applicants were required to have general liability, personal injury, and fire insurance; and proof of TVF&R, OLCC, and any other pertinent permits were required. He reported that the pilot program issued four permits, all of which were located on Railroad Street and were for sidewalk-use only. He stated that no complaints had been received from the public, but some businesses had expressed concern over the high insurance requirements, and enforcement was needed for one business to obtain the appropriate permit. Mr. Rutledge commented that staff had reviewed the insurance requirements and recommended keeping the requirements as is. Mayor Rosener asked how much a permit cost? Mr. Rutledge replied that a permit cost \$150. Mayor



Rosener asked if anyone outside of the Old Town area had asked for a permit? Community Development Director Rutledge replied that to his knowledge, no one outside of Old Town had applied for the pilot program. He commented that there was a similar permit available for commercial shopping centers. Councilor Giles referred to the insurance costs and asked if businesses had felt like the program was beneficial to them? Mr. Rutledge replied that he had not received feedback from businesses regarding if they felt that the program had been beneficial to them. Councilor Young commented that she felt that the insurance requirements were a little high. Councilor Giles asked why staff recommended keeping the insurance requirements as they were? Mr. Rutledge replied that the insurance requirements ensured that the city's liability was covered. Community Services Director Kristen Switzer explained that the \$2 million liability insurance requirement was consistent with what was required from instructors that held classes at the Center for the Arts, and was the figure recommended by the city's insurance provider. Councilor Young commented that the insurance requirements should remain consistent. Councilor Giles asked how much the insurance requirements cost a person or business? Mayor Rosener commented that the insurance for the Pirates of Pinehurst event was \$300 for the \$2 million in liability insurance. Councilor Young asked if the city had asked for feedback from the participating businesses if they felt that the program was worthwhile? Council President Mays commented that if the city continued the program and those same businesses signed up again, the city would know that the program was worthwhile. Councilor Young commented that she felt that the program was worth continuing. Mayor Rosener commented that the program should be open to any business in the city, not just those within Old Town. Councilor Brouse commented that she agreed. Councilor Young commented that she would be okay removing the use of the parking spot from the program as it seemed that no one had utilized that option. Council President Mays stated that he would keep the program but make it seasonal and commented that he did not like the idea of a permanent structure being located in a parking space along a road. Councilor Young commented that making the program year-round would allow for businesses to take advantage of good weather during the winter months. Councilor Giles commented that the program should be a year-round program because it was likely that those businesses did not have room to store their outdoor tables and chairs in the off-season. Councilor Brouse commented that the ability to utilize parking spaces could be made seasonal, but the program could be made year-round. Mayor Rosener commented that doing so would lower the risk of permanent structures being located in street parking. Community Development Director Rutledge explained that he suspected that the reason no one had utilized the parking stall option was because of the design requirements, which made that option more expensive as it involved building a platform to be level with the curb and sharing engineering plans with the city if they planned to install railings. Mr. Rutledge clarified that Council wished to offer the on-street option seasonally and the sidewalk option was to be offered year-round? Council replied that was correct. Council President Mays stated that after a business had applied and been approved, businesses should be required to reaffirm that they would continue with the program annually. He clarified that businesses should only be required to apply and pay the permitting fee once, but businesses needed to provide updated insurance information to the city annually. City Attorney Ryan Adams commented regarding resolutions versus ordinances and asked if Council was making this a permanent program or if they were trying the program out for another year? He explained that if the program was made permanent, he recommended passing an ordinance codifying the program. Council stated that the program should be made permanent.

*Record note: prior to the meeting, Community Development Director Eric Rutledge emailed Council additional information on the Outdoor Seating Permit Program (see record, Exhibit D).*

#### **D. Review Municipal Judge Salary**



Mayor Rosener explained that a resolution authorizing an increase in the Municipal Judge's compensation was pulled from the February 7<sup>th</sup> Consent Agenda in order to allow Council to discuss the topic. He explained that the Municipal Judge position reported to Council, and Judge Morris had not received a pay increase since 2011. Finance Director Bodway explained that if Council had added yearly COLA increases to the current \$100 an hour rate, the hourly rate would be \$130 instead. He explained that he had put an hourly rate of \$135 in the resolution based on his research on what local jurisdictions were offering. He outlined that some jurisdictions offered between \$88-\$100 an hour and reported that Judge Morris worked an average of 6-8 hours a week. Council expressed their satisfaction with Judge Morris's performance. Councilor Young asked if the Municipal Judge alternates were paid the same hourly rate as Judge Morris? Council President Mays commented he believed they were and asked that staff check other local jurisdictions to see if they paid the same rate to their Municipal Judge alternates. He recommended that the pay increase be retroactive. Mayor Rosener stated he agreed. Councilor Young asked what date the pay increase would be retroactive to? Mayor Rosener replied that it would be retroactive to the beginning of the calendar year. He explained that when the 2011 contract was signed, it was signed by the City Manager, not the mayor on behalf of Council, and stated that that needed to be changed in the new contract. Councilor Brouse asked what other jurisdictions did in regard to the Municipal Judge position reporting to Council or the City Manager? City Attorney Adams replied that in most jurisdictions, Council supervised the Municipal Judge position. Councilor Young asked if it was possible to have all the necessary information sent to Council in order for the resolution to be on the February 21<sup>st</sup> City Council meeting agenda? She asked how Council could ensure that an annual review of the Municipal Judge was completed? Finance Director Bodway replied that in the pulled resolution, he had suggested that during the regular budget season, the Finance Director would alert Council or bring forward recommendations if they deemed it necessary. Councilor Giles suggested putting the annual review of the Municipal Judge position on the same schedule as the review of the City Manager and City Attorney positions. Mayor Rosener stated that he agreed that the reviews should be lined up. Finance Director Bodway referred to the suggested retroactive date for the pay increase and asked for clarification. Councilors Brouse and Giles stated that they were in favor of making the retroactive date effective July 1<sup>st</sup> and discussion occurred. Mayor Rosener asked that Finance Director Bodway research the financial impacts of both retroactive date options and report back to Council.

*Record note: prior to the meeting, Finance Director David Bodway emailed Council additional information regarding compensation for the Municipal Judge position (see record, Exhibit E).*

## **5. ADJOURN:**

Mayor Rosener adjourned the work session at 6:58 pm and convened a regular session.

## **REGULAR SESSION**

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:04 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Taylor Giles, Renee Brouse, and Dan Standke. Councilor Doug Scott was absent.
- 3. STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Ryan Adams, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, IT Systems Analyst Mark Swanson,



Community Development Director Eric Rutledge, Police Chief Ty Hanlon, City Engineer Jason Waters, and City Recorder Sylvia Murphy.

**4. APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).**

**5. CONSENT AGENDA:**

**A. Approval of January 17, 2023 City Council Meeting Minutes**

**B. Resolution 2023-012, Authorizing the City Manager to enter into a contract with Otak and Harper Houf Peterson Righellis, INC (HHPR) for Planning Services**

**MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT MAYS. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).**

**6. CITIZEN COMMENTS:**

Sherwood resident Steve Holthouse came forward to address Council and stated he was concerned about a pathway in Stella Olsen Park and provided a picture of the pathway to Council. He explained that when it rained heavily, it flooded the pathway, forcing people to cut across the grass and noted that the picture he showed Council was from March 2017. He stated that he and his wife had both fallen on that pathway due to the slipperiness of the path. He cautioned that the city was opening themselves up to a liability lawsuit or insurance claim if they did not address the issue. He reported that he had provided similar information to the Parks and Recreation Advisory Board at their February 6<sup>th</sup> meeting and was told that the board was unable to address the issue and that it was up to Council to budget money to move the pathway. He asked that Council address the problem to avoid future issues. Councilor Young commented that staff would continue to look into potential options to address the issue. Councilor Giles explained that the staff at the Parks and Recreation Advisory Board had explained that there were limitations on what the city could do to address the issue because there were clean water corridor restrictions in addition to beavers building dams nearby. He explained that a canal was created in order to help the area drain more quickly and commented that there were ADA concerns regarding moving the pathway further up the hill. He continued that flooding in that area was still a concern and should be addressed.

Sherwood resident Jim Claus came forward to address Council regarding future litigation. He explained that he had spent over \$100,000 to learn that his property was undevelopable and stated that there were a number of false accusations made and commented regarding Cedar Brook Way. He stated that his attorney would be in contact with City Attorney Adams and city staff and said that there would be future litigation against the city.

Mayor Rosener addressed the next agenda item.



## **7. PRESENTATIONS:**

### **A. Recognition of Eagle Scout Award Recipient**

Mayor Rosener recognized James Davis for his achievement of attaining the rank of Eagle Scout and invited him to attend a future Council meeting.

Mayor Rosener addressed the next agenda item.

### **B. Recognition of 2023 Oregon Kid Governor Appointee**

Mayor Rosener explained that Sherwood resident Lea Andrus had been elected as the 2023 Oregon Kid Governor. Ms. Andrus explained that she campaigned on an anti-bullying platform and explained that she planned to foster connections between classmates through "Tootles," a weekly note program, as well as having schools appoint "kindness helpers" and promoting daily acts of kindness. She explained that she hoped to decrease bullying in schools and in the community. Council President Mays asked who got to vote in the Kid Governor election? Ms. Andrus explained that candidates must first make and submit a video to their schools, then the fifth-grade students voted for their top candidate, sending their pick to the state. After that, the state picked the top seven candidates which were then voted on by all participating 2023 Oregon Kid Governor fifth graders. Councilor Brouse asked if Ms. Andrus would be willing to speak at a future Rotary Club meeting? Ms. Andrus replied she would. Councilor Giles asked if Ms. Andrus was interested in going into politics in the future because of her experience in the 2023 Oregon Kid Governor process? Ms. Andrus replied that maybe she would participate in politics in the future. Mayor Rosener presented Ms. Andrus with a certificate.

Mayor Rosener addressed the next agenda item.

### **C. Washington County Sheriff's Office Annual Update**

Washington County Sheriff Pat Garrett and Undersheriff John Koch came forward and presented the "Washington County Sheriff's Office Updates" PowerPoint presentation (see record, Exhibit F). He stated that the Washington County Sheriff's Office would focus on county-wide services and working with their partners, which included the City of Sherwood and the City of Sherwood Police Department. He reported that according to data provided by the FBI's National Incident Based Report System (NIBRS), Washington County had the lowest combined crime rate of the five most populated counties in Oregon. He provided an overview of the Washington County Sheriff's Office mission, values, and statutory duties on pages 3-5 of the presentation. He stated that the Washington County jail was the second smallest jail per 1,000 residents for any county in Oregon and reported that in 2022, there were 180 bookings for Sherwood. He outlined that they were currently experiencing a staffing crisis at the jail and stated they were working to address the issue. He provided an overview of the impacts COVID-19 had on Washington County jail management as well as navigating the long-term impacts of the pandemic. He provided the examples of providing services to help reduce recidivism and support the transition back to the community as well as providing mental health services. Undersheriff Koch explained that by



partnering with local cities, the Washington County Sheriff's Office was able to pool resources for large-scale incidents in order to provide a better service to all of the communities they served. He provided an overview of the Washington County multi-agency teams on pages 10-12 of the presentation. Mayor Rosener said he appreciated the partnership that the Sherwood Police Department had with the Washington County Sheriff's Department and commented that the relationship was valued and strong. Councilor Giles commented that he appreciated the Mental Health Response Team (MHRT) and spoke on his experience of witnessing the MHRT in action during a ride-along. He asked if the staffing issue at the jail was due to a lack of candidates or a lack of funding? Sheriff Garrett replied that it was an acquisition issue in that there was a decrease in the number of people applying for those jobs. Council President Mays thanked the Washington County Sheriff's Department for their service.

Mayor Rosener addressed the next agenda item and the City Recorder read aloud the public hearing statement.

## **8. PUBLIC HEARINGS:**

### **A. Ordinance 2023-001, Approving a 31-Lot Planned Unit Development (PUD) and Subdivision to be known as the Moser Pass PUD (*First Reading*)**

The City Recorder asked that Council disclose and explain the nature of any ex parte contact, bias, or conflict of interest and indicate if they intended to participate or abstain from the hearing. Councilor Giles stated he did not have a conflict of interest and planned on participating in the hearing. Councilor Young stated she did not have a conflict of interest and planned on participating in the hearing. Council President Mays stated he did not have a conflict of interest and planned on participating in the hearing. Councilor Brouse stated she did not have a conflict of interest and planned on participating in the hearing. Councilor Standke stated he did not have a conflict of interest and planned on participating in the hearing. Mayor Rosener stated he did not have a conflict of interest and planned on participating in the hearing. Community Development Director Eric Rutledge presented the "LU 2022-020 SUB/PUD Moser Pass 32-Lot Subdivision/PUD" PowerPoint presentation (see record, Exhibit G) and outlined that the application was for a 32-lot subdivision and PUD for single-family residential homes with Very Low-Density Residential zoning and was a Type V land use action. He recapped that the City Council was the decision maker on the application and stated that the Planning Commission had issued a recommendation to Council after their hearing on the application in January. He explained that after Council had made their decision, the Final Development Plan would go back to the Planning Commission to review and ensure that the conditions of approval were met, after which the Applicant could then go to the county to record the plat. He recapped that the application had been provided to affected agencies on December 12, 2022 and staff had provided public notice in accordance with the city's code. He said that staff had received one piece of verbal testimony regarding the application, but no written comments. He provided an overview of the applicable Sherwood Zoning and Community Development Code (SZCDC) on page 5 of the presentation. Mr. Rutledge stated that the property was located on the east side of Murdock Road and north of the Upper Roy intersection and was 13 acres in size. He outlined the existing conditions of the site and explained that the site contained a single-family home with several outbuildings and a driveway off of Murdock Road. He stated that the application sought to remove all existing structures and redevelop the entire site. He reported that the site had limited vegetation and did not contain any mature or native trees. He provided an overview of the surrounding land uses on page 8 of the presentation and outlined that single-family residential was to the



west of Murdock Road, single-family lots were to the north, and to the south were the previously approved PUDs of Denali Meadows, Denali Summit, Denali Lane, Chinn Partition, and Ironwood Acres. He noted that the grey outline of the area on the map on page 8 showed the extent of the Southeast Sherwood Master Plan area. He addressed the zoning and explained that the site would be Very Low Density Residential and stated that the SZCDC allowed for a PUD of the Very Low-Density Residential zone if requested. He stated that the Applicant was asking for a zoning designation of Very Low Density Residential – PUD that also conformed to the Southeast Sherwood Master Plan which would allow for .07-4.0 units per acre. He stated that the Applicant proposed single-family dwellings at a density of 3.06 units per acre with a 10,000 square foot lot size and noted that the Applicant was proposing to comply with the base zone development code standards. He noted that the SZCDC code had recently been updated to remove the opportunity to grant exceptions to setbacks and to lot sizes within PUDs and explained that all of the proposed lots would comply with the underlying zone, with the exception of the lot size. Community Development Director Rutledge provided an overview of the SZCDC PUD minimum criteria and SZCDC residential land use districts criteria on pages 11-12 of the presentation. He noted that there were approval criteria that was specific to the Southeast Sherwood Master Plan. He explained that the area outlined in red on page 13 of the presentation showed the site within the Southeast Sherwood Master Plan. He outlined that a road would be constructed at the Upper Roy intersection that would connect to Murdock Road as well as a pedestrian connection between Murdock Road along the frontage of the site. He noted that another local street connection to Murdock Road was technically required, but City code preferred less intersections with arterial roads, so the proposed road was turned into a cul-de-sac. He stated that there were plans for trails throughout the open space within the subdivision. He provided an overview of the preliminary plat layout and recapped that it was a 32-lot proposal with open space and that all arterial roads required visual corridors as well as a pedestrian connection from the open space to Murdock Road via the public street. Mr. Rutledge explained that the Planning Commission had recommended that Lot 21 be converted into open space and showed that the new development would connect to adjacent PUD developments to the south. He addressed the verbal testimony that was received and explained that the comments came from a property owner to the north of the proposed development and related to the buffering between the proposed open space tract and the residents to the north of the development. He reported that the Planning Commission did not recommend additional conditions related to those concerns as the SZCDC did not require specific buffering or fencing between residential uses, but they asked that the Applicant and the property owner come to a voluntary agreement about the buffering. He provided an overview of the open spaces plan on page 15 of the presentation and stated that all walkways were designed to have a 15-foot-wide corridor, with five feet of pavement and five feet of landscaping on each side. He reported that the area shaded in light green on the map on page 15 of the presentation was proposed to be reforested. He addressed open space amenities and outlined that the plan included a woodchip trail, a gazebo, benches, interpretive signage that was consistent with the interpretive signage in the Denali PUD to the south, and forest restoration. He provided an overview of the parks, trees, and open spaces map for the area that included the previously approved PUDs. He explained that there would be a consistent trail and open space system along the back of the entire area of the developments with some pedestrian connectivity through the open spaces and private street tracts. He provided an overview of the architectural pattern book provided by the Applicant on page 17 of the presentation. Community Development Director Rutledge addressed parking requirements and explained that the zoning required one parking stall per single-family detached home and noted that the homes were likely to be constructed with two or three car garages. He addressed transportation improvements and explained that the developer was required to provide full frontage improvements along Murdock Road which included a visual corridor, sidewalk improvements, and a flashing pedestrian beacon at the intersection of Murdock and Upper Roy. He



stated that the additional condition of approval had been added of, "The PUD ordinance shall become effective upon approval of the Final Development Plan pursuant to SZCDC 16.40.30." He explained that this recommendation came from city staff in order to clarify that the PUD ordinance becomes effective at the time of the Final Development Plan as opposed to City Council approval. He explained that the PUDs were an overlay zone which required staff to amend the zoning map, and staff did not want to complete those changes too early should the conditions change or if the Applicant chose not to move forward. He continued that once the Final Development Plan was approved by the Planning Commission, city staff would then update the zoning map. He addressed the Planning Commission recommendations and explained that the Planning Commission had found that the amount of open space provided, and the location and design of the open space did not meet the approval criteria. He explained that the Planning Commission acknowledged the difficulties of developing the site based on the topography and bedrock conditions, but they had cited that there was approximately 4.5-acres of forested open space identified on the subject property in the Southeast Sherwood Master Plan while only 2.06-acres of open space were proposed by the Applicant. He explained that the Planning Commission was also concerned that the open space would not be ADA accessible based on the proposed trail surface and grade in Tract C. Mr. Rutledge explained that the Planning Commission recommended approval of the application with the additional condition of, "Prior to Final Development Plan approval, the applicant shall provide a revised plat and open space plan converting Lot 21 to usable open space. Usable open space means grass, walkways, or other improvements accessible to the public." He explained that converting Lot 21 into additional open space would provide a more flat, usable, and accessible area. He outlined the City Council alternatives as: approve the application based on the findings and conditions in the Planning Commission recommendation, approve the application with modified findings and conditions, or deny the application with modified findings and stated that the second hearing on the proposed ordinance would be held at the February 21<sup>st</sup> City Council meeting.

Jennifer Arnold with Emerio Design and applicant Kenzie Roth with JT Roth Construction came forward. Ms. Arnold stated that they had participated in the Planning Commission process and agreed with the staff findings and recommendations. She stated that the Applicant was now proposing a new option to address some of the Planning Commission's concerns regarding the open spaces. She explained that the Southeast Sherwood Master Plan had a significant amount of tree canopy and open space preserved, but those trees were removed by the previous owner, and the developers had worked the site to the best of their ability to comply with the needs of the code, stakeholders, and property owner. She continued that a little over two acres of open space had been preserved and they were proposing to plant 325 trees to fix the tree removal. She referred to an updated plan sheet that had been emailed to Council prior to the meeting (see record, Exhibit H). She referred to the Planning Commission's recommendation of converting Lot 21 into additional open space and stated that the Applicant proposed to retain Lot 21 in order to make the subdivision work. She stated that they needed all of the lots to be plotted and explained that they had adjusted the lots along that row to expand the open space wedge between Lot 20 and Lot 21. They had also widened the opening at the right-of-way to 30-feet, there would be an ADA accessible trail that led to the gazebo, and the trail was adjusted to follow the natural topography of the site. She continued that the buffer area between the lots and the trail within the site was made bigger to provide better separation. Ms. Arnold stated that they were proposing to extend the existing street system that was a part of the previous approvals, so some transportation standard modification requests were included in the application. Mr. Roth stated that this was the fourth proposal they were bringing and commented he felt that they were proposing a "pretty clean project" and stated they were not asking for any changes above and beyond the open space requirement. He referred to their plans to reforest the area and stated that they had contracted with a company to replant some of



the saplings that were already at the site. He referred to the woodchip trail and explained that woodchips were chosen because as the trees matured, they would drop needles making it difficult to maintain an asphalt path. Mr. Roth stated that he had been working closely with the neighbor to the north to come to a mutual agreement regarding the buffering between the sites. He stated that the gazebo was moved closer to the street which made it ADA accessible and helped alleviate concerns about people congregating near a neighboring property.

David Scheirman, 22151 SW Hall St, Sherwood, Oregon 97140, came forward and stated that he was concerned about this development because the Parks and Recreation Advisory Board was not asked to provide comment on the proposal, only the Planning Commission. He noted that he served on the Parks and Recreation Advisory Board, but he was not representing them at this meeting. He commented that he would appreciate if the Parks and Recreation Advisory Board were provided the opportunity to weigh in on future developments. He stated that Sherwood had three types of parks: two regional parks that were roughly 22 acres each, neighborhood parks that were between 3-6.2 acres each, and some pocket parks. He explained that the Parks and Recreation Advisory Board typically discouraged pocket parks because they were very small and were limited in who they could serve and stated that pocket parks alienated teenagers because of their size. He stated that the proposed park in the development would be a part of an HOA, and historically, the city inherited those parks once the HOAs changed over. He commented that had the Parks and Recreation Advisory Board been consulted, they would have reviewed the proposed surfaces and steepness of the site. He commented that he supported the findings of the Planning Commission, but the Parks and Recreation Advisory Board would be happy to review future developments and provide their recommendations to Council in addition to the Planning Commission. He referred to Murdock Park and commented that vehicles often went upwards of 40 mph on Murdock Road and providing pedestrian access to that park presented safety concerns. He commented that he was concerned about the grade of the open space trail and stated that the Parks and Recreation Advisory Board wanted parks to be accessible for all residents.

Chris Corrado, 14331 SW Fairoaks Drive, Sherwood, Oregon 97140 came forward and stated that he was the property owner to the north of the site. He explained that as he has learned more about the development, his original concerns about the buffering between the two properties were not as big of a concern and commented that he and the developers had come to a mutual agreement regarding buffering. He stated that he was against the idea of the developer having to "give up" a lot in general, but specifically for trying to create more public space. He stated he supported the developer's suggestion of consolidating the lots to create more public space. He commented that he did not believe that converting Lot 21 into public space would "draw people from all over Sherwood" to the park when there were larger parks nearby and the small park would serve the local neighborhood and neighbors well. He commented that he did not "need the general public...coming in" because of the close proximity to his property that would be otherwise unprotected from the walking path and the gazebo. He stated that for those reasons and the fact that the neighbors would be paying the HOA fees, that the small park be built for local use only.

Jennifer Arnold with Emerio Design and applicant Kenzie Roth with JT Roth Construction came forward. Ms. Arnold stated that they understood the desire for the Parks and Recreation Advisory Board to have input on public open space and explained that because the park would be maintained by the HOA, it was not brought up early on in the discussion process as a requirement. She referred to the requested buffering and screening between the property and the neighboring north property and stated that that issue was being addressed. She reported that the combined square footage of the open space and the



gazebo space was 25,000 square feet. She stated that Tract C was connected to the southern parcels, so it was a continuous open space. Councilor Giles asked who would be responsible for the park maintenance, the city, or the HOA? Ms. Arnold replied that the HOA would be responsible. Mr. Roth added that the open space would be deeded to the HOA. Councilor Giles clarified that the open space and trails would be open to non-HOA members. Mr. Roth replied yes. Councilor Giles asked if the trail design matched the trail design in the neighboring PUDs? Mr. Roth replied that those trails were asphalt pavement trails. Ms. Arnold added that the Moser Pass trail would connect to the neighboring PUD trail. Mr. Roth explained the visuals of what the transition between the trails would look like. Councilor Brouse asked if the Planning Commission had had a chance to review the updated plan sheet (Exhibit H)? Ms. Arnold replied that the Planning Commission had not reviewed the updated plan sheet.

Mayor Rosener closed the public hearing and asked for questions or discussion from Council.

Council President Mays asked staff to prepare other scenarios. He explained that he wanted scenarios for the application not meeting standards with findings for denial. He explained that they were asking for a number of units that were needed to meet the Southeast Sherwood Master Plan and the application did not do that. He clarified that the Southeast Sherwood Master Plan identified over four and a half acres and the application had a little over two acres. He commented that he would rather have a project than no project but wanted other options for how to "get to a yes." He asked that the new options be creative in order to minimize the risk of losing lots. He stated that he felt that the paths should be ADA compliant and commented that the city had asphalt parks in treed areas throughout the city. He stated that the midpoint connection from the road to the trail was important and commented that as long as it was ADA compliant, he supported it. He stated that given the large discrepancy in open space, park amenities, community amenities, and trying to "meet in the middle," he suggested two acres of open space and one acre of park space. He added that he was not particular about where the park was located, and he was open to creative solutions to minimize the risk of losing lots. He commented that there should be room for a play structure and possibly a sports court and added that the Parks and Recreation Advisory Board should provide input on the matter. Council President Mays expressed that if the developer wanted to get the number of units they were requesting, they needed to "follow the spirit" of the Southeast Sherwood Master Plan or go to fewer units and larger lots. He remarked that trails could be easements at the backs of lots so the number of lots could still be preserved. He asked if the road frontage could be an easement in the lot size? He commented that if there was a play structure and sports court, a bathroom was likely necessary and said that if Council were open to it, he would support the city reimbursing the developer for the construction of the restroom. Council President Mays commented that he would support a smaller park if it were ADA accessible from the street and it provided perpendicular parking spaces. He added that those parking spaces could count towards the square footage of the park. He summarized that those ideas would help result in a much better product and would help minimize the loss of lots. Councilor Giles commented that he wished that there were more flexibility in the city's definition of parks to allow for differences between parks and discussion occurred. Councilor Young commented that she had concerns regarding the woodchip path and its ADA compliance because she knew that residents desired more ADA accessible parks. She asked what the public benefit of this PUD was? Community Development Director Rutledge replied that the main public benefit was the ability for the public to have access to the open spaces and that the open spaces would be owned and maintained by the HOA. Councilor Standke commented that he also had concerns about the mismatch between the woodchip trail and the asphalt pavement trail as well as the open space acreage being half of what was required in the Southeast Sherwood Master Plan. Mayor Rosener commented he was concerned about having amenities on the other side of the road when it came to



children's safety. He asked how tall the retaining walls were in relation to the trail for the properties at the northeast corner? Community Development Director Rutledge replied that the developers would have to fill in a lot of the northeast corner for utilities and to create buildable lots. He explained that the trail would be in a sloped area which would angle up and run parallel to the retaining wall until the trail reached the building pads. Mayor Rosener clarified that there was a similar spot in town where a trail amenity was put below a 15-foot retaining wall next to a green space and the area had become a collection point for garbage because it was out of sight. He referred to the path at the top of Lot 22 and explained that the path was at the top of a 10-foot retaining wall and commented he wanted to make sure a railing was installed there. Councilor Giles commented that because of the topography of the site, he felt that the proposed park had to be different than other city parks and discussion occurred. Mayor Rosener referred to the public benefit that this PUD would provide and commented that it seemed that the benefit was providing residential housing, but this was not the type of housing that Sherwood needed in terms of the housing shortage. He commented that if the application followed the original zoning in the Southeast Sherwood Master Plan, there would be more open space and green area. Councilor Giles commented that the neighboring PUDs had similar lot sizes to the proposed PUD. Mayor Rosener replied that the lot sizes were consistent, but he had a hard time seeing the public benefit because the Southeast Sherwood Master Plan contained a large park or open space in the area. Community Development Director Rutledge summarized that there were two areas of concern for Council. The first was under the general PUD criteria and the application was deficient in providing a unique design and amenity improvements. The second area was regarding the amount of open space provided specific to the Southeast Sherwood Master Plan. He explained that staff would bring findings back to Council that addressed those specific criteria. He summarized Council's requests to make the trail behind the homes ADA accessible and explained that making the trail ADA accessible would require a lot of engineering work. Councilor Giles asked if the trail could be paved but not necessarily ADA accessible? Community Development Director Rutledge replied that that would be much easier. Council President Mays asked Mr. Rutledge to review the option of creating an ADA accessible path that would around the neighborhood and connected to the asphalt path in the neighboring PUD. Mr. Rutledge replied that he would look into that option and commented that it was unlikely that the entire length of that proposed path would be ADA accessible. He recommended that providing a larger park space that was accessible to everyone would help to offset the accessibility issues created by the path. Council President Mays referred to the 120-day window and commented that he was open to working with the Applicant to extend the timeframe in order to properly address Council's concerns. Community Development Director Rutledge added that if the Applicant did not agree to an extension, the city could not force them. Mr. Rutledge referred to the request that the Parks and Recreation Advisory Board provide input on future developments and explained that when they received a pre-application, staff would route the pre-application to the Parks and Recreation Advisory Board for them to provide their comments.

Mayor Rosener addressed the next agenda item.

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

Police Chief Hanlon reported that Sargent Randy Johnson would retire after 22 years on February 9<sup>th</sup>. City Manager Campbell reported that the Sherwood Police Department would conduct a training on February 8<sup>th</sup> and February 22<sup>nd</sup> at the high school. He welcomed City Attorney Ryan Adams to the city. He reported that HR Manager Lydia McEvoy became a US citizen on February 7<sup>th</sup>.



Mayor Rosener addressed the next agenda item.

## **10. COUNCIL ANNOUNCEMENTS:**

Councilor Standke reported that he attended the Planning Commission meeting where they discussed Development Code updates as a part of their code cleanup work. He reported that they reviewed the psilocybin code language. He reported that AARP had partnered with CASH Oregon to offer free tax filing services to individuals or households who made less than \$60,000 a year. He stated that appointments could be made at the Senior Center or at several other Portland-Metro locations.

Councilor Brouse reported that she attended the Regional Water Consortium meeting on February 1<sup>st</sup> where they approved their budget and work plan, discussed the SWOT analysis, and discussed engagement for the Strategic Plan. She reported that the Senior Advisory Board would meet on February 8<sup>th</sup>.

Councilor Young stated that she was the Council liaison to the Sherwood School District and reported she would attend their meeting on February 8<sup>th</sup> where they would discuss and vote on the proposal for a five-year levy of \$1.50 per \$1,000 of assessed value. She reported that the Sherwood School District Board would also hear an update on the YSAT (Youth Substance Abuse Team). She reported that the Police Advisory Board would meet on February 16<sup>th</sup> and Councilor Giles would attend the meeting in her place.

Councilor Giles reported that he attended a LOC visit to Salem to meet with state representatives and to advocate for additional funding for Sherwood projects. He reported he attended a meeting with the Sherwood School District and the city where Economic Development Manager Bruce Coleman explained the need for local businesses to partner with the school district to create more on-target training programs and the need to foster relationships with local schools and businesses. He reported he attended the Library Advisory Board meeting where they continued their work on creating short and long-range plans. He reported that tax forms were available for free at the library. He reported that he attended the Parks and Recreation Advisory Board on Councilor Scott's behalf and the board discussed tree removals, heard testimony on the flooding in Stella Olsen Park, and continued their work on ranking their priorities.

Council President Mays reported that Councilor Young attended the Cultural Arts Commission meeting in his place so he could attend the WIF meeting. He reported the WIF meeting continued reviewing their work plan. He reported that he attended the quarterly LOC board meeting.

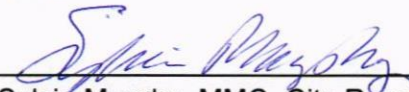
Mayor Rosener reported that he attended a LOC visit to Salem to meet with state representatives and to advocate for additional funding for Sherwood projects such as funding for the tannery site cleanup and additional funding for Highway 99W pedestrian crossings. He reported he met with US Representative Andrea Salinas where they discussed Sherwood's needs. He reported he and City Manager Campbell would be in Washington D.C. along with Sherwood's lobbying team to advocate for Sherwood projects. He reported he attended the Oregon Mayors Association meeting. He reported he would attend the Washington County Mayors meeting on February 10<sup>th</sup>.


## **11. ADJOURN:**



Mayor Rosener adjourned the regular session at 9:06 pm.

Attest:

  
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Sylvia Murphy, MMC, City Recorder

  
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Tim Rosener, Mayor