



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 21, 2023

WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:30 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Doug Scott, and Dan Standke. Councilor Taylor Giles participated remotely. Councilor Renee Brouse was absent.
3. **STAFF PRESENT:** City Manager Keith D. Campbell, Community Services Director Kristen Switzer, HR Manager Lydia McEvoy, Police Chief Ty Hanlon, Finance Director David Bodway, City Attorney Ryan Adams, Community Development Director Eric Rutledge, IT Director Brad Crawford, City Engineer Jason Waters, Planning Manager Erika Palmer, Records Technician Katie Corgan, and Planning Technician Colleen Resch.

OTHERS PRESENT: Kittleson & Associates and Principal Engineers Tony Roos and Cedomir Jesic.

4. TOPICS:

A. Cedar Creek Trail Highway Undercrossing & Floodplain Study

City Engineer Jason Waters introduced Kittleson & Associates and Principal Engineers Tony Roos and Cedomir Jesic and explained that they were hired to review the floodplain in the Cedar Creek Trail area and determine what options were available for an undercrossing. Mr. Waters presented the "Cedar Creek Trail – 99W Undercrossing Location Feasibility" PowerPoint presentation (see record, Exhibit A) and recapped that a feasibility study was conducted in 2009, but significant discrepancies in the floodplain maps were discovered when the Cedar Creek Trail was under construction. He said that the floodplain area on the map was roughly seven feet off of where it was actually located and noted that the discrepancy could affect the undercrossing. He continued that it was discovered that ODOT would be completing outfall improvements in the area previously identified in the 2009 feasibility study as a possible location for the cut-and-cover tunnel. Council President Mays asked if ODOT was willing to relocate the outfall? Mr. Waters replied that ODOT did not have the option to change locations due to the topography of the area. He outlined that the consultants had produced three options for the undercrossing. One option would be the undercrossing identified in the 2009 feasibility study, the second would be more of a stream restoration option, and the third option would be located more uphill. Consultant Tony Roos explained that there were two issues with the project. The first issue was that the existing FEMA floodplain model that was developed in the early 2000s put the 100-year storm event floodplain to the top of Highway 99W. Mr. Roos commented that he had never seen the water level rise

to the top of the highway in his 47 years of living in the area. Council President Mays commented that the water level almost reached the nearby pool at the apartment complex during the Willamette Valley Flood of 1996. Mr. Roos voiced that that flood did not impact Sherwood to the extent that it impacted neighboring communities. Mr. Jesic recapped that in the early 2000s, Clean Water Services went through a mapping process and established a base flood elevation. FEMA then came in at a later date and ran their own model, which disagreed with the findings from Clean Water Services and resulted in significantly higher floodplain elevations. Mr. Jesic explained that they converted the FEMA model into an unsteady-state model which resulted in significantly smaller floodplain elevations, which informed them that the floodplain maps were incorrect. He addressed the culvert and explained that it was built at the start of the century and if ODOT were to upsize the culvert, it would drop the floodplain an additional five feet. Mr. Jesic reported that they also ran models for two-year, 10-year, and 25-year water surface elevations to ensure that the undercrossing was located above an area that experienced frequent flood events. He outlined that the city had several options to address the issue and explained that the first option was to update the floodplain map through a FEMA process. He outlined that this option would take 8-12 months, it would require a Letter of Map Revision, and would cost \$60,000-80,000 to update the model and coordinate with FEMA. Mr. Roos clarified that this option did not make any physical changes to the stream or culvert, it only remodeled the stream and updated the floodplain map. Mr. Jesic outlined that the second option was to replace the culvert and explained that this process required a Conditional Letter of Map Revision, an Army Corps Permit was required before submittal, it would take 16-24 months to complete after the culvert design was completed, and it would cost \$250,000 or more for the permit and modelling. Mr. Jesic voiced that this option was lengthier and should only be used with a project. City Engineer Waters clarified that the second option was remodeling the system for the open channel with a trail next to it. Council President Mays asked regarding the integrity of the culvert given its age. Mr. Jesic replied that ODOT completed a review of the culvert every few years and had determined that the culvert was in good shape. Mr. Waters clarified that the second option should only be chosen if Council proceeded with a full culvert replacement and the first option should be chosen if Council only wanted the maps fixed. Councilor Scott asked why Council would pick the first option? Mr. Waters replied that the ability for the city to construct feeder trails could be impacted by the incorrect floodplain maps and discussion occurred. Mr. Waters clarified that the first option was feasible for one of the tunnel options they were presenting. Mr. Roos outlined the three options for the undercrossing as: north, middle, and south. The north option veered off before the boardwalk started on the existing Cedar Creek Trail and went past the apartment complex pool and crossed Highway 99W. He noted that no studies had been conducted to determine trail connections on the north side of the highway and commented that that would be a necessary follow up project. He addressed the middle option and explained that they had viewed this option as a cut-and-cover culvert project to determine if it was even feasible. Discussion regarding the definition of "cut-and-cover" occurred and Mr. Jesic clarified that all of the options were strictly below-ground solutions. He explained that both the north and south option were 14-foot-wide culverts that were for pedestrian and bike traffic only. Mr. Roos explained that because of the creek and the span they would need to uncover and refill, the middle option would be located between the existing FEMA base flood level and the modeled base flood level. He outlined that the middle option was actually two side-by-side structures because they could not do a large enough culvert to encapsulate both the stream and pedestrian crossing. Council President Mays clarified that the north and south options did not touch the existing culvert and the middle option would replace the existing culvert and a parallel pedestrian culvert would also be installed. Mayor Rosener clarified that the middle option was two culverts, one for pedestrians and one for the stream. Mr. Jesic explained that this was due to the constraints from using precast structures and outlined that the project could be completed in stages. Council President Mays asked what the argument was behind the middle option? Mr. Roos replied that it

came down to where the city would get their funding from as well as the benefit of wildlife protection and habitat restoration. Council President Mays commented that it was possible that Metro would contribute money towards the middle option if it demonstrated a critical opportunity to provide habitat restoration. City Engineer Waters clarified that Metro's feedback and potential involvement in the project would start when the preliminary design phase had begun. Mayor Rosener voiced that identifying the benefits of the middle option, such as stream restoration, wildlife passage, and pedestrian/student safety would open up potential funding sources. Mr. Waters replied that the middle option "checked everything" except ODOT did not endorse the structure yet and he did not know if there were wildlife passage issues, but those things would be identified through the preliminary design process. He added that he recommended budgeting for the fish passage option. Council President Mays asked how big the wildlife passage culvert would be for the middle option? Mr. Jesic replied that the culvert would be a minimum of 35-feet wide in order to accommodate the stream and a 14-foot-wide structure would be needed to accommodate pedestrians. Mayor Rosener asked if the stream could be incorporated into the pedestrian culvert so that people could see the stream? Mr. Jesic replied that that could be done by having a bridge within the culvert. Council President Mays asked if the costs for the traffic control portion of the project were similar between one culvert versus two culverts? Mr. Roos replied that was correct. Mayor Rosener asked if having a culvert with beams to manage the load was an option? Mr. Roos replied that there was an option to do a bridge and explained that it was more effective to use a "straight bridge than to try and rebury it." City Engineer Waters added that he would send out a rendering of what two side-by-side culverts would look like to Council. Mr. Jesic referred to lighting and stated that a culvert would be continuous all the way through, but the median would be open, and daylight could penetrate if a bridge was chosen. Mayor Rosener commented that he was concerned about the safety aspect of a covered culvert. Mr. Roos commented that women did not prefer tunnels due to safety concerns about not knowing what was on the other side. Council President Mays clarified that all culvert options were continuous from one side to the other and there was no break in the middle? Mr. Roos replied that was correct. Mr. Jesic added that the culvert would meet ODOT's safety standards when it came to lighting. Mr. Waters added that those things would be evaluated in the preliminary design phase. Mr. Roos provided an overview of the costs and permits for each option on page 7 of the presentation and stated that overall costs ranged from \$8.35 million to \$20 million. Mayor Rosener asked if those figures took construction cost increases, reserves, and potential timeline delays into consideration? Mr. Roos replied that the figures had a 40% contingency built into them and were based on construction, engineering, and right-of-way acquisitions occurring within the next five years. He added that \$5 million should be added if a bridge was added to the middle option. City Engineer Waters addressed next steps and recapped Council's feedback. He outlined that Council decided to postpone completing the FEMA floodplain map revision until a project that would benefit from doing so occurred as well as a request that the preliminary design costs for the undercrossing be included in the budget. Mayor Rosener asked staff if there was any reason to complete the FEMA floodplain map revision now? Staff signaled there was no need to do so now. Mayor Rosener commented that he would like a more refined cost estimate in order to share it with Sherwood's lobbying team and other funding sources. Councilor Giles referred to the north option and asked if there was no additional culvert for the stream with that option? Mr. Roos replied that the existing culvert would accommodate the stream. Councilor Giles asked if that meant that there would be no wildlife passage with the northern option? Mayor Rosener replied that was correct and commented that even though the northern option cost less, it would likely be harder to procure funding for. Council President Mays stated that he was concerned about the safety aspects of the project and commented that he predicted that most people would prefer a more open and visible space. Councilor Young stated she agreed. Council President Mays commented that he would be okay with a 20% price increase if it meant constructing a safer feeling passage. Council President Mays referred to the Edy culvert and

asked if any of the options posed a risk to that culvert being overtopped? Mr. Roos replied that there was no risk of that happening. Mr. Jesic added that their models included all of those structures. Discussion regarding the proper process occurred.

B. Sherwood Communication Priorities

IT Director Brad Crawford presented the "Content Management Project" PowerPoint presentation (see record, Exhibit B) and explained that this was a follow up from the Council goal setting work session in January. He outlined he wanted Council feedback and direction on the desired features, functions, phases, and implementation timeline of a new Content Management System (CMS). He explained that a CMS was a database that held content that could be presented in various systems, such as websites, social media, mobile applications, digital signage, and television/streaming. He stated that it could also be a system that enabled forms, surveys, notifications, and resident portals. He outlined the four Council goals around citizen engagement as: create a new website platform and enhance social media; utilize modern communication tools, such as mobile surveys and text messaging, solicit feedback from residents; track, respond, and analyze citizen requests through a customer relationship management system; and develop a comprehensive approach to doing surveys that enabled the organization to improve both the strategy and execution. Councilor Scott clarified that in his view, surveys were one possible example of community outreach, but other options should also be available. Mayor Rosener referred to the third goal of having a customer relationship management system and stated that it should also be a workflow process system. Mr. Crawford recapped Council's previous feedback on a new CMS as: deep citizen engagement, better social integrations, integration with backend systems, improved navigation and search, and refreshed website design. Mayor Rosener commented it was important to be able to create a CMS that allowed all residents to engage and participate with the city without having to come to a city facility to do so. Mr. Crawford replied that that type of experience was called a "digital experience platform" which allowed users to build the type of interaction they wanted with the city. Councilor Giles commented that allowing users to have a profile and manage their notification preferences and change their user experience was important and should be added to the list of goals. IT Director Crawford replied that one of the key points of the RFP statement of work would be identifying the need for an end user portal allowing users to log in and set their notification preferences. He commented that allowing users to have a profile was not common in government websites but was typical in commercial websites. He added that this type of feature was expensive because it was still new. Councilor Giles suggested that the new website offer a way for local businesses to advertise their services. Councilor Young commented that she did not want to advertise on behalf of any businesses. Councilor Giles clarified that it could be a funding model opportunity with the Sherwood Chamber of Commerce. Discussion occurred and Mayor Rosener stated that the CMS should advertise city-sponsored events, but Council would need to determine if they allowed third party advertisements. City Attorney Adams stated that there were some First Amendment implications that needed to be discussed first. Mr. Crawford outlined that his goal was to identify a system that could be expanded as needed over the next 10-20 years. Mayor Rosener stated that the system should also have the capability to allow department heads to configure forms or workflows as needed so IT did not have to be involved with every change. Councilor Scott commented regarding a responsive website and IT Director Crawford asked if a responsive website was sufficient or did Council also want to pursue a mobile app? He noted that a mobile app would likely take 2-3 fiscal years. Mayor Rosener commented that he felt that it should be "mobile first" and then a responsive design. Councilor Scott stated that the website had to be a responsive design so that it worked on mobile or desktop and adding an app was something he wanted the platform to be able to handle, but he did not necessarily advocate for launching with an app.

Councilor Giles stated that he was fine with a progressive web app and discussion occurred. Mayor Rosener clarified his "mobile first" comment and explained that he meant that most people access websites on their phones. Mr. Crawford reported that the city had conducted a survey and determined that 57% of people accessed the city's website on their mobile phones. Councilor Scott stated that it was important that all processes be automated, and workflow should not be segmented by department. Mr. Crawford clarified that ideally, when support requests came in; multiple people could see and respond to those requests. Mayor Rosener stated that he wanted people to be able to pay all of their bills and fees via a single portal. IT Director Crawford outlined that there were two options for Council to consider. The first option was to purchase an "out of the box" CMS that supported surveys, forms, and had notifications and mobile already built in. The second option was to engage a consulting firm to develop an open platform CMS and enable the specific surveys, forms, notification, and mobile capabilities that met the city's needs. He explained that the first option was the quickest option, but it came with potential drawbacks. He stated that the decision came down to how fast Council wished to move on the project and how integrated they wanted the CMS to be. He explained that the city could go out and purchase a survey tool that had a mobile app, and the city could start doing surveys in a few months, but it would "be its own thing. It would be its own website; it would be its own app." Councilor Scott commented he did not want to "piece meal it." Councilor Young stated she agreed with Councilor Scott. He provided an overview of out of the box solutions and stated that many times, it was a proprietary system; they were quicker to deploy; they likely had lower implementation costs but higher ongoing support costs; and they had native integrations for surveys, mobile apps, forms, and notifications. He provided an overview of the open platform option and stated that they tended to have a longer deployment timeline depending on scope; there were greater options for best of breed capabilities, such as surveys, notifications, mobile app, resident portal, and forms; they had a greater amount of support vendors, they had greater options for integration with City Systems, there was better portability; and they were likely to have a higher implementation cost but lower ongoing support costs. Mayor Rosener commented that the out of the box solution would solve "80% of your problems" but it would cost a lot more to get to 100%. IT Director Crawford stated that when it came to the resident portal aspect, the city had a very in-depth bill pay and community development process and getting those processes into another system was going to be difficult regardless of if it was an open platform or an out of the box solution. He stated that the big benefit of the website was its portability and explained that the city's webpages were currently sitting in a database, which would allow them to skip having to recreate the pages when a new website was created. He added that staff would need to review each page and determine if it were still relevant or not as well as complete a review of the hierarchical structure to ensure that it was still appropriate. Councilor Young commented that it was important that this project not move so quickly that something important was missed which would end up costing more money to fix. IT Director Crawford addressed the proposed phasing and timeline and explained Phase 1 would span FY22-23 through FY23-24. Phase 1 would include: the bidding and selection of the CMS; CMS setup and configuration for current and future needs; website design; search and navigation improvements; forms integration for electronically submitting information to the city that included basic workflows and simple business processes; notifications; a basic resident portal with some form submission capabilities and email notification preferences. He clarified that he would include in the scope of work of the RFP the aspirational goals for the project to ensure that whatever system was selected, it would be able to grow and meet those goals. He outlined that Phase 2 would span FY23-24 and stated that he proposed including money in the budget to make Phase 2 attainable. He outlined that Phase 2 would have greater forms integration; integration with some city systems and tying form submissions to backend city systems; light mobile app integration with the ability to view city information, forms submission, notifications, and surveys. He explained Phase 3 would span FY24-25 and beyond and stated that this was an aspirational phase that

sought to provide deep mobile app capabilities, such as two-way interaction; deep citizen portal capabilities with service requests, building/planning submissions, and bill pay; and digital signage integration. Mayor Rosener asked if they had completed any research on what the most frequently cited reasons were for contacting the city or if there was currently a paper process that took a lot of customer time that could be turned into a form? IT Director Crawford replied that they would do research to determine what pages had the highest visitor rates. Councilor Scott stated that he would move up the online bill pay capability to an earlier phase if possible. Mr. Crawford explained that there was a lot of backend work that needed to be done before that could proceed and commented that whatever option the city purchased, it should offer an e-commerce portal with bill pay capabilities. He recapped next steps and explained that he would develop the RFP to go out to bid in April, with the goal to award in May, and begin work in June 2023. Councilor Young asked if the RFP could be written to include getting bids for both the open platform option and the out of the box option? Mr. Crawford replied that he would do so. Councilor Giles asked if a subcommittee should be formed for the RFP and offered to serve on the subcommittee. Discussion occurred and Councilor Scott asked if a subcommittee was necessary? Mr. Crawford replied that he would draft the RFP and send it to Council for review. Mayor Rosener asked that Mr. Crawford work with Councilor Giles on the RFP.

C. Five Year Forecast Discussion

Finance Director David Bodway presented the "Five-Year Forecast Work Session" PowerPoint presentation (see record, Exhibit C) and explained that the discussion would focus on the city's fund balance policy as well as the five-year forecast. He provided background on the city's fund balance policy on page 3 of the presentation and reported that Resolution 2010-054 was passed on December 7, 2010 and established that the city would maintain an Unrestricted fund balance of at least 10% of fund revenue and would strive to increase the amount by 1.5% annually with a goal of 20%. On November 29, 2016, Resolution 2016-069 was passed which established that the city would maintain an Unrestricted fund balance of at least 10% of fund revenue with a goal to maintain 20%. He commented that the city was always striving to hit the 20% mark, but lately the city had been in the 40% range. Mr. Bodway explained that he sought Council's feedback on the recommendation that the city's fund balance policy be updated to say that the city would maintain an Unrestricted fund balance of at least 20% of fund revenue in the General Fund. Mayor Rosener asked if this was in relation to the five-year forecast? Finance Director Bodway replied that it was in relation to the budget, not the five-year forecast and discussion occurred. Councilor Scott commented that this goal made sense to him. Mr. Bodway reported that budget season had started in February and Finance staff would receive departmental projections by mid-March which would allow him to get an idea of what the budget would look like by June 30th. Councilor Scott asked if the city would end up over 20%? Mr. Bodway replied that was correct. Council President Mays asked what the advantages were of having a healthy reserve? Finance Director Bodway replied that a healthy reserve provided flexibility in the future and would allow the city to have more options compared to a jurisdiction that had more restricted funds. Council President Mays asked if it would give the city a better borrowing rate? Mr. Bodway replied that was correct. Council President Mays asked what the typical amount to hold in reserve was so the city would not have to borrow money to pay its obligations until the city received its property tax dollars? Mr. Bodway replied roughly 20% was needed, but it was more about building in flexibility. Discussion regarding the history of the city's finances from 2006-2008 occurred and Council President Mays commented that he would like to see a reserve of 30-40%. Mayor Rosener commented that having a healthy reserved served multiple purposes such as getting a better bond rating, the ability for the city to cover operational costs until property tax dollars came in, as well as providing funds to help with emergencies. He referred to the city offering grant

money to local businesses at the start of the pandemic with the understanding that the money may not be paid back and stated that that was only possible because the city had a healthy reserve. Council President Mays stated he was in favor of the recommended change. Councilor Young clarified that if the need arose, Council could change the percentage held in reserve via a resolution. Finance Director Bodway clarified that this policy pertained to the upcoming budget. Councilor Scott commented that it was important to build in flexibility in case an urgent situation arose. Mr. Bodway replied that if there was contingency in the budget, and those funds were then needed at a later date, a resolution would need to be passed by Council in order to transfer those funds out. Councilors Young, Scott, and Giles stated they were in favor of the recommendation. Mayor Rosener directed Finance Director Bodway to prepare a resolution for Council. Mr. Bodway addressed the five-year forecast and explained that budget law restricted what he was able to talk about. He explained that he would release the budget calendar this week, departmental projections were due back to Finance by mid-March, and departmental budget requests were due back to Finance by the end of March. He reported that he was monitoring general economic conditions, inflation rates, PERS rates, residential development rates, etc. Mayor Rosener commented that a higher-level conversation needed to be had on how conservative or aspirational the budget should be which took into consideration potential budget cuts from the county. He commented that a lot of the city's growth was currently happening in the URA, and the city would not see any General Fund growth from that for years and that the city should be conservative when it came to property tax revenue as well as this year's forecast. Finance Director Bodway replied that he prepared conservative forecasts and explained that the property tax revenues for this fiscal year and next fiscal year was the winding down of the original URA. He referred to the URA and reported that he had asked for the last two debt issuances in order to pay them off by the end of this fiscal year and discussion occurred. Councilor Standke referred to the five-year forecast and asked Finance Director Bodway if he knew the global rate he would use for the budget yet? Mr. Bodway replied that this discussion was focused on the General Fund, which did not have many capital projects, and commented that he used 4% for calculating inflation and discussion occurred. He reported that he would bring a resolution updating the city's fund balance policy to Council at the March 7th City Council meeting.

5. ADJOURN:

Mayor Rosener adjourned the work session at 6:55 pm and convened a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:00 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Doug Scott, and Dan Standke. Councilor Taylor Giles participated remotely. Councilor Renee Brouse was absent.
- 3. STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Ryan Adams, IT Director Brad Crawford, Community Development Director Eric Rutledge, Police Chief Ty Hanlon, City Engineer Jason Waters, Planning Manager Erika Palmer, and Planning Technician Colleen Resch.

4. APPROVAL OF AGENDA:

Councilor Young stated that Consent Agenda Item C, "Resolution 2023-014 Authorizing the City Manager to amend the current Intergovernmental Agreement with Metro for the Solid Waste Community Enhancement Program" needed to be removed from the Consent Agenda and discussed under New Business.

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

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

5. CONSENT AGENDA:

- A. Approval of February 7, 2023 City Council Meeting Minutes**
- B. Resolution 2023-013, Authorizing an Increase in the Municipal Judge's Compensation**
- C. Resolution 2023-015, Appointing Amanda Bryan to the Sherwood Library Advisory Board**
- D. Resolution 2023-016, Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain SW Ice Age Drive through the Tonquin Employment Area**

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

6. CITIZEN COMMENTS:

Nathan Claus, 22211 SW Pacific Highway, came forward and stated that his parents had been working on developing their property. He explained that his parents were working with a small business owner named Carlos and explained Carlos's business. Mr. Claus explained that his parents had received a letter from the city informing them of a code violation on their property due to Carlos's utilization of the property for his business. He stated that he was frustrated because the letter did not contain an explanation as to why the use was not permitted. He stated that Carlos had called the city several times to resolve any issues, but he felt that there was a disconnect in the communication he received from the city. He stated that the city should try to reach out to people before sending out a code violation letter. He stated that the city should be excited about having a small business owner like Carlos providing a public service to the city and asked for better cooperation from the city.

Jim Claus, 22211 SW Pacific Highway, came forward and spoke on Carlos. Mr. Claus stated that he had put in automotive and parking on his property and stated that "it was a non-conforming use and they're allowing it." He explained that Carlos used the property for his daily use, not to store inventory. Mr. Claus spoke on easements and his history of working with the city. He spoke on Hanson v. ODOT and real estate. He stated that in the past he had cooperated, but the city had not. He stated that the city wanted to "turn Carlos into a Conditional Use Permit in a permitted zone, which in effect, makes it a cancellable license."

Susan Claus, 22211 SW Pacific Highway, called in and stated that her family had been at that address for many years and the issue was that they were only able to talk to the city's attorney on any matters. She explained that they were not represented by an attorney and stated that this was a simple matter that they wished to have clarity on. She stated that her property had General Commercial zoning, which allowed for the type of use that Carlos was utilizing the property for. She stated that there was a "disconnect" between staff and the Clauses were looking to address the problem so the issue could be resolved. She stated that there was a misunderstanding of words and what the process was. She stated that Carlos was providing living-wage jobs in the General Commercial Zone, which was a City Council goal. She asked that the issue not be "bottlenecked" and that the misunderstanding of permitted uses be resolved. She stated that Carlos was currently trying to make it to this meeting to provide comment and asked that Council accommodate him when he arrived.

Mayor Rosener commented that this was a busy meeting, but he would discuss the options to accommodate Carlos with staff.

Mayor Rosener addressed the next agenda item.

7. NEW BUSINESS:

A. Resolution 2023-014, Authorizing the City Manager to amend the current Intergovernmental Agreement with Metro for the Solid Waste Community Enhancement Program

Mayor Rosener explained that the incorrect company name was cited in the proposed resolution, and it needed to be corrected before adoption.

MOTION: FROM COUNCILOR YOUNG TO APPROVE RESOLUTION 2023-014, AUTHORIZING THE CITY MANAGER TO AMEND THE CURRENT INTERGOVERNMENTAL AGREEMENT WITH METRO FOR THE SOLID WASTE COMMUNITY ENHANCEMENT PROGRAM ON THE CONDITION THAT EXHIBIT A, AS ATTACHED TO RESOLUTION 2023-014, IS CORRECTED TO REFER SPECIFICALLY TO PRIDE RECYCLING AND NOT PRIDE DISPOSAL. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 6:0. ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR BROUSE WAS ABSENT.)

Mayor Rosener addressed the next agenda item.

8. PRESENTATIONS:

A. Pedestrian Bridge Presentation

City Engineer Jason Waters presented the "Sherwood 99W Pedestrian Bridge Crossing City Council Update" PowerPoint presentation (see record, Exhibit D) and reported that the project was approaching 90% design. He introduced KPFF Project Manager Curt Vanderzanden, John Breshears with Architectural Applications, and Structural Engineer Nick Halsey. Mr. Vanderzanden explained that they would provide Council with an update on the progress on the pedestrian bridge and were seeking feedback regarding color selection for the bridge. Mr. Breshears recapped that the pedestrian bridge was broken up into five spans between supports. He outlined that the bridge deck would be concrete while the handrail, the structural components of the handrail, the wire mesh, and the cross-bracings for the

arches would be made out of stainless steel. He clarified that they were seeking Council input on the color for the primary steel members and cross members that went above and below the deck. Mr. Breshears explained that the available color choices would look different depending on the time of day and the available lighting. He stated that the numbered map on page 7 of the presentation represented potential sites for art. He explained that it had been decided that because of the speed and scale of this project, no art would be placed onto the bridge because doing so would slow down the process, and instead art would be placed somewhere in the landscape or in the approach ramps. He stated that each site noted on page 7 had been reviewed by the Cultural Arts Commission for their suitability for art and commented that the Cultural Arts Commission was currently working on determining how to create or commission artwork to enhance the project. Council President Mays referred to pedestrian bridges that had art that represented the community embedded in the concrete columns, and asked if something similar was possible for this project? Mr. Breshears replied that the Cultural Arts Commission had been interested in the possibility of embedding things in the deck of the bridge, such as nature symbols or scavenger hunt types of objects. He continued that adding impressions into concrete was a relatively minor project and would likely be easy to accommodate into the project. Mr. Breshears outlined that if Council wished to move forward with concrete impressions, KPFF would ask the contractor to carry a placeholder in the budget to accommodate the art project when the project went out to bid. Discussion occurred regarding the option to add art after the bridge was completed. Councilor Young explained that when this information was presented to the Cultural Arts Commission, they were told that if art was to be a part of the bridge with no impact to the construction timeline, then KPFF would need to know final decisions by April 2023. Council President Mays reported that the Cultural Arts Commission wanted Council feedback regarding sites A, B, and C and stated that the Cultural Arts Commission was looking at potentially putting "Welcome to Sherwood" signage at those sites. Councilor Scott stated that he did not want a "Welcome to Sherwood" sign on the bridge itself and discussion occurred. Mr. Breshears addressed bridge color options and explained that all of the diagonal and railing elements would be stainless steel and showed Council samples of the potential colors. He explained that they recommended stainless steel because it did not have to be painted or re-painted, which helped save money on maintenance. He provided an overview of the different types of light-colored arch bridges in the region on pages 9-11 of the presentation. He commented that white had become a very popular color for bridges in the last 25 years. Mayor Rosener commented that he was concerned that a white bridge would show dirt more quickly than a different colored bridge. Mr. Breshears provided an overview of the different types of colored arch bridges in the region on page 12 of the presentation. He stated that using weathering steel instead of paint was also an option and explained that the steel would form a layer of rust on the outside but was formulated so that the rust did not corrode the steel. Mayor Rosener asked how the rust held up to vandalism and spray painting? Mr. Breshears replied that a disadvantage of this option was that it was difficult to remove spray paint from the surface and may result in the area needing to be painted over in a paint that matched the rust. He stated that another disadvantage of weathering steel was that the water that ran off the structure tended to stain hard surfaces or concrete that it landed on. He stated that an advantage of weathering steel was that it never needed to be repainted and noted that the cost between weathering steel and a painted option were similar when it came to initial costs, but not when it came to ongoing paint maintenance costs. Mr. Breshears outlined that they had three color options for Council to consider: white, blue, and deep red. He outlined that a white bridge was very fashionable and made the bridge very visible and distinctive. He explained that a white bridge also allowed for the most color options when it came to lighting the bridge. Mayor Rosener asked if the lights could be animated? Mr. Breshears replied he believed that was an option and commented that ODOT had regulations about how much animation was permitted. He addressed the blue color option and outlined that this option would result in more muted lighting effects at night. He

noted that if blue was the chosen color, they recommended keeping the colored lights on the pillars and using white lighting on the steel instead. He addressed the deep red color option and commented that it provided a nice contrast to the green landscape and noted that this option would result in more muted lighting effects at night. Council President Mays commented that he was concerned about the paint color fading. Mr. Breshears explained that the paint coating system they would use had around a 20-year lifespan for the color and there were various anti-graffiti coatings available that could be applied to the surface of the bridge. He outlined that the natural weathering color option was unique because it was not a uniform color and was a "living finish" and was less reflective for light compared to paint. He stated that Council did not need to decide on a color choice at this meeting, but they did need to know soon if the bridge would be painted or would use weathering steel. Mayor Rosener and Councilor Young commented that they were not in favor of using weathering steel. Council President Mays commented that he was concerned about the upkeep of weathering steel when it came to vandalism. Councilors Scott and Giles commented that they were not in favor of the weathered steel option. Mayor Rosener clarified that Council had chosen to proceed with a painted bridge. Councilor Scott commented that he was in favor of the deep red color because of the contrast it provided to the surrounding landscape. He stated he also liked the white option because of the possible lighting effects it would provide. Councilor Standke commented he agreed with Councilor Scott and stated that if the red option were chosen, more lighting on the columns and other locations along the bridge could be added for a bigger visual impact at night. Councilor Young commented that she liked the red during the day and the white at night but felt that white was bland during the daytime. Council President Mays commented that he was leaning towards the white color option. Mr. Breshears clarified that there would be more stainless steel highlights than what was shown in the rendering which would show more of the bridge's color. Councilor Giles commented that he liked the red more than the blue color option, but he was leaning more towards the white color option because of the flexibility it provided in terms of lighting and repainting. Councilor Scott asked if the lights would be on the arches themselves or shining onto the arches from below? Mr. Breshears explained that the lights would shine on the arches from below and explained that this was to make maintenance on the lights easier. Councilor Scott commented that he wanted the flexibility to have different lighting colors for the lower arches as well as additional lighting along the bridge. Mr. Breshears explained that there were three types of lighting on the bridge. He explained that the first was the structural/aesthetic lighting, and was what they were discussing at this meeting, there would also be light poles on the approach ramps, and lighting along the handrails to illuminate the deck of the bridge. He added that the light from the structural lights would also splash onto the stainless steel span. Councilor Scott asked that they confirm that it was possible to have different colored lights on the upper arches and the lower arches. Councilor Giles commented that he wanted to see a more realistic rendering of what the structural lights would look like with the stainless steel span because he wanted to highlight the "S-curve" the most. Mr. Halsey replied that the renderings in the presentation were a somewhat realistic rendering of what the final lighting design would highlight. Council President Mays asked regarding installing cameras and a safety alert at the mid-span. Mr. Vanderzanden replied that their original scope had only included accommodation for the cameras but based on a recent discussion, they were aware that they needed to start looking at camera placement and including that in the construction package. Council President Mays commented that he also wanted Police Chief Hanlon to provide his input on the public safety aspects of the bridge.

Mayor Rosener reopened citizen comments.

9. CITIZEN COMMENTS CONTINUED:

Carlos Villarroel came forward and stated that he was one of the owners of Timber State Drilling and Construction, a small construction business in Washington and Yamhill County. He explained that his company was using the Claus's property as a truck yard. He explained that Timber State Drilling and Construction was a directional drilling and boring business, mainly focused on telecom/technology. He stated he chose to live in this community because it was a small and safe community. He reported that he employed 20 people and thanked Community Development Director Eric Rutledge for working with him on the code violation. He stated that he intended to be a good business owner and to provide good employment opportunities.

Mayor Rosener addressed the next agenda item and City Attorney Ryan Adams read aloud the public hearing statement.

10. PUBLIC HEARINGS:

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

City Attorney Adams 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 Young stated she did not have a conflict of interest. Council President Mays stated he did not have a conflict of interest and had no ex parte contact beyond speaking with staff. Mayor Rosener stated he did not have a conflict of interest and had no ex parte contact beyond speaking with staff. Councilor Scott stated that he had had no ex parte contact beyond speaking with staff and he planned to participate in the hearing. Councilor Standke stated that he had had no ex parte contact beyond speaking with staff and he planned to participate in the hearing. Councilor Giles stated that he had had no ex parte contact and he planned to participate in the hearing. City Attorney Adams asked Councilor Scott if he was comfortable participating in the meeting since he was not present at the last hearing on the proposed ordinance? Councilor Scott replied he was up to speed. Mr. Adams asked if anyone in the audience wished to challenge any Councilor's ability to participate? Hearing no challenges, Community Development Director Eric Rutledge presented the "LU 2022-020 SUB/PUD Moser Pass 32-Lot Subdivision/PUD" PowerPoint presentation (see record, Exhibit E) and outlined that the application had been through the Planning Commission, and the first hearing on the proposed ordinance was held at the February 7th City Council meeting. He explained that this was the second hearing and if the application were approved, the Final Development Plan would go to the Planning Commission and the final plat would be recorded with the county. 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 several pieces 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 4 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 a little over 12 acres in size. He addressed the zoning and explained that the site would be Very Low Density Residential (VLDR) which would allow for .07-1.0 units per acre, or if approved by the city, a PUD would be permitted which would allow for 1.4-2.0 units per acre. He stated that the code also allowed for a VLDR-PUD zoning designation if it complied with the Southeast Sherwood Master Plan and allowed .07-4.0 units per acre. He reported that the Applicant's latest proposal was for single-family dwellings at a density of 3.00 units per acre with a 10,000 square foot minimum lot size. He recapped comments from the first hearing on page 7 of the presentation and explained that Council had directed staff to produce

alternatives for them to consider. He outlined that "Option A" included findings of denial based on the PUD approval criteria of, "That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan." and "That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district." He outlined "Option B" included findings of approval with changes to the plan that included: a pedestrian path in Tract C that was to be ADA compliant to match adjacent subdivision trails and/or hard-surface with guard rails and a 1-acre park with improvements that included a play structure, sports court, flat area for recreation and covered area for gathering, potential restroom, and potential parking. Mr. Rutledge provided an overview of the Council directed revisions to the plan map on page 9 of the presentation and explained that the green area showed staff's recommendation for the location of the park. He noted that the current condition allowed for the Applicant to choose a different location for the park as long as the size and standards were met. He added that that type of change would go through the Planning Commission to ensure that those standards were met. He explained that staff had chosen the area as the potential location for the park because it was mainly a flat area that was easily accessible from the road, it could be easily built on, it had significant frontage on the public road, and it was more centrally located within the Southeast Sherwood Master Plan. He outlined other changes included: the narrowing of the entrance to Tract C and an additional entrance between Lot 16 and Lot 17, both of which would be a 15-foot walkway and the removal of the gazebo in favor of additional trail/open space in Tract C. He noted that the gathering space/leisure area would be provided by the proposed 1-acre park. He addressed "Condition of Approval B13 1-Acre Park" and stated that the park required trees, landscaping, and lighting; 20,000 square feet of flat area; ADA accessibility from the street; a 3,000 square foot nature play center; a full-size basketball court or full-size tennis court; a gazebo or other covered structure with seating with a minimum size of 600 square feet; and two benches outside the covered structure. He stated that the restroom was to match Cannery Square and the 90-degree parking stalls were optional. He noted that Public Works provided an estimate of \$185,000-215,000 for the cost of constructing similar bathrooms to Cannery Square and explained that any provided parking stalls would replace acreage within the park. He addressed changes to Tract C and stated that changes included: the removal of the gazebo, a minimum of 1.75-acre in size, an additional walkway between the street and Tract C, a hard-surface trail and guard rails where the trail was adjacent to a wall, and two benches. He explained that the 1-acre park removed 42,500 square feet of land, the easements over the lots shown in grey on page 11 of the presentation added 26,500 square feet of land for a net loss of 17,000 square feet of lot area. He explained that it was not a perfect indication of how many lots would be lost, but staff estimated that it would result in roughly two or three lots being lost. He provided an overview of the Applicant-proposed revisions to the plan map on page 12-13 of the presentation. He explained that the street adjacent to the park would have a retaining wall and the park would be roughly 10 feet below street level at its lowest point but would even out to street level on the north side. Mr. Rutledge outlined the City Council alternatives as: deny the application based on the findings in Attachment 1 to the staff memo dated February 14, 2023; approve the application based on the findings in Attachment 2 to the staff memo dated February 14, 2023 and full findings and conditions provided as Exhibit 1 to Ordinance 2023-001 and clarified that if Council wanted the restroom and/or parking to be added they needed to provide direction to staff on those additions; or approve the application with revisions to the findings in Attachment 2 to the staff memo dated February 14, 2023 and direct staff to draft final findings for adoption at the March 7, 2023 council meeting. He noted that if Council proceeded with the final alternative and there were significant changes, it may require that the staff report be updated and brought back to Council for final adoption. He noted that if that were the case, the public record would not need to remain open as this was the second hearing so Council could close the hearing, give staff direction, and bring the ordinance back for adoption at a later date. He clarified the

record could remain open to allow for public testimony if Council chose to do so. Community Development Director Rutledge outlined that there was the option of scheduling a continuance hearing for the March 7th City Council meeting, with March 16th being the 120-day deadline and notice of decision. Mayor Rosener stated he wished to move on to the Applicant's presentation.

Jennifer Arnold with Emerio Design and applicant Kenzie Roth with JT Roth Construction came forward. Ms. Arnold stated that she wanted to discuss the alternative they had submitted and commented that they had not been able to discuss the application with Council at the previous meeting and stated that she hoped that Council and the Applicant could have a discussion and "meet in the middle." She addressed their submitted alternative and explained that it was for a half-acre park, and they had changed the woodchip trail to a hard-surface trail. She explained that the trail connection between Lot 17 and Lot 18 was the midpoint between the last trail connection and the development to the south and the cul-de-sac of this development, which provided equal pedestrian access points. She stated that they felt that the proposed location for the half-acre park was a good location because it had good frontage and had good pedestrian connectivity. Mr. Roth said that his father started JT Roth Construction in 1978 and commented that the only way to be successful was by developing lots and stated that it was important that they get as many lots as possible. He expressed that "there becomes a point where this just doesn't work for us. We'll pull the application. We'll sit on it. We'll do something else." He stated he was trying to meet Council in the middle, but the conditions for approval Council was proposing did not "pencil" for them and commented that it was expensive to follow all of those conditions. Mr. Roth stated that they were voluntarily planning to reforest the area per the Southeast Sherwood Master Plan, they were bringing the Street of Dreams to Sherwood for the first time, and they had cleaned up over 20 acres of contaminated soil. He stated that the application started with 34 lots, then 32 lots, and now Council was asking for more land. He stated that his company was a local company, and they were trying to be good stewards of the land. He stated that they were trying to meet Council in the middle. Ms. Arnold explained that their proposed alternative included the requested amenities such as a play area, gazebo, more walking paths, and landscaping. Councilor Young asked for more information regarding the slope and retaining wall of the Applicant proposed alternative. Mr. Roth explained. Councilor Scott commented that he served on the Planning Commission for the first PUD in Southeast Sherwood as well as possibly the second PUD. He commented that what he recalled throughout the process was when the first PUD came in, there was concern about where the park land would be located, and the Planning Commission was told by the Applicant that the park land would be included in the following PUD. He commented that this happened again when the second PUD came through as well. Councilor Scott commented that the vision of the Southeast Sherwood Master Plan had not been accomplished. He stated that he felt that there was room for compromise and asked why the Applicant needed a second access point to the trail and commented that he felt that a single access point was enough. He asked what the threshold was for requiring a park to have a bathroom or parking and commented that the Applicant should be able to decide if they wanted to provide parking. Councilor Scott asked the Applicant why Council should accept not getting an amenity that was included in the Southeast Sherwood Master Plan? Mr. Roth stated that the Southeast Sherwood Master Plan did not take topography into consideration and was flawed. He stated that he understood that PUDs had to be reviewed "piece-by-piece" and commented that a park was included in the last PUD. He remarked that the Southeast Sherwood Master Plan presumed that all of the properties would be developed at the same time. Councilor Scott asked if any of the previous PUDs included a park? Mr. Roth replied that the previous PUD included open space. He stated that Council had to look at the Moser property compared to the Southeast Sherwood Master Plan Moser Property and commented that there was no park on the Moser property. Council President Mays commented that he was reviewing this as an individual PUD. Councilor Scott commented that he was as

well and added that he felt that the history of the site was important even though it was not a part of the decision criteria. Councilor Scott discussed what the public benefit of the proposed PUD was and commented that he felt it was reasonable to ask that a public benefit be included. Mr. Roth said they were using the same formula they used for other sites. Councilor Standke asked what the total open space acreage was for the half-acre park alternative? Mr. Roth replied that the open space totaled 115,000 square feet. Councilor Standke replied that at the previous hearing on the application, Council had expressed the desire for the PUD to provide more open space, per the Southeast Sherwood Master Plan. He outlined that the Southeast Sherwood Master Plan called for a little over four acres of open space, and commented he understood that the grove of trees was gone, but "open space was still open space for the community." He stated that he felt that the application still fell short in providing the intended open space for the area. Mr. Roth replied that 75% of the open space was put on the Moser property in the Southeast Sherwood Master Plan because the plan assumed all of the properties would be developed at the same time. Councilor Standke replied that Mr. Roth was aware of what the requirements were for this area prior to submitting their application and asked what Mr. Roth's reason was for not providing that open space? Mr. Roth replied that the Southeast Sherwood Master Plan was never adopted, and the criteria was subjective. He said that he had presumed that the formula they had used for the other sites was appropriate. He stated that they were "bringing back some visions" from the Southeast Sherwood Master Plan and commented that Councilor Standke was correct, that they were not matching the Southeast Sherwood Master Plan criteria exactly, but they were trying to do the best they could in order to make the site feasible for them. Mayor Rosener stated he wished to move on to public testimony from advocates.

Jim Claus, 22211 SW Pacific Highway, came forward and spoke on the Tualatin River Wildlife Refuge and stated that the city had not been working with the US Fish and Wildlife Service. He stated that the Tualatin River Wildlife Refuge was the first refuge established in a non-hunting area and he commented on impacts to the water table. He asked if the city had reached out to the US Fish and Wildlife Service to determine the city's impacts to the refuge? He commented regarding a local tannery dumping site and stated that the city had not done any studies to determine what chemicals may be released by developing that area. He said that the city was having negative impacts on the Pacific Flyway with its development and the city had failed to do any testing. He spoke on the "scab lands" and urged the city to conduct tests to determine potential impacts to the environment as well as work with US Fish and Wildlife Service.

Jennifer Arnold with Emerio Design and applicant Kenzie Roth with JT Roth Construction came forward and asked if Council had any more questions for them? Councilor Young asked what the Applicant thought of the plan that was proposed by city staff? Mr. Roth replied that he had spoken with Community Development Director Rutledge about it and stated that he felt staff's proposal was unfeasible. He provided a handout to Council of his three alternative proposals (see record, Exhibit F) and provided a brief overview of the proposals. He explained that the third option would result in him withdrawing his application and submitting a new application with the underlying zoning of VLDR. He explained that this would mean he would build cottage clusters in that area instead and stated that it would have no open space for the public. Council President Mays commented that cottage clusters would be incredibly popular in that area. Councilor Giles commented that he liked that idea as well. Council President Mays referred to city staff's proposed alternative of losing two lots in order to provide needed park area and commented that the community would likely prefer a 1-acre park. Mr. Roth replied that it was not just about losing lots, but also the cost of building the requested amenities. Council President Mays replied that the only difference between staff's proposal and Mr. Roth's was that staff's proposal included a hard

surface sports court and potentially a restroom facility. Council President Mays referred to his suggestion at the previous hearing of having the city pay for the construction of the restroom facility and expressed that it made more sense to him to have a 1-acre park with the same number of lots versus a half-acre park. He suggested removing one easement/access point to add more land back for potential lot development. Councilor Scott commented that he was in favor of removing one of the access trails and provide a .75-acre park instead of a 1-acre park. He commented that he was not in favor of dictating the location of the park, only the size of the park, nor was he in favor of requiring parking. He agreed that the city could pay for the construction of the restrooms. Councilor Standke asked what the elevation change was for the trail to the street? Ms. Arnold replied it was a 10% grade and was a difference of 10-12 feet from the street to the trail connection. Mayor Rosener asked how many lots would be lost using staff's proposed alternative? Mr. Roth replied that he had not calculated that information and discussion regarding the feasibility of narrowing lots occurred. Mr. Roth commented that he might be able to reconfigure some of the easements, which could result in him only losing one lot. Councilor Scott asked if his proposal of a .75-acre park and removing an access point was workable for the Applicant? Mayor Rosener commented that the .75-acre park would need to be located on usable land since some of the land was not usable. Councilor Young referred to discussions held at the previous hearing regarding the park location and recapped that Council felt it was important to locate the park where there was good public access in order to provide a public benefit. Mr. Roth replied to Councilor Scott's question and stated that Councilor Scott was free to advocate for that idea and Mr. Roth would do his best to accommodate it. Councilor Giles stated he liked that the trail surface had been changed to a hard surface to match the other trail in the area. He stated he was fine with removing the sports court requirement and expressed that his top priority was ensuring that the community was receiving a public benefit. Councilor Giles stated that he supported the idea of building cottage clusters in that area. Mayor Rosener stated that he was also in favor of building cottage clusters to help address missing middle housing in Sherwood. Mr. Roth referred to Lot 11 on the map on page 12 of Exhibit E and explained that the entrance to Lot 10 could be redesigned in order to provide a bigger park and Lot 9 would have a wider entrance. He commented that he would appreciate working with the city on adjusting the dimensions of Lots 11 and 17 as well as adding easements in the back for the path. Councilor Scott clarified that the Applicant was proposing that Lot 11 be added to the existing proposed park, and asked if the grade of that area was usable and contiguous with the proposed park? Mr. Roth replied that the building pads for Lots 10-12 were essentially level. Mayor Rosener asked what the acreage was for the grass and play area? Mr. Roth replied that the play area was 2,500 square feet but he did not have a calculation for the grass or bark dust area. Community Development Director Rutledge replied that it looked like the grass and bark dust area totaled less than a quarter of an acre. Councilor Young asked for clarification on what the Applicant was proposing. Mr. Roth explained that they would straighten the entrance to Lot 9 and add Lot 10 to the park.

Mayor Rosener closed the public hearing and asked for discussion or questions from Council. Councilor Scott asked staff what the reasoning was for adding a second access pathway? Community Development Director Rutledge replied that with the tracts getting converted to easements, there was no real change to the lot area, and a second pathway was added to provide better circulation. He explained that the underlying code required that a connection to open space be provided every 300 feet and said that Council could decide to remove the second pathway if they wished, and discussion occurred. Council President Mays stated that he liked the location of the park because of the access it provided and commented that he believed that the Applicant should be able to get 30-31 lots in the development. Mayor Rosener asked staff how many cottage clusters could be built in a 1-acre lot? Community Development Director Rutledge replied that he did not have that figure available, but he would look into it.

and report back to Council. Council President Mays stated that he also did not want to dictate where the park should be located. Councilor Scott stated he did not think the city should decide where the park went and asked Community Development Director Rutledge what the differences were between the park amenities in the city's proposed alternative and the Applicant's proposed alternative? Mr. Rutledge replied that there was a half-acre size difference between the two proposals as well as a sports court and optional bathroom and parking. Councilor Scott proposed that the second access path be removed, the park be reduced from 1-acre to .75 acre, and a playground, covered structure, and a sports court should be provided. He added that the city should pay for the construction of the bathroom, and it be up to the Applicant to determine if they wanted to provide parking. Councilor Standke stated he preferred the park location in the staff's proposed alternative, but he was not sure if that was feasible for the Applicant. Council President Mays asked Councilor Scott who would build the bathroom in his proposal, the city, or the developer? Councilor Scott replied that the developer would build it and the city would pay for it and commented that he believed that that was in line with other city parks. Community Development Director Rutledge asked if the city would pay for the maintenance of the bathroom or something else and clarified that this park would be HOA owned and maintained. Council President Mays added that there could be an agreement to maintain the bathroom. Mr. Rutledge replied that he recommended that the developer put in the utilities and the grade, and the city pay for the actual restroom with the hookups provided by the developer. Councilor Young stated that she was unsure if cottage clusters were appropriate for that area and commented that she preferred the park location in staff's proposed alternative. She stated that she would be fine with a .75-acre park if it meant being located in the area proposed by staff, but she was open to the Applicant's proposed alternative of adding Lot 10. She stated she was in favor of the city paying for the construction and maintenance of the bathroom. Councilor Giles stated that he agreed with Councilors Young, Scott, and Standke. He stated that cottage clusters would be appropriate for that area. He stated that he preferred the park location in staff's proposed alternative as it provided a better public benefit, but he did not want to force the Applicant to put the park in that location if they did not want to. He commented that he felt that the area proposed for the park by the Applicant would result in it feeling too crowded, but it was up to the developer to make that decision. Councilor Giles stated that he would prefer to have the Applicant come back in two weeks with the adjustments they had made rather than vote on the proposed ordinance at this meeting. Mayor Rosener referred to the grade and width of the road that led to the cul-de-sac and commented that it would be problematic to have a park in that area due to the limited parking, so having a large amount of frontage for parking was a good idea. He added that this would also minimize conflict with the nearby neighborhoods. He stated he was in favor of keeping the park on the through street and ensuring that there was enough frontage for cars to park nearby. He commented he was open to a .75-acre park, but the Southeast Sherwood Master Plan had identified 4-acres of open space, and the current proposal provided much less than that. He stated that this was a PUD, so there needed to be a public benefit and commented that a large park with some amenities and a bathroom that the city would pay for was reasonable. Council President Mays asked Mayor Rosener for his opinion on removing one of the two access points. Mayor Rosener said he was fine with one access point and commented that he had concerns about trails located beneath retaining walls and referred to the tendency for garbage to accumulate in those areas. Councilor Giles stated he was fine with getting rid of one of the trail connections. Councilor Young put forward the idea that the park could provide a sports field instead of a hard surface sports court. Councilor Scott commented that the city could be less prescriptive in the type of sports court it was requiring and explained that they could stipulate the minimum dimensions instead. Councilor Giles commented that he wanted to see a different type of sports activity area instead of a sports court. Council President Mays suggested that the Parks and Recreation Advisory Board be the decision maker on the sports court element of the park. Councilor Scott added that the Applicant could

pick from the list of desired park features/equipment that was included in the Parks Master Plan. Community Development Director Rutledge explained the process for including the Parks and Recreation Advisory Board and the Planning Commission in the PUD's park discussion.

MOTION: FROM COUNCILOR YOUNG TO EXTEND THE MEETING UNTIL 10 PM. SECONDED BY COUNCIL PRESIDENT MAYS. MOTION PASSED 6:0. ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR BROUSE WAS ABSENT).

Council President Mays stated that he agreed that the Planning Commission should determine the sports court element of the park. Councilor Young stated she agreed.

MOTION: FROM COUNCIL PRESIDENT MAYS TO HAVE STAFF COME BACK IN TWO WEEKS WITH A FINAL PLAN FOR APPROVAL FOLLOWING STAFF'S SUGGESTION OF: A ONE-ACRE PARK LOCATED ON LOTS 29-32, THE REMOVAL OF THE TRAIL ACCESS POINT OFF OF UPPER ROY, STAFF'S SUGGESTED AMENITIES, A SPORTS COURT THAT WAS SUPPORTED BY THE PLANNING COMMISSION, A NATURE PLAY PLAN, A BATHROOM FUNDED AND MAINTAINED BY THE CITY, AND ON-STREET PARKING ON THE SOUTH SIDE OF UPPER ROY.

Councilor Giles stated that he was concerned that the city was not meeting the Applicant "in the middle."

MOTION SECONDED BY MAYOR ROSENER.

Councilor Scott stated that he did not support the motion and suggested stipulating that the park location be the area staff suggested and reducing the park down to .75-acres and giving Lot 29 back to the Applicant. He added that he supported the Planning Commission getting final approval for the sports court amenity, the city paying for the construction of the bathroom, and the removal of the second access point.

Councilor Young stated that she supported Councilor Scott's proposal.

Mayor Rosener stated that he was not in favor of Councilor Scott's proposal as he wanted to have as large a park as possible.

Councilor Standke stated that he did not support the original motion as he felt the .75-acre park was an appropriate compromise.

MOTION TO AMEND: FROM COUNCIL PRESIDENT MAYS TO IDENTIFY LOTS 30-32 AS THE PARK. SECONDED BY COUNCILOR YOUNG.

Mayor Rosener commented that doing so would provide a lot of on-street parking and discussion occurred.

MOTION AS AMENDED: FROM MAYOR ROSENER TO SET LOTS 30-32 AS THE PARK, REMOVE ONE TRAIL ACCESS POINT, APPLICANT TO SUPPLY SPORTS COURT AMENITY, A CITY-FUNDED AND MAINTAINED BATHROOM, PLAY AREA AMENITY, AND PLANNING COMMISSION TO APPROVE THE SPORTS COURT AMENITY WITH GUIDANCE FROM THE PARKS MASTER

PLAN. MOTION PASSED 6:0. ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR BROUSE WAS ABSENT).

Mr. Roth came forward and stated that he would try to make this work and commented that "this was the best use of the property." He said that he would still like to work with the city and explained that they would try to put the path on the north side of Lots 11-17 as well as easements on the back to try and fit in another lot.

Record Note: Two emails were forwarded to Council from Community Development Director Rutledge on behalf of Applicant for Council's consideration regarding Applicant's proposed PUD park revisions (see record, Exhibit G).

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

B. Ordinance 2023-002, Amending Divisions I, II, III, IV, VII, and VIII of the Sherwood Zoning and Community Development Code and repealing Ordinance 2022-006 establishing time, place, and manner restrictions on psilocybin service centers and the manufacturing of psilocybin products (First Reading)

Planning Manager Erika Palmer presented the "Sherwood Development Code Update" PowerPoint presentation (see record, Exhibit H) and explained that it was important to review the Development Code on a yearly basis to ensure that it complied with state regulations and was in line with the community's needs. She outlined the proposed text amendments to the Development Code and explained it was a Type V land use action. She explained that the Planning Commission had made a recommendation for Council to review and stated that Council was the final decision maker on the matter. She recapped that the Planning Commission had held four work sessions on the matter where they offered to receive public comment, but no formal public comments had been received. She provided an overview of the applicable criteria on page 4 of the presentation and commented that some of the proposed changes included the retitling of headings and section numbers. She outlined the proposal highlights on page 5 of the presentation and explained that the psilocybin standards adopted by Council in December 2022 were now formally integrated into the Development Code in order to meet new state laws. She explained that these standards were similar to the recreational marijuana standards for time, place, and manner. She addressed Industrial Design Standards and explained that most applicants were already screening their roof-mounted equipment and the Planning Commission was now recommending making that a requirement. She outlined that the Planning Commission had also updated the city's Commercial Design Standards to require multi-family development to have a minimum of the primary building elevation adjacent to a public right-of-way to include windows, entrance doors, and the side elevation facing a right-of-way would be required to have a minimum of 10% glazing. She stated that this proposed standard was the same as the recently adopted Residential Design Standards for all residential types in Sherwood. She outlined that additional proposal highlights included the reorganization of chapters with the goal of clarity and readability and reported that the city was also proposing to remove ash trees from the street tree list due to the Emerald Ash Borer infestation in the state. She noted that a correction was needed to Section 16.38.040.C.6 and explained that it should read "psilocybin odor" not "marijuana odor." Planning Manager Palmer stated that all of the proposed amendments were consistent with regional, local, and state land use goals and policies and none of the proposed amendments were in direct conflict with any regional, local, or state land use goals and policies. She recommended a second

hearing on the proposed ordinance be held at the March 7th City Council meeting and outlined Council alternatives as: approve the proposed development code amendments with the findings in this staff report, modify the proposed development code amendments and/or findings and approve as modified in compliance with all applicable criteria, deny the proposed Development Code amendments based on the Planning Commission's findings, or continue the public hearing to a date certain if more information was needed. Mayor Rosener explained that this was in response to psilocybin and psilocybin facilities becoming legal in Oregon. He explained that the proposed ordinance was done to align with state statutes. Councilor Scott thanked the Planning Commission and staff for their work on cleaning up the Development Code.

Mayor Rosener opened the public hearing to receive public comment. Hearing none, Mayor Rosener closed the public hearing and asked for discussion or questions from Council. Hearing none, Mayor Rosener addressed the next agenda item.

11. CITY MANAGER REPORT:

City Manager Keith Campbell announced applications for the CEP would be open on March 1st and said that more information could be found on the city's website. He reported that the Sherwood School District and the Sherwood Police Department would hold a joint training on February 22nd at Sherwood High School.

Council President Mays asked Police Chief Ty Hanlon regarding recent staffing changes at the Police Department. Chief Hanlon replied that Officers Jason Christensen and Corey Jentzsch had both been promoted to Sergeant.

Mayor Rosener addressed the next agenda item.

12. COUNCIL ANNOUNCEMENTS:

Councilor Young thanked Councilor Standke for attending the CDBG meeting and Councilor Giles for attending the Police Advisory Board meeting in her place as she was unable to attend. She reported that the Senior Center had been awarded a CDBG grant to complete necessary window and siding renovations.

Council President Mays reported he attended the Cultural Arts Commission meeting on February 20th where they discussed art for the pedestrian bridge.

Councilor Scott thanked Councilor Giles for attending the Parks and Recreation Advisory Board meeting in his place.

Councilor Standke reported that he attended the Planning Commission meeting where they discussed the Sherwood West Concept Plan and the potential need for a joint Planning Commission and City Council work session.

Councilor Giles reported he attended the most recent Parks and Recreation Advisory Board meeting where they discussed tree removals. He congratulated Sergeant Randy Johnson on his retirement. He reported he attended a performance at the Arts Center. He reported that the Library Advisory Board was reviewing their policies on book retention. He reported that he attended the Sherwood School Board

meeting where the board voted to support the local levy for the schools. He stated that he supported the levy.

MOTION: FROM COUNCILOR SCOTT TO EXTEND THE MEETING UNTIL 10:02 PM. SECONDED BY MAYOR ROSENER. MOTION PASSED 6:0. ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR BROUSE WAS ABSENT).

Mayor Rosener reported that he attended the Walk of Remembrance honoring Amelia Green and Elliana Kramer. He reported that he met with representatives from the cities of Tualatin, Durham, King City, and Tigard where they discussed issues important to Washington County and legislative initiatives. He reported he met with the Washington County Chair and Washington County Mayors where they discussed Washington County budget challenges.

13. ADJOURN:

Mayor Rosener adjourned the regular session at 10:02 pm and convened an executive session.


EXECUTIVE SESSION


1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 10:12 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Councilors Doug Scott, Kim Young, Dan Standke, and Taylor Giles. Councilors Keith Mays and Renee Brouse were absent.
3. **STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Ryan Adams and outside Counsel Alan Rappleyea.
4. **TOPICS:**
 - A. **ORS 192.660(2)(e), Real Property Transactions**

5. ADJOURN:

Mayor Rosener adjourned the executive session at 10:35 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Tim Rosener, Mayor