



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**May 16, 2023**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:15 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Councilors Kim Young, Doug Scott, Taylor Giles, and Dan Standke. Council President Keith Mays and Councilor Renee Brouse were absent.
3. **STAFF PRESENT:** City Manager Keith Campbell, City Attorney Ryan Adams, IT Director Brad Crawford, Community Development Director Eric Rutledge, Economic Development Manager Bruce Coleman, Planning Manager Erika Palmer, Public Works Operations Supervisor Rich Sattler, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Ty Hanlon, Records Technician Katie Corgan, and Planning Technician Colleen Resch.

**PLANNING COMMISSION PRESENT:** Chair Jean Simson, Vice Chair Justin Kai, Tyler Barns, and Dan Bantz.

**4. TOPICS:**

**A. 5 Year CIP**

Public Works Director Craig Sheldon recapped that a previous work session was held to discuss the one-year CIP plan, and this work session was to discuss the five-year CIP plan and provided a handout of the five-year CIP plan to Council (see record, Exhibit A). He explained that traffic calming projects were funded by the Street Maintenance Fund and reported that there were some county projects in the list, and he had chosen to list them because the city sought funding for the projects. He outlined that some of the park projects were taken from the Parks Master Plan and recapped that the Sanitary Fund did not have enough funding to finance all of the projects listed and referred to Schaumburg Road projects. Mayor Rosener shared that Senators Wyden and Merkley had submitted Sherwood's two sewer projects to receive federal funding and explained that decisions would be finalized sometime in August. Mr. Sheldon stated that the Schaumburg Road project was estimated to cost \$500,000. Councilor Scott commented that he wanted Council to discuss the construction of a universally accessible destination play area and recapped that the Parks Master Plan had cited the creation of such a play area as a goal and was recently discussed at a Parks and Recreation Advisory Board meeting. He stated that a universally accessible destination play area would draw in visitors from the metro area and explained that there was an opportunity for the city to work with the county, Metro, and other cities to help fund the project. Councilor Young asked if it was typical for multiple municipalities to pool resources to help construct an amenity in a single town. Discussion occurred and City Manager Campbell commented that he had seen it done previously in Kansas City for a regional park but did not know of

any instances of it happening in Oregon. Councilor Giles put forward the idea of a Parks and Recreation Advisory Board subcommittee to work on procuring grants and funding for the construction of the universally accessible park. Councilor Giles asked regarding the funding status of the projects listed in the five-year CIP. Mr. Sheldon explained that none of the projects listed in the five-year CIP were funded, only projects listed in the one-year CIP were funded. He clarified that some of the projects listed were multi-year projects and were listed so staff could work on procuring funding for those projects and cited the Highway 99W pedestrian bridge and Ice Age Drive projects. Mayor Rosener asked for more information on the "Sunset Pedestrian Crossing study – 99W to Pinehurst" project. Public Works Director Sheldon explained that the goal of the project was to study pedestrian safety and traffic flow from Highway 99W to Woodhaven Street and could result in a recommendation to reconfigure the traffic flow on the nearby roads. Mayor Rosener referred to the "Edy Road Improvement" project estimated cost and explained that the city had submitted a MSTIP funding request to the county for the project and explained that the county was experiencing budget issues which could result in MSTIP funding being unavailable. He explained that discussions between the county and regional mayors were still ongoing and provided background on the history of the MSTIP fund. Mr. Sheldon reported that a restroom for the YMCA skate park and the future park in the Moser Pass PUD had been added to the five-year CIP. Councilor Standke asked about the expected timeline for the tannery site cleanup. Mr. Sheldon explained the current status and expected timeline. Mayor Rosener added that the city had asked for a federal earmark for funding, but it was unlikely that the city would be awarded any grants for the project because the funding source was already overextended. He added that they were also looking into alternative federal funding avenues. Mr. Sheldon explained that the tannery site cleanup and new Public Works facility would be multi-phased projects and timelines would likely change once the cleanup actually began. He stated that a resolution adopting the five-year CIP would be on the June 16<sup>th</sup> City Council agenda.

## **B. Sherwood West Concept Plan Rereview – Joint Work Session with Planning Commission**

Planning Manager Erika Palmer presented the "Sherwood West Concept Plan" PowerPoint presentation (see record, Exhibit B) and recapped previous work session discussions on Sherwood West and stated that the Sherwood West Concept Plan had been emailed to Council and the Planning Commission prior to the work session (see record, Exhibit C). She outlined that this work session would focus on land use and transportation maps in the Sherwood West Concept Plan, housing metrics, job metrics, future implementation strategies, funding tools, and next steps. She recapped that in June 2022, the CAC developed three Sherwood West Concept Plan map alternatives based on the buildable land in the Sherwood West area and noted that the maps were similar to each other with only minor differences in the placement of open space, mixed use, hospitality, and residential housing. She explained that transportation alternatives were created and included carryover of the 2016 recommendation to reroute Elwert Road. She stated that the idea of a north/south connector road to address traffic flow on Elwert Road and the future growth of Yamhill County was also included. She reported that the map and transportation alternatives were shared at an open house to gather feedback from the community on the alternatives. She reported that the safety and design of Elwert Road; the preservation of natural features; plans for parks and trails; a variety of housing choices, including cottage clusters; employment being located in the northern area; and a variety of uses that were close to Highway 99W were the most important items based on community feedback. She noted that there was concern about the north/south connector road in regard to topography, cost, and location. Planning Manager Palmer provided an overview of the transportation network maps on page 8 of the presentation and explained that further study was needed for the possible rerouting of Elwert Road as well as the north/south connector. She reported that the CAC discussed the north/south connector in detail and determined that the road should be removed from the overall transportation map and be discussed in detail in the text document. She stated that the map on page 9 of the presentation showed the preferred alternative for rerouting Elwert Road. Discussion regarding rerouting Elwert Road occurred and Ms. Palmer explained that more work

on the possible alternatives for the rerouting, including costs and opportunities, was needed. Councilor Scott clarified that rerouting Elwert Road was recommended in order to help reduce cut through traffic once Sherwood West was developed. Mayor Rosener added that it was important to get the north/south connector into the Sherwood West Concept Plan so that the city could begin discussing the road with Washington County. Council commented that the north/south connector would ideally connect beyond Edy Road. Ms. Palmer explained that the city was unable to plan beyond the boundaries of the map on page 9 because that land was not currently in the planning area, but in the future, the area may be annexed into the planning area. She provided an overview of the trails and open space map on page 10 of the presentation and explained that the trail network would utilize sidewalks, streets, and easements in order to provide connectivity to the different natural resources in the area and the existing Sherwood community. She explained that the green markings on the map symbolized planned parks and clarified that the final location of the parks may move based on where land was available. Discussion regarding open house feedback on the three proposed alternatives occurred and Planning Commission Chair Simson explained that Alternative 1 was chosen for two areas and a different alternative was chosen for the third area. She continued that a “blended” map was created based on the feedback from the open house and community survey. Planning Manager Palmer reported that the residential land use designations for the area included multifamily; cottage clusters; middle-housing; Neighborhood – Medium-High; Neighborhood – Medium; and Neighborhood – Low. She noted that cottage clusters and middle housing were not subject to OAR 660 Middle Housing and middle housing included duplexes, townhomes, and cottage clusters. She provided an overview of the employment land use designations and explained that they included: mixed-use employment; commercial; mixed-use; and hospitality. She explained that the Hospitality Zone was a carryover from the previous Concept Plan that treated Sherwood as a gateway to wine country and included uses that correlated with that theme and included tasting rooms, farm to table restaurants, smaller boutique businesses, and a smaller boutique hotel. Planning Commission Chair Simson asked for Council input on having a Hospitality Zone versus a Hospitality Overlay and commented that an overlay provided more flexibility which allowed a developer to build to the underlying zone. Council asked what the underlying zone would be. Planning Commission Chair Simson replied that was Council’s decision. Discussion occurred regarding zone versus overlay and Mayor Rosener explained that if the underlying zoning was Residential with a Hospitality Overlay, under HB 2001 and HB 3414, a developer could put in housing and the city lost its Hospitality Zone. Councilor Scott commented that if no one developed the land because of the current zoning, then the land could be rezoned to be more appealing to developers. Planning Manager Palmer provided an overview of the Land Use Map on page 13 of the presentation and stated that the northern section had roughly 200 acres of Mixed Employment that would focus on Sherwood’s targeted industries. She stated that the lower portion of that section was Multifamily, Middle Housing, and Medium Density Residential neighborhoods. Councilor Giles asked that “lunch areas” be added to the area to serve Sherwood West businesses. Ms. Palmer replied that that would be included in the Comprehensive Plan Process where uses and zoning would be determined. She continued that the middle section was largely Low-Density Residential and Cottage Cluster designations. She explained that the west district of the middle section was an assortment of uses to help service the area and was surrounded by Medium-Density Residential, cottage clusters, and some Multifamily. She addressed the bottom section of the map and explained that the area contained the Hospitality designation as well as multifamily, mixed use, and some open space. She explained that future schools were not included because it had been determined in working with the Sherwood School District that the necessary schools would be needed later in the planning period as Sherwood West developed. Ms. Palmer reported that the CAC recommended further clarifying on the map that the uses had not been finalized. Councilor Scott asked when a Master Plan would be needed in this process. Ms. Palmer replied that a Master Plan could be drafted at any point. Councilor Scott stated that he wanted a Master Plan prior to the area entering the UGB because once the land was in the UGB, the city lost control of when it came into the city. Self-annexation discussion occurred, and Planning Commission Chair Simson explained that annexation agreements could be utilized to require that when development came in, it came in as a contract with an annexation agreement and said that it would need

to be added to Sherwood's code. Community Development Director Eric Rutledge explained that the city's annexation policy would likely need to be consistent with what the state outlined and explained that he had recently met with the City of Hillsboro to discuss annexation agreements. He explained that Hillsboro recommended codifying the requirements and criteria of annexation which would allow the city more control over annexation as well as setting development expectations. Discussion on the limitations of SB 1573 occurred and Council asked City Attorney Ryan Adams to look into annexation agreements. Councilor Scott commented that he was worried about parcels annexing into the city piecemeal and asked for information on ways to prevent that from happening. Community Development Director Rutledge commented that the implementation of the Master Plan was also important and stated that the purpose of a Master Plan was to let developers know what was expected of their property. Mayor Rosener commented that work was needed to determine what Sherwood's code needed as well as completing the Sherwood West Master Plan. Community Development Director Rutledge stated that he would look into what options were available. Discussion occurred regarding the deliberate utilization of multiple land uses in the Sherwood West area. Planning Manager Palmer provided an overview of the housing estimates chart on page 14 of the presentation and explained that when determining the Total Average Density, the highest density per zone was used because development was currently happening in the higher range. She reported that the Total Average Density number with no middle housing was 9.2, or 7.8 when open space was added. She stated that the Total Average Density ranged from 13.9-16.4 with 50% middle housing added to the area. Mayor Rosener explained that Metro required cities to show that they were capable of hitting certain density targets. Planning Commission Chair Simson added that the numbers in the chart did not reflect the maximum number of housing units a developer could build but were instead based on the likely number that developers would build. Community Development Director Rutledge stated that it still needed to be determined that if a city had a Master Plan that followed state requirements but designated specific uses for certain areas, could a developer come in under HB 2001 in a single-family designated area. He explained that staff were waiting for a response from the DLCD on this issue. Ms. Palmer addressed the employment estimates chart on page 15 of the presentation and reported that there were 265 acres available for employment use and an estimated 4,524 jobs could be located in Sherwood West. She addressed the jobs-to-housing ratio and reported that with 10% middle housing, the jobs-to-housing ratio was 1.3 and explained that a number over 1.0 was a good ratio. She recapped next steps and explained that more work was needed to review the infrastructure funding strategies for the area and possible supplemental SDC methodology. She outlined that additional work on Comprehensive Plan policy updates and zoning regulations included natural resource protection, custom residential zoning, hospitality zoning or overlay, Master Planning or "Village Planning," future annexation policies, and updating the city's various Master Plans. She addressed implementation and explained that future alternatives and feasibility studies would be needed for the SW Elwert Road/SW Edy Road alignment, connectivity to Brookman area, north/south connectivity, Public Facility Plans, and funding tools. She stated that continued community engagement throughout the process was important as well as complying with Metro Title 11 requirements. She provided an overview of the development process timeline on page 19 of the presentation and stated that Metro was the final decision maker on UGB expansions. She stated that a representative from Metro had served on the CAC and TAC. Mayor Rosener said that at this point, no other cities had submitted a UGB expansion request and commented that he predicted that Metro would be willing to work with Sherwood and spoke on current state legislation regarding urban reserve adjacent landowners and mutual agreements. Community Development Director Rutledge added that if Metro approved of the UGB expansion request, then the funding for the comprehensive planning, zoning, environmental, etc. was included so the city would not need to use its Metro 2040 grant ask for Sherwood West. Planning Commission Chair Simson asked if the Metro member of the TAC had agreed with the proposed density numbers. Planning Manager Palmer explained that Metro Title 11 did not set a density requirement, but the city followed the Metropolitan Housing Rule. Planning Commission Chair Simson asked Council if the densities should be changed prior to the hearings process. Council stated that they were fine with the current numbers because they were trying to build missing middle housing. Chair Simson asked if Council wanted

Sherwood West to have civic buildings such as a firehouse and a library. Planning Manager Palmer commented that the need for additional civic buildings was stated in the text of the document. Council asked that it be noted as a need. Ms. Palmer outlined that a tentative City Council public hearing date for the Sherwood West Concept Plan was scheduled for July 2023. Councilor Scott asked that “consider” be added to the last two bullet points on page 20 of the presentation. Mayor Rosener asked that a list of necessary work and estimated timelines be compiled and shared with Council.

### **C. Metro and District 3 Update**

Metro Councilor Garritt Rosenthal introduced Metro Interim Policy Advisor Jeff Kain and presented the “Together for Prosperity” PowerPoint presentation (see record, Exhibit D). He addressed current land use conversations and explained that the 500-acre UGB trade that included Clackamas County, Happy Valley, Tigard, Gresham, and Oregon City had been finalized by LUBA. He reported that the Safe Streets for All grant had been awarded \$3.4 million in federal funds and explained that the majority of those funds would be used to address ODOT roads that were now city streets. He referred to Highway 99W and stated that Metro was trying to get Highway 99W onto the RTP (Regional Transportation Plan). He addressed housing investments from the housing bond and reported that housing projects were ongoing and were widely distributed throughout the metro area and commented that coordinating this work was complicated as it involved many different agencies. He addressed the Supportive Housing Services Tax and explained the roll-out issues that had been encountered and reported that the tax would raise about \$240 million a year to fund supportive services. He commented that there had been issues in individual counties when it came to administering the program. Councilor Giles asked if any of the Supportive Housing Services Tax funds could be used to provide mental health services in schools. Metro Councilor Rosenthal replied that that was up to each county because the counties were the ones to administer the program and it was up to Metro to make sure that certain standards were being met. Metro Councilor Rosenthal provided an overview of Metro area venues such as the Oregon Convention Center and the Portland Expo Center. He reported that there would be a strong effort to memorialize the Japanese internment center and the history of Vanport with the Expo Future project. Mayor Rosener referred to the Sherwood Ice Arena and asked if Metro would consider expanding the facility since it was one of the two remaining ice arenas in the metro area. Metro Councilor Rosenthal replied that he thought that it was a good idea, but he was unsure of how the expansion of that facility could be handled without selling the facility to be included in the Expo Future project due to the program’s funding requirements. He addressed the Oregon Zoo and reported that the Oregon Zoo Bond had achieved 95% of what was listed in the bond under price. He referred to the Arlene Schnitzer Concert Hall and reported that the building’s HVAC system had failed and needed to be replaced. He provided an overview of Metro clean-up efforts and spoke on Metro’s RID Patrol and spoke on the CEP (Community Enhancement Program) grants and Regional Refresh Fund to support clean-up efforts. He addressed solid waste fees and reported that Metro had recently approved the rate structure for the next year. He referred to inflation and explained that Metro had previously promised cities and haulers that Metro would keep the regional fee at 8% but the mixed waste fee, or tipping fee, would increase by 14%. He explained that 14% was not at the cost-of-service level, but it was close. He reported that the Regional Systems Fee would increase 6.9% and Mayor Rosener asked what Pride Disposal’s fees would increase to. Metro Councilor Rosenthal replied that that was partially up to the hauler, but he estimated that Pride would increase their fees at least 6.9% because the Regional System Fee had gone up 6.9%. Mayor Rosener stated that he was concerned about Metro’s new rate structure for solid waste and explained that each year, an auditor reviewed the margins for Pride Disposal which factored in things like tipping fees and service fees, and the city had to guarantee 8-12% profitability for Pride. He explained that this had resulted in yearly fee increases to customers and commented that the tipping fees had a big impact on the metrics. He stated that Metro was guaranteed 40% of the loads and explained that that arrangement had been put in place to help fund General Obligation Bonds, but those bonds had been paid off, but Metro was still guaranteed 40% of the loads. Mayor Rosener stated that it was likely that the city was looking at another

rate hike for garbage customers. He remarked that Metro previously had a solid waste rate setting committee comprised of regional elected officials and the board provided recommendations to Metro on solid waste rates. He stated that he would like that committee to be reestablished to help provide better transparency in the process. He continued that he understood that one of the reasons for the rate increase was to help build up the reserves, but once money was in the reserves, those funds became unrestricted, and he felt it was unclear if those funds were strictly being used for the “garbage-side” of the reserves. He stated that he wanted to ensure that the funds generated from tipping fees would only be used on solid waste and recycling. Metro Councilor Rosenthal replied that those concerns had been discussed as well as the idea of the two reserves needing to be kept separate. He explained that there were reserves generated from the Regional Systems Fee and reserves generated from tipping fees, and that by keeping them separated, there would be more control and more transparency on how those funds could be spent. He explained that Metro Council felt strongly about not cutting services that people found helpful, such as the paint facility, RID Patrol, the hazardous waste program, etc. Metro Councilor Rosenthal commented that he was unsure why the solid waste rate setting committee had been discontinued, but he felt it was potentially a good idea to reestablish the committee. He commented that solid waste rate setting was complicated due to the multitude of waste streams, but it was important to determine ways to be more transparent. Mayor Rosener agreed and stated that it was important to allow for engagement at the formulative stage. Councilor Giles commented that residents noticed the change in rates on their monthly bills but would likely be open to paying more for peripheral waste services, like battery recycling, if it meant a lower monthly bill. Metro Councilor Rosenthal explained that roughly 10% of the residential bill was related to Metro costs and discussion occurred. He addressed the creation of jobs and explained that job creation was tied to industrial lands readiness and reported that Metro had sat on the Senator Wyden task force for the CHIPS Act and had participated in discussion at the state level about job creation through investment. He explained that one of the goals of the Metro 2040 grant program was to help smaller cities make industrial lands available for development which helped to create jobs. Mayor Rosener asked Metro Councilor Rosenthal to speak on Metro’s potential interest in UGB expansions for the upcoming cycle. Metro Councilor Rosenthal replied that there was a push for the creation of technology-ready sites in Sherwood and nearby cities and commented that he felt that Metro was open to those asks but a balance needed to be maintained. He added that transportation issues and getting people to and from work still need to be addressed on the west side. Mayor Rosener referred to Regional Transportation Plans and commented that he would like Metro to restructure the process so that a regional vision for transportation was developed and TriMet, cities, counties, and ODOT be included at the beginning of that process. Metro Councilor Rosenthal commented that he agreed that it would be beneficial to have a more cohesive Regional Transportation Plan. He addressed general sponsorship and explained that there were smaller grants available for community organizations to apply for. He addressed regional discussions and spoke on tolling. He explained that Metro now had a year and a half to determine how to handle tolling and commented that Metro believed that tolling would not go away. He addressed industrial lands and SB 4 which would allow the governor to set aside lands for industrial development outside the Urban Growth Boundary and explained that Metro was neutral on the issue but understood that there were concerns.

#### **D. Charter Review Discussion**

*Record Note: “Charter Review Discussion” work session topic did not take place.*

#### **5. ADJOURN:**

Mayor Rosener adjourned the work session at 7:00 pm and convened a regular session.

#### **REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:07 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Councilors Kim Young, Doug Scott, Taylor Giles, and Dan Standke. Council President Keith Mays and Councilor Renee Brouse were absent.
3. **STAFF PRESENT:** City Manager Keith Campbell, City Attorney Ryan Adams, IT Director Brad Crawford, Community Development Director Eric Rutledge, Planning Manager Erika Palmer, Public Works Director Craig Sheldon, Police Chief Ty Hanlon, City Law Clerk Emma Gill, Associate Planner Hugo Hamblin-Agosto, and Planning Technician Colleen Resch.

4. **APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT MAYS AND COUNCILOR BROUSE WERE ABSENT).**

5. **CONSENT AGENDA:**

- A. **Approval of April 19, 2023 City Council Meeting Minutes**
- B. **Approval of May 2, 2023 City Council Meeting Minutes**
- C. **Resolution 2023-032, Authorizing the City Manager to Sign a One-Year Extension to the On-Call Building Plan Review and Inspection Services Contract with Clair Company**
- D. **Resolution 2023-033, Authorizing City Manager to Execute a Construction Contract for the SW Willamette Street Grind and Inlay Project**
- E. **Resolution 2023-034, Reappointing Rick Woidyla to the Planning Commission**

**MOTION: FROM COUNCILOR SCOTT TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT MAYS AND COUNCILOR BROUSE WERE ABSENT).**

6. **CITIZEN COMMENTS:**

There were no citizen comments and Mayor Rosener addressed the next agenda item.

7. **PRESENTATIONS:**

**A. Recognition of TeenLAB Participant**

Youth Services Librarian Jaime Thoreson came forward and recognized TeenLAB participant Payzlee Saron-Ramos. She reported that Ms. Saron-Ramos was graduating from Sherwood High School this year and had been volunteering since she was in eighth grade as a part of the National Junior Honor Society. Ms. Thoreson explained that the TeenLAB program gave teens the opportunity to volunteer at the library to understand what librarians did and to help provide a diverse and equitable experience for community members. Ms. Thoreson explained that she appreciated Payzlee's initiative to get things done and stated that she was a natural leader, including helping new TeenLAB members get acclimated. During her time in the TeenLAB program, Ms. Saron-Ramos assisted with assembling craft kits, labeling book club books, decorating the library during the holidays, weeding books for condition issues,

and helping judge the teen art contests. Ms. Thoreson thanked Payzlee for volunteering over 160 hours of her time to the library and wished her good luck in college.

Mayor Rosener addressed the next agenda item.

City Attorney Ryan Adams introduced Emma Gill, the new Law Clerk for the city. Law Clerk Gill read aloud the public hearings statement for both public hearing items.

## **8. PUBLIC HEARINGS:**

### **A. Ordinance 2023-004, Adopting the Sherwood Procurement Code, Chapter 1.10 (Second Hearing)**

City Attorney Ryan Adams recapped that ORS Chapters 279A, 279B, and 279C governed Oregon's procurement laws and allowed cities to adopt their own procurement code so long as they followed ORS Chapters 279A, 279B, and 279C. He provided background and explained that the city's procurement code had not been updated since 2005 and the proposed ordinance reflected Council's feedback from previous work session discussions. He stated that this was the second hearing on the ordinance and commented that the ordinance would be beneficial to the city and would save resources in the form of staff time. He recommended that Council approve the proposed ordinance and asked for questions from Council. Mayor Rosener opened the public hearing portion of the meeting and asked for public comment on the proposed ordinance. Hearing none, Mayor Rosener closed the public hearing and asked for questions or a motion from Council.

**MOTION: FROM COUNCILOR YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2023-004, ADOPTING THE SHERWOOD PROCUREMENT CODE, CHAPTER 1.10. SECONDED BY COUNCILOR GILES. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT MAYS AND COUNCILOR BROUSE WERE ABSENT).**

Mayor Rosener addressed the next agenda item.

### **B. Ordinance 2023-005, Approving a minor land partition of Tax Lot 400 of Washington County Assessor Map 2S129CD and an amendment to the City's General Plan and Zoning Map to rezone the ±3.3 acre portion of the site to High Density Residential (HDR) from Retail Commercial (RC) (First Hearing)**

Planning Manager Erika Palmer presented the "LU 2023-005 ZC & MLP Sherwood Plaza Zone Change & Partition" PowerPoint presentation (see record, Exhibit E) and provided background. She explained that the applicant was proposing a two-parcel partition to create a 3.3-acre parcel and a subsequent zone change from Retail Commercial to High Density Residential. She reported that the parcel was located along SW Langer Drive, it was a Type 5 application due to the zone change, and City Council was the final decision maker. She provided an overview of the site on page 3 of the presentation and reported that the 3.3-acre eastern portion of the property was a vacant field, and its zoning was to be changed to High Density Residential. She stated that the site had direct access to Langer Drive and the portioned site would have access to Langer Drive through an easement. She explained that the site was currently zoned for Retail Commercial and the properties north and west of the site were also zoned Retail Commercial with land uses consisting of retail shops, restaurants, fast food, service stations, hair salons, etc. The properties to the east were zoned as High Density Residential Planned Unit



Development (HDR-PUD) with land uses of attached townhomes and apartment complexes, and the properties to the south were zoned HDR-PUD and RC-PUD, with land uses consisting of a residential care facility and an apartment complex. Ms. Palmer provided an overview of the proposed partition of the site on pages 6-7 of the presentation. She outlined the applicable Development Code chapters and explained that zone changes had to be consistent with the Comprehensive Plan, state planning goals, and the Transportation Planning Rule. She continued that the partition needed to be consistent with each of the zone's dimensional standards, be adequately served by infrastructure, and could not hinder development on adjacent parcels. She addressed the current use of Retail Commercial Zones and explained that this zoning generally allowed for general retail stores, restaurants, medical, business, and professional offices. She stated that Retail Commercial also allowed for multifamily housing that was subject to specific standards that included: the entire ground floor must be non-residential with housing only permitted on the upper floors, the first-floor minimum ceiling height was 12 feet, the maximum density was that of the HDR Zone, and the development must include parking for both housing and commercial uses. Planning Manager Palmer explained that the High-Density Residential Zones provided higher-density multifamily housing with a density between 16.8 to 24 dwelling units per acre and building types could be attached townhomes, apartments or condos. She provided an overview of the criteria for a map amendment on page 10 of the presentation and explained that a zoning map amendment needed to be consistent with the goals and policies in the city's Comprehensive Plan and Transportation Systems Plan, there needed to be a demonstrated need for the particular uses and zoning proposed, and the proposed amendment needed to be timely considering the pattern of developments and surrounding land uses in the area. She addressed the demonstratable need and timeliness requirement and stated that the Housing Needs Analysis showed that Sherwood had a deficit of homes in the 20-year forecasted supply and included all housing types in all residential zones. She reported that there was a 145 HDR unit deficit and explained that alternative sites were limited due to availability, the need for annexation to occur, and needed infrastructure. She stated that the Applicant had provided additional analysis of the challenges of retail uses in the current location and explained that the site's location and configuration presented challenges to retail use in terms of visibility, access, and effective site planning. She explained that residential uses were likely to be feasible and multifamily development was a common transitional use between residential and commercial areas with proper buffering. Ms. Palmer outlined that the Applicant had prepared a Transportation Planning Rule analysis to determine the possible impacts on the city's transportation system and found that a zone change to High-Density Residential development would result in fewer trips and that traffic volume remained consistent with the city's adopted Transportation Systems Plan. She reported that ODOT had reviewed the analysis and concurred that there would be a reduction of the number of trips from General Commercial to High-Density Residential and it would not have a significant impact on Highway 99W. She addressed the partition criteria on page 14 of the presentation and provided an overview. She explained that the application met the dimensional standards criteria, the site had access to Langer Drive, and it would not hinder future development on the surrounding parcels. Ms. Palmer recapped that staff had routed the application to affected agencies on April 4, 2023 and had followed public noticing requirements per the city's Development Code. She stated that as of this meeting, no public comments had been received and no public comments had been received at the Planning Commission hearing. She outlined Council alternatives as: approve the application based on the findings and conditions in the Planning Commission's recommendation, approve the application with modified findings and conditions, or deny the application with modified findings. She stated that a second hearing on the proposed ordinance would be held at the June 6<sup>th</sup> City Council meeting. Councilor Giles asked regarding the zone change and the potential impact on parking in the area. Planning Manager Palmer explained that parking was reviewed when a site plan was submitted and would happen after the partition and zone change occurred. Councilor Standke referred to page 34 of Exhibit 1 to the proposed ordinance and noted that

several items had been “deemed incomplete” and asked how much that factored into the process at this point. Ms. Palmer explained that all of the items “deemed incomplete” had since been resolved by the Applicant. Councilor Young asked regarding the zoning history for the site. Ms. Palmer explained that a zone change was not previously required in 2016 because Retail Commercial allowed for.... Councilor Scott interjected that Council had made the change roughly one year ago. Councilor Young commented that she felt that the application fit with the development of the area around the site. Mayor Rosener opened the public hearing portion of the meeting and asked for public comment on the proposed ordinance.

Applicant representative, Marie Holladay with AKS Engineering, 12962 SW Herman, Suite #100, Tualatin, Oregon 97062, came forward and presented the “Sherwood Plaza Zoning Map Amendment and Partition Application” PowerPoint presentation (see record, Exhibit F) and explained that Six Corners, LLC. was the Applicant, AKS Engineering had done the land use planning and civil engineering work for the project, Kittleson & Associates had done the TPR analysis and transportation documentation, and Johnson Economics provided the land use economics study for the project. She provided an overview of the project and explained that the property was roughly 13.25 acres on the south side of SW Langer Drive near several commercial entities and High-Density Residential (HDR) homes. She stated that the proposal was for a two-parcel partition and explained that a partition was a Type 2 application, but they had decided to bundle it with the zone change so that the zone change only impacted the eastern half of the property. She stated that the site was currently zoned Retail Commercial, but they were seeking to change the zoning to HDR and a future Site Plan Review would assess on-site improvements. She stated that a zone change would result in a 3.3-acre property on the eastern side and was accessible via SW Langer Drive and explained that there would be a 40-foot planned access easement through Parcel 1 to Parcel 2. She provided an overview of the existing and future zoning maps on page 5 of the presentation and the Conceptual Site Plan on page 6 of the presentation. She explained that the Conceptual Site Plan included a multifamily residential community with public improvements and design standards to be reviewed with the submittal of the Site Plan Review application. Ms. Holladay reported that the proposal met the Zoning Map approval criteria since it was consistent with the Comprehensive Plan goals and policies, it complied with the Transportation Planning Rule (TPR), and it was consistent with Section 16.080.B(1)-(4). She stated that multifamily housing made sense for the site because of the proximity to nearby commercial amenities. She stated that the Applicant concurred with the findings and conditions of the staff report and asked that Council approve the proposed ordinance. Mayor Rosener closed the public hearing and stated that the second hearing on the ordinance would be held at the June 6<sup>th</sup> City Council meeting. He asked for questions or discussion from Council. Councilor Scott stated that he felt that this was the “highest and best use” for the land since it filled a housing need in the community and was compatible and congruent with the surrounding development. Councilor Standke commented that the Planning Commission agreed with Councilor Scott’s comments and added that the Planning Commission had more questions once the Site Plan Review had been submitted. He stated that he agreed that the site made sense for the proposed land use. Mayor Rosener commented that he agreed with Councilors Scott and Standke.

Mayor Rosener addressed the next agenda item.

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

Community Development Director Eric Rutledge introduced new Associate Planner Hugo Hamblin-Agosto. Council welcomed Mr. Hamblin-Agosto to the city.

City Manager Keith Campbell reported that a portion of Tualatin-Sherwood Road would be closed from 10 PM on June 2<sup>nd</sup> until 5 AM June 5<sup>th</sup>. He reported that the community survey asking for feedback on the pedestrian bridge color would close at the end of the week. He reported that a Veterans Park dedication ceremony with the American Legion would be held on June 3<sup>rd</sup>. He reported that the first Budget Committee meeting would be held on May 25<sup>th</sup> at City Hall.

Councilor Giles asked regarding the timeline for completion for the Robin Hood Festival Plaza. City Manager Campbell replied that the contractor was still hoping to finish on schedule but there was a chance the project may be finished by June 7<sup>th</sup>. He reported that work at Woodhaven Park was now complete.

Councilor Young asked when the Cannery Square fountain would be turned on for the season. Public Works Director Craig Sheldon explained that before the fountain could be turned on for the season, the water would need to be assessed and treated. He explained that once the fountain was turned on, it required more Public Works staff to attend to the fountain, which required budgeting. He explained that budgeting for extra staff time ran from Memorial Day weekend through September 30<sup>th</sup>.

Councilor Standke asked for an update on the Snyder Park water reservoir. Public Works Director Sheldon replied that the necessary repairs were still being assessed but once they had been identified, work would begin. He explained that the reservoir was still operational but was running at a lower level than normal.

City Attorney Ryan Adams reported that he would be absent from June 10<sup>th</sup>-June 30<sup>th</sup> while he served as a Judge Advocate for the Army. He explained he would be in contact with the interim City Attorney. Councilor Young asked who the interim City Attorney would be. Mr. Adams replied that they were currently working through the process, but the chosen candidate would be introduced to Council prior to Mr. Adams's leave.

Mayor Rosener addressed the next agenda item.

## **10. COUNCIL ANNOUNCEMENTS:**

Mayor Rosener reported that ODOT had five planning regions in the state, each of which had a TAC. He explained that Councilor Young had been unanimously voted to serve as a representative on the TAC.

Councilor Scott spoke on the construction activities at the Robin Hood Festival Plaza and stated he was excited for it to be completed.

Councilor Standke reported that the Planning Commission met on May 9<sup>th</sup> where they approved the EOA.

Mayor Rosener reported that he attended a Washington County Coordinating Committee meeting where they discussed TriMet's Transportation Plan and Metro's Regional Transportation Plan. He reported that he attended a meeting with Washington County Chair Harrington, Washington County Mayors, and Washington County Commissioners where they discussed Washington County's budget. He reported he provided testimony on HB 3414.

## **11. ADJOURN:**

Mayor Rosener adjourned the regular session at 7:58 pm and reconvened the work session.

## **WORK SESSION**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 8:04 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Councilors Kim Young, Doug Scott, Taylor Giles, and Dan Standke. Council President Keith Mays and Councilor Renee Brouse were absent.
3. **STAFF PRESENT:** City Manager Keith Campbell, City Attorney Ryan Adams, IT Director Brad Crawford, Community Development Director Eric Rutledge, Public Works Director Craig Sheldon, Police Chief Ty Hanlon, Law Clerk Emma Gill, and Planning Technician Colleen Resch.
4. **TOPICS:**

### **A. HB 3115 Discussion**

City Attorney Ryan Adams presented the "HB 3115: State Mandated Updates to Sherwood's Camping Code" PowerPoint presentation (see record, Exhibit G) and provided an overview of HB 3115. He stated that this was a state mandated update that required cities to repeal parts of their camping code if it violated the new state law and explained that the city could have regulations as long as they were "objectionably reasonable." He commented that the time and manner components of the ordinance had been outlined by Council at previous work sessions but determining place had proven difficult. He explained that based on previous Council discussion, staff had created a map of areas that were to permit camping, but it was determined that it was likely not the direction Council wanted to go. Community Development Director Eric Rutledge outlined previous Council discussions regarding proposed prohibited camping areas as: properties located in Institutional Public Zones; Residential Zones and Residential Structures, plus a 50-foot buffer; within 1,000 feet of any school, within all established Sherwood School District Walk Sheds; Sensitive Areas regulated by Clean Water Services; and any area that reduced sidewalk width to less than four feet. He explained that this list was included in the current draft of the proposed ordinance, and it was likely that some of these restrictions would need to be pulled back or allow exceptions. Mr. Rutledge provided an overview of the environmental restrictions map on page 4 of the presentation and explained that blue areas represented restricted areas and orange areas represented city-owned properties. He provided an overview of the map of the Residential, Institutional, and Public Zone restrictions on page 5 of the presentation and explained that this restriction removed most areas in the city for camping. He noted that the Police Department was currently zoned Retail Commercial, and the land was therefore eligible to allow camping. He provided an overview of the map of the school zone restrictions on page 6 and explained that the map showed both walk zones and the 1,000-foot buffer restrictions and noted that there was a lot of overlap with residential areas. He stated that the map on page 7 showed all of the restrictions on one map and explained that the only areas left for camping were the Police Department, a few storm facilities in industrial areas, and a small amount of land in the vacant Columbia Street lots. He explained that once all of the layers of restrictions were put together, it became apparent that there was no appropriate site available for camping. He stated that the map on page 8 showed all city-owned lots and the map on page 9 categorized those city-owned lots into parks, facilities, or vacant lots. Mayor Rosener asked if the lot behind the PGE training center was an option. Community Development Director Rutledge replied that that lot was owned by PGE and the city only had an easement on the property. He explained that it was likely that newer storm facilities were owned by the underlying owner and the city would only have an easement to the properties. Council asked if the lot in the Rock Creek Corridor was an option. Mr.

Rutledge replied that it was largely a riparian area, and it was unlikely that someone could camp there comfortably. Council asked what Community Development Director Rutledge was recommending. Mr. Rutledge replied that he recommended maintaining the restrictions but understood that there needed to be a compromise somewhere. He suggested moving away from deciding where to prohibit camping and instead deciding where to permit camping. He commented that the proposed ordinance could be treated as a temporary code update until a better option was available and explained that once the city began annexing properties in the TEA, four more properties would be available as potential options for camping. He recapped that staff recommended Council maintain the outlined restrictions but also determine a specific site to allow camping. Councilor Scott commented that he would remove the Sherwood School District Walk Sheds restriction since the timeframe limit in the ordinance would prevent this area from being an issue. Mr. Rutledge stated that the Residential Zone restriction was the restriction that covered the most area. Mayor Rosener commented that if the Sherwood School District Walk Sheds were removed, that would leave the 50-foot buffer requirement from the Residential Zone restriction, which would open up Stella Olsen Park and trail areas. Discussion occurred and Mr. Rutledge asked Council to discuss which city-owned property or properties could be used as a camping site. Mayor Rosener spoke on the "objectionably reasonable" requirement of HB 3115 and asked if the fact that Sherwood did not have "a lot of space" combined with the fact that there was not a large amount of people experiencing homelessness in Sherwood, if that created an "objectionably reasonable" standard. City Attorney Adams replied that "objectively reasonable" meant that the restrictions were objectively reasonable to all parties involved, not just the city. Councilor Scott stated that he preferred to quickly annex the TEA areas and then use those sites for camping. He added that his second preference was for the Columbia Street vacant lots to be used for camping. Mr. Rutledge referred to the TEA and explained that one of the lots was currently being used to house construction equipment and the city eventually planned to sell the lot. Councilor Scott replied that even so, the lot would not be sold for several years. Mr. Rutledge outlined that potential Old Town locations included the Cedar Creek Trail parking lot, the Old House School lot, Veterans Park, City Hall lot, the Washington Street Park & Ride, and Columbia Street lots and noted that some of these locations would be an exception to the rule. Police Chief Ty Hanlon asked if leaving the city's current ordinance language in place but adding a time restriction that allowed camping from 9:00 PM to 7:00 AM was a temporary option. He explained that this would allow the city more time to annex the TEA lots as well as addressing the immediate need to have something in place by July 1<sup>st</sup>. Discussion occurred regarding Chief Hanlon's proposal and Mr. Rutledge stated that this would only allow camping on city-owned property. He added that a Residential Zone restriction could be added. City Attorney Adams explained that the current code was an enforcement tool for the Police Department and noted that the Police Department could choose not to enforce the code. He explained that the current code was acceptable, but it needed to be updated so that it did not ban camping on all city-owned property. Community Development Director Rutledge suggested banning camping from Residential Zones and city parks and explained that doing so would free up some areas in Old Town. City Attorney Adams remarked that the next litigation phase of HB 3115 would likely involve cities that had ADA exclusion areas in their camping code. He explained that the Americans with Disabilities Act stated that someone with a disability could request a reasonable accommodation from a city and discussion occurred. Chief Hanlon added that RVs, trailers, and vehicles needed to also be addressed and discussion occurred. Chief Hanlon recapped his suggestion as retaining the city's current camping ordinance but update it to include a time restriction to aid enforcement. Council asked for clarification on if the ordinance would apply to both loitering and camping or just camping. City Attorney Adams replied that he did not recommend adopting anything without additional restrictions such as no fires, no digging, sanitary requirements, etc. He continued that the ordinance contained definitions for persons experiencing homelessness and commented that definitions helped differentiate between loitering and camping. Council asked what other cities were doing for their camping ordinances and Mr. Adams explained. Council discussed adding the field across from Cannery Square or the community garden lot as a permissible camping location. Mr. Adams explained that HB 3115 did not define "established campsite," nor did it define whether camping, tent camping, and vehicle camping were the

same thing and explained that these definitions would be litigated. Chief Hanlon commented that the local population of people experiencing homelessness had not historically created many issues and stated that should an issue arise, then the ordinance provided the enforcement tool via the time restrictions. He asked Council if they expected the Police Department to enforce the new location rule when they encountered people camping elsewhere in the city. Discussion regarding the risk of incidentally setting a precedent by not enforcing the ordinance occurred. City Attorney Adams replied that there was a risk of someone suing the city if they were forced to move, but the city should be more concerned about treating people with dignity instead of inadvertently setting a precedent by not enforcing the camping code. Council determined that a portion of the field across from Cannery Square was an acceptable location to permit camping and noted that this was a temporary solution until the TEA lots had been annexed into the city. Mr. Adams noted that the 150-foot between camps rule would need to be removed in order to make this site work and asked for Council direction on messaging ideas. Council recommended outlining that this was an update mandated by the state, it was the best option available at the time, it was likely temporary until another solution was found, the city was open to feedback and suggestions, and Council's goal was to prevent camping in certain areas. City Manager Keith Campbell referred to the TEA lots and explained that it was unlikely that all of those lots would be available as potential camping sites due to development timelines. City Attorney Adams recapped Council discussion and stated that the city's current code language was to remain, but the language regarding the 150-foot distance between campsites was to be removed, and those seeking to camp within the city were to be directed to the vacant lot across from Cannery Square. Council asked that a reasonable minimum distance between campsites be determined and added to the ordinance. Council asked for Public Works Director Craig Sheldon's thoughts on the potential location and the possibility of keeping the bathroom in Cannery Square unlocked after hours. Public Works Director Sheldon commented that it was up to Council but there was extremely valuable equipment nearby and there had been issues in the past. Discussion regarding public safety, sanitation, and maintenance of the Cannery Square bathroom occurred and Council determined to revisit the topic at a later date. Mr. Sheldon added that he preferred the Cannery Square lot versus the community garden because there was less potential for vandalism in an empty lot. Mr. Adams asked if Council approved of his summary of what Council wanted for the ordinance. Council signaled they approved. Mr. Adams reported that the first reading of the ordinance would take place at the June 6<sup>th</sup> City Council meeting. Council asked that messaging also cite the various dates this topic was discussed by Council. Council discussed the possibility of holding a town hall meeting to answer questions from the community prior to the first reading.

## 5. ADJOURN:

Mayor Rosener adjourned the work session at 8:55 pm.

Attest:

  
Sylvia Murphy, MMC, City Recorder

  
Tim Rosener, Mayor