



City of Sherwood
PLANNING COMMISSION
Sherwood City Hall & Public Library
22560 SW Pine Street
May 9, 2006
Regular Meeting - 7:00 PM

A G E N D A

Work Session

The Planning Commission will hold a work session on Area 59 beginning at 6:30 pm to discuss the next phase of the concept planning process - implementation. Work sessions are open to the public, but comments will not be taken.

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda: Minutes – April 25, 2006**
4. **Brief Announcements**
5. **Community Comments** (*The public may provide comments on any non-agenda item*)
6. **Old Business:**
SE Sherwood Master Plan: The Commission will hear an oral report on progress made between the neighbors and property owners in SE Sherwood Study Area. Based on this information, the Commission will provide direction on next steps to implement the master plan. This is NOT a public hearing and comments will not be taken.
(Kevin A. Cronin, AICP, Planning Supervisor, Planning Department)
7. **New Business:**
Urban Planning Area Agreement (UPAA): The City of Sherwood has a UPAA with Washington County that has not been updated since 1988. Staff has proposed minor revisions including a new service area map consistent with new UGB expansion areas. This is NOT a public hearing.
(Kevin A. Cronin, AICP, Planning Supervisor, Planning Department)
8. **Comments from Commission**
9. **Next Meeting: May 23, 2006 - Goal 5 & Infill/Redevelopment Work Session**
10. **Adjournment**

City of Sherwood, Oregon
Planning Commission DRAFT Minutes
April 25, 2006

Commission Members Present:

Chair Adrian Emery
Jean Lafayette
Dan Balza
Matt Nolan
Russell Griffin
Todd Skelton

Staff:

Julia Hajduk – Sr. Planner
Rob Dixon – Community Development Director
Cynthia Butler – Administrative Assistant

Commission Members Absent:

Vice Chair Patrick Allen

1. **Call to Order/Roll Call** – Chair Emery called the meeting to order at 7 PM.
2. **Agenda Review**
3. **Consent Agenda** – Minutes from the April 11, 2006 session were approved as amended with edits, vote results below:

Yes – 6 No- 0 Abstain– 0

4. **Brief Announcements** – Julia Hajduk asked Commissioners for consensus on meeting dates in June and August to determine possible vacation schedules. Depending on possible land use applications pending during these times, Staff received nods of acknowledgement that scheduling options would be considered. A possible joint session with the Planning Commission and City Council will occur on July 18th. Julia stated that Chair Adrian Emery will be reappointed for another term through resolution on May 2nd by City Council. The City of Sherwood is a finalist for the prestigious All American City Award, an honor delegated by the National Civic League. The City is preparing a delegation from the City to attend the upcoming finalist presentations held June 9-11, 2006 in Anaheim, CA. The entire Sherwood community is invited and encouraged to rally behind the effort in a variety of ways, including participation at the event in June. Julia said that more information will soon be forthcoming.

5. **Community Comments** – Eugene Stewart, PO Box 534, Sherwood OR 97140 – Eugene expressed concern that there was not a separate community involvement resource for Sherwood residents to reference to find out what is going on in Sherwood and get involved. Julia Hajduk reiterated that public notices and announcements appear in the public notice locations around town and in the Tigard Times, in addition to the Planning Department website where current information appears on all planning City projects. Eugene also stated a preference for having a public involvement committee that would act as a liaison for the community. Commissioners expressed consensus that a committee with the purpose Mr. Stewart proposed was not likely to be developed, and that the current public notification options available give citizens the option to become involved. Mr. Stewart added that he did not believe the reference section of the library contained current planning information. Julia Hajduk stated that the Planning Department would access what, if any, materials were lacking in the library reference

section and be certain it is current. Chair Emery asked if there were any further public comments. There were none.

6. **Old Business – Goal 5: Natural Resource Protection:** Chair Emery asked how Staff would like to proceed with the review of Goal 5 this evening. Julia Hajduk recommended a workshop format rather than a formal meeting, suggesting a closure of the public meeting when Commissioners have concluded the remainder of the agenda. Work sessions are not recorded as part of the official record and therefore do not require the standard format. Consensus among Commissioners was expressed in agreement. Julia also invited the public in attendance to bring their chairs closer when the work session began and may participate intermittently with questions during the process if desired.

7. **Comments by Commission –** Russell Griffin said that he would like to address the planning that was involved with the Woodhaven Crossing project on Hwy. 99 and its impact on the neighbors on Hosler St. behind the development. Russell walked the area recently and stated that none of the neighbors along Hosler have any outdoor privacy and that particularly their backyards are entirely exposed. The lack of any effective barrier between residents in Woodhaven Crossing whose front yards face the backyards of neighbors on Hosler was shocking, Russell said. Russell said many residents on Hosler are selling their homes because of these impacts and that he was also surprised to see front entrances of residences on Hwy. 99 so close to the highway.

Discussion among Commissioners ensued expressing concern about conditions for mixed use development, height standards, buffers and setbacks in future similar projects developed along Hwy. 99, and/or that are located near established residential neighborhoods. Jean Lafayette was on the Planning Commission at the time Woodhaven Crossing was approved and stated that she recalls buffer requirements in the conditions of approval. Jean asked Staff to pull the original plat from Woodhaven Crossing for Commissioners to review at a later date. Julia confirmed. Commissioners requested that a field trip to the site be arranged and agreed that a field trip would also assist the current Planning Commission review on infill standards. Julia will arrange. Chair Emery asked if there were further comments by Commissioners. There were none.

8. **Next Meeting – May 9, 2006:** Area 59 Work Session; SE Sherwood Master Plan; Washington County Urban Planning Area Agreement.

9. **Adjournment –** Chair Emery adjourned the regular session at 7:28 PM. A work session on Goal 5 followed.

End of Minutes.



- LEGEND**
- School
 - Park
 - Single Family Detached
 - Townhome or Single Family Detached
 - Neighborhood Commercial or Mixed Use
 - Natural Area
 - Goal 5 Boundaries

Area 59 Neighborhood

Sherwood, Oregon

Final Alternative A/G

Approved by Sherwood City Council April 18, 2006












ID	Task No.	Task Name	Duration	Start	Oct 3, '04							Oct 10, '04							
					T	F	S	S	M	T	W	T	F	S	S	M	T		
1	✓	1	Public Involvement	40 days	Mon 11/1/04														
2	✓	1.1	Establish Project Team	40 days	Mon 11/1/04														
3	✓	1.2	Establish Citizens Advisory Committee (CAC)	14 days	Tue 11/23/04														
4	✓	1.3	Meeting: Project Kickoff w/ CAC	1 day	Thu 12/16/04														
5	✓	1.4	Meeting: Project Team	1 day	Wed 1/5/05														
6	✓	2	Inventory & Needs Analysis	58 days	Fri 12/17/04														
7	✓	2.1	Public Facilities (CWS & City Engineering)	2 mons	Fri 12/17/04														
8	✓	2.2	TSP (City Planning, Engineering, & WACO)	2 mons	Fri 12/17/04														
9	✓	2.3	Land Use & Zoning (City & WACO)	2 mons	Fri 12/17/04														
10	✓	2.4	Goal 5 & Natural Resources (City & TBNRCC)	2 mons	Fri 12/17/04														
11	✓	2.5	<i>Existing Conditions Report</i>	2 wks	Fri 2/25/05														
12	✓	2.6	Meeting: Project Team	1 day	Thu 3/10/05														
13	✓	2.7	Meeting: CAC	1 day	Thu 3/17/05														
14	✓	3	Policy Framework	85 days	Fri 3/11/05														
15	✓	3.1	Evaluate Existing Policies: Metro Title 11, Statewide Goals	2 mons	Fri 3/11/05														
16	✓	3.2	Evaluate WACO UPAA and Sherwood Community Plan	2 mons	Fri 3/11/05														
17	✓	3.3	Evaluate Sherwood City Policies & Codes	2 mons	Fri 3/11/05														
18	✓	3.4	<i>Technical Memorandum: Policy Review & Evaluation Criteria</i>	1 day	Thu 5/12/05														
19	✓	3.5	Meeting: Project Team	1 day	Thu 5/12/05														
20	✓	3.6	Meeting: CAC	1 day	Thu 5/19/05														
21	✓	3.7	Develop DRAFT Policy & Implementation Strategies	2 mons	Fri 5/13/05														
22	✓	3.8	Develop DRAFT Public Facility Map Amendments	2 mons	Fri 5/13/05														
23	✓	4	Concept Plan	130 days	Fri 6/3/05														
24	✓	4.1	Joint Meeting: CAC/Project Team	1 day	Thu 7/7/05														
25	✓	4.2	Implement Public Involvement Program	1 mon	Fri 6/3/05														
26	✓	4.3	Prepare Materials for Charrette	6 wks	Fri 6/3/05														
27	✓	4.4	Conduct Charrette to Develop Alternatives	1 day	Thu 7/21/05														
28	✓	4.41	Goal Setting, Develop Alternatives, & Select Alternative	1 day	Thu 7/21/05														
29	✓	4.5	<i>Select Preferred Alternatives (Concept Plan)</i>	1 day	Tue 7/26/05														
30	✓	4.6	Revise Concept Plan (if needed) & Draft Report	6 wks	Wed 7/27/05														

Project: Area 59 Project Schedule_Ap
 Date: Thu 4/20/06
Bold: Task
Italicized: Product (Milestone)

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	

ID	☐	Task No.	Task Name	Duration	Start	Oct 3, '04							Oct 10, '04					
						T	F	S	S	M	T	W	T	F	S	S	M	T
31	✓	5	Traffic Analysis	1 mon	Wed 9/7/05													
32	✓	5.1	Evaluate TSP & Concept Plans	1 mon	Thu 9/8/05													
33	✓	5.2	Conduct Traffic Analysis	1 mon	Mon 9/5/05													
34	✓	5.3	<i>Technical Memorandum: Traffic Impacts & Recommendations</i>	1 day	Thu 10/6/05													
35	✓	5.4	Final Meeting: Project Team & CAC	1 day	Thu 12/1/05													
36		6	Public Review - Phase 2 - Implementation	189 days	Tue 4/4/06													
37	☐	6.1	<i>Draft Plan Map & Policy Amendment Staff Report & Findings</i>	7 wks	Tue 4/4/06													
38	☐	6.2	Submit Notice: 60-day Metro per Title 11	1 day	Tue 5/23/06													
39	☐	6.3	Submit Notice: 45-day DLCD & M56 20-40 day	1 day	Wed 5/24/06													
40	☐	6.4	Agency Notice: Revise per Project Team/Agency Comments	7 days	Thu 5/25/06													
41	☐	6.5	Planning Commission - Work Session	1 day	Tue 5/9/06													
42	☐	6.6	Joint Work Session - City Council/Planning Commission	1 day	Tue 7/18/06													
43	☐	6.7	Planning Commission Hearing - Recommendation	1 day	Tue 7/25/06													
44	☐	6.8	City Council - Work Session/Hearing	1 day	Tue 8/1/06													
45	☐	6.9	City Council - Final Adoption	1 day	Tue 9/5/06													
46		6.11	Submit Plan Amendment Adoption to DLCD	1 day	Wed 9/6/06													
47	☐	7	Annexations	120 days	Mon 7/10/06													
48	☐	7.1	Annexation Survey to Property Owners	1 mon	Mon 7/10/06													
49	☐	7.2	City Council Petition - City Recorder Scheduling	1 mon	Tue 8/15/06													
50	☐	7.3	Staff Review - Process Application(s) (Ken Martin)	2 mons	Tue 9/12/06													
51	☐	7.4	November 2006 Election	1 day	Tue 11/7/06													

Project: Area 59 Project Schedule_Ap Date: Thu 4/20/06 Bold: Task <i>Italicized:</i> Product (Milestone)	Task		Milestone		External Tasks	
	Split		Summary		External Milestone	
	Progress		Project Summary		Deadline	



Edwards Addition, Monmouth, Oregon

Project Type

Mixed-use subdivision

Description

Number of single-family homes
(at full build out): 470

Site

88-acre parcel
Mixed Use (MX) Zone

Location

Monmouth, Oregon

Developer

Eric Olsen, Olsen Design
and Development
(503) 838-1600
eric@olsencommunities.com

Architect

Martha Anderson,
Olsen Design and Development
(503) 838-1600
martha@olsencommunities.com

Realtor

Tim Davis, Windermere
Real Estate
(503) 559-6439
timd@windermere.com

Lender

West Coast Bank
Jennifer Butler
(503) 399-2908



Edwards Addition Development Cost Summary	
Total Project Cost (land only)	\$20,024,000
Lot Prices (range)	\$45,000-\$65,000
Housing Prices (range)	\$120,000-\$500,000
Total Units Built (as of June 2005)	60

A New Idea

When Olsen initially approached the City of Monmouth with his plan for a high-end residential subdivision that incorporated the basic tenets of smart growth, his ideas were met with skepticism. According to Martha Wiebe, the planner for the City of Monmouth, people didn't have a sense of what smart growth looks like. Elements like alleys and shared driveways were new and different. Neighbors were concerned that the mix of uses would decrease property values, and the idea of mixing housing sizes and types was relatively unheard of in this small (population 7,800) college town. Due to public opposition, the permitting process went slowly; Olsen spent the better part of three years educating citizens and decision-makers about smart growth and the various design elements of Edwards Addition. Today, Edwards Addition is a showcase neighborhood for the community and is a favorite walking place of people from all over the City.

When Olsen began the permitting process, the City did not have a mixed use zoning code; instead he used the City's Planned Unit Development zoning designation to accommodate his vision. Although the City did not allow narrower



streets, it allowed these innovative design features:

- alleys,
- reduced set backs,
- varied lot sizes,
- shared driveways,
- curb extensions,
- recessed garages,
- accessory dwelling units (granny flats), and
- diversification of lot and home sizes.

The result is a residential neighborhood that looks and feels distinctly

different from the other neighborhoods in Monmouth. Tidy rows of craftsman style homes, from small cottages to three story houses, face streets with tree lawns and ample sidewalks. The neighborhood boasts a community garden, playground, and some of the highest property values in Monmouth.

The final master plan calls for a total of 470 units, in a mixture of housing types, including single family detached, town homes and second story apartments above the commercial center, which will eventually house a small café/deli and office space. The plan is for a total of 15 phases; the project is currently in the third phase. Houses range from 700 square feet to over 3,000 square feet, with lots ranging from 2,000 square feet on the interior of the block to 10,000 square feet on the corners. The range of lot and housing sizes allows for a greater mixture of housing prices.

The Master Plan

- 470 units total, 60 built as of June 2005
- Mix of single family, town homes and apartments and accessory dwelling units
- Includes a 16,000 square foot neighborhood commercial center with café/deli and office space
- 15 total phases- 3 phases completed to date
- Houses range from 700-3,000 square feet
- Lots range from 2,000-10,000 square feet
- Home prices range from \$140,000-\$500,000
- Lot prices range from \$45,000-\$65,000

Introduction

In 1998, when Eric Olsen decided to develop the family-owned 88-acre grass seed farm on the outskirts of the small town of Monmouth, Oregon, he had a vision. He recognized the land's value for development and decided to develop it himself in order to assure the quality and integrity of the design. While attending Oregon

State University, Olsen was introduced to the concept of smart growth by one of his professors and knew that he had found a concept that matched his vision. Olsen envisioned a neighborhood with a variety of lot and housing sizes, a pocket park/playground, and a site set aside for a school (which Olsen hopes to

donate to the school district) as well as a mixed-use small scale commercial center. He wanted to develop a place that would foster connections among its residents and leave an enduring legacy on his family's property—one that would stand the test of time and contribute in a positive way to the community.



“People don’t buy ideas, they buy what’s there. I had to show the community what smart development was.”

– Eric Olsen
Olsen Design & Development

“People have really enjoyed designing their homes and being involved in the design process. That is very typical of traditional developments.”

– Martha Anderson
Architect
Olsen Design & Development



Transportation Choices Enhanced by Design Features

Edwards Addition enhances transportation choice by providing walkable streets and compact design. A commercial center, a café or a small store, and a neighborhood school will be within walking distance for most residents.

One distinction between Edwards Addition and more conventional subdivisions is the attention to detail and design; each element is considered both on its own merit and is weighed against the whole. Anderson spent the first year of the project traveling the United States and researching different neighborhoods and housing types. “Architects today are designing a part of the whole, not the whole part...It’s all about designing in context,” Anderson said. That context is the neighborhood as a whole, not just the individual home. This philosophy is reflected in the careful proportion and scale of the development, which feels authentic and balanced.

Olsen Design and Development used time-tested designs and adapted them to the modern family. There are 14 different floor plans for the



homes in Edwards Addition, all wired for cable/internet and able to be modified to meet the needs of the buyer. Most homebuyers have been very involved in the design process and Olsen and Anderson have been surprised by how much their clients have enjoyed participating in the design of their homes. “With most

developers, the client can choose between eggshell white or linen white paint, and that’s the level of decision making power they have. Here every client is involved in the design process if they want to be,” Anderson commented.

While the various design elements of Edwards Addition added cost and time to the project’s completion, Olsen and Anderson considered them essential to bringing their vision to fruition and creating a great place to live. Olsen omitted alleys from the first phase of the development and opted for shared driveways because “people perceived alleyways as places where kids get into mischief.” He went ahead with the alleys in Phase II and “they’ve worked beautifully.” “There were a lot of roadblocks, and if we had been less dedicated to these [smart growth] principles, it would have been really easy to say that we could have done without these things,” Anderson remarked.



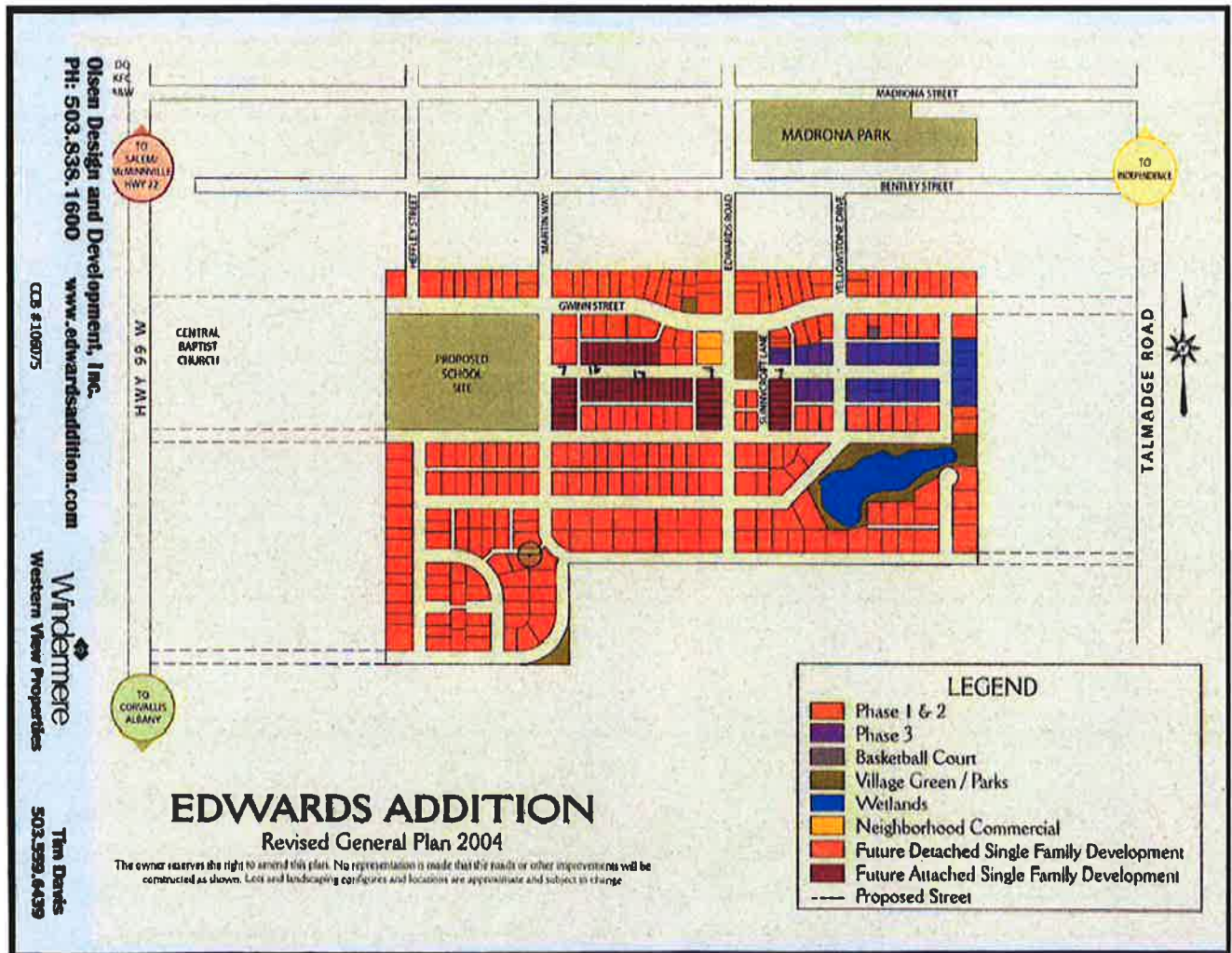
A Sense of Community

One testimonial to the success of Edwards Addition is the fact that Eric Olsen himself, as well as the Project Manager, Architect and Book-keeper for the project all live there. Anderson drops her two-year-old daughter off at a neighbor's house enroute to her office and is able to pick her daughter up for lunch on the front porch in the afternoon. "I think we are creating a commu-

nity, or at least putting together the pieces that allow for human interaction and are providing good positive elements that encourage neighborhoods," she said.

Another unique aspect of the project is the integration of residents of all ages and different occupations. Two separate families have purchased homes in Edwards Addition whose

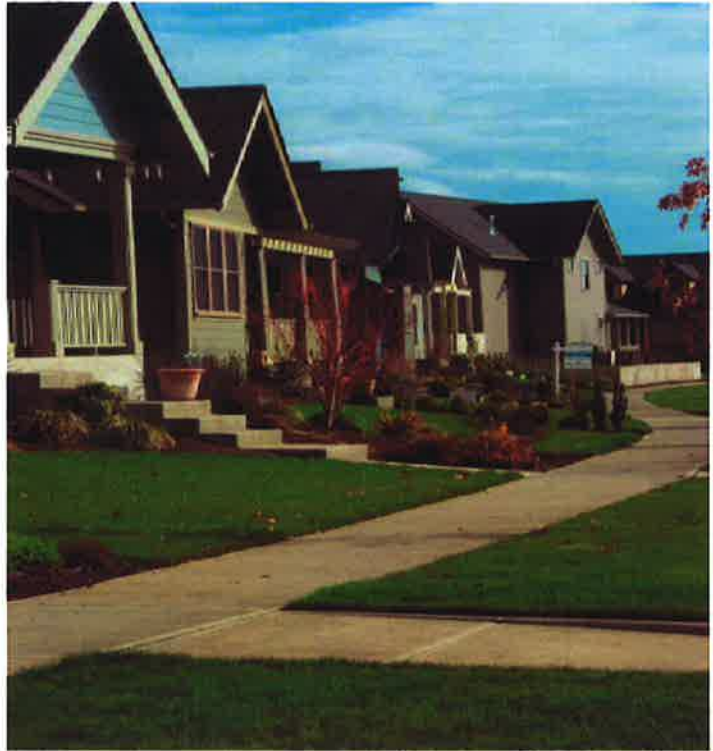
parents have later purchase homes there as well. The residents of Edwards Addition come from a variety of occupational backgrounds; several are employed by Western Oregon University, or are teachers. A police officer, state employee and several retirees also call the neighborhood home.



Putting the Deal Together

Olsen inherited the land that Edwards Addition is built on, giving him a huge advantage. Had he not owned the land outright, he never would have been able to complete the project. Because he had minimal carrying costs on the land, he was able to take the time to educate the community and elected officials about his vision and work through the permitting process. Furthermore, Olsen was able to secure funding by using the land as collateral.

Financing Edwards Addition proved to be a challenge for Olsen. He approached five different lenders before one agreed to capitalize the project. Most lenders prefer a proven track record, and smart growth projects are often perceived to be riskier financially than more conventional developments. Generally, lenders require a “comparable” (one within 7 miles of the project) development in order to verify market demand and the potential success of a proposal. Nothing like Edwards Addition had ever been built in Monmouth before, so there were no comparables. The lenders that Olsen initially approached used a less than successful conventional subdivision on the other side of Monmouth as the project’s comparable and chose not to fund the project based on the performance of the other “comparables”. Finally, Olsen’s lender agreed to finance 75% of the appraised value of his concept, using the land as collateral, for the first phase of residential homes.



The first two years of the project, Olsen built all of the homes on speculation. Now, 80% of the homes built are sold before they are built. Olsen feels that the smart growth components of Edwards Addition were not a big selling point in the beginning, “People don’t buy ideas, they buy what’s there...Initially, it was the quality and design [of the homes]. Now, people are paying a premium of up to \$30,000 more to live in Edwards Addition.”

While Olsen acknowledges that costs for infrastructure, such as the planter strips, curb extensions, common space and alleys, were higher than for a traditional subdivision, he believes it will pay off in the long term. He projects that the smart growth components, in conjunction with the quality design and neighborhood amenities, will result in a higher return on investment over the life of the project. However, he is quick to point out that, “making money can’t be your primary objective; there are much easier ways to make money. I wanted to build a development that was a great place to live.”



Smart Development Principles

Edwards Addition is an excellent example of a small town application of the smart development principles.

Through the incorporation of shared driveways, alleys and the location of the development near the downtown area of Monmouth, Edwards Addition *uses land and resources efficiently*.

The project *mixes uses* through the juxtaposition of a neighborhood commercial center, live/work units and housing. Additionally, the variation in lot and housing size as well as the mix of single family, town homes

and apartments is rare in conventional subdivisions and allows for a greater mix of incomes and residents.

Edwards Addition will establish a new center of development through the commercial component of the neighborhood and is *located in a city or area with full urban services*.

The project *encourages transportation choices* through the integration of pedestrian friendly streets, connectivity to adjacent neighborhoods and compact urban form,

allowing neighbors to walk and bike to their destinations.

The neighborhood is creating a unique, livable and welcoming atmosphere, thanks to its use of *detailed, human-scale design* such as front porches and curb extensions.

In all, Edwards Addition does an admirable job of incorporating smart growth principles into a unique neighborhood that is responsive to consumer preferences. The development is a model for the successful and realistic integration of these concepts in a small town context.

Table 1: Comparison of Edwards Addition and Conventional Development

	<u>Edwards Addition</u>	<u>Conventional Subdivision</u>
Entitlement Process	+ 4 years with TGM Assistance	- 1-3 years
Land Acquisition Costs	- Already owned land valued at \$2.4 million	+ \$2.4 million
Development Costs	+ Infrastructure costs higher	- -
Density	7 dwelling units/acre	7 dwelling units/ acre
Housing (n=41)		
Average Price	\$196,000	\$166,740
Range	\$122,000-\$343,000	\$123,900-\$280,000
Average Price/ Sq.Ft.	\$117	\$104
Absorption	12 homes per year	N/A
Profitability/Return on Investment	+ Over longer period	-

Table 1 presents a general comparison of Edwards Addition to a conventional subdivision. This analysis highlights the differences between the two and shows the differences in financing between them. A plus sign indicates an area where there were cost or time increases associated with Edwards Addition compared to the development of a comparable conventional subdivision and a

minus sign indicates less time or cost. As discussed in this case study, the entitlement process for Edwards Addition was much longer than that for a conventional subdivision. Olsen spent a tremendous amount of time educating both the public and elected officials about his vision for Edwards Addition and smart development principles. Despite the fact that smart development costs are

generally higher initially than for conventional developments, due to the additional neighborhood amenities, Olsen anticipates that his profitability will be greater in the long term.

Edwards Addition also has a greater range of housing prices than the comparison sample.

For more information...

Oregon Transportation Growth Management (TGM) Program:

635 Capitol Street, N.E.
Suite 150
Salem, OR 97301
Tel- (503) 373-0050
www.oregon.gov/LCD/TGM/index.shtml

Congress for the New Urbanism:
www.cnu.org

Urban Land Institute:
www.uli.org

Smart Growth America:
www.smartgrowthamerica.com

Center for Excellence in Sustainable Development:
www.sustainable.doe.gov

National Neighborhood Coalition:
www.neighborhoodcoalition.org

Local Government Commission:
www.lgc.org

Joint Center for Sustainable Communities:
www.usmayors.org/uscm/sustainable

Smart Growth Network:
www.smartgrowthonline.org

Lessons Learned

- Patience and perseverance are key to the development of a successful project, particularly in the context of smaller communities, because the permitting and entitlement process may take longer than conventional developments.
- Smart development requires a strong commitment on the part of the developer due to the delayed profitability and additional time and energy these projects sometimes require. Many of these projects have a longer pay off time, and while the return on investment may be higher, developers should be prepared for the fact that it often comes later down the road.
- The permitting and approval process can often be much longer than for a conventional development. Cities can assist in implementing these projects by streamlining the entitlement process and putting in place the regulations necessary to accommodate smart growth development.
- Appropriate scale and attention to design are important components of an authentic smart growth neighborhood. Details such as tree lawns, wide sidewalks, recessed garages and curb extensions all contribute to the neighborhood feel of the development.
- Educating the community and local government officials about the benefits of smart developments can help garner support for these types of developments. Taking the time to conduct outreach and involving the public in the decision making process can help alleviate Not-In-My-Backyard (NIMBYism) sentiment.
- Projects such as Edwards Addition can have long-term impacts on the way that communities think about development on a broader scale. The City of Monmouth, in response to Edwards Addition, developed a new mixed-use zoning designation for the City.



Sherwood Citizens for Smart Growth



A Neighborhood Association

16004 SW Tualatin-Sherwood Rd., #137

Sherwood, OR 97140

(503) 499-1104

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BY _____
PLANNING DEPT.

April 26, 2006

Findings by Membership of CFSG as formulated by Sub-Committee on 4-25-06

In follow up to the Planning Commission meeting held on 4/11/06, the Citizens for Smart Growth (CFSG) understood the request of the Planning Commission members that the two groups, referred to as CFSG and the developers, meet on their own to attempt to come to some consensus.

The CFSG requested a meeting with the developers through Pat Huske. Pat appeared to be unwilling to meet, offering no date to meet in response to our request. The CFSG therefore met as a group to carefully review the issues and come to a consensus that would enable the Planning Commission to reach a decision at their May 9th meeting.

From the meeting on 4/11/06, it appeared the hottest issue for the developers and the city was the need for higher density. From early on in this process the need for higher density was pushed by the city with the supporting reason being, "Metro required it." This is not true. Carl Hosticka, Vice President of Metro Council, told CFSG specifically, on 1/7/06 that Metro has no such edict. In addition, it is our understanding from our conversation with the developers that it was the city's initiative to increase the density in this area. This push for higher density by city staff was done without public input or consideration of the unique geological conditions, native plants or proximity to the National Wildlife Refuge.

In addition to the density issues there are several issues of great importance to us. As requested by the Planning Commission, we have identified them below and appreciate your consideration.

1) Density

(A) Although CFSG strongly prefers the density of 55 houses from Plan A, we are willing to discuss a compromise between this and the higher number of 82 houses in the B/C plan in return for adoption of points two through five below.

2) Preservation of Natural Resources

(A) Minimum of 50-100 feet of buffer between SE Sherwood and Fair Oaks PUD and consideration of:

- (1) Mature tree canopy
- (2) Green spaces
- (3) Wet lands
- (4) Walking trails

(B) Pond - Inclusion of pond walkway and swale as depicted in Plan A (and to a smaller degree Plan B/C)

(3) Traffic Flow/Safety

(A) Denali - Emergency access only or back to back cul-de-sacs with entry from above and below

(B) Four-Way Stop at development entrances on Murdock with pedestrian crosswalks.

(C) Consideration for future growth in adjacent areas and the effect this plan will have on neighborhood traffic. The area east of Sherwood View needs direct access to Baker Road; not through McKinley.

(4) CFSG must be involved and consulted with in regard to the actual review process such as plat plans


(A) Consideration must be given to

- (1) View easements
- (2) Building set-backs
- (3) Building height

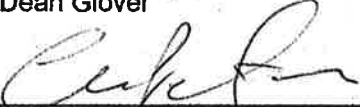
(B) Consideration given to existing home values and effect of loss of view

(5) CFSG must be kept informed regarding findings and remediation on lands with heavy metal or organic contamination

Respectfully Submitted,



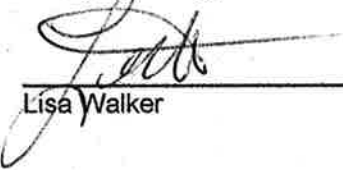
Dean Glover



Curt Peterson



Nancy McKinney



Lisa Walker

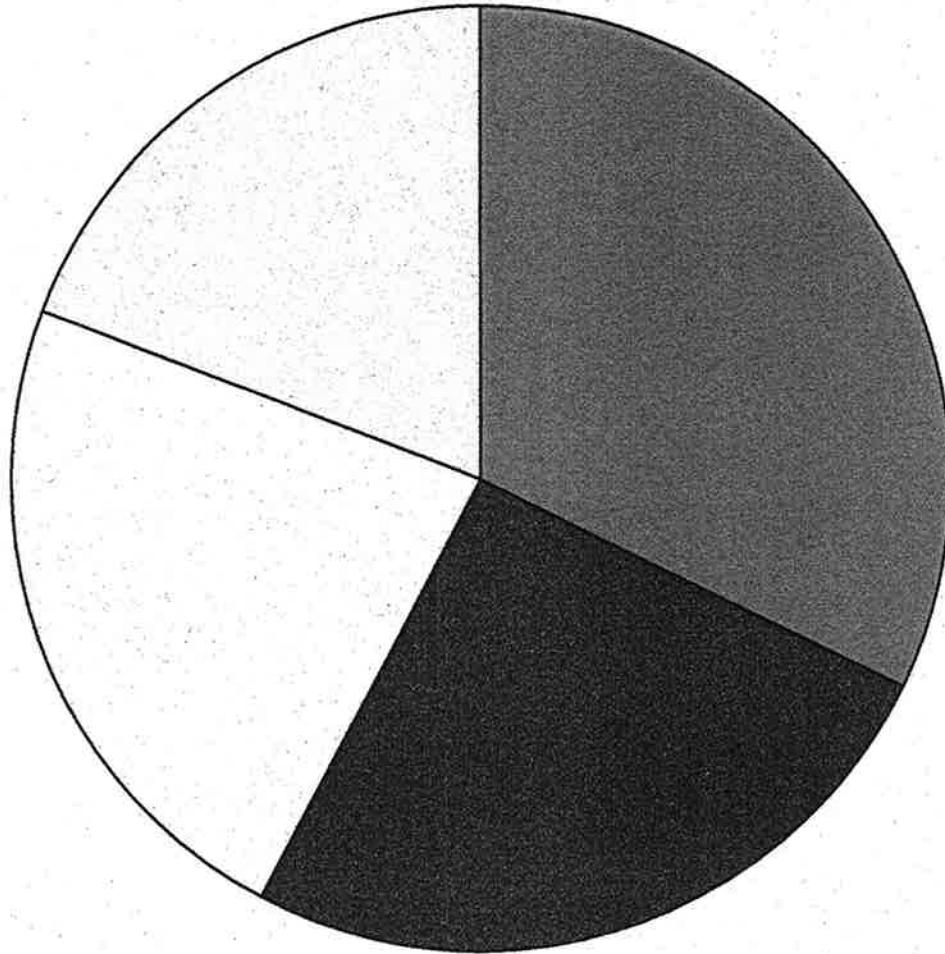
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CFSG Priorities



- Tree Canopy, Green Space, Wet lands, Walking Trails
- Access, Traffic flow, Easements and Denali St
- Liveability, DEQ, Development fees
- Zoning, density, Types of Buildings, View Restrictions

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April 27, 2006

City of Sherwood
Planning Department
22566 SW Washington St.
Sherwood, OR 97140
ATTN: Kevin Cronin

RE: S.E. SHERWOOD MASTER PLAN

To Whom It May Concern:

Our names are Dean and Rebecca Glover and we own a one acre lot at the south end of the Fair Oaks neighborhood, 14300 SW Fair Oaks Dr. (recently changed from 2190 SW Fair Oaks Dr.); tax lot 11 in the Fair Oaks Development. Our south property line is 10' into a 20' easement road along the north side of the Moser Property that provides access into the Snyder property east of the Moser Property. Our neighbors, the Corrados and Petersons also own 10' into the 20' easement along the northern side of the Moser Property. We purchased our property in 1993, built our home in 1994, and still live there.

I have been very involved over the past 6 months with all of the public hearings, workshops etc. regarding this matter, and feel very up-to-date with all of the issues. It has taken months for me to totally understand all of the complexities and possibilities of this 55 acre parcel, and know how much discussion and input the adjacent property owners and future developers have contributed. Even now with the recent DEQ, possible ground contamination situation, it continues to become even more complex!

In my opinion, the process 'bottomed out' on the two plans way too fast, not considering the bigger picture of adjacent properties to the east (Snyder and property south of the Snyders), waiting for possibilities with the City's park planning Department, and last but not least the possibilities with Metro and the wet land preservation! These decisions are going to determine the fate of this Community forever – why be so hasty with the decisions!!

I submitted specific input into the letter being submitted by the Citizens for Smart Growth, but personally want to emphasize the issues that affects us the most along the northern boundary of the Moser Property.

- At this point, we fear that the buffer between the Fair Oaks PUD and the new development will end up too narrow, not much more than the 20' easement road that currently exists (of which 10' is already our own property). We have asked for a 50' – 100' buffer all along to preserve the existing trees and provide a reasonable transition from the Fair Oaks PUD into the new development, as well as provide a reasonable width for a public access trail.

- The 20' easement road only exists to allow access to the Snyder property. We do not want to see the current easement also used as a hiking trail. It travels within 10' of part of our shop building!
- We would like the existing 20' easement to possibly go away/relocate as part of this process. After looking at the situation closer, we feel the Snyder property could be accessed very easily from the bottom of Robison Terrace in Sherwood View Estates, with a very short new easement. There is already 'public' access to the storm drain system at the bottom (north end) of Robison Terrace (a small paved road already exists). The property to the south of the Snyder property could also be accessed through this easement, as it is very near the corner marker of both parcels; southwest corner of Snyders, northwest corner of southern parcel. Then the existing easement could be eliminated, with 10' of property going back to us along the south perimeter of the Fair Oaks PUD, and 10' going back to the Mosers, which should be a very positive thing for them, and future developers, too. ***The net amount of usable/developable land would increase by accomplishing this. In our minds, this would be a win-win for everyone!***
- In addition, we really want the mature wooded area to be preserved, which needs a public access, not necessarily from Murdock. A public access to the hiking trail system and mature wooded area could easily come from the new development; which is already depicted in both plans. This would eliminate the parking problem for the 'trailhead', if it were on Murdock.

Please consider this thoroughly, not hastily. Please contact me if you have any questions.

Sincerely,


Dean Glover

Concerned property owner in Fair Oaks PUD

EVELYN B. KRISTENSEN

22520 SW Fair Oaks Ct.
Sherwood, Oregon 97140

Telephone (503) 625-2340
E-mail: ejbbookee@poetspeak.com

April 29, 2006

City of Sherwood Planning Commission

Re: SE Sherwood Master Plan

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First of all, I want to thank each of the members of this commission for all the time and effort that has gone into this project. Encouraging public input goes a long way to making residents feel like a useful part of this City. I know you have a lot of material to cover, so I'll try to keep this brief.

That being said, I'm shocked that Sherwood could even be considering allowing development on a section of land (40 of the 55 acres under consideration) that is presently under investigation for toxins by the DEQ. My hope is that all the work that has gone into this project will not be wasted, but that it will be tabled until a determination/cleanup can be completed.

I have been a resident of Fair Oaks PUD since May of 1991. One of the first things noticeable about this development is that there has literally been no turn over in nearly eight years. The only two residences that are not the original homeowners were due to a job transfer and a health issue. That tells me that the one+ acre lots are desirable. The next noteworthy issue is that we still see wildlife on our properties on a regular basis. The night before last my husband and I were coming home at about 9:30 p.m. and had to stop the car to wait for a deer who was standing in the middle of Fair Oaks Drive. I don't mean we just slowed as the deer ran across the street. She stood there watching us for a minute before she ambled up onto a neighbor's lawn. Will wildlife such as this exist if there are another 200 cars on Murdock for the SE Sherwood development? Yes, that is a rhetorical question!

My concerns about this proposed development are livability for all residents—those with four legs, as well as those with two. The wooded area we all now enjoy is crucial. Nature walkways are a must. Keeping as many large trees as possible is a must. Could this be incorporated into the City Parks system? Although I understand it's not possible at this time, I encourage the City of Sherwood to seek legislation that would allow SDC for schools and other infrastructural costs that developers cause the City.

Respectfully,
Evelyn Kristensen

Kurt Kristensen
22520 SW Fair Oaks Ct.
Sherwood, OR 97140-9720

503-625-2340

kurtk@poetspeak.com

April 30, 2006

Planning Commission, City of Sherwood

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RE: Personal Recommendations for Action Items on SE Sherwood Master Plan PUD

Mr. Chairman, Members of the Commission:

After significant time and reflection, these are my personal recommendations; they are based on my sense of reality that, regardless of challenges, the area defined with the SE Sherwood Master Plan will be developed, over time:

1. Planning Commission should adopt a binding resolution and recommendation at the May 9, 2006 meeting for the City Council that the 55 acres referred to as SE Sherwood Master plan area be developed as a PUD following guidelines outlined in an evenly blended compromise of ALT A and ALT B/C.
2. Planning Commission should adopt a strong recommendation to City Council that, since proposed area has 72% identified for DEQ investigation and remediation, no development of the SE Sherwood Master Plan area's 55 acres, including the area already platted as Ironwood Subdivision, be permitted for health reasons until the DEQ has completed all investigations and certified that all remediation in entire area has been safely completed.
3. Planning Commission should adopt a strong recommendation that the City Council and Parks and Recreation Board contact METRO's Carl Hosticka and develop a concept and action plan for METRO to acquire the entire Moser property, since the Moser Property has not been compromised by DEQ findings, to be Developed with the City of Sherwood as part of the city's parks system and as a regional parks gateway to wetlands on the East side of Sherwood, with an extended city trail system navigating the perimeters of SE Sherwood Master Plan area and tying into Sherwood View with neighborhood walking areas.
4. Planning Commission should adopt, as part of the adoption of SE Sherwood Master Plan PUD, a recommendation that City Council ask METRO in the next UGB expansion to extend the city's East boundary to follow the Murdock Bluff bottom perimeters in order to develop the Greater SE Sherwood Area as a regional environmentally sound green-space with habitation guide lines similar to those adopted in SE Sherwood PUD; with a new future access road from Baker.
5. Planning Commission should recommend that the City Council, as part of the long-term development of Parks and Recreation space and trails that the City of Sherwood's Planning Department look into a collaborative effort with US Fish &

Kurt Kristensen
22520 SW Fair Oaks Ct.
Sherwood, OR 97140-9720

503-625-2340

kurtk@poetspeak.com

Wild Life and METRO to develop the jointly owned property between Fair Oaks PUD and the Oregon St. Traffic Circle as an integrated parcel providing both City Flood protection gateways and a Regional access area to Metro's proposed walking and wild-life watching trail between the Tualatin and the Willamette, with Stella Olson Park-like elevated perimeter trails in the wetland area.

Respectfully submitted,

Kurt Kristensen

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MAY 02 2006

BY CB
PLANNING DEPT.

BALL JANIK LLP

A T T O R N E Y S

101 SOUTHWEST MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3219

www.balljanik.com

TELEPHONE 503-228-2525
FACSIMILE 503-295-1058

DANA L. KRAWCZUK
ALSO ADMITTED IN WASHINGTON

dkrawczuk@bjllp.com

May 2, 2006

VIA EMAIL AND FACSIMILE

Sherwood Planning Commission
c/o Kevin Cronin, Planning Supervisor
City of Sherwood
22560 SW Pine Street
Sherwood, Oregon 97140

Re: Testimony for May 9th Planning Commission Hearing – S.E. Sherwood Master Plan

Dear Members of the Planning Commission:

In the event that the Planning Commission does not continue the May 9th hearing so that interested parties (both neighbors and the SE Sherwood Master Plan Area property owners) can follow up on the Planning Commission's request to meet and attempt to build a consensus, the Yuzons submit the following testimony into the record. The Yuzons request that the Planning Commission adopt the B/C Plan. If the Planning Commission decides to not adopt a specific plan, and instead adopts planning guidelines, the Yuzons request that one of the guidelines require that the net density allowed in the planning area be increased to no less than 4.43 dwellings per net acre (the net density allowed under the B/C Plan).

From the inception of the SE Sherwood Master Plan effort, one of the key objectives was to provide an increase in residential density in the area.¹ For example,

¹ Other goals of the SE Sherwood Master Plan include: A pedestrian friendly transportation system that will link the site with nearby residential developments, parks, schools, commercial sites, and other destinations; A land use plan that provides for a mix of housing types compatible with adjacent uses; Conceptual plans for public facilities (roads, paths, water, storm drainage) needed to support the land use plan; Implementing strategies including map and text amendments for the City to adopt (to be prepared by the City); and A high level of neighborhood and citizen involvement. The B/C Plan meets all of these objectives, as described on pages 26-29 of the February 20, 2006 staff report.

May 2, 2006

Page 2

- In September 2005, the City Council outlined the goals of the SE Sherwood Master Plan, including an increase in residential density, in part because lower density development cannot be required to provide urban level services. Resolution 2005-059.
- The SE Sherwood Master Plan received funding from a grant provided by the Oregon Transportation and Growth Management Program. One of the six goals listed in the grant's scope of work was increasing density.

Plan A fails to meet the goal of increasing density in the planning area because it allows the same amount of density that is permitted by the existing VLDR zoning. Only Plans B/C, B and C meet the project goal of increasing density in the area. As an effort at compromise, the Yuzons (and some other property owners) have agreed to support Plan B/C, and remove Plans B and C from consideration. Therefore, the B/C is the only plan that is being actively considered that meets the goals of the City Council and Oregon Transportation and Growth Management Program grant.

Density is a key component of the SE Sherwood Plan because it provides the necessary economic engine to make the plan become a reality. For example:

- Infrastructure and urban services – Increased density provides the funds necessary to construct urban services and infrastructure, and ensures that they are used efficiently. Bedrock is close the surface of the ground in the planning area, so the cost of constructing the necessary infrastructure is expected to be significantly more expensive than usual. Additional density in the planning area helps disperse the extra cost of providing services.
- Providing parks and open space – This is a goal that all parties involved in the SE Sherwood Master Plan effort share. The proposed plans all include a generous open space component, with open space comprising of over 25% of the plan area in Plan A, and over 16% of the plan area in Plan C. In order for a project to be economically feasible, increased density must be allowed elsewhere on site.
- Environmental cleanup – Portions of the SE Sherwood Plan Area are being investigated by the Department of Environmental Quality for pollution caused by the former Ken Foster Farm operations. The analysis is ongoing, and the primary chemical of concern for human health is hexavalent chromium (which is distinct from trivalent chromium or total chromium, which is the combination of hexavalent and trivalent chromium). Based upon the technical memorandum submitted to DEQ on May 1, 2006, at this time it any significant human health risk associated with the SE Sherwood Master Plan area is much less significant than originally reported.² Therefore, any concerns about allowing

² Initially there were concerns with high levels of hexavalent chromium, and the associated human health risks, which is likely one reason the federal Environmental Protection Agency

May 2, 2006

Page 3

additional homes to locate in the area are not based upon the most recent testing and scientific conclusions. Instead, a possible efficient remediation plan would be to coordinate the cleanup with the development of the SE Sherwood Master Plan area. Although the precise costs of the remediation plan is unknown at this time, environmental cleanup efforts are costly and increased density in the SE Sherwood Master Plan area can help defray the cleanup costs.

Plan A does not provide the benefits of density that are necessary to implement a master plan in the SE Sherwood Plan Area. Additionally, because Plan A does not respect property lines, it is unrealistic to expect that all of the property owners in the Plan Area will have consistent timelines and development expectations. As a result, it is likely that either piecemeal development under the existing PUD regulations will occur, or development will be stymied.

Plan B/C is a reasonable compromise plan that was developed through the public outreach process, and is endorsed by the Planning Staff. Plan B/C provides a balance between density and open space, offers a mix of lot sizes, creates a walkable neighborhood that provides residents with a variety of transportation choices, preserves natural resources and utilizes existing urban services while providing a funding mechanism for infrastructure construction. The principles that are included in Plan B/C are smart growth principles that the Yuzons respectfully request the Planning Commission embrace and recommend that the Planning Staff draft code and comprehensive plan policies to implement the B/C Plan. If the Planning Commission decides to not adopt a specific plan, and instead adopts planning guidelines, the Yuzons request that one of the guidelines require that the net density allowed in the planning area be increased to no less than 4.43 dwellings per net acre (the net density allowed under the B/C Plan). Thank you for your consideration.

Sincerely,



Dana L. Krawczuk

DLK:jrw

cc: Paula and Dennis Yuzon
Chris Koback
Jeff Kleinman

(EPA) was interested in the area. However, the lab that performed the initial testing has determined that it erred when processing the samples, which led to false hits of hexavalent chromium.



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PLANNING DEPT.

May 2, 2006

Kevin Cronin Sr. Planner for the City of Sherwood
City of Sherwood Planning Commission

Re: SE Sherwood Neighborhood

Dear Kevin Cronin & Members of the Planning Commission,

Thank you for taking time to review the following points as you shape your final recommendations regarding the SE Sherwood Neighborhood. In the last meeting you asked both parties to revisit the issues, unfortunately the meeting did not materialize for several reasons, including three family deaths and limited time in which to meet. I'm hopeful even without the meeting that each group can agree that there are several issues that keep repeating: density, tree preservation, trail system, road safety, and traffic. I've said on several occasions that these are items I support as a developer and feel the B/C plan gives a framework in which we can all work. I hope all parties are willing to put more trust in the system and allow the process to move forward in a positive solution-based process for success for all parties: the city, property owners and the community. To that end, I'm asking for your support on May 9th to recommend the B/C plan in concept for the following reasons:

- DEQ:
 - **New Test data as of 4-27-06 confirmed earlier tests where flawed.** The new tests show there is no Hexavelant Chromium, therefore NO threat to human health. It does not preclude the huge environmental clean up that will still need to be implemented. If I do not have the ability to clean up my properties there will be an industrial waste site in the SE Sherwood neighborhood for a long time.

- **Recommendations:**
 - **OTAK recommends** the B/C plan in their final review. The B/C plan was created by OTAK consultants with feedback from all parties willing to participate.
 - The State of Oregon Department of Transportation and Growth Management (TGM) support responsible higher density through the grant that paid the consultants to create higher density. One of the goals was geared toward developing higher densities within the urban area.
 - City of Sherwood planning staff recommends the B/C plan as a favorable plan. It is important to note that the A/Walker plan does not meet the goals of the master plan set out in the beginning.

Consideration:

- One property in the master plan area sounds like it has a potential measure 37 claim. (unconfirmed) It is the northern 12 acres and owned by the Mosers. I don't feel this will impact the work relative to the B/C plan. According to the transportation plan the path for the neighborhood street will create a new road right down the center of property lines in pursuit of aligning with Roy Street. The B/C plan in concept respects that transportation goal.
- One of the hurdles in this process has been that anyone can submit information both written and verbally during public testimony. I hope that all the information that the decisions are based upon can be supported by sound professional opinions or studies.

Your position is important in many ways: for the tax payers, to honor city goals, and to make recommendations that will impact new businesses who want to call Sherwood home. How to accomplish that is probably easier said, than done. I live in Sherwood with my wife and three young children. I believe in a quality of life and building a better place for my children. I believe the B/C plan is the first step in developing a quality neighborhood, and establishing an additional tax base for the City of Sherwood to continue its good work.

Respectfully,


Patrick Huske
President/Owner



PC Resolution 2006-001

A RESOLUTION ACCEPTING THE "SE SHERWOOD MASTER PLAN REPORT" AND APPROVING A PROCESS TO IMPLEMENT THE PLAN

WHEREAS, the City of Sherwood has a Very Low Density Residential (VLDR) Zone in the Sherwood Plan and Zone Map that requires a minimum 1 acre per lot; and

WHEREAS, the City has approved recent subdivisions and partitions in the proposed study area without full public facility improvements because the City cannot require urban levels of service in proportion to the impacts of the projects; and

WHEREAS, the City expects future private development in the immediate future and a master plan for the neighborhood would provide a guide for better services for current and future property owners, neighbors, and the City; and

WHEREAS, the City Council adopted Resolution 2005-059 that authorized the SE Sherwood Master Plan process and participation in the Oregon Transportation and Growth Management Quick Response program to fund the study and master plan; and

WHEREAS, the City has held numerous public involvement opportunities including three meetings with the property owners and three public workshops; and

WHEREAS, the Planning Commission has held a work session on February 28, 2006 to consider the findings and recommendations of the report and held open public meetings with a comment period on March 28 and April 4, 2006; and

WHEREAS, the Planning Commission has discussed the recommendations from staff and the consultant and deliberated on May 9, 2006 to endorse the benefits of a coordinated master plan for efficient land use, multi-modal transportation, recreation trails, and shared open space; and

NOW, THEREFORE, THE CITY OF SHERWOOD PLANNING COMMISSION RESOLVES AS FOLLOWS:

Section 1. The SE Sherwood Master Plan Report (Exhibit A) dated February 20, 2006 is hereby accepted and the concept plans contained in the report meet the project objectives.

Section 2. The Planning Commission will consider a specific development proposal from an applicant that is consistent with the principals and goals listed in Exhibit A, and those which provided the framework for the creation of the master plan alternatives. In particular, any proposal should attempt to meet the following performance targets:

Total number of proposed lots: 72
(Total does not include 11 existing 1-acre lots)


Acres of open space: 12.5

Gross Density: 2.2
(Gross density is equal to number of new lots divided by total acres of developable land. Total acres of developed land does not include "existing" lots. Roads, alley, and open space have not been subtracted from total developable land. Total developable land equals 36.6 acres)

The Planning Commission also endorses a hilltop view point park included in open space, and the use of swale green space.

Section 3. This Resolution shall become effective upon its approval and adoption.

Duly passed by the Planning Commission this 9th day of May 2006.


Adrian Emery, Chair, Planning Commission

ATTEST:


Kevin A. Cronin, AICP, Planning Supervisor

WASHINGTON COUNTY – SHERWOOD
URBAN PLANNING AREA AGREEMENT

THIS AGREEMENT is entered into this ___ day of _____, 2006 by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF SHERWOOD, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Planning Area within the Regional Urban Growth Boundary within which both the COUNTY and the CITY maintain an interest in comprehensive planning;
2. A process for coordinating comprehensive planning and development in the Urban Planning Area;
3. Policies regarding comprehensive planning and development in the Urban Planning Area; and
4. A process to amend the Urban Planning Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area

The Urban Planning Area mutually defined by the COUNTY and the CITY includes the area designated on Exhibit "A" to this agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation.

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approval or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The County shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation.

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than 45 days prior to the final hearing on adoption. The specific method and level of involvement shall be finalized by "Memorandums of Understanding" negotiated and signed by the planning directors of the CITY and the COUNTY. The "Memorandums of Understanding" shall clearly outline the process by which the responding agency shall participate in the adoption process. If, at the time of being notified of a proposed action, the responding agency determines it does not need to participate in the adoption process, it may waive the requirement to negotiate and sign a "Memorandum of Understanding".
- b. The originating agency shall transmit draft recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding", the responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.

- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners.

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to small tract zoning or comprehensive plan map amendments, conditional or special use permits, individual subdivisions, partitionings or planned unit developments, variances, and other similar actions requiring a hearings process which is quasi-judicial in nature.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an affect on unincorporated portions of the designated Urban Planning Area.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or electronic mail a copy of the public hearing notice which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no

less than ten (10) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

- b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
- c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
- d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or electronic mail a copy of all public hearing agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action.

If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Comprehensive Planning and Development Policies

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY Urban Planning Area is designated on Exhibit "A".

B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.

C. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the Urban Planning Area.

D. As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

E. The COUNTY shall not approve land divisions within the unincorporated portions of the Urban Planning Area which would create lots less than ten (10) acres in size.

F. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.

G. The COUNTY will not oppose any annexation of land to the City of Sherwood within the CITY's Urban Planning Area.

IV. Amendments to the Urban Planning Area Agreement

A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:

1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map which clearly indicates the proposed change and surrounding area.
3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 days of the date the request is received.
4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section IV (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 90 days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within 90 days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties will jointly review this Agreement every two (2) years, or more frequently if mutually needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. The review process shall commence two (2) years from the date of execution and shall be completed within sixty (60) days. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of the 60 day review period inconsistencies still remain, either party may terminate this Agreement.

V. This Urban Planning Area Agreement repeals and replaces the Urban Planning Area Agreement dated October 25, 1988.

This Agreement commences on _____, 200__.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF SHERWOOD

By _____
Mayor

Date _____

WASHINGTON COUNTY

By _____
Chairman, Board of County Commissioners

Date _____

Recording Secretary

Date _____

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
May 9, 2006

Commission Members Present:

Chair – Adrian Emery
Vice Chair – Patrick Allen
Jean Lafayette
Dan Balza
Matt Nolan
Todd Skelton
Russell Griffin

Staff:

Kevin Cronin – Planning Supervisor
Rob Dixon – Community Development Director
Cynthia Butler – Administrative Assistant

1. **Call to Order/Roll Call** – Chair Emery called the meeting to order at 7 PM.
2. **Agenda Review** - There were no changes to the agenda.
3. **Consent Agenda** – Minutes for the April 25, 2006 session were approved by vote:
Yes – 7 No- 0 Abstain– 0
4. **Brief Announcements** – Kevin Cronin said the Economic Development Strategy workshop open to the public will be held tomorrow, May 10th from 7-9 PM at City Hall on the 2nd floor mezzanine level. The All America City Award presentation and delegation for June 9-11, 2006 is proceeding well. Julia Hajduk, Senior Planner, is the coordinator for the project and is working with the Sherwood Chamber of Commerce on details. Public is invited to plan their vacations and participate to support the community at the event in Anaheim, CA. Kevin confirmed that public participants who would like to attend must use their own funds for the trip. Metro adopted the construction excise tax for urban growth boundary (UGB) expansion areas. Kevin plans to present an inter-governmental agreement to the City Council in June, for an excise tax on new building permits valued over \$100,000. Collected funds will be dispersed through Metro who will reimburse jurisdictions for UGB planning, such as Area 59. The City can also submit grant applications to receive funds for new UGB expansion areas. The City's Wayfinding Open House is Thursday, May 11th from 7-9 PM in the community room at City Hall. Community Development Director Rob Dixon recapped that local area residents were mailed flyers announcing the meeting and that the agenda would be expanded for discussion regarding the colors chosen for lighting, pedestrian walkway fixtures, and signage in Old Town - including the recently installed monuments located at the entrance of 1st and Pine Streets. Rob said that a survey inviting responses would also be provided to citizens at the conclusion of the meeting.

Patrick Allen asked Rob to summarize what kinds of projects would not be completed if the \$50,000 required to repaint the lighting and pedestrian walkway fixtures to another color was implemented. Rob stated that the funds are from the urban renewal project contingency fund and would have to be used on other urban renewal projects. Rob said that Jim Patterson, Assistant City Manager, is the primary contact for the urban renewal

program and that there is a list of current related projects on the City's website under SURPAC.

5. Community Comments – Debra Ng-Wong, 23524 SW Denali Ln., Sherwood OR 97140 – Debra asked commissioners if they received a copy of a Preliminary Assessment Report compiled by the DEQ regarding the former Ken Foster farm site dated September 21, 2005 – along with a copy of a letter from the Governor's office addressed to Kevin Cronin dated April 24, 2006. Chair Emery said that Kevin Cronin had received a copy and would be distributing copies to commission members, but that it was not part of this evening's agenda. Matt Nolan stated that he received a copy at his home on Sunday, May 7th, but did not read it and gave it to Kevin Cronin so that copies could formally be introduced to all members at the same time. Kevin confirmed that copies of the document were not received by the noon deadline on May 2nd for inclusion to the member's packets, and that copies are to be distributed to commissioners tonight - copies were distributed. Debra stated that Kevin Cronin could have been more flexible in accepting the documents after the deadline on May 2nd, and that her neighbor said they called Kevin and asked for more time to deliver the document for the packets due to delays in traffic. Debra reported that her neighbor indicated Kevin they could still deliver the materials, but that when the delivery arrived at 12:15, Kevin would not accept the materials. Debra said that it was important information to the project and that the materials should have been accepted.

Kevin Cronin said that the purpose of the agenda at tonight's meeting for the SE Sherwood Master Plan did not include or require inclusion of the report by DEQ, and that although the DEQ report is indirectly related to the topic it was not relevant to the goals and timeline for the May 9th Planning Commission meeting. Kevin also stated that staff is involved with agency communications and has made a request of DEQ to better directly coordinate information with local government and City staff as it develops.

Patrick Allen asked staff if the presence of possible contaminants was not relevant to the determination of defining appropriate zones and density issues. Kevin responded that the DEQ is continuing to proceed in the study and that because possible contaminant information is still under review the answers are not currently knowable. Kevin said that tonight's agenda and goals are to largely focus on street connections, trails and open spaces and that as DEQ information is confirmed any alterations can be assessed at the appropriate time. Patrick said the timing was poor, but that he believed the current report to be relevant. Brief discussion ensued regarding aspects of the report. Chair Emery opened discussion on the first agenda item:

6. Old Business – SE Sherwood Master Plan: Kevin stated that he spoke to Metro staff in the Greenspaces program regarding the bond measure and Metro expressed an interest in the Snyder property located outside the UGB. The local share of funds if the bond measure passes would be approximately \$400,000 - \$500,000. Jean Lafayette asked for the location of the Snyder property. Kevin confirmed the property is outside the SE Sherwood Master Plan study area directly east of the Mosier property on the refuge. Kevin said that he spoke to Mrs. Moser recently and Bart Bartholomew, their representative, about a week ago. Kevin understood from his conversation from Mr. Bartholomew that a pre-application separate from this process may be forthcoming geared toward a higher density than any alternatives in the SE Sherwood Master Plan study, but none has been submitted to date.

Patrick Allen asked staff to confirm if there was anything currently in the zoning code that would protect the trees located on the Mosier property. Kevin said there was not.

Kevin reported that the SE Sherwood property owners did not conduct another meeting since the last Planning Commission session on April 11th as hoped. Staff distributed draft resolution, 2006-001 to commissioners and the public audience in attendance. Kevin recapped the resolution content to include the initial purpose and authorization to conduct the SE Sherwood Master Plan study, public involvement opportunities throughout the process, and identified Sections 1 through 3 as action items to accept the SE Sherwood Master Plan Report and resolves that master plan alternatives have been reviewed. Kevin stated that staff proposes flexibility for the alternatives: 1) accept Alternative B/C; 2) accept a hybrid of Alternative B/C; 3) allow developers and property owners to arrive at an alternative in their own process. Kevin deferred to the Planning Commission for comments, questions and process.

Chair Emery stated that he would like to include Alternative A, and asked commissioners for their responses.

Patrick Allen asked staff if the selection of any alternative option that is not a higher density would violate any terms of the City's grant from DLCD? Kevin Cronin stated that credibility may be an issue with DLCD in regard to the principles that were put into place. Patrick asked staff how credibility could be an issue for DLCD if the Planning Commission made alternate findings for lower density after thorough review and public discussion. Kevin said that DLCD has supported Sherwood with grant funding and the ongoing relationship is important. Chair Emery questioned to what extent the Planning Commission must follow DLCD guidelines. Kevin said that Metro is the source of funding and a policy decision for a lower density would make it more difficult in the future relationship with DLCD. Patrick asked for confirmation from staff that alternate findings would not violate any terms of the grant with DLCD. Kevin confirmed. Chair Emery said that options for the site will change when applications are actually submitted, and recommended leaving the options to the developers and property owners for a final plan and see what evolves.

Russell Griffin asked staff to confirm if the language in Section 2 allows for another alternative plan to be submitted by an applicant at a later date, and that Section 1 states that any adopted plan is to be used as a guideline. Russell asked staff how transportation issues such as Denali Lane will be addressed. Kevin stated the transportation findings that led to the report and illustrations are accepted, when the report is accepted.

Jean Lafayette said that the City Council requested that the Planning Commission review the project for increasing density within the scope of a well thought out process, and to consider the community as a whole. The City Council also asked the commission to consider parks and amenities. Jean said that Alternative B/C seems like a compromise to all desires expressed and that this alternative has achieved the tasks.

Patrick Allen stated that he was conflicted and understands that a decision is needed. Patrick said that based on results from the last meeting, he expected property owners to have met one more time for consensus and that this did not occur. Patrick rejected Alternative C due largely to lack of connectivity and open space. Patrick stated that he believes the DEQ report on potential

hazardous materials should have been included in the commissioner's packets if it was just 15 minutes late. Patrick also stated that he was not ready to adopt a resolution.

Todd Skelton agreed with Patrick and recommended a density higher than 54. Todd also expressed disappointment that property owners did not meet again after the last meeting in an effort to achieve consensus.

Matt Nolan stated he was surprised by some of the citizen comments received in the packet, and said that the proposed lot sizes in the project area are significantly higher than the rest of Sherwood and are comparable to the Fair Oaks development. Matt stated that he understands the DEQ report is relevant to the project, but that tonight's session is charged with providing a direction for the master plan to proceed.

Patrick Allen stated that he would like Alternative A included. Patrick suggested that Section 1 be edited not to include reference to any specific alternative, due to changes a developer may make on an application or any affects later potentially discovered by DEQ. Patrick stated that depending on DEQ findings a lower density may be required. Commissioners showed nods of agreement.

Matt Nolan reiterated that a recommendation to remove reference to any alternative would leave the door open for developers and property owners to decide.

Patrick Allen asked how that would comply with the master plan process.

Chair Emery said the process provided designs to use as concepts for the plan.

Jean Lafayette recapped some calculations on the differences between the alternatives, and said that the comparisons are not so far apart from each other. Jean was also in favor of a wider middle green space to keep a hilltop view park. Jean said that the basic conflict appears to be saving the trees and the location of residential development for density.

Kevin Cronin reiterated that staff is not proposing that the Planning Commission redesign the plans, but to provide the option for private sector to do so through the application process.

Jean Lafayette confirmed.

Patrick Allen suggested adding performance standards or targets as guidelines for density and acreages to the language in Section 2 of the draft resolution, which would be compatible with the changes to Section 1 omitting a specific adopted alternative.

Kevin Cronin stated that the Planning Department is booked completely the next six months on other projects that are mandated by deadlines. Rob Dixon reaffirmed Kevin's schedule and added the initiation of the SE Sherwood Master Plan was a proactive volunteer effort to involve the community and that property owners and developers can now take it forward.

Patrick Allen asked staff non-mandatory numbers could be recommended as targets in Section 2. Kevin confirmed. Discussion among commissioners ensued on desirable aspects of alternatives.

Kevin Cronin reiterated that staff can affirm that any pre-applications presented for development in the master plan area represent the adopted concept plan or guidelines. Additionally, the Planning Commission will review any submitted development applications requiring a zone change and other development applications requiring the Planning Commission review process.

Jean Lafayette asked staff to confirm that development could presently occur under the current VLDR (very low density residential) zoning. Kevin confirmed.

Dan Balza referred to the SE Sherwood Master Plan project report by Otak, Inc. and stated that the study provided by the consultants entailed a lot of time and work. Dan said he agrees with other commissioners to establish targets or performance standards that will achieve an end result that relates to designs from the project report.

Chair Emery suggested at 7:50 PM taking a 15-minute break for commissioners to discuss potential targets for the resolution.

< 15- minute break >

Chair Emery reconvened the session at 8:05 PM. Adrian recapped that during the break performance standards and target calculations were discussed, that would keep the existing framework of the resolution and maintain the general concepts of alternatives in the project study.

Patrick Allen recapped the recommended change for Section 1 of the resolution to read:

“The SE Sherwood Master Plan Report (Exhibit A) dated February 20, 2006 is hereby accepted and the concept plans contained in the report meet the project objectives.” The new language omits reference to specific alternative plans.

Patrick read the stated the performance targets recommended by commissioners in Section 2 of the resolution as follows:

“The Planning Commission will consider a specific development and proposal from an application which is consistent with the principles and goals listed in Exhibit A, and those which provided the framework for the creation of the master plan alternatives. In particular, any proposal should attempt to meet the following performance targets:

Total # of proposed lots = 72

Acres of open space = 12.5

Gross density = 2.2

Endorsement of a hilltop viewpoint park included in open space, and the use of swale green space.

Discussion ensued on the current total acreage of trees, which was not known.

Chair Emery asked commissioners if consensus was achieved on recommendations recapped by Vice Chair Allen. Jean Lafayette moved to approved Resolution 2006-001 as amended.

Dan Balza seconded. Vote was taken:

Yes – 7 No – 0 Abstain – 0

Motion passed.

Chair Emery suggested a 10-minute break before beginning the next agenda item at 8:15 PM.

< 10-minute break >

Chair Emery reconvened the session at 8:25 PM.

7. New Business - Urban Planning Area Agreement (UPAA): Kevin Cronin recapped the UPAA with Washington County and stated that the UPAA has not been updated since 1988 and that the draft has been updated to include current language and date information. In particular, email as a means of communication between the two jurisdictions was needed. Kevin said that a couple of changes were submitted from Washington County after the commission packets were delivered that do not appear on commissioner copies, as follows: Page 1, Item 4 – Process to amend UPAA, Metro expanded the original UGB in December 2002 and in June 2004 DLCDC acknowledged (expansion dates listed). Under definitions, communication by email has also been added and in sections where communication is mentioned in the document. Page 4, under “Additional Coordination Requirements”, adding Sections E & F. Section E adds that the originating agency shall utilize tracking options (tracked changes). Section F adds that the originator of an emailed notice will send a copy of the notice by first class mail by the next business day, and that copies of emails will be kept as part of the public record per State archive laws. Page 5, under “Comprehensive Plan & Development Policies”, Section E, adding “land divisions that are inconsistent with the FD20 district designation.” Lastly, under signatures, the effective date of execution on the signed current document. Kevin said once approved by the Planning Commission, the UPAA will be reviewed and signed by the Mayor and then sent to the Washington County Planning Department for adoption sometime in the fall - likely September or October 2006, before the November 2006 vote on annexation for the Area 59 Master Plan project.

Jean Lafayette asked staff to review Page 2, Item 2-A, and stated that this section was not consistent with other entries with nearly identical text, regarding first class mail or electronic mail and asked Kevin to update this section.

Patrick Allen suggested that using the term “notify” to define communication to mean electronic or first class mail, and entering “notify” in the definitions would simplify the process.

Kevin Cronin confirmed. Jean Lafayette stated that Item 2-C has the same issue. Kevin stated that he would proof the document for consistency before it is presented to City Council. Jean said that she would provide Kevin with edits.

Patrick Allen moved to approved the UPAA with edits.

Jean Lafayette seconded. Vote was taken:

Yes – 7 No – 0 Abstain – 0

8. Comments by Commission – Matt Nolan and Dan Balza stated they would not be present at the next session. Kevin Cronin recapped that the May 23rd session will consist of a field trip for commissioners on Infill Standards conducted by Heather Austin, Associate Planner, and that there will be no regular meeting.

Russell Griffin asked staff if the water tank in Tualatin near Sherwood received approval through Washington County. Russell commented on its close proximity to the road and lack of buffers or screening. Chair Emery is on the I-5 Connector Task Committee and gave an update, stating that no location has been determined to date. Rob Dixon said that excise tax funds for Brookman Road and the Light Industrial (LI) zone cannot be used for a study until a corridor has been determined. The I-5 corridor needs to be identified for concept planning to begin. General discussion ensued regarding toll charges for road use. Chair Emery asked if there were further comments by commissioners. There was none.

9. Next Meeting – May 23, 2006: 7 PM – No regular held - Infill Standards field trip for Planning Commission members and work session to follow.

10. Adjournment – Chair Emery adjourned the session at 8:35 PM.

End of minutes.