City of Sherwood Oregon

*Home of the Tualatin River National Wildlife Refuge*

# CITY COUNCIL MEETING PACKET

## FOR

## Tuesday, February 20, 2024

## Sherwood City Hall
## 22560 SW Pine Street
## Sherwood, Oregon

**5:30 pm URA Board of Directors Work Session**

**6:00 pm City Council Work Session**

**7:00 pm City Council Regular Meeting**

**City Council Executive Session**
**(ORS 192.660(2)(f), Exempt Public Records and (2)(d), Labor Negotiator Consultations)**
**(Following the regular City Council Meeting)**

**This meeting will be live streamed at**
https://www.youtube.com/user/CityofSherwood

AMENDED AGENDA, Item 5.F Added

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**AGENDA**

**SHERWOOD CITY COUNCIL**
**February 20, 2024**

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**22560 SW Pine Street**
**Sherwood, OR 97140**

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## 5:30 PM URA BOARD OF DIRECTORS WORK SESSION

1. **Sherwood Cannery PUD Vacant Lot Discussion**
   (Eric Rutledge, Community Development Director)

## 6:00 PM CITY COUNCIL WORK SESSION

1. **Brookman Sanitary Trunkline Reimbursement Districts Presentation**
   (Jason Waters, City Engineer)
2. **Sherwood West Update** (Eric Rutledge, Community Development Director)

## 7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
   - A. **Approval of February 3, 2024 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
   - B. **Approval of February 6, 2024 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
   - C. **Resolution 2024-006, Authorizing Workback Policy for the City of Sherwood** (Lydia McEvoy, Human Resources Director)
   - D. **Resolution 2024-007, Authorizing Leave Donation Policy for the City of Sherwood** (Lydia McEvoy, Human Resources Director)
   - E. **Resolution 2024-008, Authorizing the City Manager Pro Tem to sign a contract amendment with WSP USA Environmental & Infrastructure, Inc. for the Tannery Site Cleanup Project** (Jason Waters, City Engineer)
   - F. **Resolution 2024-009, Declaring support for a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis** (Craig Sheldon, City Manager Pro Tem)
6. **CITIZEN COMMENTS**
7. **CITY MANAGER REPORT**
8. **COUNCIL ANNOUNCEMENTS**
9. **ADJOURN to EXECUTIVE SESSION**
10. **EXECUTIVE SESSION**

AMENDED AGENDA, Item 5.F Added

**A. ORS 192.660(2)(f)(d), Exempt Public Records and Labor Negotiator Consultations**
(Ryan Adams, City Attorney)

## 11. ADJOURN

**How to Provide Citizen Comments and Public Hearing Testimony:** Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

**How to Find out What's on the Council Schedule:** City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

**To Schedule a Presentation to the Council:** If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

**ADA Accommodations:** If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time. Assisted Listening Devices available on site.

**SHERWOOD CITY COUNCIL MEETING MINUTES**
**22560 SW Pine St., Sherwood, Or**
**February 3, 2024**

**WORK SESSION – GOAL SETTING**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 9:10 am.

2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Doug Scott, Taylor Giles, and Renee Brouse. Councilor Dan Standke was absent.

3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, Economic Development Manager Bruce Coleman, Community Development Director Eric Rutledge, HR Director Lydia McEvoy, and City Recorder Sylvia Murphy.

   **OTHERS PRESENT:** SGR consultant Jeff Tyne.

4. **TOPICS:**

   **A. Goal Setting Facilitation**

   Mayor Rosener recapped that there had been discussions regarding simplifying and consolidating several City Council goals and provided an overview of the goal setting work session process. City Manager Pro Tem Craig Sheldon stated that one of the goals of this work session was to provide staff direction about Council's goals, objectives, and projects. Staff would take that direction and create an analysis of the estimated staff time and budget to accomplish those goals and share those findings with Council. He continued that he was aware that there were several upcoming staff retirements which would impact the estimated timeline for some projects. He spoke on library funding and stated that the city needed to develop a long-term sustainability plan for the Sherwood Public Library as continued support from Washington County was not certain. He spoke on the Sherwood Police Department and stated that a funding source for the hiring of police personnel needed to be developed and suggested that a fee on a city service bill could be added. SGR consultant Jeff Tyne provided an overview of the goal setting work session process and the importance of using the SMART (specific, measurable, achievable, relevant, and timely) approach to goal setting. Councilor Giles asked if Council needed to rank the goals in terms of priority for staff and Mayor Rosener replied that prioritization was important, but some goals would be shifted to deliverables and Council would be discussing pillars, goals, and deliverables. Mr. Tyne presented the "City Council Goal Setting Session" PowerPoint presentation (see record, Exhibit A) and referred to the City Council Pillars, Goals, and Deliverables handout (see record, Exhibit B) and addressed **Pillar 1: Economic Development**. He provided an overview of the eight goals of: Promote Strong Diverse Economic Growth Opportunities; Build Infrastructure to Support New Commercial and Industrial Development; Balancing the Tax Base; Work with Metro and regional partners to bring Sherwood West land into UGB; Bring Jobs to Sherwood that provide

wages that allow people to live and work in Sherwood; Sherwood West Planning; Tonquin Employment Area; and Prioritization of Infrastructure Development Deliverables for Best ROI. He referred to Deliverable 1:1(a) Code Audit and Stakeholder Meetings to Determine Opportunity for Improvement and reported that staff had conducted industrial/commercial developer and broker tours of Sherwood West to gain input on future zoning, additional interviews were scheduled for 2024, and a work session was scheduled for April 2024. He referred to Deliverable 1:2 Create Annexation Policies & Processes to Manage our Growth Goals as it Relates to Infrastructure, School Capacity, & Long-Term Community Needs and reported that new annexation policies for Sherwood West had been drafted and shared with Council and a work session was scheduled for February 2024. Mr. Tyne referred to Deliverable 1:3 Target Metrics for Jobs/Housing Balance and reported that this was an ongoing deliverable and the city continued to strive for 45% of the assessed property value to be commercial/industrial. He reported that Deliverable 1:4 Completion and Adoption of Sherwood West Re-Look Plan was completed in July 2023. He asked if Council approved of the efforts staff had taken to address Pillar 1: Economic Development and Council signaled they approved. Assistant City Manager Kristen Switzer referred to the format of Exhibit B and explained the designations of "ongoing" and "completed" had been added to better capture work staff was completing and asked for Council feedback. Council stated they approved of the addition of the designations. Mr. Tyne asked Council to provide prioritization feedback for Pillar 1 goals and deliverables. Councilor Scott commented that he felt that there were only three distinct goals under Pillar 1, which were: Promote Strong Diverse Economic Growth Opportunities, Build Infrastructure to Support New Commercial and Industrial Development, and Balancing the Tax Base. He stated that the remaining goals were already covered by an existing goal or should be categorized as deliverables. Mayor Rosener stated he agreed with Councilor Scott's comments. He stated he would combine several of the goals into a single goal of: Build Infrastructure to Support New Commercial and Industrial Development in the Tonquin Employment Area and Sherwood West. Councilor Giles replied that he approved of doing so as long as Old Town was also included in that goal. Councilor Giles referred to the goal of balancing the tax base and diversity in businesses and commented that he often heard feedback regarding the lack of variety of the businesses located in Sherwood and referred to an email from Sherwood Main Street (see record). Discussion occurred regarding changing the goal to "city wide" instead of only the TEA and Sherwood West. Mayor Rosener clarified that he had cited the TEA and Sherwood West because those areas would need major infrastructure to be constructed, but acknowledged the need for city wide development, including Old Town. Councilor Brouse recommended changing the "Balancing the Tax Base" goal into a deliverable under "Promote Strong Diverse Economic Growth Opportunities." Councilor Scott commented that it should be considered a part of the ongoing measurable KPIs, and Councilor Brouse commented she agreed. Discussion regarding Pillar 1's goals and deliverables occurred, and Mr. Tyne put forward the goals of "Promote strong, diverse economic growth opportunities" and "Support new commercial and industrial development." Council discussed the merits of keeping the separate goal of "Balancing the tax base" or if balancing the tax base was accomplished by pursuing the other goals under Pillar 1. Councilor Scott stated that the goal of "Bring Jobs to Sherwood that Provide Wages that Allow People to Live and Work in Sherwood" should be retained under Pillar 1. Mr. Tyne recapped the new goals under Pillar 1 as: Promote Strong, Diverse Economic Growth Opportunities; Support New Commercial and Industrial Development; and Bring Jobs to Sherwood that Provide Wages that Allow People to Live and Work in Sherwood. He asked for Council feedback. Councilor Mays stated that his goal was to balance the tax base, and the way to achieve that was by building infrastructure to support new commercial and industrial development and bringing jobs to Sherwood that provided wages that allowed people to live and work in Sherwood. Mayor Rosener asked that the goal of Balancing the Tax Base be retained as it was important to show that the city was being financially responsible with taxpayer money. Mr. Tyne recapped the new goals under Pillar 1 as: Promote Strong, Diverse Economic Growth Opportunities; Support New Commercial and Industrial Development; Balancing the Tax Base; and Bring Jobs to Sherwood that Provide Wages that Allow People to Live and Work in Sherwood and asked for staff feedback. Economic Development Manager Bruce Coleman referred to the goal of Promote Strong, Diverse Economic Growth Opportunities and stated that that goal was to

create the space to allow for economic growth opportunities, and the creation of infrastructure was needed in order to attract developers. He stated that successfully executing that goal would be by observing how much development took place. Mayor Rosener asked for Mr. Coleman to develop several long-term and short-term metrics to measure progress on the goal of promoting strong, diverse economic growth opportunities. Councilor Giles referred to the goal of "Promote Strong, Diverse Economic Growth Opportunities" and spoke on business diversity and Old Town. He stated that the city needed to work to ensure there was a variety of businesses within Sherwood because the types of businesses in the city would impact the city's atmosphere. Mr. Coleman commented that both large and small businesses should be attracted to Sherwood and Mayor Rosener spoke on his desire to work to ensure that Sherwood remained viable and livable for its residents and small businesses.

Mr. Tyne addressed **Pillar 2: Infrastructure** and provided an overview of the five goals of: Build Pedestrian Connectors between Sherwood East and West; Continue to Invest in Sherwood Broadband Utility as an Important Infrastructure for Sherwood and Beyond; New Public Works Facility; Cedar Creek Pedestrian Wildlife Undercrossing; and Invest in Business Process Improvements. He asked for feedback on the deliverables under Pillar 2. Councilor Scott commented that the goals of "Build Pedestrian Connectors between Sherwood East and West" and "Cedar Creek Pedestrian Wildlife Undercrossing" should be combined into one goal. Economic Development Manager Coleman asked which pillar Ice Age Drive fit into and Council replied that Ice Age Drive would fall under Pillar 1: Economic Development. Councilor Scott commented that he felt that the infrastructure pillar should be absorbed by another pillar and discussion occurred. City Manager Pro Tem Sheldon spoke on the new Public Works facility and reported that the city was waiting for the brownfield report to come back to determine if the city could apply for a $5 million grant. He reported that the city was continuing to work with the state on potential different options for the site. Council President Young referred to Councilor Scott's comments about removing the infrastructure pillar and commented that the goal of "Building Pedestrian Connectors between Sherwood East and West" could be moved to Pillar 3: Livability and Workability and discussion occurred. Council asked for staff input. Mr. Sheldon replied that in his opinion, Pillar 2's goals and deliverables could probably be absorbed by other pillars. He explained that this goal directly influenced what Public Works staff worked on and spoke on contracts and planning. Councilor Mays commented that he preferred to keep Pillar 2 as a separate pillar because it illustrated important city projects and asked if timelines for updating the city's master plans needed to be added as a deliverable. Mr. Sheldon replied that there were several city master plans that needed to be updated to incorporate Sherwood West. Councilor Mays asked that updating the city's master plans to incorporate Sherwood West be added under Pillar 2. Mayor Rosener asked that "quality, sustainable infrastructure" language be added as a core value under Pillar 2. Councilor Scott commented that he was in favor of retaining Pillar 2. Councilor Giles asked if Pillar 2 should also include city facilities and referred to the library. Councilor Scott commented that a new Pillar 2 goal of "Update All City Master Plans" should be added. Councilor Giles referred to the Cedar Creek Undercrossing and asked if procuring funding for that project was within the timeframe scope of three years. Mayor Rosener replied that there was necessary groundwork to complete prior to trying to procure funding for the construction of the undercrossing and discussion occurred. Mr. Tyne recapped the new goals under Pillar 2 as: Establish Connectivity Between East and West Sherwood; Update Key Master Plans; Continue Progress on New Public Works Facility; and Continue to Invest in Sherwood Broadband Utility. He asked for Council and staff feedback on Pillar 2 goals. Staff signaled their agreement with the goals. Mayor Rosener referred to updating master plans and previous work session discussions with city boards and commission chairs and asked that a process be created to allow for master plans to be more easily amended without having to do a complete revision. City Manager Pro Tem Sheldon clarified that some master plans were in need of a full revision.

Mr. Tyne addressed **Pillar 3: Livability and Workability** and provided an overview of the seven goals of: Continue to Support and Enhance Senior Services; Trails and Walkability; Promote and Monitor Diverse Housing that will Accommodate a Wide Variety of Life Stages and Needs; Public Art; Mental Health and Wellness Within the Organization and the Community; Investment in Community Gathering Spaces or

Community Enhancements; and Investment in Parks (Acquire New Land for Parks and Expansion and Improvements of Current Parks). Councilor Brouse asked if the city's recent age-friendly city designation should be used for the goal of "Continue to Support and Enhance Senior Services" and discussion occurred. Councilor Scott commented that he felt that goals under this pillar did not need to be adjusted beyond adding some clarification to some of the goals. He explained that not all of the goals under this pillar were going to have specific deliverables attached to them and referred to the "Trails and Walkability" goal. Councilor Brouse commented that the goals of "Investment in Community Gathering Spaces or Community Enhancements" and "Investment in Parks" could be combined into one goal of "Investment in Community Gathering Spaces and Parks" and discussion occurred. Council President Young stated that she would retain the reference to community enhancements to help capture Councilor Giles' previous comments regarding Old Town. Councilor Scott explained that these goals applied to publicly owned land as well as the promotion of privately owned development, infrastructure, and revitalization in Sherwood. Councilor Brouse suggested the wording of "Investment in Parks, Community Gathering Spaces, or Community Enhancements" and discussion on if that phrasing was too broad occurred. Economic Development Manager Coleman asked how these goals and deliverables would be delegated to staff and City Manager Pro Tem Sheldon replied that the Senior Leadership Team would be making those decisions. Mayor Rosener referred to the "Trails and Walkability" goal and commented that the city had done a good job of creating trails within developments, but the city needed to work to create wider trail connectivity throughout the city. Mr. Tyne addressed the goal of "Public Art" and asked for Council feedback. Councilor Scott suggested that the "community enhancements" language from the "Investment in Community Gathering Spaces or Community Enhancements" goal be added to the "Public Art" goal to become a broader statement around promoting and investing in public art and community enhancements. Councilor Giles referred to the Cultural Arts Commission and murals and commented that he wanted to see more public art that would be a social media draw. Mr. Tyne recapped potential new phrasings for Pillar 3 goals as: Continue to Support Our Direction Towards Our Age-Friendly City Designation; Trails, Walkability, and Interconnectivity; Investment in Community Enhancements and Unique Art; Investment in Parks and Gathering Spaces. He referred to the goal of "Promote and Monitor Diverse Housing that will Accommodate a Wide Variety of Life Stages and Needs" and asked for Council feedback. Mayor Rosener spoke on Sherwood West and the city's aim of tracking and influencing the legislative process in Salem, Metro, and the county while also adapting and reacting to those decisions. Discussion occurred and Council President Young spoke on her experience serving on the CDBG board and affordable housing. She stated that the idea of how to bring in an affordable housing development to the city had never been discussed. Councilor Giles stated that Sherwood needed to develop affordable housing so young families could move to the city and keep Sherwood's schools full. Councilor Mays stated that if affordable housing was the goal, then the best thing to do was to zone housing with square footage limits because square footage drove prices and discussion occurred. Mayor Rosener commented that additional affordable housing discussions were needed outside of this meeting because of the impact of upcoming legislative decisions regarding infrastructure. Mr. Tyne referred to the "Mental Health and Wellness Within the Organization and the Community" goal and asked for feedback. Councilor Brouse suggested moving this goal under Pillar 4: Public Safety and Councilor Scott commented that he agreed. Councilor Mays replied that his focus for that goal was to address the mental health of city staff. Mayor Rosener referred to mental health within the community and state funding and commented that he wanted to be mindful of what the city could offer to residents. Mr. Tyne asked if Council felt that enough was being done for city employees. HR Director McEvoy replied that the city did many things to promote mental health and wellness for city employees and commented that she felt the intent of the goal was too vague. Councilor Brouse asked if there was a purpose in keeping the goal if it was only applicable internally. She commented that if the goal was moved under Pillar 4: Public Safety, then the goal could address the mental health of the community and stated that the Police Department was already engaging with the community in such a way. Councilor Scott suggested that the promotion of employee mental health should be absorbed into the city's policies and removed from Pillar 3. He continued that unless there was a deliverable to tie the goal to Pillar 4: Public

Safety, then it should be removed from the list. Mayor Rosener spoke on mental health within the community and funding sources and stated that Council and staff should be advocating at the local and regional level for more funding and discussion occurred. Councilor Mays asked regarding adding employee mental wellness into the city's policies and procedures. City Manager Pro Tem Sheldon replied that staff was currently working on adding those items to the employee manual and stated that the new employee manual would be presented at a Council work session in the spring. Assistant City Manager Switzer added that the Senior Center also offered several mental health services for seniors.

The Council recessed for a break from 10:42 am to 10:58 am.

Mr. Sheldon referred to the vacant lot near the Arts Center and the ideas of food carts or a train depot building and asked if it was possible to tie those ideas into the Old Town Overlay. Mayor Rosener spoke on his desire for the Old Town Overlay to be updated to ensure that developments adhered to a design cohesiveness and referred to flat rooftops. He added that an additional element of the Old Town Overlay project was to develop ways to partner with Sherwood Main Street in order to bring in other businesses, resources, and assets into the community. Councilor Scott commented that limiting the goal to only address the Old Town Overlay was too narrow and there was a bigger picture that needed to be captured and referred to the vacant lot near the Arts Center. He explained that the broader view had multiple components and needed to include the city-owned lots as well as the overall look and feel of Old Town. He explained that some of the elements fell under Economic Development and some elements fell under Livability and asked if these aspirations should be captured under an overarching goal or should they be broken up into deliverables under different goals. Economic Development Manager Coleman commented that a strategic plan could provide some clarity and could be utilized for Old Town. Council President Young referred to the Old Town Overlay and asked if that project would fall under the master plans work. Mr. Sheldon replied that that was an option as well as capturing the Old Town Overlay under Pillar 2: Infrastructure. Discussion occurred regarding the creation of an Old Town Strategy that would capture the Old Town development code, the city's relationship with Sherwood Main Street, city-owned properties, infrastructure, etc. Mayor Rosener added that there may need to be a reactive element in order to be able to address potential legislative outcomes.

Mr. Tyne addressed **Pillar 4: Public Safety** and provided an overview of the four goals of: Public Safety Planning; Collaborate with School District; Promote Bike and Pedestrian Safety; and Promote Driver Safety. Councilor Mays commented regarding metrics for Pillar 4 and voiced that it would be detrimental to the city to be short staffed in Public Works and the Police Department. Councilor Giles commented that appropriate succession planning was needed in order to prepare for upcoming departmental retirements and was as important as recruitment. Council discussed the need for city-wide succession planning. Councilor Brouse suggested adding "Enhance Community Safety" under Pillar 4 and commented that doing so would allow staff to pursue funding sources for community mental health programs. She stated that the PERS Workback program would also need to be addressed sooner rather than later. Councilor Scott commented that he was not in favor of adding Police Department funding sources as a goal. He stated that public safety was Sherwood's top priority and was funded before anything else. He stated that if cuts were needed, then the cuts needed to be made elsewhere. Mayor Rosener suggested combining the goals of "Promote Bike and Pedestrian Safety" and "Promote Driver Safety" into one goal and stated that he was in favor of Councilor Brouse's suggestion of adding "Enhance Community Safety." Mr. Tyne outlined the new Pillar 4 goals as: Public Safety Planning; Collaborate with School District; Promote Bike, Driver, and Pedestrian Safety; and Enhance Community Safety. He referred to funding sources and suggested that Council discuss this topic at upcoming Budget Committee meetings. Councilor Mays commented that the Police Advisory Board could be tasked with identifying potential funding sources as well as conducting a staffing review. Council commented that a Police Department staffing review had been conducted roughly six years ago and a new review was likely needed. City Manager Pro Tem Sheldon stated that he would like Police Chief Hanlon to work with the

Police Advisory Board to identify staffing needs and make a recommendation to Council. Council discussed if the Police Advisory Board should also identify funding sources. Councilor Giles commented that determining what level of police services was appropriate also needed to be decided. Council commented that they agreed but they needed more information before those decisions could be made. Mr. Tyne suggested the goal of "Undertake Staffing Deployment/Planning/Effort in Coordination with Police Advisory Board" with deliverables including "explore funding sources." Mayor Rosener stated that he understood that there were other staffing-level issues within other departments and asked that Council be provided with more data on those matters for Council consideration. Mr. Sheldon replied that that was a separate issue to consider and was something that could be addressed by an organizational development plan. He commented that the organizational development plan could be a future work session topic. Mr. Tyne addressed the "Collaborate with School District" goal and asked for Council feedback. Mayor Rosener commented that he felt that by having the goal under Pillar 4, it was constricting the collaboration to only public safety matters and he wanted it to be broader. Mr. Tyne suggested adding the goal to Pillar 6: Citizen Engagement and Mayor Rosener suggested the goal move to Pillar 3: Livability and Workability instead. Council discussed changing the wording of Pillar 4 to "Enhance Community Safety" instead of "Public Safety" and discussion occurred. Council agreed to change the language of Pillar 4 to "Community Safety." Mr. Tyne asked for additional goals under Pillar 4 and Councilor Brouse suggested "Promoting/Advocating for Community Mental Health." Councilor Scott asked regarding disaster planning and City Manager Pro Tem Sheldon replied staff had already completed some disaster planning preparedness, but more was needed and referred to the Emergency Management Coordinator position within the city. Councilor Scott asked if emergency/disaster preparedness needed to be included as a goal and discussion occurred. Mr. Sheldon commented that the weakest portion of the city's emergency management was the volunteer portion and stated that more work was needed. Council President Young asked that if disaster planning was added as a goal, were there any deliverables that could be added under it and Mr. Sheldon replied that there were several short- and long-term deliverables that could be added. Council agreed that disaster planning should be added as a goal under Pillar 4.

Mr. Tyne addressed **Pillar 5: Fiscal Responsibility** and provided an overview of the six goals of: Pursue New Internal and External Revenue Sources; Efficient Service Delivery; Facilitate Grant Readiness; Quarterly Meetings to Stay Current on Budget Expectations; Regularly Evaluate the Risks to Traditional Sources of Revenue; and Be Transparent and Proactive to Changes in Economy. He asked for Council feedback and Councilor Scott replied that some of the goals could be consolidated. He suggested that the goal of "Pursue New Internal and External Revenue Sources" and "Regularly Evaluate the Risks to Traditional Sources of Revenue" could be combined into one goal. He stated that the goal of "Facilitate Grant Readiness" was more of a deliverable under the goal of "Pursue New Internal and External Revenue Sources." Councilor Mays referred to the goal of "Quarterly Meetings to Stay Current on Budget Expectations" and asked if this was an "internal conversation" or if a consultant was needed. City Manager Pro Tem Sheldon replied that he wanted to discuss that issue with the Senior Leadership Team. He explained that he wanted a cultural assessment completed as well as a review of the current structure, operations, and processes. He outlined that much of the work would begin with staff, but an outside consultant would be needed to help guide and facilitate the process since it would be a big lift for staff to complete on their own. He continued that a similar assessment was done years ago when the city was much smaller and explained that the new assessment would need to be forward-looking and referred to Sherwood West. He explained that in addition to assessing staffing levels, it would also review development fee schedules, SDCs, etc. He stated that in his opinion, delivering efficient services meant a variety of things and would require a review of all city departments in order to deliver the services the community needed. Councilor Mays replied that he supported that idea. Councilor Scott suggested that the "Quarterly Meetings to Stay Current on Budget Expectations" be moved to the "ongoing" category" of Pillar 5. Council President Young suggested that the quarterly meetings be scheduled at the start of the year so the Budget Committee could plan accordingly. Discussion occurred and

staff replied that they would work to set the quarterly meeting schedule in advance. Mr. Tyne suggested changing the language of "Be Transparent and Proactive to Changes in Economy" to "Be Transparent and Proactive to the City's Fiscal Condition" with the quarterly meetings as a deliverable and asked for feedback. Councilor Brouse asked if the goals of "Facilitate Grant Readiness" and "Be Transparent and Proactive to Changes in Economy" could be combined into one goal and discussion occurred. Mayor Rosener spoke on the goal of "Pursue New Internal and External Revenue Sources" and the need for grant readiness. Mr. Tyne spoke on combining the goals of "Pursue New Internal and External Revenue Sources," "Facilitate Grant Readiness," and "Regularly Evaluate the Risks to "Pursue and Position…" He asked for feedback on the goal of "Efficient Service Delivery." Councilor Giles asked if departmental utilization of technology would help increase the efficiency of staff and referred to recent software upgrades in HR, business licenses, and the city's website. Discussion occurred and Mr. Sheldon outlined that the cultural assessment, current structure, and current operations review would also include ways in which to implement new technology within departments. He explained that completing these reviews was too large of a task to be done in-house. Discussion regarding how this goal touched multiple pillars occurred and Assistant City Manager Switzer asked if this was the same goal as "Invest in Business Process Improvements" under Pillar 2: Infrastructure and Council replied that it was partially related to that goal. IT Director Crawford spoke on software and the time-intensive nature of reviewing processes and identifying gaps. Mr. Tyne recapped the goals under Pillar 5 as: Pursue, Evaluate, and Position New and Internal/External Revenue Sources and Grant Readiness and Traditional Sources of Revenue; Explore Opportunities in Technology, Staffing Analysis/Organizational Structure to Improve Service Delivery; and Communicate Fiscal Situation Transparently and Regularly. Councilor Giles referred to Old Town and Sherwood Main Street and discussion occurred. Council President Young asked if Council had made it clear to staff that Council wished to explore Old Town and staff would create deliverables under the appropriate pillars. Mr. Sheldon replied that he and the Senior Leadership Team would take today's discussion and work to create appropriate deliverables and would present their suggestions to Council. He commented that the goals were achievable, but only with appropriate levels of staffing and spoke on potential budget impacts and Sherwood West and asked that Council be forward-looking with the budget. Councilor Mays referred to ROIs and remarked that if Council empowered staff to become more efficient, those investments would pay off in the long term. Mayor Rosener stated he agreed and referred to Council's policy of retaining 20% of the operating revenues in the city's ending fund balance and commented that the city could utilize the Community Investment Fund to help bridge the funding gap. Council President Young referred to securing library funding and asked if that fell under the Pillar 5 goal of "Pursue New Internal and External Revenue Sources." Councilor Scott commented it could also fall under the "Regularly Evaluate the Risks to Traditional Sources of Revenue" goal. Mr. Sheldon replied that he had wanted Council to be aware of the issue and explained that this would also allow library staff, the Library Advisory Board, and SHELF to be involved in creating a solution. Councilor Mays and Mayor Rosener stated that they were in favor of that idea and commented that doing so would encourage the city to work with other Washington County cities and create a strong voice at the county-level. Mr. Sheldon clarified that his goal was to secure ongoing operating funds for the library so the library could continue to provide important services to the community, not to fund an expansion of the library.

Mr. Tyne addressed **Pillar 6: Citizen Engagement** and provided an overview of the six goals of: A Communication Plan that is Comprehensive and Strategic to Modernize City-Wide Communication; A High Level of Customer-Centric Approach to Citizens Engaging with the City; Diversity, Equity, Inclusion, and Accessibility; Engaging with Youth; Efficient Management of Meetings for All Boards and Commissions; and Citizen Academy. He asked for Council feedback and Mayor Rosener commented that he was pleased with what had already been accomplished, but there was still much work to be done. Council discussed social media posts and the city's website and Council agreed that effective communication was key and included both social media and a website component. Council President Young stated that the city's current website was difficult to navigate, and she hoped that the new website would be more user-friendly. Council agreed

that important city information should reach residents “where they were at” and spoke on a city app. Mayor Rosener referred to utility bill payments and the goal of “A High Level of Customer-Centric Approach to Citizens Engaging with the City” and stated that he wanted to be mindful of how citizens interacted with the city by creating efficient interfaces. IT Director Crawford provided an update on the status of the creation of a website platform and reported that staff had heard presentations from several vendors and had chosen two vendors to move forward. He stated that staff would meet with Mayor Rosener and Councilor Giles soon to review the available options and would present their recommendations to Council shortly after. He reported that once a vendor was chosen, it would likely take around six months to complete the new website and commented it would include a mobile interface. Mr. Tyne asked if Council wished to retain the goals of “A Communication Plan that is Comprehensive and Strategic to Modernize City-Wide Communication” and “A High Level of Customer-Centric Approach to Citizens Engaging with the City” and Council signaled their approval. He asked for feedback on the goal of “Diversity, Equity, Inclusion, and Accessibility” and Councilor Brouse commented that the city had created a DEIA statement but had not necessarily done anything externally. Councilor Scott asked what a DEIA goal could be, and discussion occurred. Mayor Rosener commented that bringing DEIA awareness to the city’s delivery of services would be a good place to start. Councilor Giles commented that in his opinion, the goal was to ensure that Sherwood residents could access city services and provided the example of the city’s website needing to have screen reader capability or font modifications. Councilor Brouse stated that DEIA should be the lens by which the city provides services to residents. Council discussed the proper phrasing of the goal and decided on “Apply a DEIA Lens When Offering Citizen Access to City Services and Activities.” Mayor Rosener asked that a clear facility use policy be drafted for city-owned facilities. Mr. Tyne asked for Council feedback on the goal of “Engaging with Youth” and Councilor Scott replied that he would add “review existing youth engagement activities” as a goal or deliverable. Council discussed the Youth Advisory Group and expressed that they would like to adjust some aspects of the program. Assistant City Manager Switzer suggested the goal of “Engage Youth in Local Government” and Council signaled their agreement. Councilor Giles asked that Council receive more frequent updates from the Youth Advisory Group. Mr. Tyne suggested adding a review of the Youth Advisory Group as a deliverable under the “Engage Youth in Local Government” goal. Council discussed the goal of “Efficient Management of Meetings for All Boards and Commissions” and determined that the goal could be removed from the list as it was more city policy than a Council goal. Mr. Tyne asked for feedback on the “Citizen Academy” goal and City Manager Pro Tem Sheldon reported that the current plan was to relaunch the program in fall 2024. Discussion occurred and Council voiced that they valued the relaunching of the Citizen Academy, but it was not a high priority for them. Councilor Scott asked that the entire program be overhauled prior to relaunching. Councilor Giles commented that the Citizen Academy could be incorporated into the “Engaging with Youth” goal. Councilor Brouse added that there were also community partners that could be brought in to help facilitate the Citizen Academy program. Ms. Switzer commented that other cities had leadership academies that the city could emulate. Councilor Scott suggested that staff determine the scope and goals of the Citizen Academy program and go from there and discussion occurred. Councilor Scott suggested that the meetings be recorded, edited for time, and posted online as a web series. Councilor Giles suggested that Citizen Academy participants could be given a certificate after a short quiz at the end of the program. Council President Young stated that she agreed that Council should meet to review the Citizen Academy program to determine what they wanted the new program to look like and go from there. Council signaled their agreement. Mr. Tyne recapped Pillar 6 goals as: A Communication Plan that is Comprehensive and Strategic to Modernize City-Wide Communication; A High Level of Customer-Centric Approach to Citizens Engaging with the City; Apply a DEIA Lens When Offering Citizen Access to City Services and Activities; Engage Youth in Local Government; and Citizen Academy.

Mr. Tyne asked for Council feedback on deliverables. Councilor Giles referred to the Old Town Overlay and stated that attracting the right types of businesses while also making it easier for local business owners to operate in Sherwood needed to be determined. He referred to a grant program to attract new businesses

and SDC offsets. Mr. Tyne recapped Councilor Giles' idea as "be aware of what tools you have and best practices to apply to bring out the character of…" and Councilor Giles clarified that he also wanted to know specifics about how other cities were able to attract the right types of businesses. He provided the example of staff determining the appropriate SDC offset amounts to attract a variety of businesses into Sherwood. He spoke on ROIs and commented that some businesses or projects may not have high ROIs, but they would increase local foot traffic which would benefit all local businesses. He stated that Council needed to determine the rubric that addressed the types of businesses they wanted to attract and how much Council was willing to spend to attract said businesses. Mayor Rosener stated that he approved of the strategic plan for Old Town and stated that Council needed to determine what types of businesses they wanted to promote along with identifying other programs that could assist with this goal. He spoke on the Main Street Group and explained that unfortunately, the city did not own many lots in Old Town and asked if a program should be developed to encourage Old Town landlords to think differently about their properties. He stated that he supported partnering with organizations like the Main Street Group to help understand the issues facing small businesses in Old Town and assist in drafting solutions. Councilor Scott stated that it was important to create the vision for Old Town first, which would then inform the strategy and tools used to implement that vision. He referred to a previous Old Town vision and explained that many of the buildings were not optimized for the new Old Town that a previous Council had envisioned. He voiced that the previous report stated that implementing the vision would require some buildings be demolished and new buildings be built, and that had not happened even though the report was over 15 years old. He continued that only a small amount of those buildings had been refurbished since the report was finalized and commented that the new vision needed to be adjusted and discussion occurred. Councilor Mays spoke on the need for the new vision to balance the realities of the situation and referred to property owners choosing to sell while other chose to redevelop their property or some types of businesses only being successful once there was more reliable foot traffic. He spoke on incentives and stated that it needed to be determined if the incentives were tied to the location or to the business. He provided the example of a business receiving the incentive and moving in, failing, moving out, and a new business moving into that location and asked if the new business would receive the same incentive. Councilor Scott stated he supported incentives for the redevelopment of properties to meet the vision/goal. Councilor Giles stated that he supported the creation of incentives for Old Town development, but he also wanted to create incentives throughout Sherwood and referred to retail areas near Sherwood Plaza. Councilor Mays stated that if the city was providing incentives, then development rates needed to be raised in order to recover that money. Mr. Tyne suggested creating two different deliverables to address Council's aspirations, an Old Town Strategic Plan and a small business initiative. Councilor Scott replied that both deliverables addressed Council's goals for Old Town and attracting small businesses to Sherwood. Finance Director Bodway referred to the new Economic Development and Promotion Fund and stated that these deliverables could be a part of that fund. He explained that a vision for the fund had not been developed yet and could be utilized to fund studies. Councilor Scott stated that he wanted staff to create deliverables based on this discussion and provide an estimate of necessary staff time to complete those deliverables and present their findings to Council. He stated that he wanted it to be "right sized" for staff's capacity and it was up to Council to provide staff with direction based off of staff's recommendations. Mayor Rosener asked for Councilor Brouse's thoughts and Councilor Brouse replied that she had no new deliverables to add, and she agreed with Councilor Giles' suggestions. Council President Young spoke on Old Town and the creation of a new Old Town Strategic Plan/vision and stated that she agreed with Councilor Scott's comments about staff providing Council with a report of the estimated staff time for each deliverable. Mayor Rosener spoke on Old Town and the creation of a new Old Town Strategic Plan/vision to bring in new businesses to the area. He stated that he agreed that staff needed to provide the estimated staff time for deliverables so that Council could "right size" their priorities and expectations. Council President Young asked that a deliverables master list be maintained to ensure better tracking and allow staff and Council to take advantage of possible opportunities as they arose. Councilor Giles commented that if Council added something from the master list to the list of items staff was already working on, then something else should

come off the list to help restore balance. Mayor Rosener stated he agreed. City Manager Pro Tem Sheldon referred to Deliverable 6:8 Refine Branding under Pillar 6 and asked for clarification from Council. Mayor Rosener replied that his original intent for refining the city's branding was to help with economic development. He stated that he understood that this was a large undertaking and explained that he did not necessarily expect that deliverable to be completed this year, but it was something that needed to be addressed. Councilor Brouse voiced that creating a clear message first would be helpful in better communicating the city's brand. Mayor Rosener replied that he agreed and discussion regarding Sherwood West occurred. Councilor Brouse stated that being clear and intentional about how to advertise Sherwood as a place for economic development should be decided prior to the rebranding of the city logo.

**5. ADJOURN:**

Mayor Rosener adjourned the work session at 1:10 pm.

Attest:

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|---|---|
| Sylvia Murphy, MMC, City Recorder | Tim Rosener, Mayor |

**SHERWOOD CITY COUNCIL MEETING MINUTES**
**22560 SW Pine St., Sherwood, Or**
**February 6, 2024**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:45 pm.

2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Dan Standke, Taylor Giles, and Renee Brouse. Councilor Doug Scott was absent.

3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, Economic Development Manager Bruce Coleman, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Chief Ty Hanlon, HR Director Lydia McEvoy, Senior Planner Joy Chang, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

4. **TOPICS:**

**A. Annexation Policy & Agreements**

Community Development Director Eric Rutledge presented the "Draft Annexation Policy" PowerPoint presentation (see record, Exhibit A) and explained that the creation of an annexation policy was a Council deliverable under Economic Development. He stated that annexation policies would help manage the city's growth goals as it related to infrastructure, school capacity, and long-term community needs. He explained that the proposed annexation policy would apply to all unincorporated areas within Sherwood's UGB, mainly the Brookman Addition, TEA, and Sherwood West, along with several other small infill areas. He stated that City Council would be the approval body for annexations, and appeals would be heard by the Land Use Board of Appeals. He stated that annexation agreements were fairly common in other jurisdictions. He explained that annexation agreements helped guide the annexation process and ensured that public facilities were met along with any stipulated master plans. He outlined that the Sherwood Municipal Code would state that applicants must develop an annexation agreement and include that annexation agreement with their annexation application. He explained that the agreement would primarily be negotiated between city staff and the applicant prior to being presented to Council. He noted that Council had the authority to modify the agreement if there were elements they did not like. Mr. Rutledge outlined that annexation agreements would require applicants to identify transportation facilities that were required to serve the development at full build out of the site; certify that water, sanitary, and storm sewer capacity was available or would be available within 18 months of annexation; and would require that applicants guarantee any needed public improvements to serve the site or limit the development. He added that the policy would also allow the city to waive the annexation agreement if the site was determined to be small enough. He explained that once this policy was passed by Council, any property that was not currently within the city would be subject to the ordinance. He provided an overview of the approval criteria and explained that annexation must be

determined to be in the best interest of the city; applicants must demonstrate that adequate public facilities and services could be provided to the site; public facilities and services must be provided in an orderly, efficient, and timely manner; Metro and State annexation regulations would continue to apply; and clear and objective standards did not apply to annexations. Community Development Director Rutledge stated that HB 1573 would still apply, but the city's policy would help give the city more control over what properties were coming into the city and the annexation policy would be added to the SZCDC. Discussion regarding the city's previous ability to control annexations occurred. Mr. Rutledge explained that the annexation policy would require that applicants provide the city with a traffic impact analysis for staff to review prior to processing the annexation application. He referred to the approval criteria and reported that he had forwarded the draft policy to Metro for comment and explained that if the policy moved forward, the city would also send notice to DLCD for their comments. He referred to zoning and explained that the zoning map would automatically apply once the annexation was approved, unless the applicant received approval of a concurrent zone change and stated that Council was the approval body for such decisions. Community Development Director Rutledge asked Council if the annexation policy should apply within all growth areas of the city's UGB. He stated that he recommended that the annexation policy apply to all growth areas of the city's UGB and explained how having an annexation policy in place could help developers who may be interested in Sherwood. Council President Young referred to Council's ability to waive the annexation agreement requirement and asked if that was equitable. Councilor Mays replied that as long as there was a staff report recommending the waiving of the annexation agreement based on staff's findings, then it was a justifiable argument for the waiving of the annexation agreement. Councilor Giles asked if implementing this policy could slow down development and Mr. Rutledge replied that it was a possibility. Community Development Director Rutledge clarified that implementing an annexation agreement policy would result in more processing and upfront costs. He continued that depending on the developer, having an annexation agreement in place could discourage some developers from being interested in Sherwood. He stated that both he and Economic Development Manager Bruce Coleman would be available to meet with developers early on in the process to help guide prospective developers through the city's annexation policy. He commented that if the city was able to address those difficulties early on in the process, it would be better for the city in the long term. Mr. Rutledge outlined that the Planning Department would likely lead the process and the Engineering Department would be conducting the review of the applications. Mayor Rosener asked Council if they would like staff to move forward with the annexation policy and Council signaled their agreement.

*Record note: Prior to the meeting, Community Development Director Eric Rutledge provided Council with the draft Annexation Policy (see record, Exhibit B).*

**B. Annual Housing Report**

Community Development Director Rutledge presented the "Annual Housing Report" PowerPoint presentation (see record, Exhibit C) and stated that developing an annual report on housing was a Council deliverable under Council Pillar 3: Livability and Workability. He recapped previous work session discussion regarding the 2022 Housing Report and explained that Council had asked that a definitions section be added, a section be added explaining the barriers to housing production, and a vacant land inventory map be added to the Annual Housing Report. He referred to the 2023 Annual Housing Report (see record, Exhibit D) and recapped that the 2023 Land Use Applications included a partition of a property on Sunset Boulevard and a zone change in Sherwood Plaza. He outlined that 87% of the residential units permitted in 2023 were single-family detached, 10% were multi-family, and 3% were ADU. He stated that there were 53 residential units constructed in 2023, 98% of which were single-family detached. Mr. Rutledge summarized the five-year history of residential units permitted and residential units constructed and reported that the 2022 and 2023 figures were similar. Discussion regarding interest rate increases occurred and Mr. Rutledge commented

that it would likely be several more years before the impact from interest rate changes could be determined. He outlined that the barriers to housing production included: infrastructure timing and cost; high land costs, especially within the Portland Metro region; high construction materials costs; high construction labor costs; limited skilled labor; and physically constrained land. He stated that the city would send the report to the DLCD and would publish the report on the city's website and explained that the Annual Housing Report could be used as an informational resource for local policy making, advocacy at the state and regional level, and could be used to pursue funding opportunities.

**C. Donation Leave Policy**

HR Director Lydia McEvoy presented the "Leave Donation Policy" PowerPoint presentation (see record, Exhibit E) and provided background on the program. She explained that Council had previously approved a temporary policy via Resolution 2018-077, which ran from September 2018-September 2019, and the policy applied to all represented and non-represented probationary and regular status city employees who were eligible to earn PTO and Sick leave. She provided an overview of the new proposed policy on page 3 of the presentation and explained that the policy was: voluntary; eligibility was stricter than the temporary 2018 policy and noted that the updated policy endeavored to mirror FMLA and Paid Leave Oregon guidelines more closely; six months service eligibility timelines for Medical Emergency and 30-day eligibility timelines for death of a spouse, child, or parent. She explained that currently, staff was not permitted to use their sick leave for the first 90 days of employment, and PTO could not be used for the first six months of employment. She explained that the city wanted to provide more flexibility for extreme scenarios that some new employees may experience. She reported that the new policy stipulated that donated leave could only come from PTO banks; employees asking to utilize the program must have exhausted all other Paid Leave alternatives prior to using donated leave; and leave could only be donated on an hour-for-hour basis and had no regard to dollar value. Ms. McEvoy explained that due to IRS stipulations, all donated leave would be placed in a pool administered by the HR Department and the leave could then be allocated out to an individual or individuals. Finally, all requests needed to be approved by the HR Department, Department Director, and City Manager. She asked for Council feedback on the proposed policy and Councilor Standke asked if there were restrictions around when or who could donate their time. Director McEvoy replied that an employee wishing to donate must have a minimum leave bank, the leave could only be taken from the employee's PTO bank, and the minimum donation length was one hour. She noted that the policy used the definitions provided in the Family Medical Leave Act. Councilor Giles asked if it was common to have the 30-day waiting period to be eligible to use this type of program and City Attorney Ryan Adams replied that the City Manager would have the authority to waive the 30-day waiting period. Ms. McEvoy added that that stipulation could be added to the policy and recommended that staff intervene as little as possible in order to minimize risk. Council President Young asked if those donating leave needed to maintain a minimum balance and Ms. McEvoy replied that it was the donating employee's decision to donate as much or as little leave as they wanted with the knowledge that once donated, the hours could not be rescinded. Council President Young asked regarding the stipulation that those asking to receive donated leave could not have more than 40 hours of unused PTO. Ms. McEvoy explained that the stipulation was to provide a buffer period for employees realizing they would need to utilize the program. She reported that the proposed policy had been reviewed by CIS and explained that it would be fairly rare for an employee needing to utilize the program. City Manager Pro Tem Sheldon explained that if approved by Council, this policy would be added to the new employee handbook and could be updated as needed.

*Record note: Prior to the meeting, HR Manager Lydia McEvoy provided Council with the draft Leave Donation Policy (see record, Exhibit F).*

**D. Workback Program**

HR Director Lydia McEvoy presented the "PERS Workback Policy Extension" PowerPoint presentation (see record, Exhibit G) and provided background. She stated that the PERS Workback policy was first approved by Council in August 2022, and the policy was intended to help the city address a potential increase in retirements, fill skills gaps, and assist with the unfunded liability in the PERS system in the Police Department. She reported that SB 1049 had been extended and would now be sunset in 2035. She explained that a PERS retiree was eligible to work for any private employer in Oregon or any public or private employer outside of Oregon without limitation. She commented that skills built inside the public sector could be lost if eligible employees went to the private sector. She explained that the Workback program would allow an employee who had served their time in PERS to retire and receive their benefits and then return to work for a PERS-eligible employer. Mayor Rosener stated that the Workback program would be a benefit to the employee and the city because the city would not need to pay the 6% employer contribution. Councilor Mays commented that he was only in favor of using this program in extreme situations as he felt there was not a big enough benefit. Ms. McEvoy replied that the Workback program provided both a recruitment benefit and a retention benefit. She reported that at the end of 2024, 18 employees would have 20+ years of service and commented that this presented a risk to the level of skills and experience that the city could lose if those employees retired. She reported that 19% of the city's workforce was over 55 years of age, 15 employees would be eligible to retire between now and December 2026, and 11 employees were currently eligible for early retirement. She outlined the benefits of the PERS Workback program within the Sherwood Police Department and explained that the program allowed for successful Career Cycle Planning (CCP) as well as the successful external recruitment of a highly experienced Police Captain. She stated that she proposed opening the program for citywide use. She explained that because the PERS Workback program was not offered citywide, the city had lost a highly skilled specialist employee who upon retirement began working for another public employer and Sherwood had been openly recruiting to fill the position for 18 months. Director McEvoy recapped the benefits of the program and explained that the city would not have to pay the 6% PERS contribution pickup, the program would encourage employees to proactively discuss their retirement plans, and it provided better CCP and time to mentor and transfer institutional knowledge. She stated that she recommended the citywide Workback program remain discretionary, it would only apply for situations where there was a specific need, and the policy would be extended for five years. Councilor Standke asked if someone coming back under the Workback program would be hired back at the base salary or their previous wages. Ms. McEvoy replied that that would likely depend on the situation and role the person was fulfilling. Councilor Giles asked if the city would be able to stipulate that someone utilizing the program would only be needed for a certain number of hours or timeframe. Ms. McEvoy replied that was an option because the program was discretionary, allowing the city to be able to negotiate terms that were beneficial to the city and discussion occurred. Councilor Standke asked if those coming back under the program were at-will employees and Ms. McEvoy replied that was correct. Mayor Rosener asked if Council wished to bring forward a resolution for a citywide PERS Workback program at a future Council meeting and Council indicated their approval. City Manager Pro Tem Sheldon stated that the PERS Workback program and the Leave Donation Policy would be brought to the next Council meeting.

*Record note: Prior to the meeting, HR Director Lydia McEvoy provided Council with the draft PERS Retiree Workback policy (see record, Exhibit G).*

**5. ADJOURN:**

Mayor Rosener adjourned the work session at 6:46 pm and convened a regular session.

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:00 pm.

2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Dan Standke, Taylor Giles, and Renee Brouse. Councilor Doug Scott was absent.

3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Captain Dan O'Loughlin, HR Director Lydia McEvoy, City Engineer Jason Waters, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

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

   Mayor Rosener addressed the next agenda item.

5. **CONSENT AGENDA:**

   A. **Approval of January 16, 2024 City Council Meeting Minutes**
   B. **Resolution 2024-004, Authorizing an Interfund Loan from the Community Investment Fund to the Sanitary Fund**

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

   Mayor Rosener addressed the next agenda item.

6. **CITIZEN COMMENT:**

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

7. **NEW BUSINESS:**

   A. **Resolution 2024-005 Declaring support for the Washington County Justice System; a commitment to partner with the state and county in securing funding and build support; requesting the state fully fund court system**

   Mayor Rosener explained that the purpose of the resolution was to provide a statement of support for the county and a message to Salem explaining that municipalities were in dire need of a well-funded justice system within Washington County. He reported that Washington County prosecuted more cases than Multnomah County but had 45% less judicial staff. He explained that Washington County was asking the state for more funding for more judicial officers as well as more facilities. Councilor Mays asked who built county courthouses and Mayor Rosener replied that county courthouses were built by the county and the state, and counties needed to apply for funding from the state to help cover construction costs. Councilor Standke asked what else the city was doing to help show support for the county. Mayor Rosener explained that this resolution would be forwarded to the county and the state's consideration at the short legislative

session. With no further discussion the following motion was made.

**MOTION: FROM COUNCILOR MAYS TO APPROVE RESOLUTION 2024-005 DECLARING SUPPORT FOR THE WASHINGTON COUNTY JUSTICE SYSTEM; A COMMITMENT TO PARTNER WITH THE STATE AND COUNTY IN SECURING FUNDING AND BUILD SUPPORT; REQUESTING THE STATE FULLY FUND COURT SYSTEM. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).**

Mayor Rosener addressed the next agenda item.

## 8. CITY MANAGER REPORT:

City Manager Pro Tem Craig Sheldon reported that a Budget Committee meeting would be held on February 7th where they would discuss the five-year forecast and funding for the construction of the Highway 99W pedestrian bridge. He reported that a pre-construction meeting for the pedestrian bridge would be held on February 15th. He spoke on the recent Council goal setting work session and reported that staff had begun drafting measurables and timelines, which would be presented in a March work session.

Mayor Rosener addressed the next agenda item.

## 9. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported that he attended the most recent Planning Commission meeting where they discussed unbundled parking and commercial parking lots as a part of the state's Creating Climate-Friendly and Equitable Communities program. He reported that CASH Oregon offered free tax filing for Oregon residents who made under $64,000 annually and urged residents to visit their website.

Councilor Mays reported that he had volunteered at the Sherwood Lunar New Year Festival and spoke on the event.

Councilor Giles reported that he attended the most recent Library Advisory Board meeting where they reviewed usage reports. He reported that SHELF had added an additional member to the board. He urged those interested in donating to SHELF to reach out for more information.

Councilor Brouse reported that the Senior Advisory Board would meet on February 14th where they would continue their work on making Sherwood an age-friendly city. She reported that she would attend the Water Consortium meeting. She reported she attended the Housing Advisory Committee meeting and spoke on affordable housing in Washington County.

Council President Young reported she attended the most recent CDBG meeting where they heard presentations from two applicants. She reported that she attended the most recent Commission on Transportation meeting where they heard a presentation on the STIP (State Transportation Improvement Program). She reported that she and several other Councilors attended the WEA legislative session. She reported on her attendance at the Sherwood Lunar New Year Festival.

Councilor Mays reported that a large section of SW Roy Rogers Road would be closed February 16th-18th for construction.

Mayor Rosener reported he attended the WEA legislative session. He reported he would moderate an

upcoming Metro Mayors' Consortium event. He reported that he was featured on KOIN's Mayor Monday segment. He reported that the police awards ceremony was held recently, and Police Captain O'Loughlin spoke on the event. Mayor Rosener reported that the legislative short session had begun on February 5th and spoke on state legislative sessions. He reported he would visit Washington D.C. in March to advocate for federal funding for Sherwood.

Council President Young reported she attended the police awards ceremony and spoke on the event.

Councilor Giles commented that he would like a larger venue for Sherwood's next Lunar New Year Festival event so more people could attend.

**10. ADJOURN:**

Mayor Rosener adjourned the regular session at 7:30 pm and convened an executive session.

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** The meeting was called to order at 8:06 pm.

2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Dan Standke, Taylor Giles, and Renee Brouse. Councilor Doug Scott was absent.

3. **STAFF PRESENT:** City Attorney Ryan Adams, City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, Finance Director David Bodway, and HR Director Lydia McEvoy.

4. **TOPICS:**

   A. **ORS 192.660(2)(d), Labor Negotiator Consultations and ORS 192.660(2)(i), Performance Evaluation**

5. **ADJOURN:**

The executive session was adjourned at 8:36 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

**City Council Meeting Date:** February 20, 2024

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Lydia McEvoy, Human Resources Director
Through: Craig Sheldon, City Manager Pro Tem and Ryan Adams, City Attorney

**SUBJECT: Resolution 2024-006, Authorizing Workback Policy for the City of Sherwood**

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**Issue:**
Should the City Council approve a Workback Policy for City of Sherwood employees?

**Background:**
Senate Bill 1049 (2019) simplifies the rules for "Work After Retirement." Starting in 2020, there are no limitations on the number of hours most retirees can work for a PERS-participating employer and still receive their PERS pension benefit. These rules will now continue through December 31, 2034, based on House Bill (HB) 2296 (2023). This bill allows for employers to hire personnel who have retired in PERS to workback up to full time without PERS penalty.

In 2022, the City Council adopted Resolution 2022-068, authorizing the Workback Policy for the Sherwood Police Department. The program has been successful in the Police Department and staff recommends that the program be extended City-wide.

Hiring and retention are a high priority for the City of Sherwood. This program helps the City recruit and retain qualified and experienced personnel for a limited duration. Allowing City personnel to participate in the program will help keep adequate staffing levels while we continue to hire and fill open and expected vacancies.

The Workback Policy will be extended for a 5-year period and expanded to all city staff for difficult-to-fill positions, as determined and authorized by the City Manager.

The Workback Policy was presented and discussed at the February 6, 2024 City Council work session.

**Financial Impact:**
The City will save the employee's 6% PERS contribution that is currently paid by the City.

**Recommendation:**
Staff respectfully recommends adoption of Resolution 2024-006, Authorizing Workback Policy for City of Sherwood.

City of Sherwood Oregon
*Home of the Tualatin River National Wildlife Refuge*

**RESOLUTION 2024-006**

**AUTHORIZING WORKBACK POLICY FOR THE CITY OF SHERWOOD**

**WHEREAS,** Senate Bill 1049 and House Bill 2296 allow most employees to retire from the PERS system and work after retirement with no limitations on the number of hours worked and without penalty; and

**WHEREAS,** House Bill 2296 extended the program through December 31, 2034; and

**WHEREAS,** in 2022 the City Council adopted Resolution 2022-068 adopting a Workback Policy for the Sherwood Police Department thru December 31, 2024; and

**WHEREAS,** the Workback Policy has been successful in the Police Department and staff recommends that the program be extended City-wide; and

**WHEREAS,** the Workback Policy will help the City to retain and attract experienced employees and/or candidates in difficult-to-fill, highly specialized, key positions within the City; and

**WHEREAS,** the Workback Policy is further intended to help the City address the unfunded liability in the PERS system by redirecting PERS contributions as described in SB 1049 (2019); and

**WHEREAS,** the Workback Policy will be extended for a 5 year period and expanded to all city staff for, difficult-to-fill positions, as determined and authorized by the City Manager.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Council approves the Workback Policy attached hereto as Exhibit A.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20th of February, 2024.**

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

# Administrative Policy

**Originating Department: Office of the City Manager and Human Resources**

**Policy Title: PERS Retiree Workback**

**Effective Date: February 20, 2024**

**Policy Statement:** The purpose of this policy is to assist the City in addressing an anticipated increase in retirements by helping the City retain and attract experienced employees and candidates. This policy is further intended to help the City address the unfunded liability in the PERS system by redirecting PERS contributions as described in SB 1049 (2019) and HB 2296 (2023).

**Eligibility:** The policy applies to all employees of the City of Sherwood, including employees represented employees subject to mutually agreeable memorandums of understanding entered into between the City and their respective unions, as well as any other PERS Retiree who is receiving a service retirement benefit under Tier One/Tier Two or the Oregon Public Service Retirement Plan (OPSRP), or who has elected to retire without a PERS service retirement benefit may be employed by the City subject to the provisions outlined below.

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**Guidelines - Scope:**

1. PERS Retirees may be employed in a regular, temporary, seasonal or on-call employment assignment.
2. PERS Retirees employed in a represented position will be subject to mutually agreeable memorandums of understanding, entered into between the City and their respective union, setting forth the terms and conditions of their employment.
3. The terms and conditions of the employment of a PERS retiree must be approved by the City Manager after consulting with Human Resources prior to the employment of the retiree. The City Manager shall determine whether it is in the public interest to employ the PERS Retiree because of the person's knowledge, skills and abilities.
4. The employment assignment of a PERS Retiree may be to a classification which they previously held in career status or to another classification provided the Retiree is qualified for the classification. PERS Retirees who have never worked for the City previously, must participate in a competitive recruitment process.
5. Oregon statutes may impose certain restrictions on the employment of a person receiving PERS and/or OPSRP retirement benefits. The employee is responsible for complying with any statutory and taxation requirements. The City of Sherwood is not responsible for the impact upon the retirement benefits of a PERS or OPSRP Retiree resulting from their employment with the City.
6. PERS Retirees may continue their employment, subject to any statutory limitations, for as long as the City determines their services are needed or until the sunset date of SB 1049. PERS Retirees are at-will employees whose length of employment is at the sole discretion of the City.
7. PERS Retirees may be appointed into their position or classification they most recently held provided the break in service is no longer than thirty (30) Days. If the break in service is longer than thirty (30) days then the City Manager may determine whether it is in the public interest to still employ the PERS Retiree in their most recently held position or classification, but that decision is solely at the discretion of the City.
8. PERS Retirees who have never been employed by the City or were previously employed by the City, but are requesting consideration for employment in positions other than the position or classification they most recently held, may apply and compete for those positions through a competitive recruitment process.

9. PERS Retirees who retire from PERS and return to work at the City of Sherwood, without having to apply through a regular hiring process do not have recall, seniority, bumping rights, or any rights derived through any previous employment contract or applicable collective bargaining agreement, except as required by state and federal law.
10. PERS Retirees are entitled to receive health insurance in accordance with state and federal law.
11. PERS Retirees are entitled to receive medical leave, sick leave, family leave and other leave in accordance with state and federal law.

**Periodic Review:**

This policy shall sunset on December 31, 2029 or be reviewed by the City Council, should provisions extend by SB 1049 as needed, and updated as necessary. The City Council may modify or revoke this policy at its discretion

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**Review and Authorization:** _____ _____

City Manager Date

| Revision # | City Manager Signature | Date | Nature of Revision |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |

**City Council Meeting Date:** February 20, 2024

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Lydia McEvoy, Human Resources Director
Through: Craig Sheldon, City Manager Pro Tem and Ryan Adams, City Attorney

**SUBJECT: Resolution 2024-007, Authorizing Leave Donation Policy for the City of Sherwood**

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**Issue:**
Should the City of Sherwood establish a Leave Donation Policy?

**Background:**
The City of Sherwood does not currently have a policy allowing employees to donate leave to other staff members who have exhausted their Paid Leave options and are experiencing a medical emergency under the definitions of OFLA/FMLA or the Bereavement of a qualifying family member.

This resolution would establish a voluntary program and policy that would allow employees with qualifying circumstances to request leave donations. On a voluntary basis, employees would be able to donate PTO hours to a leave donation bank, administered by the Human Resources Department. The donated PTO hours will be converted to Sick leave hours for recipient employees. This policy helps avoid financial hardship to our employees when they are in a time of need.

The leave donation program was presented and discussed at the February 6, 2024 City Council work session.

**Financial Impact:**
This policy proposes to only allow donation of PTO hours without regard to the dollar value of the donated or used leave. These are hours that the donating employee would have been paid if they had taken them as PTO. Given the exceptional nature of the circumstances a recipient employee must be experiencing, the expected number of recipient employees is anticipated to be low. Due to this the financial impacts of the policy to the City is minimal and no budgetary changes are recommended.

**Recommendation:**
Staff respectfully recommends adoption of Resolution 2024-007, Authorizing a Leave Donation Policy for the City of Sherwood.

City of Sherwood Oregon
*Home of the Tualatin River National Wildlife Refuge*

**RESOLUTION 2024-007**

**AUTHORIZING LEAVE DONATION POLICY FOR THE CITY OF SHERWOOD**

**WHEREAS,** Resolution 2018-077 established a one-year trial Leave Donation Program; and

**WHEREAS,** the City desires to reinstate the program to benefit employees in the event they or their family members experience a medical emergency and/or serious health issue; and

**WHEREAS,** the program will allow employees with qualifying circumstances, who may have exhausted all paid leave options to request leave donations; and

**WHEREAS,** employees, on a voluntary basis, may donate leave from their accrued PTO.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Council herby authorizes the City Manager Pro Tem to sign and implement the City of Sherwood Leave Donation Policy attached hereto as Exhibit A.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20th of February, 2024.**

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

**LEAVE DONATION POLICY**

The City of Sherwood recognizes that employees or an employee's eligible family member (Parent, Spouse or child) may experience a Medical Emergency resulting in the need for additional time off in excess of their available accrued paid leave.

A "Medical Emergency" is defined as a medical condition that requires the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available.

To address this need, eligible employees may donate accrued PTO hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

Donated leave shall not be used to extend employment beyond the point that would otherwise end by operation of any law, rule, policy or regulation.

**Guidelines**

**Eligibility**

Employees may request to receive donated leave from their co-workers if the employee, or an immediate family member, experiences a medical condition that requires the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent. Employees who have experienced the death of a spouse, child or parent, may also request donated leave.

To qualify for donated leave, the employee must:

(1) Have worked for City of Sherwood for not less than six months prior to the Medical Emergency, or have been employed by the City of Sherwood for no less than 30 days prior to the death of a spouse, child, or parent, in a benefit-eligible position;
(2) Meet the eligibility requirements of the Family Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA) for a medical emergency;
(3) Have no more than 40 hours of unused PTO, Sick, Admin or Comp time accumulated;

(4) Have exhausted Paid Leave Oregon (PLO) benefits;
(5) Reasonably demonstrate that all accrued leave will be exhausted;
(6) Not be receiving, or eligible to receive, long-term/short-term disability benefits or any other supplemental income*

** If eligible, an employee must apply for the City of Sherwood's short-term and/or long-term disability benefits.*

Employees may receive no more than 240 hours of donated leave within a 12 -month period. Donated leave will not be granted or used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation.

**Leave Requests**

Employees requesting donated leave must complete a Donated Leave Request Form and submit it to Human Resources.

Employees seeking donated leave may be required to provide the City of Sherwood with medical certification that reasonably substantiates the request.

A request for donated leave is not approved until it is reviewed and a recommendation has been provided to the City Manager by Human Resources, and the employee's Department Director. The City Manager or their designee shall, in their discretion, provide final approval.

**Leave Donations**

Employees may voluntarily donate hours of PTO for contribution to a Donated Leave Bank administered by the HR Department. No other type of leave may be donated:

- The donor may not donate more than 40 hours of leave per in a 12-month period, unless permission for larger donated amounts is granted by the City Manager or their designee;
- Donations must be in increments of whole hours;
- The donation of leave is on an hourly basis, without regard to the dollar value of the donated or used leave;
- Employees cannot borrow against future leave to donate;
- Donors must complete and sign a Leave Donation Form containing a declaration that the donation is intended as a gift and has been given freely and voluntarily without coercion, compensation or for other consideration;
- The donation must be made irrevocably, with the understanding that the donated leave is lost to the donor forever for all purposes including, but not limited to, use for paid time off, payoff upon termination, and retirement credit.

**City Council Meeting Date:** February 20, 2024

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Jason Waters, P.E., City Engineer
Through: Craig Sheldon, City Manager Pro Tem and Ryan Adams, City Attorney

**SUBJECT:** **Resolution 2024-008, Authorizing the City Manager Pro Tem to Sign a Contract Amendment with WSP USA Environmental & Infrastructure, Inc. for the Tannery Site Cleanup Project**

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**Issue:**
Should the City Council authorize the City Manager Pro Tem to sign a contract amendment with WSP USA Environmental and Infrastructure, Inc. for the Tannery Site Cleanup Project.

**Background:**
In August 2023, City staff issued a formal Request for Proposal (RFP) in the Oregon Daily Journal of Commercer (DJC) seeking a consultant to perform Qualified Environmental Professional (QEP) services and effectively manage the entire Tannery Site Cleanup project from start to finish through monitoring periods to final closeout and turnover, specifically to apply for cleanup grants & other special funding opportunities to fill the remaining fund gap required to move the Tannery Site Cleanup project forward in a manner envisioned by the City Council, which includes a concurrent effort to obtain land- use approval for a future public works facility, and assuming the initial site plan is approved, to incorporate w/ the site cleanup efforts the public improvements, stormwater management facilities (or payment of in-lieu-fees to the planned regional facility project), environmental enhancement & mitigation, and other infrastructure required in the conditions-of-approval for the initial site plan and leave the site as pre-developed as possible, preferably only needing to pull building permits, obtain an industrial discharge permit, and pay associated development fees associated with a new Public Works Facility building and yard.

On September 12th, 2023, the City received proposals from two (2) very qualified consultants, Stantec and WSP USA Environmental & Infrastructure, Inc. (WSP) and after independent review & evaluation of the proposals by the City's selection committee, the proposal submitted by WSP was ranked the highest and recommended for award. Concurrently with the RFP process, the City was acquiring ownership of the properties and beginning the application process for a $5M EPA Brownfields Cleanup Grant, which is very involved and EPA highly recommends bringing on a QEP consultant to help with the process.

With time being of the essence and the grant application due on November 13th, 2023, the City executed a Direct Appointment contract with WSP for the first phase of the project. City staff and WSP then worked diligently to apply through the grants.gov portal for the $5M EPA grant, and City staff was notified by EPA staff that the City's application was accepted, deemed complete, and is currently under review by the EPA's selection committee with awards set to be announced in May 2024.

With the first phase of the project completed and the EPA grant applied for, City staff recommends continuing forward with the remaining work outlined in the RFP, since the project will require substantial efforts to obtain the environmental permits, revise floodplain maps, obtain DEQ cleanup permits, and more and take approximately 2 years to obtain the necessary permits and produce bid documents plus another 1-1.5 years to complete the cleanup project; it's in the public's best interest to begin this work now including evaluation of alternative funding sources (other grants, forgivable loans, etc.) that can be evaluated during the City budgeting process should the City not be awarded the $5M EPA cleanup grant in May. WSP has developed a Scope of Work and associated remaining Fee of $680,900.00 to complete the remaining services requested in the original RFP and staff recommends pre-authorizing an additional $100,000 contingency fund for unforeseen conditions & issues encountered over the anticipate 3.5+ year project duration. This is a time-and-materials contract with a not-to-exceed fee amount that can be terminated at any during the project should funding become an issue for the cleanup project.

Due to the complexity of this project, specifically with the EPA grant, pending environmental permits and future development intentions, the Tannery Site Cleanup project is being delivered by the City of Sherwood with significant contribution from Sherwood Urban Renewal Agency (URA) funds and other funding sources outlined in the adopted City and URA budgets as supplemented in current and subsequent years. This project will span the current and pending three fiscal years with additional support likely from Business Oregon in the form of Technical Assistance grants up to $65,000 and other sources. Note: the City of Sherwood is the named fee simple owner of the three (3) properties of interest.

**Financial Impact:**
*FY 23-24 (expended to-date, phase 1 work, completed) = $100,000 in URA funds through January 31, 2024*

FY 23-24 (grant writing, portion of prelim. design) = $100,900 from February 1, 2024 to June 30, 2025

FY 24-25 (preliminary design, land-use planning, final design) = $240,000 from July 1, 2024 to June 30, 2025

FY 25-26 (final design, obtain permits, bid, start construction) = $225,000 from July 1, 2025 to June 30, 2026

FY 26-27 (complete construction, start site monitoring) = $160,000 from July 1, 2026 to June 30, 2027

FY 27-28 (complete site monitoring; closeout report) = $55,000 from July 1, 2027 to June 30, 2028
Total authorized budgeted expenditures = $780,900.00 (includes $100,000 contingency amount) from February 1, 2024 to June 30, 2028.

There are no other financial impacts known at this time and all expenditures will be accounted for in the adopted City and Agency budgets over the aforementioned time-period.

**Recommendation:**
Staff respectfully recommends adoption of Resolution 2024-008, authorizing the City Manager Pro Tem to sign a contract amendment with WSP USA Environmental & Infrastructure, Inc. for the Tannery Site Cleanup Project.

City of Sherwood Oregon
*Home of the Tualatin River National Wildlife Refuge*

**RESOLUTION 2024-008**

**AUTHORIZING THE CITY MANAGER PRO TEM TO SIGN A CONTRACT AMENDMENT WITH WSP USA ENVIRONMENTAL & INFRASTRUCTURE, INC. FOR THE TANNERY SITE CLEANUP PROJECT**

**WHEREAS,** the Tannery Site Cleanup Project is a top priority for the City with the City recently submitting a $5M EPA Brownfields Cleanup Grant Application with awards to be announced in May 2024; and

**WHEREAS,** a formal Request for Proposals (RFP) was advertised in the Oregon DJC on August 18th and August 21st of 2023 seeking a firm to perform Qualified Environmental Professional (QEP) services required to deliver bid documents, construction permits, and environmental permits to complete the cleanup project; and

**WHEREAS,** two (2) proposals were received from Stantec and WSP USA Environmental & Infrastructure, Inc. (WSP) and WSP's proposal scored highest after independent review & evaluation of the proposals by the City's evaluation committee; and

**WHEREAS,** the City entered into a Direct Appointment (<$100k) contract with WSP in October 2023 for the first phase of the project which included assisting City staff with the $5M EPA grant application, preparing preliminary design plans, and pursuing alternate funding sources to the EPA grant; and

**WHEREAS,** the first phase of the project has been completed and the City would like to continue with the remaining work in preparation for potential EPA funds and refine cost estimates for the FY 24-25 CIP Plan set to be adopted in May; and

**WHEREAS,** WSP has developed a Scope of Work and associated remaining Fee of $680,900.00 to complete the remaining services requested in the original RFP; and

**WHEREAS**, staff recommends a Contingency Amount of $100,000.00 (14.7% of the Professional Services Contract amount) to handle unforeseen conditions and issues encountered over the next 3.5 years; and

**WHEREAS**, the total amount authorized by this resolution is $780,900.00 to be expended over the current and subsequent three fiscal years and beyond for site monitoring.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager Pro Tem is hereby authorized to sign a Contract Amendment with WSP USA Environmental & Infrastructure, Inc. for the Tannery Site Cleanup Project with a Scope of Work in a form substantially similar to the attached Exhibit A.

**Section 2.** The Contract Amendment shall be in the amount of $680,900.00, in conformance with a Fee Schedule in a form substantially similar to the attached Exhibit B.

**Section 3.** The City's Contract Administrator is authorized to amend the contract amount by up to $100,000.00 for unforeseen conditions needed to complete the design, obtain necessary permits, and prepare bid documents for the cleanup project.

**Section 4.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20th of February 2024.**

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

EXHIBIT A

February 9, 2024
361m130823

Mr. Jason Waters
City of Sherwood
22580 SW Pine Street
Sherwood, Oregon 97140

**Subject: Proposal for Continued Environmental Consulting Services to Support Cleanup of Former Frontier Leather Tannery Property, Oregon Street, Sherwood, Oregon**

Dear Mr. Waters:

WSP USA Environment & Infrastructure Inc. (WSP) is pleased to provide this proposal to the City of Sherwood, Oregon (City) for professional services at the former Frontier Leather Tannery Property. The property consists of three vacant tax lots located along Oregon Street (Tax Lots 2S129D000600, 2S129D000602, and 2S128C000400), hereinafter referred to as the "Site." Our proposed services generally follow the proposed approach presented in our response to the City's RFP #23-05, dated September 21, 2023.

## BACKGROUND

The Site consists of the former Frontier Leather Tannery Property which is currently owned by Washington County, Oregon. It is approximately 32 acres in size and is in an industrially zoned area of Sherwood, Oregon. The Site was historically part of a large tannery operation that existed from the late 1940s through the early 1990s. Portions of the Site previously were used for landfilling of hide-splits (the non-valued part of the hide) and for processing various tannery wastes. The Site is currently receiving oversight by the Oregon Department of Environmental Quality (DEQ), with Mark Pugh serving as the DEQ project manager (PM). The Site contains wetland areas and is identified as part of the Rock Creek Unit of the Tualatin River National Wildlife Refuge. Rock Creek flows northerly though Tax Lot 2S128C000400 and the northeast tip of Tax Lot 2S129D000600.

WSP recently updated the wetland boundary map, and Division of State Lands (DSL) has provided concurrence. WSP also is currently providing grant-writing assistance and has initiated preliminary design.

## SCOPE OF WORK

Our proposed Scope of Work (SOW) is in accordance with our original proposal dated September 21, 2023, and existing contract. A summary of the main tasks is described below.

### *TASK 1 – GRANT WRITING AND TECHNICAL ASSISTANCE; PLAN DEVELOPMENT*

WSP and our supporting team member Haley & Aldrich [H&A] will continue to provide grant writing and technical assistance as needed. WSP will set up a pre-application meeting with DSL and United States Army Corps of Engineers (USACE) to discuss upcoming remediation and restoration activities. WSP will correspond with DEQ and the United States Environmental Protection Agency (EPA) and prepare memoranda, as appropriate.

WSP USA Environment & Infrastructure Inc.
15862 SW 72nd Avenue, Suite 150
Portland, Oregon 97224
503-639-3400
wsp.com

EXHIBIT A

## TASK 2 - PRELIMINARY DESIGN; STAKEHOLDER ENGAGEMENT; DEQ CORRESPONDENCE

WSP will complete a 30% design remediation and cleanup plan based on the Analysis of Brownfields Alternatives (ABCA) and discussions with DSL, USACE, and DEQ (Task 1 above). WSP will prepare a Project Permitting Plan identifying all project permits, including City permits, land use review, and expected timelines. WSP will confirm with each agency on the requirements through pre-application meetings and consultations. WSP will provide a geotechnical memorandum based on existing geotechnical data regarding the feasibility of the proposed development. The memorandum will discuss likely foundation types and methods for subgrade preparation and identify any data gaps requiring further subsurface investigation in support of final design (to be completed as part of Task 4 below).

WSP will support the City in public engagement. This will include preparing materials for and attending public meetings to be held at appropriate milestones of the cleanup project. WSP also will prepare a presentation/work session for City elected officials where overall project and grant strategy will be discussed.

## TASK 3 - LAND USE PLANNING FOR PROPERTY LINE ADJUSTMENT; SURVEYING

WSP and the project team will refine the planning documents (from Task 2 above) to address City and agency comments, including permit related feedback. Plan documents will be advanced to 60% design. Plan documents will include:

- Site Plan
- Lot Consolidation Plan for the three taxlots
- Cleanup Plan & Details (Remedial Action Plan)
- Mass Grading Plan
- Erosion Control Plans
- Site Utility Plans to serve the proposed Public Works Facility
- Public roadway
- Storm Drainage
- Restoration Plans

## TASK 4 - FINAL DESIGN; REMEDIAL ACTION PLAN; PERMITS; BID DOCUMENTS

WSP and the project team will prepare final stamped construction drawings for both the remedial design cleanup and the mass grading, which will include site utility stub outs for future Public Works Facility development. 1200-C and CWS ESCP permit plans and project permit drawings will be prepared for the application submittals. The project team will also prepare project bid documents, specifications, and final cost estimates.

## TASK 5 - CONSTRUCTION MANAGEMENT; REMEDIATION PLAN MANAGEMENT

WSP and the project team will act as the owner's representative during all phases of construction. Our anticipated SOW includes assisting the selected contractor in general management and environmental documentation, closure/confirmation (leave surface) sampling, remediation construction management and field documentation, 1200-C inspections, archaeological monitoring, subgrade excavation monitoring and special inspection as required, and communications with DEQ and other regulatory agencies.

## TASK 6 - SITE MONITORING; CLOSEOUT REPORT

WSP will monitor all aspects of the Site, as appropriate, through the completion of the project. This includes preparing progress reports to DEQ and preparing a request for a no-further-action (NFA) finding after cleanup requirements have been fulfilled.

EXHIBIT A

## BUDGET AND SCHEDULE

The SOW will be completed for an estimated fee (time and materials) pursuant to our original proposal of September 21, 2023, and estimated fee of $780,900. Of the original proposed amount, $100,000 was previously authorized and appropriated to Tasks 1 and 2 (effective date of October 18, 2023). WSP's budget request herein is therefore for the remaining estimated balance of **$680,900**, as detailed below. Amounts in the table below are based on the detailed cost breakdown spreadsheet (attached). Individual task amounts are expected to vary, but the total authorized amount will not be exceeded.

A description of the scope and associated estimated costs is provided in the table below.

| Task | Description | Amount |
|---|---|---|
| Task 1 | Follow-on Grant Writing and Technical Assistance; Plan Development | $ 43,538.00 |
| Task 2 | Preliminary Design; Ongoing Stakeholder Engagement; DEQ Correspondence | $171,871.00 |
| Task 3 | Land Use Planning for Property Line Adjustment; Surveying | $ 63,915.00 |
| Task 4 | Final Design; Remedial Action Plan; Permits; Bid Documents | $189,710.00 |
| Task 5 | Construction Management; Remediation Plan Management | $158,224.00 |
| Task 6 | Site Monitoring; Closeout Report | $ 53,642.00 |
| **Total (Tasks 1 through 6)** | | **$680,900.00** |

WSP anticipates the SOW covered by this proposal to extend through October 2027. No work will be performed outside this SOW without written authorization. If special circumstances or delays (not attributed to WSP or its subcontractors) are encountered, the City will be notified immediately; any perceived change orders will be communicated as quickly as practicable.

The estimated average monthly expenditures over the next 26 months (through April 2026 and prior to initiation of construction) are expected to be on the order of about $10,000 to $30,000 per month (higher expenditure months will be when subcontractor PACE is performing survey work).

## ASSUMPTIONS

- The City will obtain/authorize required property access.
- City will provide a venue (i.e., City Hall) for in-person public outreach events.
- Permitting fees will be paid directly by the City.
- Staff identified on the attached spreadsheet are for tentative planning purposes, and subject to change. If a key staff member becomes unavailable to work on a particular task, WSP will consult with the City regarding a mutually acceptable replacement.
- Per the City's RFP #23-05, the proposed labor rates in the attached spreadsheet are valid for a period of two years and may be renegotiated (i.e. to reflect changes to the CPI) after that time.

## LIMITATIONS

1. This proposal was prepared exclusively for the City by WSP. The quality of information, conclusions, and estimates contained herein is consistent with the level of effort involved in WSP services and based on: i) information available at the time of preparation, ii) data supplied by outside sources, and iii) the assumptions, conditions, and qualifications set forth in this proposal.

EXHIBIT A

2. Our reports will be prepared for the exclusive use of the City and will be intended to document conditions at the Site at the time(s) of the Site visit(s). Any use which a third party might make of the reports, or any reliance on or decisions that may be made based on it, will be the responsibility of the third party. Should additional parties require reliance on our reports, written authorization from WSP will be required. With respect to third parties, WSP will have no liability or responsibility for losses of any kind whatsoever, including direct or consequential financial effects on transactions or property values, or requirements for follow-up actions and costs.
3. In evaluating and preparing documents pertaining to the Site, WSP will be relying in good faith on information provided by other individuals. WSP will assume that the information provided is factual and accurate. In addition, the findings in our reports will be based, to a large degree, upon information provided by the current owner/occupant. WSP accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in reports as a result of omissions, misinterpretations, or fraudulent acts of persons interviewed or contacted.

WSP will make no other representations whatsoever, including those concerning the legal significance of its findings. With respect to regulatory compliance issues, regulatory statutes are subject to interpretation and change. Such interpretations and regulatory changes should be reviewed with legal counsel.

This proposal is intended to be used by the City for the former Frontier Leather Tannery property, located in Sherwood, Oregon, only, subject to the terms and conditions of its contract with WSP. Any other use of, or reliance on, this report by any third party is at that party's sole risk.

## CLOSING

We appreciate the opportunity to work with you on this project. Please feel free to contact John Kuiper at 503-704-7793 if you have any questions or require additional information.

**WSP USA Environment & Infrastructure Inc.**

John Kuiper, RG
Principal Geologist; Vice president

**Reviewed by:**

Christy Duitman, RG
Vice President

Attachment: Estimated Fee Table

EXHIBIT B

**Estimated Cost - Sherwood Tannery Site**

| DIRECT LABOR | | CODE | RATE | Task 1 - Follow-on Grant Writing and Technical Assistance; Plan Development | | Task 2 - Preliminary Design; Ongoing Stakeholder Engagement; DEQ Correspondence | | Task 3 - Land Use Planning for Property Line Adjustment; Surveying. | | Task 4 - Final Design; Remedial Action Plan; Permits; Bid Documents | | Task 5 - Construction Management; Remediation Plan Management. | | Task 6 - Site Monitoring; Closeout Report | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | HOURS | TOTAL $ | HOURS | TOTAL $ | HOURS | TOTAL $ | HOURS | TOTAL $ | HOURS | TOTAL $ | HOURS | TOTAL $ |
| Principal Geologist | Christy Duitman | 626 | $195.00 | | $0.00 | 2.00 | $390.00 | | $0.00 | 5.00 | $975.00 | 5.00 | $975.00 | 2.00 | $390.00 |
| CIH | Mike Smith | 627 | $195.00 | | $0.00 | | $0.00 | | $0.00 | 4.00 | $780.00 | 5.00 | $975.00 | | $0.00 |
| Sr. Geotechnical Engineer | Jason Cox | 627 | $195.00 | | $0.00 | 10.00 | $1,950.00 | | $0.00 | 12.00 | $2,340.00 | 20.00 | $3,900.00 | | $0.00 |
| Sr. Associate - Stormwater Engineer | Dan Schall | 626 | $195.00 | 5.00 | $975.00 | 50.00 | $9,750.00 | 40.00 | $7,800.00 | 150.00 | $29,250.00 | 100.00 | $19,500.00 | 40.00 | $7,800.00 |
| Principal - Engineer & Water Rights Examiner | Seth Jelen | 625 | $195.00 | | $0.00 | | $0.00 | | $0.00 | 20.00 | $3,900.00 | | $0.00 | | $0.00 |
| Sr. Wetland Scientist (PWS) | Dan Gunderson (PWS) | 625 | $195.00 | | $0.00 | 20.00 | $3,900.00 | 20.00 | $3,900.00 | 20.00 | $3,900.00 | 25.00 | $4,875.00 | | $0.00 |
| Principal Geologist & Project Manager | John Kuiper | 626 | $195.00 | 35.00 | $6,825.00 | 30.00 | $5,850.00 | 30.00 | $5,850.00 | 80.00 | $15,600.00 | 40.00 | $7,800.00 | 120.00 | $23,400.00 |
| Grant Specialist | Alfonzo Hernandez | 629 | $195.00 | 5.00 | $975.00 | | $0.00 | | $0.00 | | $0.00 | | $0.00 | | $0.00 |
| Associate - GIS Analyst | Patrick McCarthy | 619 | $167.19 | | $0.00 | 35.00 | $5,851.65 | 20.00 | $3,343.80 | 75.00 | $12,539.25 | | $0.00 | 10.00 | $1,671.90 |
| Industrial Hygienist | Lynda Winter | 618 | $167.19 | | $0.00 | | $0.00 | | $0.00 | 5.00 | $835.95 | | $0.00 | | $0.00 |
| Senior 1 - Civil Engineer | Tyler Marley | 619 | $186.26 | | $0.00 | | $0.00 | | $0.00 | | $0.00 | | $0.00 | | $0.00 |
| Senior 1 - Wetland Scientist | Ingrid Larsson | 616 | $167.19 | | $0.00 | 30.00 | $5,015.70 | 15.00 | $2,507.85 | 100.00 | $16,719.00 | 75.00 | $12,539.25 | 25.00 | $4,179.75 |
| Senior 2 - Analyst | Brian Johnson | 617 | $167.19 | | $0.00 | | $0.00 | | $0.00 | 10.00 | $1,671.90 | | $0.00 | | $0.00 |
| Senior 1 - Chemist | Marie Bevier | 617 | $133.14 | | $0.00 | 10.00 | $1,331.40 | | $0.00 | 20.00 | $2,662.80 | | $0.00 | | $0.00 |
| Technical Professional 3 - GIS & Drafting | Stephane Descombes | 616 | $167.00 | 5.00 | $835.00 | 5.00 | $835.00 | 20.00 | $3,340.00 | 30.00 | $5,010.00 | 10.00 | $1,670.00 | 10.00 | $1,670.00 |
| Technical Professional 3 - Civil | Matthew Brown | 616 | $122.70 | | $0.00 | | $0.00 | 30.00 | $3,681.00 | 50.00 | $6,135.00 | 100.00 | $12,270.00 | 10.00 | $1,227.00 |
| Senior Scientist | Heather Grosak | 622 | $167.19 | | $0.00 | | $0.00 | | $0.00 | | $0.00 | | $0.00 | | $0.00 |
| Technical Professional 2 - Civil | Joanne Chen | 614 | $97.76 | | $0.00 | 40.00 | $3,910.40 | | $0.00 | 40.00 | $3,910.40 | | $0.00 | | $0.00 |
| Technical Professional 2 - Environmental | Grace Graner | 612 | $97.94 | | $0.00 | | $0.00 | | $0.00 | | $0.00 | 150.00 | $14,691.00 | | $0.00 |
| Technical Professional 1 - Environmental | Dan Duran | 612 | $85.12 | | $0.00 | | $0.00 | | $0.00 | | $0.00 | 180.00 | $15,321.60 | | $0.00 |
| Technical Professional 1 - Environmental | Bryar Jensen | 614 | $97.76 | | $0.00 | | $0.00 | 15.00 | $1,466.40 | | $0.00 | 100.00 | $9,776.00 | | $0.00 |
| Technician - Environmental | Jason Gardner | 519 | $103.21 | | $0.00 | | $0.00 | | $0.00 | | $0.00 | 65.00 | $6,708.65 | | $0.00 |
| Administration - Procurement | Rosalinda Gonzales | 809 | $95.64 | 5.00 | $478.20 | 5.00 | $478.20 | 3.00 | $286.92 | 5.00 | $478.20 | 5.00 | $478.20 | | $0.00 |
| Administration - Word Processor | Alanna Yellowbear | 809 | $95.64 | 4.00 | $382.56 | 5.00 | $478.20 | 3.00 | $286.92 | 30.00 | $2,869.20 | 5.00 | $478.20 | 20.00 | $1,912.80 |
| **Subtotal Labor** | | | | 59.00 | $10,470.76 | 242.00 | $39,740.55 | 196.00 | $32,462.89 | 656.00 | $109,576.70 | 885.00 | $111,957.90 | 237.00 | $42,251.45 |
| Office Overhead Charge (included in above rates) | | 0% of Labor | | | | | | | | | | | | | |
| **Labor Total** | | | | | **$10,470.76** | | **$39,740.55** | | **$32,462.89** | | **$109,576.70** | | **$111,957.90** | | **$42,251.45** |

| EXPENSES | | UNITS | UNIT COST | QUAN. | TOTAL $ | QUAN. | TOTAL $ | QUAN. | TOTAL $ | QUAN. | TOTAL $ | QUAN. | TOTAL $ | QUAN. | TOTAL $ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Car rental | | day rental | $60.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 |
| Mileage | | each | $0.625 | 50.00 | $31.25 | 150.00 | $93.75 | 100.00 | $62.50 | 198.00 | $123.75 | 800.00 | $500.00 | 200.00 | $125.00 |
| EDR | | Per Copy | $400.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 |
| Photocopies | | Per Copy | $1.50 | 20.00 | $30.00 | 50.00 | $75.00 | 20.00 | $30.00 | 100.00 | $150.00 | 20.00 | $30.00 | 20.00 | $30.00 |
| Driller / Excavator | | Cost Plus | $15,000.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 1.00 | $15,000.00 | 0.00 | $0.00 | 0.00 | $0.00 |
| Utility Locate Contractor | | Cost Plus | $4,000.00 | 0.00 | $0.00 | 1.00 | $4,000.00 | 0.00 | $0.00 | 1.00 | $4,000.00 | 0.00 | $0.00 | 0.00 | $0.00 |
| Analytical Laboratory | | Cost Plus | | | | | $0.00 | | $0.00 | | $0.00 | | $0.00 | | $0.00 |
| VOCs (groundwater) | | Cost Plus | $160.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 5.00 | $800.00 | 8.00 | $1,280.00 | 0.00 | $0.00 |
| TPH-Dx (soil and groundwater) | | Cost Plus | $70.00 | 0.00 | $0.00 | 20.00 | $1,400.00 | 0.00 | $0.00 | 5.00 | $350.00 | 8.00 | $560.00 | 0.00 | $0.00 |
| TPH-Gx (soil and groundwater) | | Cost Plus | $55.00 | 0.00 | $0.00 | 20.00 | $1,100.00 | 0.00 | $0.00 | 5.00 | $275.00 | 8.00 | $440.00 | 0.00 | $0.00 |
| Metals (RCRA 8) (soil and groundwater) | | Cost Plus | $95.00 | 0.00 | $0.00 | 100.00 | $9,500.00 | 0.00 | $0.00 | 5.00 | $475.00 | 100.00 | $9,500.00 | 0.00 | $0.00 |
| **Subconsultant (Haley & Aldrich)** | | Cost Plus | $1.00 | 30000.00 | $30,000.00 | 29500.00 | $29,500.00 | 0.00 | $0.00 | 4000.00 | $4,000.00 | 0.00 | $0.00 | 5000.00 | $5,000.00 |
| **Subconsultant (Kittelson & Associates)** | | Cost Plus | $1.00 | 0.00 | $0.00 | 20000.00 | $20,000.00 | 2500.00 | $2,500.00 | 5000.00 | $5,000.00 | 2500.00 | $2,500.00 | 0.00 | $0.00 |
| **Subconsultant (PACE)** | | Cost Plus | $1.00 | 0.00 | $0.00 | 54300.00 | $54,300.00 | 26000.00 | $26,000.00 | 42000.00 | $42,000.00 | 23000.00 | $23,000.00 | 5000.00 | $5,000.00 |
| Equipment Purchase & Rentals | | Cost Plus | $100.00 | 0.00 | $0.00 | 1.00 | $100.00 | 0.00 | $0.00 | 5.00 | $500.00 | 30.00 | $3,000.00 | 0.00 | $0.00 |
| Environmental Supplies (Misc.) | | Cost Plus | $25.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 5.00 | $125.00 | 30.00 | $750.00 | 0.00 | $0.00 |
| Investigation Derived Waste (IDW) disposal | | Cost Plus | $250.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 | 0.00 | $0.00 |
| Postage / UPS/Courier | | Cost Plus | $50.00 | 0.00 | $0.00 | 1.00 | $50.00 | 0.00 | $0.00 | 1.00 | $50.00 | 10.00 | $500.00 | 4.00 | $200.00 |
| **Subtotal Expenses** | | | | | $30,061.25 | | $120,118.75 | | $28,592.50 | | $72,848.75 | | $42,060.00 | | $10,355.00 |
| Mark up - subcontractors, vendors, supplies | | | 10% | | $3,006.13 | | $12,011.88 | | $2,859.25 | | $7,284.88 | | $4,206.00 | | $1,035.50 |
| **Expenses Total** | | | | | $33,067.38 | | $132,130.63 | | $31,451.75 | | $80,133.63 | | $46,266.00 | | $11,390.50 |
| | | | | Task Total | $43,538.14 | Task Total | $171,871.18 | Task Total | $63,914.64 | Task Total | $189,710.33 | Task Total | $158,223.90 | Task Total | $53,641.95 |

**Totals**

| | |
|---|---|
| $43,538 | **Task 1 - Follow-on Grant Writing and Technical Assistance; Plan Development** |
| $171,871 | **Task 2 - Preliminary Design; Ongoing Stakeholder Engagement; DEQ Correspondence** |
| $63,915 | **Task 3 - Land Use Planning for Property Line Adjustment; Surveying.** |
| $0 | **Task 4 - Final Design; Remedial Action Plan; Permits; Bid Documents** |
| $0 | **Task 5 - Construction Management; Remediation Plan Management.** |
| $53,642 | **Task 6 - Site Monitoring; Closeout Report** |

**Total Estimate:** **$680,900.13**

**City Council Meeting Date:** February 20, 2024

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, City Manager Pro Tem
Through: Tim Rosener, Mayor and Ryan Adams, City Attorney

**SUBJECT:** **Resolution 2024-009, Declaring support for a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis**

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**Issue:**
Should the city adopt a resolution declaring support for a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis?

**Background:**
Mayor Rosener along with leadership of other Oregon communities received the attached defining policy proposals to a comprehensive approach to addressing addiction and the community livability crisis centered around Ballot Measure 110. See attached document from the Oregon League of Oregon Cities (LOC), with support from the Oregon District Attorneys Association, Oregon Association of Chiefs of Police and Oregon State Sheriffs' Association. The comprehensive approach outlines eleven (11) Policy Proposals.

**Financial Impacts:**
There are no currently known financial impacts with the adoption of this resolution.

**Recommendation:**
Staff respectfully recommends City Council adoption of Resolution 2024-009, Declaring support for a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis.

City of Sherwood Oregon
*Home of the Tualatin River National Wildlife Refuge*

**RESOLUTION 2024-009**

**DECLARING SUPPORT FOR A COMPREHENSIVE APPROACH TO ADDRESSING OREGON'S ADDICTION AND COMMUNITY LIVABILITY CRISIS**

**WHEREAS,** our Public Safety Partners believe that Oregon Ballot Measure 110 failed to recognize that drug addiction is both a public health and public safety crisis; and

**WHEREAS,** the crisis requires solutions in both areas and requires new tools and a significant allocation of resources along with an adaptable approach that recognizes the diverse needs and challenges of Oregon communities; and

**WHEREAS,** the attached Comprehensive Approach to addressing Oregon's Addiction and Community Livability Crisis is supported by the League of Oregon Cities, the Oregon Association of Chiefs of Police, the Oregon State Sheriffs' Association, and the Oregon District Attorneys Association; and

**WHEREAS,** the attached Comprehensive Approach outlines eleven (11), Policy Proposals supported by our partners.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The Sherwood City Council hereby supports all eleven (11) Policy Proposals outlined in the attached Exhibit A to this resolution.

**Section 2.** The Sherwood City Council calls upon our Oregon State Legislators to consider these policy proposals and take immediate action to remedy the current crisis.

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

**Duly passed by the City Council this 20th day of February, 2024.**

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

# A Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis

The following policy recommendations are designed to address Oregon's severe addiction crisis, the alarming rise in fentanyl overdose-related deaths, and the detrimental effects the crisis is having on community safety and quality of life across our state. While some of these solutions are specific to addressing certain provisions of Ballot Measure 110, the approach below is meant to be comprehensive.

As your partners in public safety, we believe that Ballot Measure 110 failed to recognize that drug addiction is both a public health and public safety crisis and requires solutions on both sides of the ledger. Success will require new tools and a significant allocation of resources along with an adaptable approach that recognizes the diverse needs and challenges of each Oregon community.

## RESTORING PUBLIC SAFETY SOLUTIONS:

### Policy Proposal #1: Reclassify Possession of a Controlled Substance (PCS) from an E-Violation to an A-Misdemeanor

We can restore Possession of a Controlled Substance (PCS) to an A-Misdemeanor and present new post-BM 110 modifications that reflect the desire for treatment intervention. This should include diversion eligibility and dismissal of a charge upon successful completion of the one-year diversion and any required treatment (DUII approach). In addition, unlike DUII diversion, drug PCS related cases should be eligible for multiple diversion entrances. The current E-violation for possession of a controlled substance is ineffective and fails to connect persons struggling with severe addiction to the treatment they need. An A-Misdemeanor with diversion will compel those

struggling with addiction to enter treatment without turning to an approach that focuses on incarceration.

## Policy Proposal #2: "Boyd/Hubbell Fix" - Modify the statutory definition of controlled substance "delivery" to include the "transfer" of drugs and the "possession with intent to transfer" drugs:

This fix focuses the policy solutions on the supply side of the equation with the dealer – not user – end of the drug crisis in Oregon. By restoring 34-years of state law that allowed the State to charge dealers when there is substantial evidence of the intent to deliver, like significant quantities of drugs, lists of sales, and cash. The proposed fix simply and clearly modifies the definition of "delivery" to include the "transfer" of drugs and the "possession with intent to transfer" drugs.

## Policy Proposal #3: Modify the statutory pretrial hold language from SB 48 (2021 Legislative Session) to ensure that jails and judges have the flexibility to hold drug dealers charged with Distributing a Controlled Substance (DCS) and repeat offenders.

Senate Bill 48 (2021) required the Presiding Judge of each judicial district, following guidance from the Chief Justice and her Criminal Justice Advisory Council (CJAC), to enter a standing pretrial order specifying to the sheriff (or any other supervising entity) those persons and/or offenses that are subject to "Release on Own Recognizance" (ROR), subject to conditional release, or that are not eligible for release until arraignment. A modification in this law could make it clear that a pre-trial hold for dealers is a community priority.

## Policy Proposal #4: Fund county probation departments to supervise misdemeanor theft and property crime cases where defendants are dealing with an addiction/substance abuse disorder.

Overall studies indicate that between 50% and 80% of property crimes committed in a community are committed by those suffering from severe addiction who steal to support that addiction. Currently county probation departments don't supervise misdemeanor theft or property cases which means there is no opportunity for a drug/alcohol addiction screening and no requirement for drug treatment as part of their supervision package. This makes mitigating future harm almost impossible and fails to capture a population where there is significant overlap between persons committing property crimes and those possessing controlled substances. This solution doesn't put additional pressure on the defense bar, as these individuals are already involved in the criminal justice system – and simply ensures they are screened and connected to mandatory treatment when needed.

## Policy Proposal #5: Create a new A-Misdemeanor for "Public Use of a Controlled Substance" to align with current law prohibiting public use of alcohol and marijuana

Create a Class A Misdemeanor for public use of a controlled substance. Public use includes use in public and private buildings. The offense should be identified in statute as a "designated drug related misdemeanor" for the purposes of ORS 423.478(4)(b), which will allow for state funding of both treatment and supervision costs related to violations of the prohibition. This must be a

statewide law and not simply remove local preemption which will not allow for consistent application across local jurisdictions or the access to local county jails.

### Policy Proposal #6: Create a new Class A Misdemeanor for "Use of a Controlled Substance in an Enclosed Public Space that Endangers another Person." (Escalates to Class C Felony for Repeat Offenses)

Establishing a penalty for public use of a controlled substance must be accompanied with a penalty for use in an enclosed public space that endangers another person. The language would provide that "A person commits the crime of recklessly endangering another person if the person, while in an enclosed area, knowingly ingests, inhales, ignites, combusts or consumes a controlled substance in a manner that creates an immediate risk of ingestion, inhalation, or consumption by another person. For this purposes of this section, "enclosed area" is defined as a building or public transit vehicle or facility. It is an affirmative defense to this charge if all other persons placed at risk by the defendant's conduct knowingly consent to the exposure. This crime would be punishable as a Class A Misdemeanor, escalating to a Class C Felony for repeat violations. This crime would be considered a "designated drug-related misdemeanor" for the purposes of ORS 423.478(4)(b).

## TREATMENT & COMMUNITY FOCUSED SOLUTIONS:

### Policy Proposal #7: Prioritize adequate and sustainable funding for Oregon's Specialty Courts:

Inadequate state funding of Oregon's specialty courts is the biggest threat to their long-term effectiveness and stability. In fact, Specialty Courts in several jurisdictions (including Multnomah, Deschutes and Benton County) are at risk of discontinuing their operations.

Specialty Courts combine accountability and supervision with a treatment-oriented approach that effectively addresses addiction and reduces recidivism rates among participants. Specialty Courts are designed to tailor treatment plans and support services to address the specific needs and challenges faced by participants. The approach has an established track record of success that addresses addiction and equips participants with the tools and support necessary to reintegrate into community life as productive citizens.

### Policy Proposal #8: Establish authority to utilize welfare holds of up to 72 hours for intoxicated persons who pose a danger to self or others:

In many western states, law enforcement, EMTs and other first responders are able to utilize welfare holds of up to 72 hours where a person who is acutely intoxicated to a degree where they pose a danger to themselves or others can be held in a custodial environment and given supervised medical care. After 72 hours, the person is given the option to either leave on their own or stay and receive additional services. The states that have implemented these policies have seen a high level of engagement with aftercare and wrap-around services. This also gives

officers options other than jail or the emergency room for a person suffering from a severe substance use disorder (SUD).

**Policy Proposal #9: Create adequate stabilization, detoxification and treatment capacity in jurisdictions throughout Oregon by making sustainable investments in sobering center/stabilization and treatment bed capacity for adults and juveniles.**

Oregon's absence of dedicated sobering centers and stabilization facilities leaves communities helpless when dealing with severely addicted individuals who require detoxification and stabilization before they can successfully enter treatment. Detoxification is often the first step in the journey to recovery, as it helps individuals safely manage withdrawal symptoms and become physically stable before they can fully engage in addiction treatment programs. The lack of this capacity is a limiting factor in efforts to create an addiction to treatment pipeline. In addition, the Legislature should explore immediate grant funding for the expansion of existing juvenile and adult substance use disorder in-patient and outpatient treatment facilities.

**Policy Proposal #10: Support the establishment of Opioid Overdose Quick Response Teams:**

In response to increased opioid-related deaths, Ohio has created “Naloxone Plus” teams, also called Quick Response Teams (QRTs) that respond after a reported overdose and use of Narcan. In this model, a small team reaches out to an individual who is recovering from an overdose event and offers person-centered services. In Colerain Township, north of Cincinnati, the team has a police officer, firefighter/EMT, peer recovery mentor, or treatment professional. Between 2015 and 2019, the team responded to over 400 overdose follow ups and of the individuals contacted, 80% did an assessment and engaged in treatment. The goal of QRTs is to reach an individual in the time immediately after an overdose event, within 72 hours as best practice (but ideally much sooner than that) and to offer connections when the person may be ready to change due to the overdose event. The proposal would create grant funding for Quick Response Teams (QRT’s).

**Policy Proposal #11: Support aligning the siting of residential and secure residential facilities with the requirements in the Fair Housing Act:**

There is a significant need in our communities for residential – and secure residential – facilities for those experiencing mental health and substance abuse challenges across our State. This has become even more urgent given the recent federal court decision and the ongoing crisis taking place in our Oregon State Hospital. This is an urban and rural problem that is impacting communities throughout Oregon. Ensuring our land-use policies for siting secure facilities comply with federal requirements will expedite the desperately needed expansion of Oregon’s behavioral health residential treatment and supported housing capacity. All such facilities must meet the safety and security requirements currently existing in statue but would otherwise be treated and similarly situated housing.

Kevin Campbell, Oregon Association of Chiefs of Police
Jason Myers, Oregon State Sheriffs’ Association
Amanda Dalton, Oregon District Attorneys Association
Scott Winkels, League of Oregon Cities

Sherwood City Council Meeting

Date: February 20, 2024

- List of Meeting Attendees: ✓
- Request to Speak Forms: ✓
- Documents submitted at meeting: ✓

## Work Session

- “Brookman Trunk Sewer Extension - Financing” PowerPoint presentation from City Engineer Jason Waters, Exhibit A
- Brookman Sanitary Sewer Project informational documents from Clean Water Services, Exhibit B
- “Sherwood West Refinement Study Update” PowerPoint presentation from Community Development Director Eric Rutledge, Exhibit C (corrected, see attached email)
- Sherwood West Refinement Study from Community Development Director Eric Rutledge, Exhibit D
- “Sherwood West Refinement Study Update” PowerPoint presentation & email from Community Development Director Eric Rutledge, Exhibit E
- Handout from Jim Claus during Citizen Comment

Sherwood City Council Meeting Date: February 20, 2024

# ATTENDANCE SHEET

| NAME | ADDRESS | PHONE |
|---|---|---|
| Jana Mays | Wheat Place | |
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**In any City forum or meeting:**

- Individuals may not impugn the character of anyone else, including but not limited to members of the community, the reviewing body, the staff, the applicant, or others who testify. Complaints about staff should be placed in writing and addressed to the City Manager. If requested by the complainant, they may be included as part of the public record. Complaints about the City Manager should be placed in writing and addressed to the Mayor. If requested by the complainant, they may be included as part of the public record.

- Comment time is 4 minutes with a Council-optional 1 minute Q & A follow-up.

- The Chair of a meeting may have the ability to modify meeting procedures on a case-by-case basis when especially complicated issues arise, or when the body is involved in extraordinary dialogue, but only after receiving the advice and majority consent of the body. The Chair may also cut short debate if, in his judgment, the best interests of the City would be served.
  (Note: Written comments are encouraged, and may be submitted prior to the meeting by mail, or at the meeting. There is no limit to the length of written comment that may be submitted)

**Persons who violate these rules** may be asked to stop their comments by any member of the body. Comments beyond the 4-minute limit may not be included in the record of the meeting. Persons who impugn the character of anyone will be required to stop immediately. Their comments will not be included in the record of the meeting, and they will forfeit their remaining time. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.
*****

***I have read and understood the Rules for Meetings in the City of Sherwood.***

**Name:** R.J. CHAUS **Date:** Feb 20th - 2024

**Address:** Sherwood

**Telephone:** N/A **Email:** N/A

**I would like to speak to the Council regarding:**

**Subject:** "Potential" US Constitutional 14th Amendment, act and Steel Vs Oregon Constitutional ~~Conv~~ Possession due process and equal treatment

**Land Use Hearings, please indicate:** In Favor of Application:_____ Opposed:_____

If you want to speak to Council about more than one subject, ***please submit a separate form for each item.*** What does that mean to the speaker?

**Please give this form to the City Recorder prior to you addressing City Council. Thank you.**

# Rules for Meetings in the City of Sherwood

It is the purpose of these rules to promote common courtesy and civility in all meetings of the City of Sherwood. All who wish to speak should expect to be treated fairly and with respect. All who speak should reciprocate by focusing on the issue being considered, while respecting the opinions of those with whom they may disagree. This will enable our community to establish an environment wherein all issues and opinions may be fairly considered and decisions, though sometimes difficult, will be made in a spirit of mutual respect of all citizens, no matter their differences.

**Public Hearings** before the City Council and other Boards and Commissions shall follow the following procedure:

- Staff Report--15 minutes
- Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
- Proponents—5 minutes each (applicants may not also speak as proponents.)
- Opponents—5 minutes each
- Rebuttal—Balance of applicant time(see above)
- Close Public Hearing
- Staff Final Comments—15 minutes
- Questions of Staff/Discussion by Body—no limit
- Decision

  (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)

**Appeals** before the City Council and other Boards and Commissions shall follow the following procedure:

- Staff Report--15 minutes
- Applicant – 30 minutes (to be split, at the discretion of the applicant, between presentation and rebuttal.)
- Only those who previously went on the written or verbal record at the PC hearing may appear before Council.
- No one can pass their time to someone else
- Proponents—5 minutes each (applicants may not also speak as proponents.)
- Opponents—5 minutes each. Opponents who represent a neighborhood or business association have 15 minutes
- Appellants—30 minutes (to be divided it there are multiple appellants.)
- Rebuttal—Balance of applicant time (see above)
- Close Public Hearing
- Staff Final Comments—15 minutes
- Questions of Staff/Discussion by Body—no limit
- Decision

  (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)

**In any City forum or meeting:**

- Individuals may not impugn the character of anyone else, including but not limited to members of the community, the reviewing body, the staff, the applicant, or others who testify. Complaints about staff should be placed in writing and addressed to the City Manager. If requested by the complainant, they may be included as part of the public record. Complaints about the City Manager should be placed in writing and addressed to the Mayor. If requested by the complainant, they may be included as part of the public record.

- Comment time is 4 minutes with a Council-optional 1 minute Q & A follow-up.

- The Chair of a meeting may have the ability to modify meeting procedures on a case-by-case basis when especially complicated issues arise, or when the body is involved in extraordinary dialogue, but only after receiving the advice and majority consent of the body. The Chair may also cut short debate if, in his judgment, the best interests of the City would be served.
  (Note: Written comments are encouraged, and may be submitted prior to the meeting by mail, or at the meeting. There is no limit to the length of written comment that may be submitted)

**Persons who violate these rules** may be asked to stop their comments by any member of the body. Comments beyond the 4-minute limit may not be included in the record of the meeting. Persons who impugn the character of anyone will be required to stop immediately. Their comments will not be included in the record of the meeting, and they will forfeit their remaining time. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.
*****

***I have read and understood the Rules for Meetings in the City of Sherwood.***

**Name:** R. J. Collins **Date:** 5/28/24

**Address:** Sherwood

**Telephone:** N/A **Email:** N/A

**I would like to speak to the Council regarding:**

**Subject:** Clarifications of below provision - does each "subject" have 4 minutes?

**Land Use Hearings, please indicate:** In Favor of Application:____ Opposed:____

If you want to speak to Council about more than one subject, ***please submit a separate form for each item.***

**Please give this form to the City Recorder prior to you addressing City Council. Thank you.**

# Rules for Meetings in the City of Sherwood

It is the purpose of these rules to promote common courtesy and civility in all meetings of the City of Sherwood. All who wish to speak should expect to be treated fairly and with respect. All who speak should reciprocate by focusing on the issue being considered, while respecting the opinions of those with whom they may disagree. This will enable our community to establish an environment wherein all issues and opinions may be fairly considered and decisions, though sometimes difficult, will be made in a spirit of mutual respect of all citizens, no matter their differences.

**Public Hearings** before the City Council and other Boards and Commissions shall follow the following procedure:

- Staff Report--15 minutes
- Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
- Proponents—5 minutes each (applicants may not also speak as proponents.)
- Opponents—5 minutes each
- Rebuttal—Balance of applicant time(see above)
- Close Public Hearing
- Staff Final Comments—15 minutes
- Questions of Staff/Discussion by Body—no limit
- Decision

  (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)

**Appeals** before the City Council and other Boards and Commissions shall follow the following procedure:

- Staff Report--15 minutes
- Applicant – 30 minutes (to be split, at the discretion of the applicant, between presentation and rebuttal.)
- Only those who previously went on the written or verbal record at the PC hearing may appear before Council.
- No one can pass their time to someone else
- Proponents—5 minutes each (applicants may not also speak as proponents.)
- Opponents—5 minutes each. Opponents who represent a neighborhood or business association have 15 minutes
- Appellants—30 minutes (to be divided it there are multiple appellants.)
- Rebuttal—Balance of applicant time (see above)
- Close Public Hearing
- Staff Final Comments—15 minutes
- Questions of Staff/Discussion by Body—no limit
- Decision

  (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)

# RJ DRAFT REVIEW 1-31-2024

***R. James Claus, Ph.D.***
***22211 SW Pacific Highway***
***Sherwood, Oregon 97140***

***January 31, 2024***

***Mayor Rosener and Sherwood City Council***
***Sherwood Urban Renewal Agency No. 2 voting members (City Council)***
***City Manager Pro-Tem Craig Sheldon***
***Ryan Adams, City Attorney and Chief Legal Officer, City of Sherwood***

***RE: Faulty Code Compliance Document***

***Dear Mayor, City Council, and Chief Legal Officer of the City of Sherwood:***

***I am enclosing two documents for your review and reply. One is a "Compliance Agreement" developed by your new Community Development Director, Mr. Eric Rutledge and apparently Law Clerk, Emma Gill. The other document is the following commentary about the staff's so-called "Compliance Agreement"***

2/20/2024 Date — City Council Gov. Body

Citizen Comment Agenda Item — — Exhibit #

# RJ DRAFT REVIEW 1-31-2024

**Sherwood Staff "Compliance Agreement" and my associated commentary of that flawed document interspersed within the staff compliance agreement.**

***Any reasonable person, in my opinion and belief, would not have set up this so-called compliance agreement as it has been crafted. As the following comments will detail, Mr. Rutledge's pages as drafted and it appears with the knowledge and review of at least the city attorney staff, is a document that is so fraught with factual errors and inaccuracies that his entire handling of this case should be reviewed. Such a review I believe that would lead to a dismissal of this entire procedure.***

***First and foremost, the critical component in any analysis is generally said to be outlined in the US Constitution's 14th Amendment which grants due process and equal treatment. No one can get equal treatment with as many factual errors and what may be viewed as trade libel as in Mr. Rutledge's and the city attorney staff's draft of this document.***

***The problem here is that Mr. Rutledge, appears to have initiated this "compliance agreement" in absolute derogation of the facts. He has never attempted to assist a beginning business in being able to exhaust their administrative remedies, where their opinion differs from his such as what is automotive repair. Mr. Rutledge has unilaterally and uniquely interpreted and redefined Sherwood's zoning code definitions. He actually believes he is free to interpret the zoning code and can do so without public hearing, rule, or regulation to "check" his behavior.***

***Additionally, his entire way of "managing" problems and issues is by relying on qualified sovereign immunity for himself as a salary government official to protect his actions. I am more than willing to give an affidavit, that Mr. Rutledge knowingly and specifically misrepresented that a member of the Vineyards HOA filed the original complaint. He said he was acting only in response to a complaint by a member of the HOA and that he did not take this investigation upon himself without any citizen generated complaint.***

***When we took the time to go to the HOA, and talked to the current president, who in turn talked to Eric Rutledge, then the story changed. When Mr. Rutledge was confronted with the fact that a survey of the homeowners had produced no written or verbal complaint, his story changed again. It is this behavior in sovereign immunity protections, whether strict or qualified, that leads one to question how long we're going to go on offering this kind of protection for due process and equal treatment protecting a salaried government employee when they conduct themselves in this manner. And please don't forget if you can stay the number of years required to obtain Oregon PERS benefits, you have a lifetime of retirement income of that increases 3% annually. It is a staggering reward for working at above market rates while in active employment.***

***Anyone with some reasonable business knowledge knows that you must obtain homeowners and/or specialized insurance. Why would Mr. Rutledge have told the HOA that Cedar roadway was quote a scratch on the map" and in effect don't worry about it? The entire reason he has qualified sovereign immunity is so he can tortiously interfere with the operation of individuals and businesses and rely on the police powers to punish them. Where will he or any other government official gets in trouble is if they continue to make inaccurate statements, with knowledge, and pursue punishment and enforcement. And that just causes yet another problem.***

# RJ DRAFT REVIEW 1-31-2024

***This entire "compliance" document seems to a be an attempt to entrap Timber State and indirectly involve the land uses on the Clauses' 6 acres that has been their home and office with several buildings and uses for nearly 40 years. As an excuse to Mr. Rutledge and/or his serious inaccurate statements; likely he will continue to attempt to cover the facts that the Timber State owner had contacted the city, and the city told him that he was an outright allowed use in that zone and for a new minority-owned business the city did not even have the qualifications that you need a business license. The point here is the city has in fact become the "sine qua non" on of this entire debacle and now debate. And now Mr. Rutledge is threatening fines and legal action over Timber State's location. That fact alone should mitigate any harsh actions and should guarantee that the city reverses its position and go back and start from scratch in helping Timber State comply with the administrative rules and regulations.***

***This is also exposing other serious objections to this entire lack of due process and use of the administrative process. We have been asked a series of questions such as the city appears to be demanding an origin/destination or traffic study by registered traffic engineers. Has the city staff demanded questions about origin and destination trips of all automotive repair shops located in the city of Sherwood? But consider the ridiculousness that even if there were 45 trips a day on 99W, that 99W has between 40,000 to 50,000 daily counts. Timber State's trips are negligible. But if that is what he is asking-- that should've been suggested as a useful tool for the committee. And please remember that you have an antique store/swap meet next door and you have a full complement of parking at other buildings in the rear and when Shannon was granted this nonconforming legal use, he certainly did not produce a traffic study.***

***I would suggest that any reasonable person reading this so-called compliance agreement, should understand in detail the history behind the current attempts at "enforcement" action. Mr. Keith Mays then the mayor of the city of Sherwood now a city councilor, was attempting to develop a $167 Million urban renewal agency #2 for the city of Sherwood. What if the then Mayor Mays lied and misrepresented to Washington County Board of Commissioners about the Clauses awareness and agreement to have their properties included in the URA#2 in order to gain the Board's approval to create the URA #2? What if the Clauses were under intense medical treatment at that time and in our opinion and belief, Mays simply took advantage of the illnesses to try to wrap the property in a process that takes it out of competition with less desirable retail commercial properties in town. Since the City of Sherwood may at some point use eminent domain to attempt to take over our property and use it in the urban renewal, is this exaction part of some twisted scheme being used to depress the value of the property? Further, in our opinion and belief Mr. Rutledge's behavior appears to be an attempt to cover up open misstatements in public meetings about our willingness to cooperate with an urban renewal district. We have two of the only three deeded easements with the State of Oregon along this part of the highway that have constitutional protection for compensation for any taking on the subject property. The best possible procedure for diminishing the market value is to imply we agreed to a road that cancels over 4 acres from being able to utilize those two highway easements. This "enforcement" scheme is a straight fraudulent set of statements cooked up by lunatics.***

***Something that is much more serious, and in some aspects comical, is Mr. Rutledge trying to use qualified sovereign immunity as granted under the 11th Amendment of the U.S. Constitution for his own protection. In other words is this a case of entrapment with***

***false statements that Mr. Rutledge is attempting to help Mayor Mays wiggle out of the position where his less than accurate statements made to Washington County and other government agents will be exposed.***

***Worse than mere entrapment which it appears the City of Sherwood in Timber State's application, Mr. Rutledge has made some of the most outlandish statements that I have heard out of this so-called public servant. He told them and made it clear in other conversations with them that he will retroactively fine them from day one, that what he is the official who unilaterally determines that legal uses of the property are in his opinion "illegal" uses, and he will have every agency he can bring in to assist him in destroying the company with further investigations. That is just plain intimidation and an attempt to get someone out. Such "extortion" style language is being used to force a small new business to acquiesce the power of the state.***

***That is the reason we are also forwarding these comments about the "compliance agreement" to the staff that met with Timber State representatives (as well as the Clauses being invited to attend) for the Pre-App meeting on January 25, 2024. And please note that one of the serious allegations that was made then and several times earlier is that the City of Sherwood is not ADA compliant or qualified in a number of its meeting rooms. Mr. Rutledge stated that only the City Council chambers are ADA qualified. And from our personal experiences I have every reason to believe that that is a serious defect in the city and is the kind of noncompliance action that the authorities should investigate and prosecute the city of Sherwood if it doesn't have proper ADA compliance. In the Pre-App meeting with the staff, the IT technician admitted that no building or room in the city is currently ADA compliant. The day of the meeting he had only been notified of some technical issues an hour or so before the meeting and was trying to "do the best that could be done" to cobble together the recording and sound, but that even the hearing device the city had for my use was not ADA compliant and could not be made ADA compliant. He said had some devices on order for all of the city buildings—because no Sherwood city building was currently ADA compliant—including the Senior Center building, for gods sake, that specifically is dedicated to senior citizens—many of which have disabilities including difficulty hearing.***

***This same Pre-App meeting had been cancelled the previous week by Mr. Rutledge because there was no room that was ADA compliant. For the January 25th meeting however, in spite of Mr. Rutledge knowing the city meeting room was not compliant, he chose to hold the meeting. He also chose to sit "away" from the table and not talk into the microphone as he chose instead to "coach" and talk to his staff "off mic" until I had to object again about such conduct.***

***The tenant had to signed this "compliance" agreement—but did so under protest because the tenant was told if he didn't sign it, the fines would begin and be retroactive. The document has factual content errors and inaccuracies.***

***The problem here is that Mr. Eric Rutledge, appears to have initiated this "compliance agreement" on a set of mistakes including assuming the tenants were not really part of the 5000 square-foot building. Th Clauses retain part of the building for their own uses. Mr. Rutledge decided to reinterpret Timber State's use as a contractor's yard.***

***Additionally, as mentioned previously, there was a serious factual dispute developing that anyone without qualified sovereign immunity would be facing a possible personal***

*lawsuit over such misrepresentations. I will give an affidavit, that originally over the telephone and in other conversations, Mr. Eric Rutledge said that the Vineyards Homeowners Association (HOA), one in particular, had filed the complaint that initiated Mr. Rutledge to start a code enforcement issue.*

*We went to the HOA and talked to the president, who then in turn talk to Mr. Eric Rutledge. When he found out that an accurate inquiry verified there had been no HOA complaint, the story changed that he had a complaint he just couldn't produce it. Such statements develop a very hostile environment and another very serious problem.*

*Mr. Rutledge also told the HOA that Cedar Brook Way was just "a scratch on the map" and in effect, don't worry about it. Anyone with any business knowledge knows that you must obtain homeowners and/or specialized insurance. The entire reason he has qualified sovereign immunity is so he can tortiously interfere with the operation of individuals and rely on the police powers to punish them. Where he will get in trouble is if he continues these inaccurate statements and he is doing so with knowledge. And that causes yet another problem.*

*This entire document appears to be an attempt to entrap Timber State Drilling company and involve the Clauses. As an example for Mr. Rutledge are his seriously inaccurate statements; likely he was attempting to cover for the fact that Timber State had contacted the City before they ever moved in and the city told them they were an outright permitted uses in this area.*

*Anyone reading this so-called compliance agreement should understand some of the back history behind this ridiculous code enforcement action. Mr. Keith Mays, then the mayor of the City of Sherwood, was attempting to develop a $166.6 million Urban Renewal Agency #2 for the city of Sherwood. It appears beyond question that when asked by County Commissioner Roy Rogers, "do the Clauses know about your inclusion of their property in this so-called URA #2, if it wasn't a positive answer of yes it was as slimy and slick answer as you can imagine giving the impression to all that the Clauses approved. We believe this is a major motive behind Mr. Rutledge forcing us through continual harassment so we will submit to building Cedar Brook Way, which destroys the value of our property in many ways-- not simply by an exaction-- it also violates the State of Oregon's Constitutional provisions for compensation of taking of easements. His behavior appears also as an attempt to cover up open misstatements in public meetings—contrary to his claims-- this road will do damage and must be paid for in coin-of-the-realm if the city carries forward with its road plans.*

*If that is true, or the bulk of the statement accurate, the city may have a violation of the qualified sovereign immunity granted under the US Constitution. In other words, it's a case of entrapment with false statements trying to wiggle May's out of the position of where his loose and inaccurate statements have taken him.*

*As I have reviewed this document, I remember a remark made by former councilor Dave Grant when he said he had an industrial site that was nearly impossible to develop until the staff, led by Julia Hajduk and Bob Galati, gave him the necessary exceptions to have a developable site. That summarizes your problems in Sherwood. If the staff was directed to help then you are ok—if you don't believe it look at the latest LUBA hearings on the Langer request for huge exceptions and variances and look at the alleged research that supports that farce. To further explain—when we objected to Wal-mart and*

***its lack of public hearing process, Councilor Grant said, "what's wrong with you people? Retail breeds more retail !" Population, density and income has nothing to do with retail success—it's just more retailers that lead to more retail growth. Why comment with such sarcasm and laughable remarks by a city councilor? Simply, because we now know that Eric Rutledge has been instructed to deal with some high-profile people in Sherwood—oh, nothing like "targeting" some citizens you understand—in Sherwood it is just business as usual. We had better change our charter to show that: We, the city will promote and protect public health, safety, welfare, occasionally morals and aesthetics and we already benefit the political friends with zoning exceptions of ex-mayor Keith Mays and will continue to commit such acts of zoning favoritism as we deem to do so.***

***Now, on to the interspersed comments about the staff's "Compliance Agreement"***

## COMPLIANCE AGREEMENT

This Compliance Agreement ("Agreement"") is entered into by and between the City of Sherwood, a municipal corporation of the State of Oregon ("City"), and Timber State Drilling & Construction Co. ("Applicant"). The effective date of this Agreement is _____ ("Effective Date"). The City and Applicant may be referred to herein individually as a "Party" or collectively as the "Parties."

***Comment: The tenant signed this agreement under protest because of its confusion and inaccuracies, and plain extortion by the city. Please note you stated very clearly several times this agreement is between the City of Sherwood and Timber State Drilling and Construction Company. This it is not in any way between the Claus family as a third party. There is one thing clear from Rutledge's acts: it is financially dangerous and personally putting yourself at risk legally to do business with the Clauses since they are one of those "high profile" citizens that we are going after.***

## RECITALS

**Comments: the sloppiness of some of the accusations made against Timber State Drilling are embarrassing, and if done in every day conversation would be considered a comedy act. First is Mr. Eric Rutledge's due diligence. He stated they were construction yard or a truck storage yard and that was completely totally illegal and it needed to go away immediately. And he stated he had very specific HOA complaints that he was only doing his duty. One apparent fabrication of fact after another and always because Mr. Eric Rutledge assumes he can practice law without a license, which may be accurate in this case (we don't know), and that he is doing a public service for the ex-Mayor and harassing the Claus family into cooperating and giving away their property so that it does not compete against Friends of Keith Mays. That's our opinion and belief. But then other incredible problems emerge.**

**Mr. Rutledge's management style is to run on threats and very careful verbal statements even when he is on legal thin ice. He is similar to the legal counsel we now have in Sherwood that it wasn't his fault he didn't do his homework to determine that there is constitutional amendment in the State of Oregon's Constitution, not merely the United States Constitution, but the Oregon Constitution, that protects easements from regulatory takings. Without compensation in the form of coin-of-the-realm, even a superior access does not take away the obligation to pay under the Oregon Constitution.**

**So, every time he talked, or he writes something that he only requires Timber State's signature, he doubles down on his assumptions that are frequently totally inaccurate about activities that at best he is ignorant concerning.**

**Mr. Rutledge has repeatedly said-- absence any meaningful dialogue-- that the rear building is for residential use only. I do not remember the full story, because the building which is a Class A commercial building, was built by one of the major contractors in the State of Oregon, the permit issued did not want to get in conflict with the public policy that we allow legal nonconforming uses for the older residences, such as the Claus family (who is the largest donor to the city and who raised six children in the school system), and would not have a conflict of living on a Commercial property as well as operating their businesses. And they extended the residential use so it would not be confused with the commercial in the building permit so would not be confused with commercial only. That is additive, not subtractive to the uses. Those were the days when the Mays crowd did not run the city and were citizen friendly.**

**There was a time in the city when we had mayors, who were courteous and longtime residents in some cases themselves and weren't so ready to try to cut a landowner's throat or their property's value. But Keith Mays, in our opinion his belief has been the worst mayor we could've possibly had for Sherwood.**

**He destroyed the National Wildlife Refuge expansion and development, again our opinion and belief and if you have any question he has favorites in this town, look at the last Land Use Board of Appeals (LUBA) decision. It is so far-fetched what the city granted to friends of Keith Mays, and one of the family members sitting on the City Council when they both denied that they were rezoning the land for a shopping center called Walmart, it is ridiculous. Any review of the federal law starting with the *Nectow v. Cambridge* case in 1929 knows that exceptions are not the rule. But again, we have Mr. Rutledge trying to harm our real estate interests without rhyme or reason in changing his story about as fast as a dog gets rid of its fleas.**

A. Applicant leases certain real property located at 22211 SW Pacific Highway, Sherwood, Oregon 97140 ("Premises").

***Comment: I'm surprised that you are suggesting Timber State is renting 6 acres and a whole series of buildings. That's just not true. They are renting a small part of a commercial building that has multiple safety doors, ventilation and insulation and for all practical purposes appears to be built to the strict standards of the building code in this existing building. There are no deflections of any kind in the structure or problems. You have to find some language to use there because they are one of a number of tenants on that property which is also the Claus family's home and business for nearly 40 years.***

*This is one of the more baffling approaches that have led us and/or leading us to file a complaint against the city. For some time now this property has been protected in its easements and an adjacent parcel we own has another set of easements to enter 99W. These are not incidental pieces of the bundle of rights and they are incredibly valuable for the property and clearly show that they allow by law entrance and exit to Pacific Highway. It is because of that we believe we are being attacked as an entity because the City of Sherwood has used this as a reason to attempt to shut down these easements and force*

*us to pay for and build Cedar Brook Way at our expense. This is in spite of the fact they been warned that these actions and the method was there requiring Cedar Brook Way to build has been denied by the Washington County planning department and transportation services as them requiring it or having any responsibility for this local road demand and the state ODOT department is said the city's plan with Cedar Brook Way is threatening the use of the Claus easements in part or whole. While there's no question the third easement which gives us the right to okay any frontage roads such as Cedarbrook way and could be litigated and paid for in just compensation—not some future credits that expire in "x" number of years—but by coin-of-the-realm. The city is attempting to keep this highly developable property off of the market in order not to compete against property owned by friends of the mayor and ex-Mayor Keith Mays.*

B. The Premises is zoned General Commercial.

***Comment: It is zoned Gen. Commercial but for heaven sakes because our family has lived in that property for nearly 40 years and own a series of other buildings on the property, it also has legal nonconforming uses and that's been confirmed repeatedly by remarks of the governing bodies of Sherwood.***

*It must be added here that it is somewhat nearly unbelievable that the city of Sherwood would send someone such as Eric Rutledge to try to harm the utility of our property when they are deliberately conspiring not to allow it to be developed to its highest and best use. This property is developable as a unit with two entrance and exits and it has multiple uses.*

*When we first moved onto the property the first mayor of any significance was Walter Hitchcock and we went to him and told him given the GC zoning that City Manager Jim Rapp was planning, would the house have to cease being used as our home? And the answer to that was and is that if you have a nonconforming use on a property, it would and it is in use or to be developed later it is a legal nonconforming use. And we have continuously operated our businesses including storage at the property. Additionally, the zoning allowed lesser intense uses such as multi-family in the GC zone.*

*It is this slander of title that Mr. Rutledge is attempting to promote himself within the structure of the city, which is our belief and opinion. Obviously, we will need to wait for the depositions and interrogatories, to be able to segregate out some of these outrageously inaccurate statements he has made in and around this "Compliance Agreement".*

***Comment: no one in the right mind denies that on our property – that is our home property where we've lived for nearly 40 years, and the Shannon property next door, and the other property we own along the highway is zoned General Commercial. The Elks Lodge and its 20 or so acres, is not zoned General Commercial.***

***I guess we should say we should excuse Mr. Rutledge as being the new kid on the block. And I certainly hope that is all that has driven him to go as far astray from standard policy that no less than three mayors, (conditionally one is very ill and does not want to get involved in this unless it is absolutely necessary), are saying does he not understand that we have allowed the pre-existing uses even if it is a trace or a hint of other uses in the general commercial zone such as your home, it is legal nonconforming, and we have allowed as we did on the Shannon parcel legal nonconforming to expand.***

*I do not want to go into the history of the legal nonconforming issue because we have enough testimony now to go to court and turn over these vicious allegations by Mr. Rutledge, but I do wish to finish with another remark.*

*We have been opposed to Keith Mays as a politician from the day he started moving into the circles and gleefully permitting chaos. We helped other candidates run against Mays and beat him. For instance, ex-chief of police Bill Middleton gave him his answer thoroughly thrashing the vote count enough that even Mays started to get a hold of the idea that he's not very popular. Except with certain special interest groups that he has committed one political favor after another. The industrial area was expanded into the retail commercial area by zoning sleight of hand and purposely misleading the public who the users were to be.*

*But what I personally think the main problem is that Mayor Keith Mays has granted to his political supporters incredible expansion of retail commercial use in industrial zones. Both Walmart and Home Depot plus all of the illegal new structures across the street are examples of this intervention by Mayor Keith Mays on behalf of his political supporters– but here's a real problem.*

*The Claus family controls the only three legal deeded access easements to enter what is known as 99W or Pacific Highway. The value of these easements is staggering. Anyone who questions that should take a look at the litigation that occurred when John McCulloch was the chief litigator for the State of Oregon Justice Department. He wanted the Oregon Courts to say if the state gave equivalent or better easements or really didn't devalue the easement by taking it that the state did not have to pay the landowners. I was present and chairing the meeting at the National Academy of Sciences for the Transportation Research Board when this litigation was discussed. But McCullough tried to break the law and come around this matter. It didn't work. The bottom line?: The entity that tries to take an easement has to pay for the easement.*

*What am I saying in that statement and example? Well, it's simple. Mays has deliberately constructed the routing of Cedar Brook Way so that it destroys all of the buildings we have on the front of our property: our offices, our house, the storage, etc. and cuts off the back at 3 acres from being able to use the highway easements at 22211 SW Pacific Highway. And Mays states that sometime in the year 2040, assuming the $167 million URA #2 is not drawn they will build Cedar Brook Way starting at Handley Street and route it all the way to the Elks Lodge site.*

*That's a very clever way to get around saying I'm putting a restraint of trade and alienation of your property as these moratoriums are and leaving Mr. Mays in the position that he doesn't have to face lawsuits for his attempt to restrain the most competitive property for Commercial uses left in the city of Sherwood that would impact friends of Keith Mays. And in my opinion and belief, the new Community Development Director is the best member on his team to accomplish this.*

C. The building permit on file for the building and enclosed carport on the Premises indicates only residential use is permitted. (Exhibit A) ("Building Permit").

*Comment: that is not my understanding and other individuals who are familiar with this building. The word residential was added to so there would be no confusion so it could be used residentially too.*

***If you look in the definition section of the latest regulation, you'll find carports not defined. Therefore, you must go to the third edition of the Webster dictionary to find a definition. I will leave that to your auspices. This is a class I industrial building of 5000 ft.² that is completely vented and insulated with multiple doors and windows and has been used for a number of uses such as repair of our equipment as well as vehicles repaired in this building over the period, we've own it and we are told we have two former elected officials willing to testify to the same.***

D. On January 13, 2023, the City conducted an inspection of an alleged Code violation on the Premises.

***Comment: this is almost an unbelievable statement that you conducted an inspection on January 13, 2023 which is basically one year ago and you conducted an inspection of the alleged code violations on the premises. Timber State has no knowledge of that so-called inspection and in copying this letter to the Clauses they said no inspection occurred and you cannot produce any proper notice for that alleged inspection.***

*I concede the US Constitution may grant less freedom of speech than the state Constitution for Oregon, but I fully believe the 11th amendment of the U.S. Constitution which has qualified sovereign immunity also applies to less than truthful statements. And outright fabrication of fact as this statement is, in my opinion and belief, may put a different light on the action we need to take against the City of Sherwood and Mr. Eric Rutledge.*

*And why do we say this because we are in process of filling out a complaint to be brought to your attention and the attention of the City Council that the City of Sherwood is the first known example known to Prof. Robert James Claus PhD that has used urban renewal to convert farmland that was in tax deferral into an area to build a shopping center and major streets appearing all the be paid for by urban renewal funds and to start urban blight in other areas by their exceeding the allowable square footage of consumption for the people in Sherwood. In other words, Walmart draws in urban areas generally from 7 to 9 miles and is a category killer. On moving into the site, their arrival closed a grocery store and other small businesses. The movie theaters now have been closed by their entertainment center and new road pattern. Many of the Langer uses have been given special privileges under the zoning code for expansion. For a careful look at such breeches and zoning allowances and disallowances, you should review Nectow v. the City of Cambridge, 277 U.S. 183 (1928), a US Supreme Court decision on variances. Clearly something is amiss.*

*It's nearly incomprehensible that Mr. Rutledge is willing to make what look to be false and misleading statements. He has told me point blank that he's never entered the property and yet he forced Timber State Drilling and Construction to sign falsified statements or he will fine them retroactively and pursue the death of their business I presume. In other words, he is using the police powers not to promote and protect public health, safety, welfare and occasionally aesthetics or morals, he's using it as a legal hammer to drive these people out of business. In our opinion and belief the majority of these actions are politically motivated. There is no question Mays and the other councilors have put our*

*property into a 20-year moratorium and they are already running out of the 166 million dollars and made the property undevelopable. The alternate solution to this moratorium for the property was simple. This is either a pure political hit back by Mays and associates or is an attempt to devalue our property after we spent $100,000 for the fifth time trying to develop this property. They are suggesting a 64 ft dedication for a 90 foot Cedarbrook way which automatically cancels the deeded easements. We are to be willing to run a road through our home at your expense because, if we will tear down the house, give up our easements, add extra infrastructure maybe at some point we will be able to use a small part of the remaining "orphaned" land. In effect we are to gift the property to the city after years of work and no suggestion of any kind of treachery. See Monterey v. Del Monte Dunes at Monterey, Ltd., 526 U.S. 687 (1999).*

E. On January 24, 2023, the City issued correspondence to Applicant, alleging violations of Sherwood Municipal Code sections 16.02.030 and 16.02.040 (Exhibit B) ("Warning Letter").

***Comment: this is another one of the problems that you running into in dealing in this whole matter. There is nothing attached as Exhibit B. I cannot respond to an exhibit B when there is none.***

*As mentioned in the first part of this comment, you cannot respond to this kind of matter because the city official is willfully making false statements. Now whether or not qualified sovereign immunity of the U.S. Constitution 11th Amendment and related laws in the state of Oregon allow him to use these kinds of fabrications for negotiation are a matter of administrative and/or judicial hearing, is one matter. Another is these exhibits are not part of the agreement and may not have even been sent out.*

F. On February 21, 2023, Applicant presented testimony regarding the alleged violation to City Council.

***Comment: the only time the applicant appeared in front of the City Council was in the 4-minute community comment period. And it was simply an introduction to the City Council to explain the nature of company that we are minority owned and generally employ living wage jobs for minorities and others. It's actually little embarrassing to falsely suggest we discussed the alleged code violations with the City Council since the 4-minute community comments are not interactive according to the mayor—the Council provides no question and answer or responses.***

*Timber Street drilling and construction talked to the City Council. It is unbelievable that Eric Rutledge never once said he had talked to them or was working with them in any fashion. If my memory serves, I believe Rutledge was in the room when this public comment occurred. He simply allowed the City Council to draw the conclusion they had located there and they were trying to use the "orphan" criminal defense for an individual that had killed their parents. "I'm a poor orphan and I need you to cover my sins and grant me mercy". That's not what happened at all here. He called in and they knew there had been uses like equipment repair on that site, construction, offices, etc. and they told him in the office he was permitted to open up his businesses in that site. And it was only later when Eric Rutledge tried to take advantage of his staff's own mistake and punish these people that he started to try to find a way out of the mistake he made. Mr. Rutledge apparently explain none of this to City Council.*

*The City Council meeting is not open public debate. When we first moved to Sherwood it was the classic city manager managed city. Robert Moses in New York is the prime example of this kind of staff who run process with oversight by the elected officials. He had starling results until Jane Jacobs came along and changed the process. At that time, the Sherwood council meetings were an open forum and the rule was as long as you're not repeating yourself you can continue to talk. I personally have seen 45 minutes or longer in the public comment section and here the councilmen and mayor directly interacted with the citizens during public comment. But the city manager strictly controlled the staff and elected officials could not interfere. That all started to change with Walt Hitchcock.*

*With the advancement of Keith Mays to Mayor behind mayors such as Walt Hitchcock, (who was our first great land speculator as mayor – he purchased, at pennies on the dollar, a large block of land through the local improvement district that was zoned light industrial with frontage on Sunset Boulevard when Sherwood had the original concentric ring with outside spokes and the classic central business district development). From that time to the present, whenever Mays and/or his associates have been controlling the City Council, the public comment portion of the agenda is a rude and non-interactive process. In fact, in a recent meeting, when I was asking confirmation of a simple observation, the mayor asserted to all: "this is not a Q and A session." I asked what Q&A was and he said, "I mean question and answer session. You got your four minutes. Now sit down and be quiet."*

*They've also altered the charter from a city manager run government to a Mickey Mouse interaction by the staff with the mayor making tremendous behind the scenes decisions.*

*Anyone who would attempt to assert that the public comment period is a public hearing needs to attend some sessions on remedial information about what a public hearing is for the applicant and the responsible elected officials on land use matters. Timber State has never been granted a public hearing and the one or two private meetings we attended, with Eric Rutledge as the so-called discussion leader, where Mickey Mouse sessions were not civilized and on point questions were not even attempted to be answered. Sherwood meeting behavior would do very well in the Soviet Union or is it now Russia?*

*In Canada, in many land use matters they exclusively use hearing examiners. While the Canadian citizens have turned such powers to elected officials, they have also insisted on equal treatment of all citizens hence they make the hearing examiners files open to the public and it must be in writing. I am very upset that I cannot even find some of the definitions in the land matters; Rutledge invents terms as needed without authority or proper background understanding.*

*It's nearly impossible to believe that in individuals such as Eric Rutledge who would have a session with old time citizens, landowners, donors of many assets to the city and when one of them said suppose the building will meet structural tests and it is only automotive repair, how many parking spaces are the minimum required and what is the maximum number of parking spaces? To which, Mr. Rutledge in his flash of leadership screamed and shouted but he didn't dance, and he said "this meeting is over with." Three times. It is just too damn bad General Custer couldn't yell at the Cheyenne and Sioux Indians, "Damn you the fight is over—go home!" The Indians could go home and he could declare victory. It was such a shocking behavior he had to scream that to fellow staff members twice before they would leave the room. I'm beginning to believe that Mr. Eric Rutledge may be the*

***follower of the maximum in certain societies of quote: "show me the person and I will show you the crime." It's really disgusting in my opinion the belief what he is putting out as fact and definition as to what is a public hearing and there's no greater Testament that stands as a monument to prove him than this so-called compliance agreement.***

***There are several points that come up at this assertion. Civil servants and the lawyers basically have a get-out-of-jail-free card in their ethics control. And of course, this all harkens back to US Constitutional 11th amendment which unquestionably grants some form of sovereign immunity to public officials who willingly, to knowingly, utter false statements. In my opinion and belief and most ardent hopes to pursue democracy we must issue qualified sovereign immunity. If the staff can be shown to fabricating facts the qualified sovereign immunity should be voided. They inspect a building and it violates something. There is no way to go back on the staff because they have qualified sovereign immunity. This is bad politics, bad democracy and leads to Boss Tweed behavior. This type of behavior in Sherwood must be removed.***

***And please understand the scope and extent to which this "get out of jail free" card takes the individuals who work for government entities within the State of Oregon. We have had cases where the city engineer made an absolute false statement on the requirements when building a house and Clean Water Services could not explain his error, any more than that until Tom Phillips from the State of Oregon called him and said that it was code compliant and it cannot be ordered differently. But in the end, it didn't matter because the staff had forced the builder (out of fear of further retribution) to comply with a multi-thousand-dollar request that harmed the entire subdivision. So, what is the point of civil servants who have arbitrary rules? I'll leave that to your knowledge.***

***Years ago, Philip Wylie wrote the classic: Generation of Vipers. Cities were dumping sewage and worse in the public waterways. Put another way, 60 years if you wanted to fish on the river, you had to go 60 miles downstream before the water wasn't toxic. Sovereign immunity is a worst disease than polluting water.***

G. On March 7, 2023, the City responded to Applicant's testimony by issuing correspondence to Applicant, detailing and explaining applicable provisions of Sherwood Municipal Code. (Exhibit C) ("Testimony Response Letter").

***Comment: there is been nothing attached to this document you have sent to Timber State and frankly I don't have any idea what in the world you're talking about. How could anyone sign something that is appearing to be and well may be falsification and mischaracterization.***

***I have never seen anyone in my years working in urban planning that is been willing to fill out a statement and document with this many false statements as Eric Rutledge. He clearly believes sovereign immunity is absolute even though they are the "sine qua non" for Timber State locating in a small area of a larger parcel. He would have you believe they just started the business that he discovered that. And that is false and misleading and he is deliberately trying to construct a record that lets him get out of his and his staff statements and assurances, in my opinion a belief.***

*COMMENT: I've never been more troubled in my life than the conversations we are having with Eric Rutledge. Some of the remarks have troubled me as a professional and former university professor. Just because you have the legal protection is not a real reason for ignoring the law. Mr. Rutledge tests the limits of sovereign immunity. But that is nothing new when Mays was mayor some of the outrageous conduct of two employees in particular in my belief and opinion were completely utterly outrageous.*

*At the risk of being overly pedantic, consider the following remarks.*

*What we have had to put up with would literally amount to trade libel and constant interference with the operation of our properties that conform to our insurance policies. The tortious interference that occurred on the trees and is now occurring on a building that was built to the highest standards of commercial retail and passed inspection and was then run in code compliant electrical services as inspected by Washington County electrical department, must suffer through the outrageous statements that it is a carport.*

*Now this brings me to a very serious comment. Supposedly this is a land-use planning document and while the city does use hearing examiners in certain cases, that's not the case here. So, we investigate the land-use planning code which supposedly tells you or informs you what activities you can conduct on a property and any citizen with similar education as some of our staff as should be able to understand. Now it suddenly becomes ridiculous.*

*We have the building code and we have the definitions in the zoning or building code. Now let's stick just with the zoning code for a moment and understand what our objection is. First Mr. Rutledge doesn't hesitate to assume authority that he's not granted in any of the documents. We do not know if it was Mayor Mays but we do know that he was not the full city Council and he could not amend the code without any public hearing the land-use planning document or without an attending public hearing and following the public process.*

*But, what he can do behind the scenes and in other way is prejudice the process to the degree that one cannot obtain a fair hearing. But in my opinion his actions fly in the face of 14th Amendment due process law is in the U.S. Constitution as well as numerous other rules and regulations.*

*Where does Mr. Rutledge think he has this police power coming to libel and slander buildings and start with false assumptions when he goes after what he alleges is a code violator, makes false statements about an HOA objection and proceeds to obstruct a fair hearing. I say this is as a cautionary note because I really believe that Mr. Rutledge should step down and back off of any further action in this current issue with him and Timber State.*

*This is one of the more difficult comments we have to make on the code and process. It is an increasing problem in the United States. What Mr. Rutledge is*

***playing around with is application of police powers on general land use planning matters. In that case, it is generally assumed that the assumption is the citizen is guilty of the accusation of the statement being made. And the burden of proof is improper or the statement is true. It is assumed without any trial or judge or jury that they are guilty. Therefore, you carry the burden of proving you either didn't do it or the law in question is improper. Many years ago, I changed that position on land use planning in signage. Mayor Pete Wilson agreed with me that signage is speech and should have intermediate or strict scrutiny and the state carries the burden of proof. Mr. Rutledge abuses this terrible power he has been granted and he is further protected by the veil of sovereign immunity. It is unconscionable that the city makes a mistake and dictates Timber State to locate and then tries to take advantage of their own negligence. I have had one discussion with a Supreme Court Justice about the legal action that changed the burden of proof in some instances because he said you are putting a burden of proof on the state.***

***After being okayed by the head of the Stanford alumni association, my question to him and others was where do you end the 11th Amendment? First you pay to go over your plans. Then they make suggestions. Then they can have trouble over any building out. It costs the consumer thousands of dollars for useless acts and now you wish they could get a get -out-of-jail-free card. I believe now as I did then, so let me make the remark more to the point of this issue. We carry liability insurance on the building that the city directed on its building specifications. Washington County did the electrical inspection. Rutledge calls the building an awning and implies that the building is being used in a structurally dangerous fashion. What happens in a case that the insurance company we pay uses his statements if anything happens to the business it means we may have no insurance. Look at what happened with the trees. His process is putting exclamation points to his reckless and dangerous behavior.***

H. Applicant was given 6 months from the date of Testimony Response Letter to reach compliance with Sherwood Municipal Code.

***Comment: the problem with this letter is that you use January, February, and March days and then suggest that they were given some agreement and had six months to occupy the building. That's not what was understood to have occurred. There was an understanding that a period of time which is now well over 14 months that they would have in effect a conditional use permit and if there any complaints with the neighbors such as the Vineyards HOA that would be taken into consideration.***

***Rutledge then came forward in a statement with me that the HOA had issued a written complaint. I contacted the HOA and he was visited directly by the homeowners Association official contradicting his complaint statements. They have no objection whatsoever and have not filed any written complaint that the city can identify from any member of the HOA. Rutledge also has never produced any written complaint. In other words, I'm not sure if a public employee can commit perjury or if it's just bad memory on your part but there was no complaint that started Rutledge on his march.***

*Again, I will reiterate what I've said in the two above paragraphs. It was my understanding that he was going to wait six months and grant a conditional use permit for this use if there were no neighbor complaints. He could not dispute for a moment that it was automotive repair. It is per se a legal use of automotive repair. The question is because they work on their own vehicles on a regular basis in order to be able to stay in business whether or not that is a truck storage or not. If you wanted to offer the question if we could locate the vehicles to repair there, I'm sure Timber State would've had no trouble accommodating him. But this is a search and destroy mission by Mr. Eric Rutledge to cover up his mistakes in my opinion and belief.*

***COMMENT: I seriously wonder, and I'm not trying to be sarcastic about this comment but he needs to come forward, if he really thinks he has the training and the discipline to use police powers to harm people's fundamental civil rights. Some of the statements he has made of been outrageously inaccurate and when confronted by the HOA, he always backpedaled his way out: "all you have it wrong--- that's not what I said." That's not the act of someone who is not willfully committing bad actions. That is someone playing the game of sovereign immunity and messing with someone that he doesn't like and/or someone in the administrative or elective realm of Sherwood has instructed him it is okay to cause all kinds of problems with the property.***

***He can even get his facts straight. Timber State has been in a portion of that building and parking for a different period than six months. He sat on his hands and did nothing and then started throwing out dates and times. I can't even conceive what's going on with this man.***

I. This Agreement sets forth the agreed steps to be executed to meet the requirements of Sherwood Municipal Code.

***Comments: I'm very sorry to say this but in my opinion and belief Eric Rutledge does not like Hispanics, and he is backdating his files to support his condition to want to throw them out even though in fact we are a conforming automotive repair use. There may be one or maybe some issue with the gravel, which appears to be a completely solvable problem.***

***Mr. Eric Rutledge's "management" of the issue is offensive. He and his staff induced someone to change position in reliance upon their commitment, and there are no complaints being brought by the neighbors in the adjacent Vineyards subdivision. When these fabrications were discovered about the false statements about the HOA objecting to this business were discovered, Rutledge quickly changed his story. I would expect that from a highly mature 6-year-old. At a point when you get caught with your hand in the cookie jar the safe thing to do is to just say you made a mistake and then try to correct it while minimizing the damage. But when you and your staff induce someone to change position in reliance on their commitment and you do not make it conditional and move toward a solution to the dilemma, you worsen the situation.***

*His style is not to move toward a solution. As soon as he found out he was losing the ground and he couldn't get Clean Water Services to say exactly what about some of the gravel that was a problem. He could only tell us: they agree with what I'm saying is the problem and I'm saying what the problem is, is the problem. Sophistry beyond words. And at no point does he take any consideration of the grief he's bringing to a minority business who in point of fact he may drive out of business because although they have survived the*

*so-called danger zone of new business start-ups, they are still at risk. At four years or so, 75% of small businesses go out of business. He could force them out of business now and it is bringing in my opinion and belief to be the reason he is carrying on in the fashion Mr. Rutledge is. In short, he needs adult supervision and oversight by the Ethics Commission is likely the first step.*

***Confidentially again, we are all very sorry to say this but in our opinion and belief, Mr. Rutledge may not like Hispanics. And that may explain his backdating's files to support his conditions who wants to cause them great financial harms and get them thrown off the property. By my definition and what is in the code they are an automotive repair use. The only question is how many vehicles can they park there and under what conditions can cars be parked to be repaired, can they remain while they are waiting for parts to arrive and what other vehicles can be parked on property.***

***The second comment refers to public policy that the older residents that have had nonconforming uses and can expand them to the maximum and let them retract down from the maximum and reach the end and back to full use. Mr. Rutledge seems to want to change public policy. In my opinion if you want to start carving out that act and saying you can only have conforming uses you a better hire more than one attorney to try to implement that policy-- and you better hope at the next election that no one runs against the current city Council. They simply won't be around. This is an old town and we can talk with some of the newcomers who want to try to make their fame and fortune such as Keith Mays' style, but there gets to be a point where you have had just enough of Walt Hitchcock, Keith Mays and Mays' political friends.***

***I have never met anyone that I work within the planning that I have considered to be as mixed up in his decisions as Eric Rutledge. And I don't say that to be complimentary either.***

***I believe the entire principle here is they have suddenly discovered that the State of Oregon's Constitution prevents the taking of vicariously or directly of easements without payment of coin-of-the-realm. I believe even the attorneys who have consulted with the staff and said even if Cedar Brook way is an exaction, you have gone around that problem and will have a chance have a court hearing by saying you are going to pay for the road in 20 years. The 20 years of course is not a "moratorium"-- it's just "reasonable." There is no way to develop your property, while Mays friends develop the Langer property completely. The point here is this is a restraint on alienation and restraint on trade.***

***Now I certainly know that all of the lawyers need to screw any and all citizens at the will of the elected officials in order to become rich and retire to the San Juan Islands. But I also know that you better not count on that as public policy. In the confines of the United States and under the Tucker act, Title 42 USC 1983 and 1988 and the 14th amendment of the U.S. Constitution such actions are bad policy for everyone except the Oregon lawyers that line their pockets at the expense of the property owners. That is not all of the time because obviously the other applicable lawyers defending the property owners are the same greedy crowd.***

**AGREEMENT**

In consideration of the foregoing Recitals, and incorporating all of the above Recitals by reference in this Agreement as if fully set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

# RJ DRAFT REVIEW 1-31-2024

***Comment: I attended the meetings and I have had conversation with the city staff and you are fabricating this "agreement" from whole cloth out of the air. We've never had an agreement on all of this in the ways you are suggesting and there was no documentation to Timber State or to us that would confirm what you are suggesting.***

***Rutledge is using this document to frustrate and short circuit due process of law entirely. There are two aspects to the land use planning: administrative and judicial if you are not satisfied. He is cutting them off from the process and playing judge, jury and executioner. If the city attorney doesn't curtail this process, we will be forced into filing another bar complaint against the city attorney—the city's Chief Legal Counsel.***

***Where did Rutledge get his definitions? There is no record of anything other than making it up.***

1. Compliance with Agreement. By no later than January 31, 2024, all outdoor contractors yard use must cease, and the property use shall be in full compliance with those permitted under Sherwood Municipal Code. All vehicles and equipment associated with Applicant's business (Timber State Drilling & Construction Co.) shall be removed from the site and building.

***Comment: this agreement which is never been presented in its entirety so it can be taken for proper legal review, has simply parts that appear to be made up by you. You are now telling Timber State that they must remove all vehicles and equipment associated with their business and they shall be removed from the site and the building.***

***Comment: Mr. Rutledge prepares a document that is fundamentally inaccurate and then he puts in a severance paragraph. So even if the whole document is garbage but for one or two paragraphs, he has something that the individual signing this has agreed to. Now we have January 31, 2024, as the slamming the door date and prosecution of a company that was willfully misled to locating in Sherwood by Mr. Rutledge's staff.***

***Kristallnacht was an interesting night in Germany. And I can guarantee you this agreement would've been a good additive for the German legislature. He is now claiming that since he has made repeated threats never in writing always verbal of "massive fines" per day from the day they occupied the site he will go to court and prosecute them. He said he can selectively take any portion he wants to prosecute—I hope no one seriously believes that's not an outrageous statement about what is an ultra-varies activity. This is clearly beyond the scope of his employment. But I draw this your attention because it is typical of what appears to be Mr. Rutledge's modus operandi.***

***He is implying and not having a process that can be understood.***

2. Time to Complete Restoration Plan. By no later than March 31, 2024, the property shall be restored to pre-lease conditions. All gravel associated with business operations, apart from the drive aisle, must be removed.

***Comment: it is my understanding that in discussions with Clean Water Services which was taped and recorded, you were agreeable to finding alternate solutions on the gravel if they vacated the building by your deadline and there would be no penalty or fine involved. You seem to be saying that you are reneging on your agreement again.***

***COMMENT: Mr. Rutledge sat right in the meeting with Nathan and myself with my wife listening on the telephone and said that he was willing to modify the gravel problem if there***

***was no objection by CWS. And the person on the teleconference from CWS did not object. I believe he retires soon and just has decided to leave the building a little early. But Rutledge didn't see any reason that the gravel requirement could not be modified. And he would consider doing that.***

***He said he will work where the gravel can be stacked on sight.***

***If you look at the adjacent properties, no one has completed a process and had to install plants, etc they said the property is at least 200% over planted.***

3. City Inspections. City staff may complete inspections to confirm any and all violations have been corrected. City shall notify Applicant 24 hours prior to such inspection by phone and email to _____. If phone contact is not made, an email and voicemail shall be considered sufficient notice.

***Comment: I just have one question-- how are you going to notify Timber State if they are no longer on site? So now you have back handedly brought us into this and given my age and health and the potential of wrongful death suit being filed if I pass away from the pressure, stress, and some of the remarks being made about my conduct, that you may find us directly involved because you are continually putting pressure on us to correspond with something that you're agreeing they are not part of? I recommend you correct that now.***

***COMMENT: Phrases in comments like this are so garbled that it would take Learned Hand, the famous jurist, to make sense of in whole or part. Now Mr. Rutledge wants to turn the dogs loose on us and check all of the nonconformity of the property which is just nearly unbelievable. Either you can write the English language, or he belongs someplace outside of the U.S. Constitution, he might try moving to Canada's far north and learn some local dialects. I just don't understand what he is saying.***

4. Carport and Building Use. The building and enclosed carport on the Premises shall not be used for commercial purposes, including operations for Applicant's business (Timber State Drilling & Construction Co.).

***Comment: you continually ask Timber State to make commitments for the Claus family on property they have used in nonconforming legal ways for years and you are asking Timber State in spite of public policy and existing land use (for instance on the site next door to say nothing of numerous other sites and uses) to write new law. How in heaven's name do you suppose they can agree to something like this?***

*I will briefly add to this material I talked to one of the retired mayors and he said "oh, we are up to that again? I thought that it all been settled and you can have nonconforming and commercial uses on the property while you're waiting for either sale or building the property out. That is one of the strongest principles and then I've talked to two of the mayors for both willing to testify against Mr. Rutledge. He just doesn't understand that in the late 80s Sherwood was headed for bankruptcy as nearly as a municipality can get in its finances. One of the adjacent cities that refused to annex the property because of the severe debt with the local improvement districts when resident construction completely stopped. And so we developed a nonconforming legal use statute." If you wish to list*

*several other properties, I could show you that are nonconforming legal uses such as our neighbor Ken Shannon I will be glad to do that.*

***Comment: according to Eric Rutledge, now carport and building use shall not be for commercial purposes including operation of the business to Timber State.***

***Are you serious we have a number of rental units on the property and we rent them for coin-of-the-realm but apparently in Mr. Rutledge's world unless it is commercial or industrial it is a commercial purpose if you rent the building. That's all screwed up everything he touches is and it's about time that either they run these agreements through the city attorney, so they can be workable, or get competent managerial staff in that have the ability to make competent judgments and decisions without having to keeping lying their way to their truth.***

***COMMENT: And a further question I have is if I do not receive word that the city attorney okays this agreement so I can file a bar complaint I will send it to the Bar Association State of Oregon and ask them to look into some of this broad-based language that apparently went by at least the city attorney's assistant if not the city attorney himself. And this is the same attorney who does not think that the US or Oregon State constitutions need to be followed because he's cleverer than the US Supreme Court. This attorney is not watching this kid who has been promoted beyond his current capacities.***

5. Further Assurances. In addition to the foregoing, the Parties agree that if Applicant fails to perform according to the terms of this Agreement, the City is entitled to seek as damages those damages and fines that may have been assessed against Applicant related to Exhibit B. In summary, the City may pursue damages and fines in Sherwood Municipal Court, including those identified in Exhibit C, and Applicant can defend against those allegations. All rights of both Parties are fully reserved if Applicant fails to perform. Applicant reserves all land use rights as provided by local, state, and any other applicable law.

***Comment: I'm sorry we don't have exhibit B and we don't have exhibit C and I would suggest you get them in touch with those documents immediately. There's no way anyone can agree to something like this given the number of times you were supposedly working on and solving this problem and we now find coming to a deadline you decided upon with your solutions of putting them out of business and fining them.***

*I definitely will follow up with a complaint to the bar saying Mr. Rutledge is practicing law without a license and show you these documents he is drafted. And I hope he can claim they were drafted by the city attorney-- you may need to do that for you so the protections.*

***I have never seen any document anymore ridiculous than these Sherwood documents. You started with supposedly you're working with the zoning code. So you look at the districts zones or land use areas and as one of the permitted uses. Aside from the other sections of the code which are mumbo-jumbo in Sherwood's case, you can look at the definition and if the definition is not there you need to look at the Third Edition of the Webster International Dictionary. And while in the four corners of the document you suddenly find out the brilliance of the staff because accessory, incidental and miscellaneous uses are not in the judge's own restrictions you just have this very clever map or chart that you are supposed to use.***

***When I asked where are the accessory uses, as I did when Mr. Rutledge screamed "the meeting is over with the meeting is over with the meeting is over with" and stormed down***

***the hall, you do not get a comment you get some mumbo-jumbo about how many origin trips are you going to generate a day which then is defined to what is the nature of the mechanical work you are doing. Most of the work that occurs here is meant for one day repair, as I understand it and that doesn't make it true, you need to ask Timber State and their mechanics. But why do you not have for your primary use the accessory use of parking spelled out in some ratio and in some way? Is the staff so incompetent, as it appears they are or trickery which is more likely, so that you can fool around and play games with people you don't like? That's the only conclusion I have been able to come to in reviewing this code. Mr. Rutledge is in the right place.***

6. Notices. Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one Party may indicate by written notice to the other Party.

| | |
|---|---|
| To City: | City of Sherwood<br>Attn: Eric Rutledge, Community Development Director<br>22560 SW Pine Street<br>Sherwood, OR 97140 |
| To Applicant: | Timber State Drilling & Construction Co.<br>Attn: Carlos Villarroel<br>758 E Lincoln Street<br>Carlton, OR 97111 |
| With a copy to: | Property Owner<br>22211 SW Pacific Highway<br>Sherwood, OR 97140 |

***Comment: I understand that you should put us in touch with this information and I understand fully that you expect compliance, which is completely a new condition being put on a small minority owned company. But I understand by bringing the property owner in this and I don't understand how you assume you have a right to enter the entire property when all of the rest of the property has nothing to do with Timber State and is legal nonconforming with several pre-existing uses for more than 40 years. And I would suggest before you start making those assertions to spend a great deal of consideration as to whether or not you want to bring in, if not force, the Clauses into this case you are pursuing against Timber State Drilling.***

7. Integration. This Agreement contains the entire and integrated agreement between the Parties. In case of conflict among these or any other documents, the provisions of this Agreement shall control.

***Comment: this is simply an absolutely improper and false statement. All of the documents you're referring to are not here and Timber State asked you for them and you refuse to get them. And this is been the history and dealing with you that you say one thing and then your documents imply and in some cases state direct things we do not agree were ever said or agreed to initially. You induced Timber State to change position in reliance on your commitments, trusting the City of Sherwood fully. That's come and gone as a trust and factor with you involved.***

***Another problem I would say that needs correction badly is in paragraph 10. Why would anyone agree to go along with the laws and rules for the City of Sherwood and not state and federal laws were applicable.***

8. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their successors, and assigns. This Agreement may be enforced by an action at law or in equity.

***Comment: This is beyond belief what you're proposing. You have induced Timber State to change position in reliance on your commitments, the Clauses have accommodated and tried to work with the city. And now you want the sole discretion of defining what is good faith and reasonableness when if there's any feature that you have proven to be not true it is that fact.***

9. No Assignment. Applicant may not assign this Agreement, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

***Comment: in paragraph 8 you say the parties can assign. This next paragraph you say there is no assignment.***

10. Governing Law and Jurisdiction. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. Jurisdiction and venue for any dispute regarding this agreement will be in the Municipal Court for the City of Sherwood, Washington County, Oregon.

***Comment: there is no way the jurisdiction and venue should be the city's own municipal court.***

11. Nonwaiver. Failure by either Party at any time to require performance by the other Party of any of the provisions of this Agreement shall in no way affect the Party's rights hereunder to enforce the same, nor shall any waiver by the Party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this non waiver clause.

12. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the Parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

13. Modification. This Agreement may not be modified except by written instrument executed by Applicant and the City.

14. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

15. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

16. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

17. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

18.Good Faith and Reasonableness. The Parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City "sole discretion" or the City is allowed to make a decision in its "sole judgment."

***Comment: my wife who believes in good faith bargaining and working together to solve problems so that you minimize the negative impacts while curtailing anything that would be illegal. She spent a great deal of time trying to set up a meeting where she could see the form which is now been completed and accepted for a hearing in January on this matter that should've been supplied to Timber State Drilling and Construction. It was never supplied. We had to force Mr. Rutledge to supply the materials and I tried to stay away from the meeting because of my recent illness. I would really like to avoid a wrongful death suit for the way in which Mr. Rutledge and some of the staff are handling this problem with me. I was too ill to catch Mayor Mays sleights of hand putting us into the urban renewal when we had cash offers for our property from even Walmart and other mall developers that he completely refuses to let us put our property. He's in business of causing trouble for other landowners so that favorites of the ex-mayor and current mayor in my opinion of belief, can go on leasing their inferior property to uses and users that would come into the area on the General Commercial zone on the busiest street in town all things being equal.***

***In other words in my opinion and belief, he's participating in a restraint of trade and alienation of our property. And it is a planned and concerted effort and speaks loudly of why sovereign immunity is becoming qualified and why in certain municipalities this kind of restraint of trade and alienation is looked at is what it is being delivered as: an attempt to harm the non-politically associated so that someone such as the mayor and now counselor Mays can shower zoning gifts and densities etc. on their friends and political supporters. And this was clearly what happened in Wal-mart and the other uses in the Langer properties. Mays and even Matt Langer who was a member of the City Council should've been reported to the proper state agencies because they were lying through their teeth about the fact it was "not" Wal-mart. They made their Wal-mart announcement after the City Council vote. Ridiculous.***

***To conclude, there is nothing in this that shows good faith and reasonableness. When I ask Eric Rutledge in the meeting, about the pre-app application the moment I said assuming of course that they are automotive repair how many vehicles can they have on the property, Mr. Rutledge refused to answer and unilaterally, and emphatically, closed the meeting. And that speaks to his good faith and reasonableness which is a farce. In my opinion and belief, he is trying to get extra points from the mayor and the ex-mayor now City Councilor for his outrageous activity of devaluing the properties of people who I***

***believe are opposed to and/or dislike the ex-mayor and the current mayor because he believes it will earn him higher wages, bonuses, and promotions.***

19. No Third-Party Beneficiaries and No Assignment. None of the duties and obligations of any Party under this Agreement shall in any way or in any manner be deemed to create any rights in any person or entity other than the Parties hereto or their respective heirs, successors, and assigns.

20. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.

21. Representations and Warranties. Each Party signing on behalf of Applicant and the City hereby warrants actual authority to bind their respective Party. The Parties signing below also hereby warrant that entry into this Agreement and the enforcement of its terms will not violate any loan covenants or other agreements pertaining to any of the land or improvements impacted hereby.

IN WITNESS WHEREOF, the Patties have hereunto set their hands as of the day and year first written above.

TIMBER STATE DRILLING
& CONSTRUCTION CO.
an Oregon corporation

By: _____
Carlos Villarroel
As Its: Authorized Representative

CITY OF SHERWOOD
an Oregon municipal corporation

By: _____
Eric Rutledge
As Its: Community Development Director

**Additional comments:**

**Comment on Area/History: The present state of the properties under question between Meineke and Sunset on the north side of Pacific Coast Highway or what is commonly known as 99W**
**First understand the Meineke intersection was moved because of the related Home Depot zoning corruption. But you start with the Meineke intersection is now been completed and it is not going to be moved back because Terry Keys, city engineer and Ross Schulz the city manager, used about $15 million of Access Oregon money to move the Meinecke intersection from the corner of our property to a parcel of land left by Howard Handley. ODOT had admitted their violation of cooperation with the Home Depot relocation in violation of the city of Sherwood's transportation plan, and granted Sherwood monies to "improve" other parts of the highway system.**

**The Doyle property went through a number of iterations and apparently is still not legal on its parcels. They purchased a small parcel of land previously owned by Nancy and Alan Williams. She had a beauty parlor as well as their residence on that general**

commercial property. When Doyle wanted to increase his parking he had to complete a number of actions including granting large parts of one of the properties a vegetative and slope easement to Washington County Clean Water Services department.

In moving the intersection, the property commonly known as 22211 SW. Pacific Hwy. has two easements 25 feet each for entering 99W. And the frontage of the property is sufficient for acceleration deceleration lanes on the two easements. We have attempted on at least five occasions to develop the property and each time, the city has interfered with the ability to develop the property. The last effort is typical and that we were delayed and since they prepared our applications and proceeded all the way to City Council, where after we were told that staff would mandate the building of Cedar Brook way, which the Department of Transportation's officials had told them will in effect cancel the deeded access easements. And neither ODOT or Washington County Land Use and Transportation division want to be involved with that because of a mandatory/obligatory compensation of the state of Oregon's constitution.

The city engineer pressed on the issue and canceled the development after we had spent over $100,000 cash trying to develop. The lack of a wetlands has been established through the CWS study. The vegetation including a 250% over treeing and has the only standing Redwood grove left in Sherwood, that is been unmolested by the various departments in the City of Sherwood, and exists on the property.

This property has the most extensive uses of any property in the zone between Meineke and Sunset. It has a house that we lived in when our children went to the Sherwood school district and it has numerous other buildings because originally it was the office for a large well driller and had all of the adjacent facilities and some time ago we completed a commercial building in the rear of the building, built by one of the largest builders of those structures in the state of Oregon, and as a courtesy it was our understanding that would allow us even to use it for residential and would not force us to put in exclusively commercial uses.

That is been the history of Sherwood, until we elected Keith Mays as mayor. He started out as a planning Commissioner and that advanced under the direction of Walt Hitchcock who was a principal land speculator in the city of Sherwood. He moved to the city from Lake Oswego and he purchased a large property fronting on Sunset Boulevard that was zoned light industrial. It had also extensive wetlands that he wanted to do away with and sell the property. That was exactly his plan and when the property was sold he moved out of Sherwood to the San Juan Islands in the state of Washington.The Shannon property which is south of the Clauses 6 acre homestead, was originally a chicken farm and it is my understanding the main building was remodeled into an antique mall. And at the same time, we had extensive parking so all kinds of recreational vehicles etc. on our property and Shannon used after the good auspices of years of being friend the politicians and obtaining privileges without survey, without stormwater control, or other requirements that we have on our property. Now that is my opinion and belief.

The original 1 acre easement that is just south of the Shannon property was owned by Marion Hossler and her sister, who were the last of the Elwert family in the city of Sherwood. When the parcels were purchased to extend The Vineyards to include a Phase

**3, Centex, who is now out of the home building business in Oregon, the remnant one acre parcel with 99W access easement was sold to the Clauses. And note that is after it was offered to both Shannon and an earlier landowner named Broadhurst.**

**The larger 4.2 acre remaining property was owned by owners who were out of town and it was sold to Renaissance development and they built a subdivision off Elwert road and extinguished their rights for that parcel to enter 99W; ODOT canceled the easement when the subdivision was developed years ago.**

**So that leaves three functioning easements, that are protected by the state of Oregon's Constitution and all three of those are owned by the Claus family. The Elks Lodge as with the Williams family sold their easement to the Oregon Department of Transportation to enter the highway. Now collectively there is 6 acres of General Commercial with the Clauses, 6.75 or so acres on the Shannon parcel, 1 acre adjacent, 4.2 acres formerly owned by Mr. Broadhurst and sold finally to the Clauses, so that the Clauses have essentially 11 acres of General Commercial property and the Elks Lodge with their Residential zoning make a total of nearly 20 acres.**

To: The Ethics Commission, State of Oregon
From: R. James Claus, Ph.D.
Re: Ethics Complaint against Eric Rutledge,
Community Development Director, City of Sherwood, Oregon
Date: 6 February 2024

To Whom It May Concern:

Enclosed please find a document that the City of Sherwood Community Development Director, Mr. Eric Rutledge produced and used as a finding of fact and supposedly as a "Compliance Agreement" with tenants on our property at 22211 SW Pacific Hwy in Sherwood. I've also included my comments about each of his various allegations and conclusions in the "agreement" he created with Timber State Drilling and Construction and who he threatened with significant fines and court if they didn't sign his document "as is" as it was. They signed it in protest to avoid his promised fines and prosecution. And he threw them off the property.

Additionally, I've also included the current copy of Sherwood's City Charter. I find no place in the City Charter or in the staff directory where Mr. Eric Rutledge is a legal officer for the city—much less the town's Chief Legal Officer.

But what troubles me about this entire incident is that the 11th Amendment of the United States Constitution grants limited and strict immunity to various types of government officials' salaries. The reason supposedly is to protect them so they can go about their job without fear of being prosecuted for mere statements of fact that they believe to be true but are not. Mr. Rutledge knows the bulk of this document is not true and yet he still fabricated it to force these tenants out of the property and out of the city. As far as I can determine, by contacting such groups as the State of Oregon Bar Association and having them check their records, Mr. Eric Rutledge is NOT a member of the state bar: they have no record of him-- he is not a licensed or practicing attorney. Nothing grants Mr. Rutledge the power to rewrite existing law, but that is precisely what he has assumed is his role in Sherwood and he is exercising those self-proclaimed powers in unilateral, outrageous ways.

For many years in Sherwood, we've had a policy that if you've used or had nonconforming uses on your property, even if you convert them to conforming land use zoning, you can convert them back to the nonconforming uses if that effort fails for one reason or another. And that has been the strict policy in Sherwood for years. If the Ethics Commission has any questions, I must ask mayors who will confirm those assertions and a third who said he is so ill right now he doesn't feel he is up to that effort, but he probably would comply with a request. There is no question that in addition to fabricating fact, which in and of itself is offensive beyond words for a salaried government official to try to phony a case against people he does not like, and that appears what this is all about, does not have the right to start correcting prior interpretations by the appointed and then elected officials in the city of Sherwood. In other words, it is ultra-varies for him to assume those powers, and make no mistake, that is precisely what Rutledge is doing. I'm including a rough review of the allegation and statement of fact he's drummed up; it is just a long



2/20/2024 Date
City Council Gov. Body
Citizen Comment Agenda Item
— Exhibit #

run of falsified statements that it appears he ran by the city attorney to ensure his base was covered.

Let me know if you need other materials. I will be pursuing this matter vigorously because this young man will falsify statements any time he sees fit, while trying to commit a crime. In some ways, he reminds me of Stalin's hitman in the Soviet Union, (commonly known as Russia), who said "Show me the man, and I'll show you the crime." That would be fine for Mr. Rutledge to "show me the individual, and I'll figure out something they've have done wrong so that I can prosecute them for criminal activity. And I will make the threats that are necessary verbally to scare any minority business, as he is not, in this case, out of the town of the city of Sherwood.

Please forgive the general format and syntax of this correspondence. I am nearly 84 years old, and suffering from open heart surgery that failed in the last three to four years. Bless my wife, who is recovering from breast cancer and has been subjected to the harassment of this public nuisance for some time now.

Sincerely,

R. James Claus

R. James Claus, Ph.D.
22211 SW Pacific Highway
Sherwood, Oregon 97140

Attachments:

Community Development Director Eric Rutledge's "Compliance Agreement"
Comments about "Rutledge Compliance Agreement"
Sherwood City Charter

# Sherwood, OR
## Code of Ordinances

SHERWOOD, OREGON - MUNICIPAL CODE modified

SUPPLEMENT HISTORY TABLE modified

SHERWOOD CITY CHARTER

- Chapter I - NAMES AND BOUNDARIES
- Chapter II - POWERS
- Chapter III - COUNCIL
- Chapter IV - LEGISLATIVE AUTHORITY
- Chapter V - ADMINISTRATIVE AUTHORITY
- Chapter VI - QUASI-JUDICIAL AUTHORITY
- Chapter VII - ELECTIONS
- Chapter VIII - APPOINTIVE OFFICERS
- Chapter IX - PERSONNEL
- Chapter X - PUBLIC IMPROVEMENTS
- Chapter XI - MISCELLANEOUS PROVISIONS

CHARTER COMPARATIVE TABLE

- Title 1 - GENERAL PROVISIONS modified
- Title 2 - ADMINISTRATION AND PERSONNEL
- Title 3 - REVENUE AND FINANCE
- Title 4 - CITY TELECOMMUNICATIONS UTILITY
- Title 5 - BUSINESS LICENSES AND REGULATIONS

Code of Ordinances


- Title 6 - ANIMALS
- Title 8 - HEALTH AND SAFETY
- Title 9 - PUBLIC PEACE, MORALS AND WELFARE
- Title 10 - VEHICLES AND TRAFFIC
- Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES
- Title 13 - PUBLIC SERVICES
- Title 15 - BUILDINGS AND CONSTRUCTION
- Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

RESOLUTION LIST

ORDINANCE LIST AND DISPOSITION TABLE

CODE COMPARATIVE TABLE AND DISPOSITION LIST modified


‹ SUPPLEMENT HISTORY TABLE CHARTER COMPARATIVE TABLE ›

# SHERWOOD CITY CHARTER

**PREAMBLE**

We, the voters of Sherwood, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

## Chapter I - NAMES AND BOUNDARIES

### Section 1. - Title, Effective Date and Review.

This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2020. This charter shall be reviewed at least every six years, with the appointment of a charter review committee by the City council.

(Res. No. 2019-087, 12-3-2019; Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

### Section 2. - Name.

The City of Sherwood, Oregon, continues as a municipal corporation with the name City of Sherwood.

### Section 3. - Boundaries.

The city includes all territory within its boundaries as they now exist or are legally modified. Unless required by state law, annexations may only take effect with the approval of city voters. The city recorder will maintain as a public record an accurate and current description of the boundaries.

(Res. 05-008 § 1 (part))

## Chapter II - POWERS

### Section 4. - Powers.

The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically stated each of those powers.

(Res. 05-008 § 1 (part))

### Section 5. - Construction.

The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

(Res. 05-008 § 1 (part))

### Section 6. - Distribution.

The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances. The council appoints members of commissions, board and committees established by ordinance or resolution.

(Res. 05-008 § 1 (part))

## Chapter III - COUNCIL

### Section 7. - Council.

The council consists of a mayor and six councilors appointed or elected from the City.

(Res. No. 2019-087, 12-3-2019; Res. No. 2014-077, § 1, 12-16-2014; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

## Section 8. - Mayor.

The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

(Res. 05-008 § 1 (part))

## Section 9. - Council President.

At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

(Res. 05-008 § 1 (part))

## Section 10. - Rules.

In January after each general election, the council must by resolution adopt council rules. The rules must be approved by a majority of the council.

(Res. No. 2019-087, 12-3-2019; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

## Section 11. - Meetings.

The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with council rules. The council shall afford an opportunity for general public comment at each regular meeting. The process for creation of council meeting agendas shall be prescribed by council rules. A number of councilors equal to a majority of a quorum may cause an item to be added to the agenda of a future meeting.

(Res. No. 2019-087, 12-3-2019; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

## Section 12. - Quorum.

A quorum to conduct business shall be defined as a majority of the council and mayor positions that are not vacant. A smaller number may meet and compel attendance of absent members as prescribed by council rules.

(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))

### Section 13. - Vote Required.

(a) The express approval of a majority of the councilors voting on a motion is necessary for any council decision, except when this charter requires unanimous approval, supermajority approval, or approval by a majority of the council.

(b) Unanimous approval shall mean approval by all of the council and mayor positions that are not vacant.

(c) Supermajority approval shall mean approval by not less than five council and/or mayor positions.

(d) Approval by a majority of the council shall mean approval by a majority of the council and mayor positions that are not vacant.

(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))

### Section 14. - Record.

A record of council meetings must be kept in a manner prescribed by the council rules and Oregon public records and meetings law.

(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))

## Chapter IV - LEGISLATIVE AUTHORITY

### Section 15. - Ordinances.

The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Sherwood ordains as follows:"

(Res. 05-008 § 1 (part))

### Section 16. - Ordinance Adoption.

(a) Except as this provision provides otherwise, adoption of an ordinance requires reading of the proposed ordinance by title at two separate meetings separated by at least six days, and approval by a majority of council, which approval may occur at the meeting at which the second reading is conducted or a subsequent meeting.

(1) The text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance of each meeting at which the ordinance will be read or considered pursuant to this section.

(2)

At each meeting that the ordinance is read or considered pursuant to this section, the title of the ordinance shall be read and public comments shall be accepted, prior to any vote of the council on adoption.

(3) An ordinance may be adopted at a single meeting of the council by unanimous approval upon being read by title twice.

(b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.

(e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his veto within 10 days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.

(f) At the first council meeting after veto by the mayor, the council will consider the reasons of the mayor and again vote on the ordinance. If a majority of council votes to adopt the ordinance, it will take effect.

(Res. No. 2019-087, 12-3-2019; Res. No. 2016-073, § 1, 12-2-16; Res. No. 2016-043, § 1, 7-19-2016; Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

## Section 17. - Effective Date of Ordinances.

Ordinances normally take effect on the 30th day after adoption and approval by the mayor, or adoption after veto by the mayor, or on a later day provided in the ordinance. An ordinance adopted by unanimous approval may take effect as soon as adopted, or on such other date less than 30 days after adoption which may be specified, if it contains an emergency clause, and is not subject to veto by the mayor.

(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))

# Chapter V - ADMINISTRATIVE AUTHORITY

## Section 18. - Resolutions.

The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Sherwood resolves as follows:"

## Section 19. - Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval by the council.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at a meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city recorder must endorse it with the date of approval and the recorder's name and title.

(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))

## Section 20. - Effective Date of Resolutions.

Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolutions.

(Res. 05-008 § 1 (part))

# Chapter VI - QUASI-JUDICIAL AUTHORITY

## Section 21. - Orders.

The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Sherwood orders as follows:"

(Res. 05-008 § 1 (part))

## Section 22. - Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the council.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the city recorder must endorse it with the date of approval and the recorder's name and title.

(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))



## Section 23. - Effective Date of Orders.

Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

(Res. 05-008 § 1 (part))

# Chapter VII - ELECTIONS

## Section 24. - Councilors.

(a) At each general election, three councilors will be elected for four-year terms.

(b) No councilor shall serve on the council more than three consecutive terms. For purposes of this subsection, "terms" include terms to which the councilor was either elected or appointed, regardless of whether the councilor served the full four years of the term.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

## Section 25. - Mayor.

At each general election, a mayor will be elected for a two-year term.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

## Section 26. - State Law.

City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

(Res. 05-008 § 1 (part))

## Section 27. - Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor, nor a councilor may be employed by the city.

(d) The council is the final judge of the election and qualifications of its members.

(Res. 05-008 § 1 (part))

## Section 28. - Nominations and Declarations of Candidacy.

The council must adopt an ordinance prescribing the manner for a person to declare candidacy or be nominated to run for mayor or a city councilor position.

(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))

## Section 29. - Terms.

The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office irrespective of any applicable term limit.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

## Section 30. - Oath.

The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon, and the laws of the City of Sherwood.

(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))

## Section 31. - Vacancies.

The mayor or a council office becomes vacant:

(a) Upon the incumbent's:
  (1) Death;
  (2) Adjudicated incompetence;
  (3) Recall from the office; or
  (4) Election to a different elected office.

(b) Upon declaration by the council after the incumbent's:
  (1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
  (2) Absence from the city for 45 days without council consent, or all meetings in a 60 day period;
  (3) Ceasing to reside in the city;
  (4) Ceasing to be a qualified elector under state law;
  (5) Conviction of a public offense punishable by loss of liberty;
  (6) Resignation from the office; or

(7) Removal under Section 33(i).

(Res. No. 2019-087, 12-3-2019; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

## Section 32. - Filling Vacancies.

(a) A mayor or councilor vacancy shall be filled by appointment by a majority of council within 45 days of the date of vacancy. The appointee's term of office runs from appointment until the vacancy is filled by election or until expiration of the term of office if no election is required to fill the vacancy.

(b) An election is required if 13 months or more remain in the office term. The election must be held at the next available election date. The person elected will fill the vacancy for the remainder of the term.

(Res. No. 2019-087, 12-3-2019; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

# Chapter VIII - APPOINTIVE OFFICERS

## Section 33. - City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education, experience, and competency in local government management.

(c) The manager need not reside in the city.

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(e) The manager must:

(1) Attend all council meetings unless excused by the mayor or council;

(2) Make reports and recommendations to the mayor and council about the needs of the city;

(3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;

(4) Appoint, supervise and remove city employees, except the municipal judge, municipal judges pro tem, the city attorney, and city attorney office employees;

(5) Organize city departments and administrative structure;

(6) Prepare and administer the annual city budget;

(7) Administer city utilities and property;

(8) Encourage and support regional and intergovernmental cooperation in alignment with council policies, goals, and objectives;

(9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;

(10) Perform other duties as directed by the council;

(11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge.

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

(j) The manager may not serve as city recorder or city recorder pro tem.

(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))

## Section 34. - City Recorder.

(a) The office of city recorder is established as the council clerk, city custodian of records and city elections official. The recorder must attend all council meetings unless excused by the City Manager.

(b) The City Manager must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.

(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the City Manager must appoint a recorder pro tem. The recorder pro tem has the authority and duties of the recorder.

//

(Res. No. 2016-073, § 1, 12-2-16; Res. 05-008 § 1 (part))

## Section 35. - City Attorney.

The office of city attorney is established as the chief legal counsel of the city government. The City attorney shall be either an employee of the City or a firm under a written contract approved by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the attorney is an employee of the City, the attorney must appoint and supervise, and may remove any city attorney office employees.

(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

## Section 36. - Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Sherwood Municipal Court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:

(1) Render judgments and impose sanctions on persons and property;

(2) Order the arrest of anyone accused of an offense against the city;

(3) Commit to jail or admit to bail anyone accused of a city offense;

(4) Issue and compel obedience to subpoenas;

(5) Compel witnesses to appear and testify and jurors to serve for trials before the court;

(6) Penalize contempt of court;

(7) Issue processes necessary to enforce judgments and orders of the court;

(8) Issue search warrants; and

(9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

## Chapter IX - PERSONNEL

### Section 37. - Compensation.

The council must authorize the compensation of City appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses.

(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

### Section 38. - Merit Systems.

The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

(Res. 05-008 § 1 (part))

## Chapter X - PUBLIC IMPROVEMENTS

### Section 39. - Procedure.

The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for one year upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

(Res. 05-008 § 1 (part))

### Section 40. - Special Assessments.

The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

(Res. 05-008 § 1 (part))

## Chapter XI - MISCELLANEOUS PROVISIONS

### Section 41. - Debt.

City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

(Res. 05-008 § 1 (part))

## Section 42. - Solid Waste Incinerators.

The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the city. This applies to solid waste defined by ORS 459.005(24), and includes infectious wastes defined by ORS 459.386(2). This prohibition does not apply to otherwise lawful furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a byproduct on-site and used only for energy recovery purposes. Such small-scale incinerators are only exempt from this prohibition if they are ancillary to a city permitted or conditional use, and may not utilize infectious wastes or any fuels derived form infectious wastes. This prohibition does not apply to solid waste incinerators lawfully permitted to operate before September 5, 1990, but does apply to any expansion, alteration or modification of such uses or applicable permits.

(Res. 05-008 § 1 (part))

## Section 43. - Repealed.

**Editor's note**— Res. No. 2019-087, § 1, adopted December 3, 2019, amended the Charter by repealing former § 43, which pertained to Willamette River drinking water, and derived from Res. 05-008, § 1.

## Section 44. - Ordinance Continuation.

All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

(Res. 05-008 § 1 (part))

## Section 45. - Repeal.

All charter provisions adopted before this charter takes effect are repealed.

(Res. 05-008 § 1 (part))

## Section 46. - Severability.

The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

(Res. 05-008 § 1 (part))

## Section 47. - Vote Required on Certain Taxes, Charges, and Fees.

After July 1, 2015, any ordinance, resolution or order approved by a majority of the City Council that imposes a new city tax, charge, or fee and/or increases by more than two percent annually any city utility tax, charge, or fee including but not limited to water charges, sewer and surface water charges, and street utility fees that are imposed on residential properties occupied by owners and/or occupants within the City of Sherwood boundaries, shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is held in May of an even numbered year or November of any year.

(Res. No. 2019-087, 12-3-2019)

**Editor's note**— Res. No. 2014-077, § 1, adopted December 16, 2014, amended the Code by repealing former § 47, which pertained to time of effect, and derived from Res. 05-008. Subsequently, Res. No. 2019-087, adopted December 3, 2019, added a new § 47.

## Section 48. - Vote Required for Sale of Certain Real Property.

Before the city may sell or subdivide any parcel of real property owned by the city which is greater than five acres in size and which is being used primarily for park or recreation purposes, the city council must authorize such sale or subdivision by supermajority vote.

(Res. No. 2019-087, 12-3-2019)

‹ SUPPLEMENT HISTORY TABLE CHARTER COMPARATIVE TABLE ›

## COMPLIANCE AGREEMENT

This Compliance Agreement ("Agreement"") is entered into by and between the City of Sherwood, a municipal corporation of the State of Oregon ("City"), and Timber State Drilling & Construction Co. ("Applicant"). The effective date of this Agreement is _____ ("Effective Date"). The City and Applicant may be referred to herein individually as a "Party" or collectively as the "Parties."

## RECITALS

A. Applicant leases certain real property located at 22211 SW Pacific Highway, Sherwood, Oregon 97140 ("Premises").

B. The Premises is zoned General Commercial.

C. The building permit on file for the building and enclosed carport on the Premises indicates only residential use is permitted. (Exhibit A) ("Building Permit").

D. On January 13, 2023, the City conducted an inspection of an alleged Code violation on the Premises.

E. On January 24, 2023, the City issued correspondence to Applicant, alleging violations of Sherwood Municipal Code sections 16.02.030 and 16.02.040 (Exhibit B) ("Warning Letter").

F. On February 21, 2023, Applicant presented testimony regarding the alleged violation to City Council.

G. On March 7, 2023, the City responded to Applicant's testimony by issuing correspondence to Applicant, detailing and explaining applicable provisions of Sherwood Municipal Code. (Exhibit C) ("Testimony Response Letter").

H. Applicant was given 6 months from the date of Testimony Response Letter to reach compliance with Sherwood Municipal Code.

I. This Agreement sets forth the agreed steps to be executed to meet the requirements of Sherwood Municipal Code.

## AGREEMENT

In consideration of the foregoing Recitals, and incorporating all of the above Recitals by reference in this Agreement as if fully set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Compliance with Agreement. By no later than January 31, 2024, all outdoor contractors yard use must cease, and the property use shall be in full compliance with those permitted under Sherwood Municipal Code. All vehicles and equipment associated with Applicant's business (Timber State Drilling & Construction Co.) shall be removed from the site and building.

2. Time to Complete Restoration Plan. By no later than March 31, 2024, the property shall be restored to pre-lease conditions. All gravel associated with business operations, apart from the drive aisle, must be removed.

3. City Inspections. City staff may complete inspections to confirm any and all violations have been corrected. City shall notify Applicant 24 hours prior to such inspection by phone and email

to _____. If phone contact is not made, an email and voicemail shall be considered sufficient notice.

4. Carport and Building Use. The building and enclosed carport on the Premises shall not be used for commercial purposes, including operations for Applicant's business (Timber State Drilling & Construction Co.).

5. Further Assurances. In addition to the foregoing, the Parties agree that if Applicant fails to perform according to the terms of this Agreement, the City is entitled to seek as damages those damages and fines that may have been assessed against Applicant related to Exhibit B. In summary, the City may pursue damages and fines in Sherwood Municipal Court, including those identified in Exhibit C, and Applicant can defend against those allegations. All rights of both Parties are fully reserved if Applicant fails to perform. Applicant reserves all land use rights as provided by local, state, and any other applicable law.

6. Notices. Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one Party may indicate by written notice to the other Party.

| | |
|---|---|
| To City: | City of Sherwood<br>Attn: Eric Rutledge, Community Development Director<br>22560 SW Pine Street<br>Sherwood, OR 97140 |
| To Applicant: | Timber State Drilling & Construction Co.<br>Attn: Carlos Villarroel<br>758 E Lincoln Street<br>Carlton, OR 97111 |
| With a copy to: | Property Owner<br>22211 SW Pacific Highway<br>Sherwood, OR 97140 |

7. Integration. This Agreement contains the entire and integrated agreement between the Parties. In case of conflict among these or any other documents, the provisions of this Agreement shall control.

8. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their successors, and assigns. This Agreement may be enforced by an action at law or in equity.

9. No Assignment. Applicant may not assign this Agreement, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

10. Governing Law and Jurisdiction. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. Jurisdiction and venue for any dispute regarding this agreement will be in the Municipal Court for the City of Sherwood, Washington County, Oregon.

11. Nonwaiver. Failure by either Party at any time to require performance by the other Party of any of the provisions of this Agreement shall in no way affect the Party's rights hereunder to enforce the same, nor shall any waiver by the Party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this non waiver clause.

12. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the Parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

13. Modification. This Agreement may not be modified except by written instrument executed by Applicant and the City.

14. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

15. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

16. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

17. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

18. Good Faith and Reasonableness. The Parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City "sole discretion" or the City is allowed to make a decision in its "sole judgment."

19. No Third-Party Beneficiaries and No Assignment. None of the duties and obligations of any Party under this Agreement shall in any way or in any manner be deemed to create any rights in any person or entity other than the Parties hereto or their respective heirs, successors, and assigns.

20. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.

21. Representations and Warranties. Each Party signing on behalf of Applicant and the City hereby warrants actual authority to bind their respective Party. The Parties signing below also hereby warrant that entry into this Agreement and the enforcement of its terms will not violate any loan covenants or other agreements pertaining to any of the land or improvements impacted hereby.

IN WITNESS WHEREOF, the Patties have hereunto set their hands as of the day and year first written above.

TIMBER STATE DRILLING
& CONSTRUCTION CO.
an Oregon corporation

By: _____
Carlos Villarroel
As Its: Authorized Representative

CITY OF SHERWOOD
an Oregon municipal corporation

By: _____
Eric Rutledge
As Its: Community Development Director

**In any City forum or meeting**:

- Individuals may not impugn the character of anyone else, including but not limited to members of the community, the reviewing body, the staff, the applicant, or others who testify. Complaints about staff should be placed in writing and addressed to the City Manager. If requested by the complainant, they may be included as part of the public record. Complaints about the City Manager should be placed in writing and addressed to the Mayor. If requested by the complainant, they may be included as part of the public record.

- Comment time is 4 minutes with a Council-optional 1 minute Q & A follow-up.

- The Chair of a meeting may have the ability to modify meeting procedures on a case-by-case basis when especially complicated issues arise, or when the body is involved in extraordinary dialogue, but only after receiving the advice and majority consent of the body. The Chair may also cut short debate if, in his judgment, the best interests of the City would be served.
  (Note: Written comments are encouraged, and may be submitted prior to the meeting by mail, or at the meeting. There is no limit to the length of written comment that may be submitted)

**Persons who violate these rules** may be asked to stop their comments by any member of the body. Comments beyond the 4-minute limit may not be included in the record of the meeting. Persons who impugn the character of anyone will be required to stop immediately. Their comments will not be included in the record of the meeting, and they will forfeit their remaining time. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.
*****

***I have read and understood the Rules for Meetings in the City of Sherwood.***

**Name:** Peter Foster **Date:** 2.19.23

**Address:** 19800 SW Krueger Road

**Telephone:** 232-8504 **Email:** PeterFoster@Prodigalsons.Farm

**I would like to speak to the Council regarding:**

**Subject:** Sherwood's Future, Single Farm Restaurant / Sherwood West

**Land Use Hearings, please indicate:** In Favor of Application: X Opposed: _____

If you want to speak to Council about more than one subject, ***please submit a separate form for each item.***

**Please give this form to the City Recorder prior to you addressing City Council. Thank you.**

# Rules for Meetings in the City of Sherwood

It is the purpose of these rules to promote common courtesy and civility in all meetings of the City of Sherwood. All who wish to speak should expect to be treated fairly and with respect. All who speak should reciprocate by focusing on the issue being considered, while respecting the opinions of those with whom they may disagree. This will enable our community to establish an environment wherein all issues and opinions may be fairly considered and decisions, though sometimes difficult, will be made in a spirit of mutual respect of all citizens, no matter their differences.

**Public Hearings** before the City Council and other Boards and Commissions shall follow the following procedure:

- Staff Report--15 minutes
- Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
- Proponents—5 minutes each (applicants may not also speak as proponents.)
- Opponents—5 minutes each
- Rebuttal—Balance of applicant time(see above)
- Close Public Hearing
- Staff Final Comments—15 minutes
- Questions of Staff/Discussion by Body—no limit
- Decision

  (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)

**Appeals** before the City Council and other Boards and Commissions shall follow the following procedure:

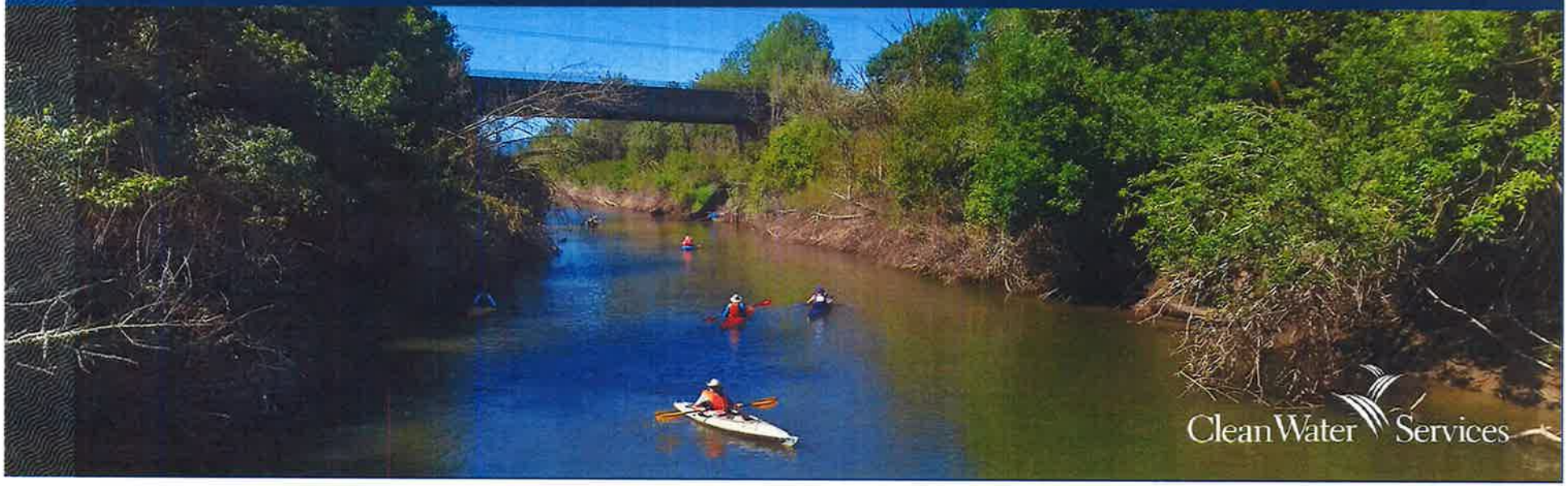
- Staff Report--15 minutes
- Applicant – 30 minutes (to be split, at the discretion of the applicant, between presentation and rebuttal.)
- Only those who previously went on the written or verbal record at the PC hearing may appear before Council.
- No one can pass their time to someone else
- Proponents—5 minutes each (applicants may not also speak as proponents.)
- Opponents—5 minutes each. Opponents who represent a neighborhood or business association have 15 minutes
- Appellants—30 minutes (to be divided it there are multiple appellants.)
- Rebuttal—Balance of applicant time (see above)
- Close Public Hearing
- Staff Final Comments—15 minutes
- Questions of Staff/Discussion by Body—no limit
- Decision

  (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)

# Brookman Trunk Sewer Extension - Financing

Sherwood City Council
Jason Waters, Sherwood City Engineer
Doug Gresham, Andy Braun, Clean Water Services

February 20, 2024




2/20/2024
Date

City Council
Gov. Body

WS
Agenda Item

A
Exhibit #

# Brookman Trunk Sewer - Background

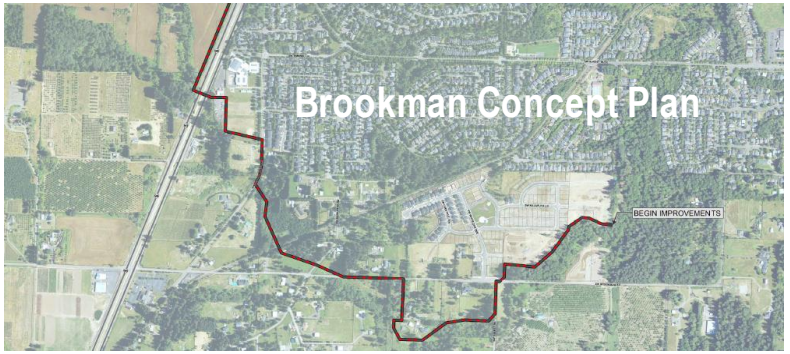
- City of Sherwood Project
  - Service to Sherwood HS
  - Service to Sherwood West
  - Service to Brookman Annexation Area
- Clean Water Services Role
  - Project Management
  - Project Implementation
  - Project Financing

City of Sherwood Oregon

Sherwood West Preliminary Concept Plan

*A long range look at our future.*



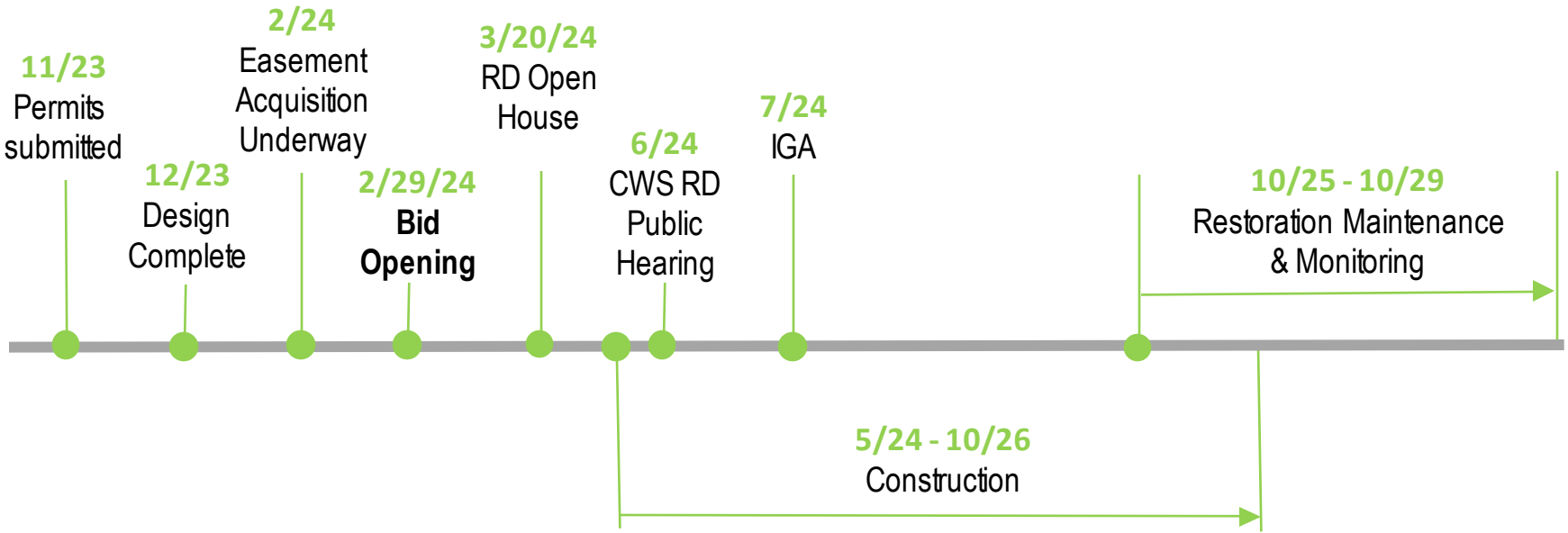



# Brookman Trunk Sewer - Overview

- 10,000 linear feet of 12-inch to 21-inch sewer extension
- Follows Cedar Creek, Goose Creek, crosses 99W at Middlebrook MS, continues west side of 99W to Elwert Road
- Traverses 15 properties, Union Pacific Railroad, Hwy 99W, Sections in Brookman Rd, Oberst Road, Old Pacific Hwy



# Project Status and Upcoming Milestones

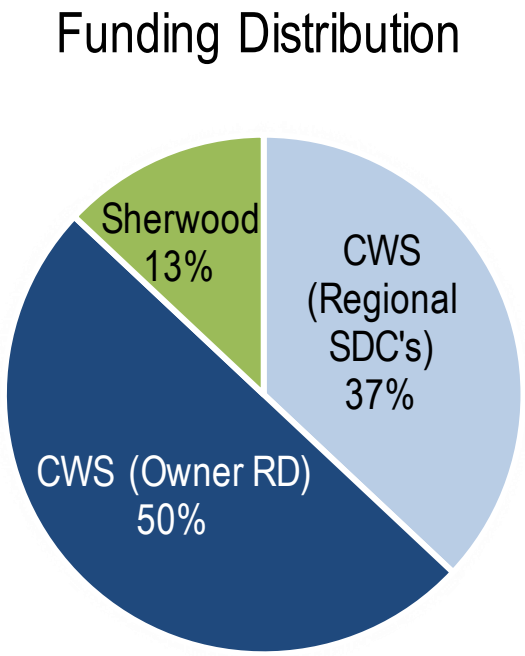


# Estimated Project Cost

| Project Component | Estimated Cost |
|---|---|
| Construction | $10,550,000 |
| Survey, Engineering, Design, & Permitting | 1,000,000 |
| Easement Acquisition & Services | 690,000 |
| Overhead & Admin | 660,000 |
| **Total** | **$12,900,000** |

# Estimated Funding Distribution

| SOURCE | ESTIMATED AMOUNT | PERCENTAGE |
|---|---|---|
| **CWS** (Regional SDCs) | 4,750,000 | 37 |
| **CWS** (Owner RD) | 6,400,000 | 50 |
| **Sherwood** (Local Share) | 1,750,000 | 13 |
| **Total** | **$12,900,000** | **100%** |



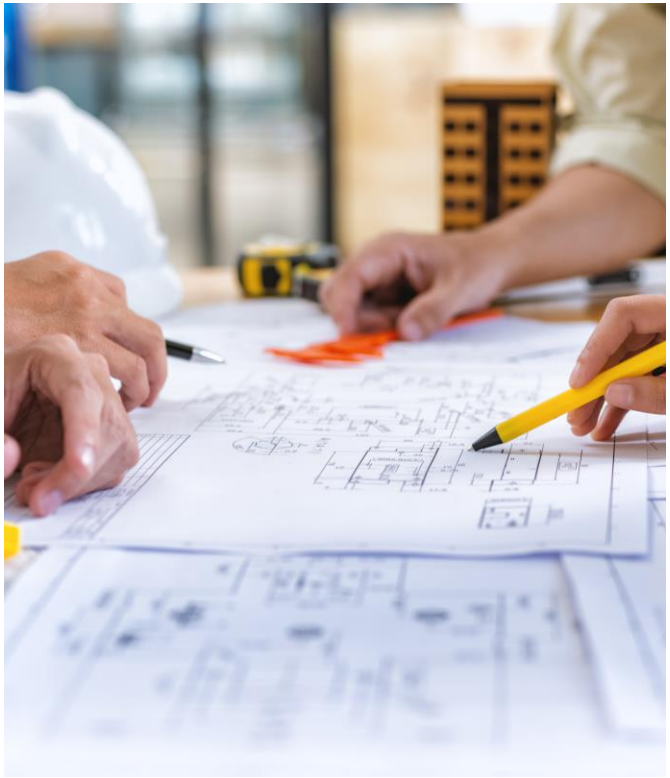
# Intergovernmental Agreement

- CWS Responsibilities
  - Manage design & implementation
  - Acquire easements
  - Regional financial obligation
  - Service for unincorporated areas
  - Follow principles of UPAA
  - Administer CWS reimbursement district



# Intergovernmental Agreement

- Sherwood Obligations
  - Partner in project development, review, & approval
  - Partner in public involvement
  - Financial share payable at segment completion
  - Collect CWS reimbursement charges and forward to CWS when permitted locally
  - Assume local maintenance responsibilities upon ownership

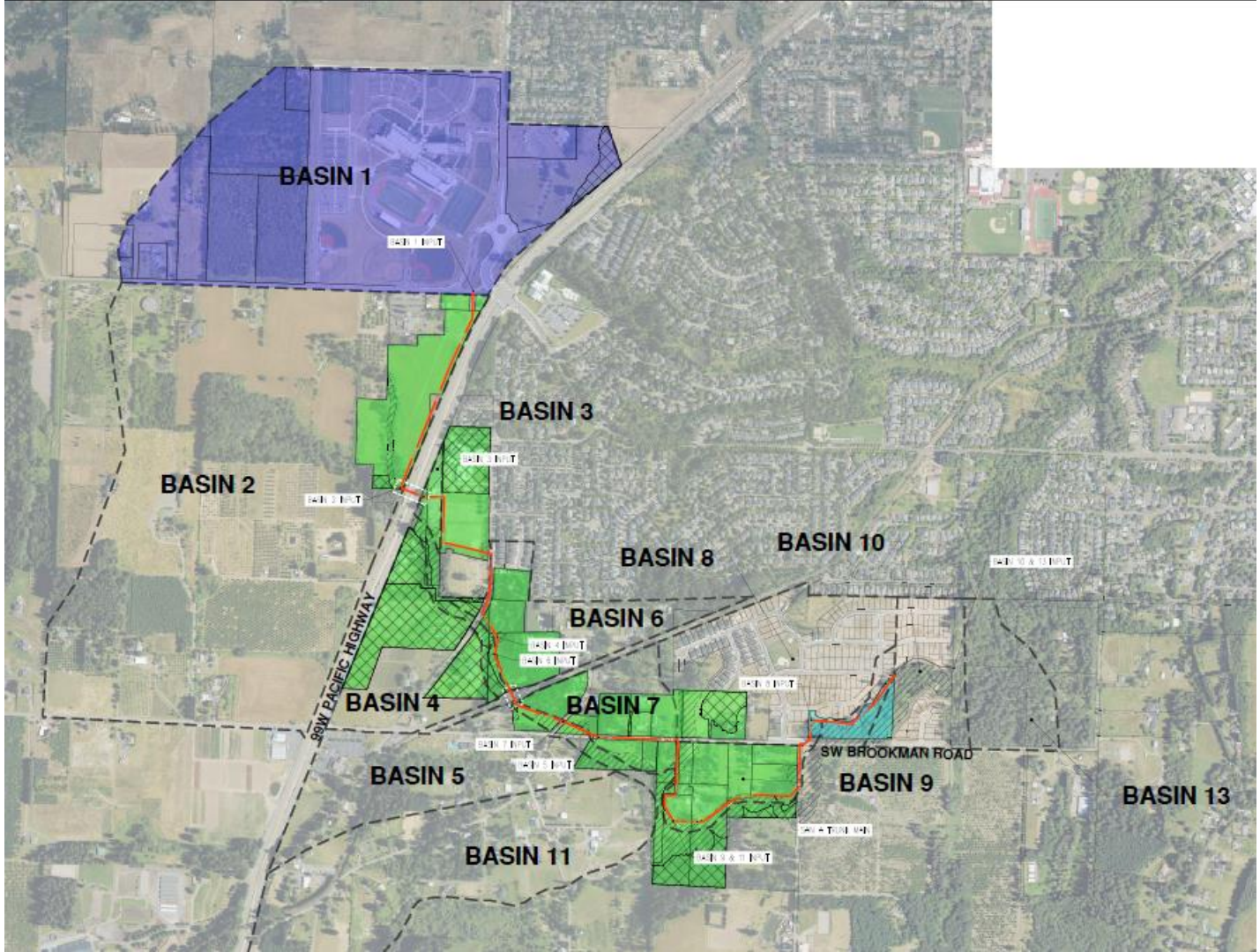


# Thank You

Sherwood City Council
February 20, 2024

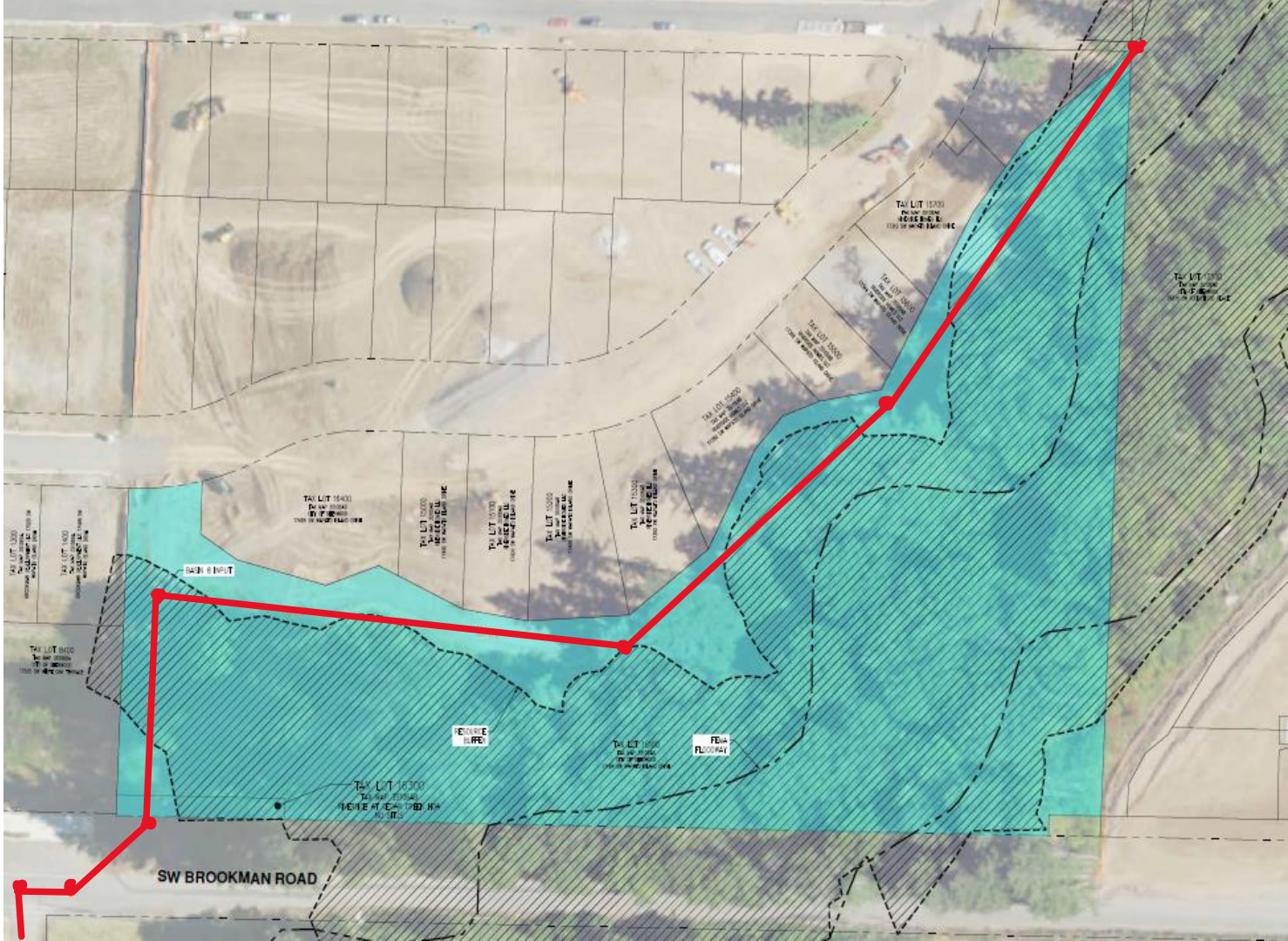


# Service Area & Benefiting Properties



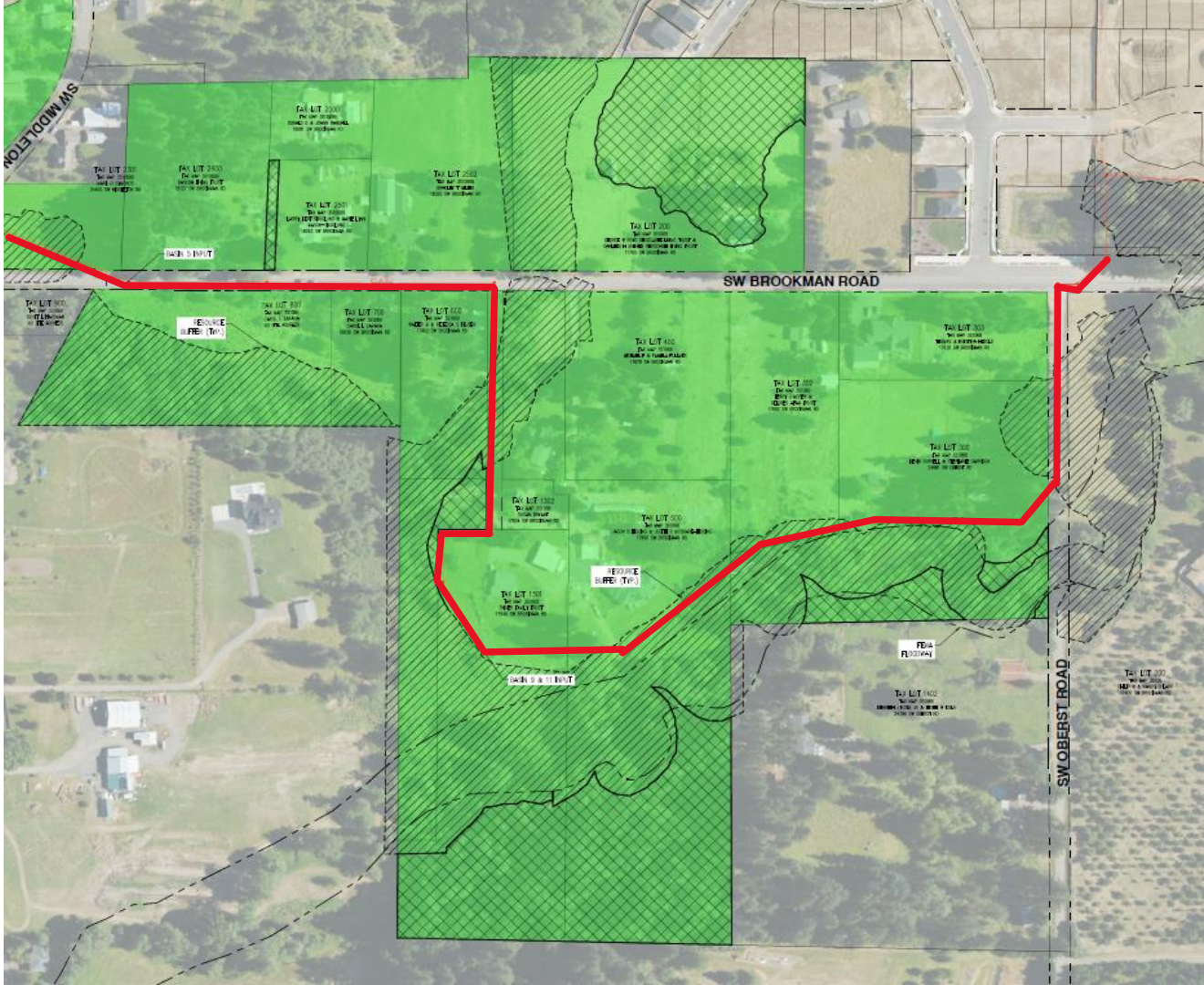
# Service Area & Benefiting Properties

## Segment #1



# Service Area & Benefiting Properties

## Segment #2



# Service Area & Benefiting Properties

## Segment #3

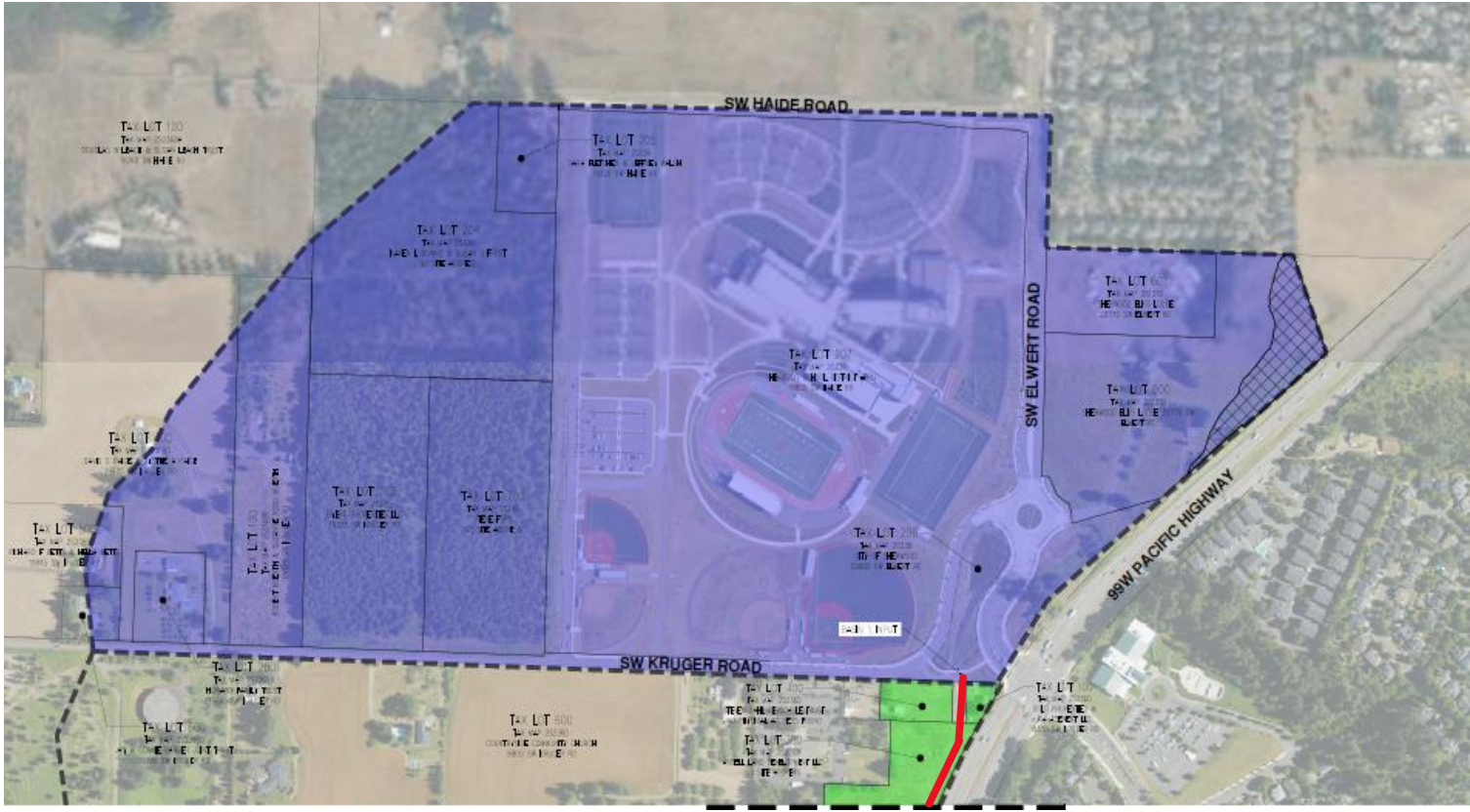


# Service Area & Benefiting Properties

## Segment #4



# Service Area & Benefiting Properties



# Project Financing - Clean Water Services

- Regional SDCs
  - Funds Administered by CWS
  - Oversizing for Capacity
  - Extraordinary Costs
    - Non-benefiting segments
    - Hwy Crossing, Railroad Crossing
- Reimbursement District –Unincorporated
  - CWS Fronts the Cost
  - Owners reimburse when benefited



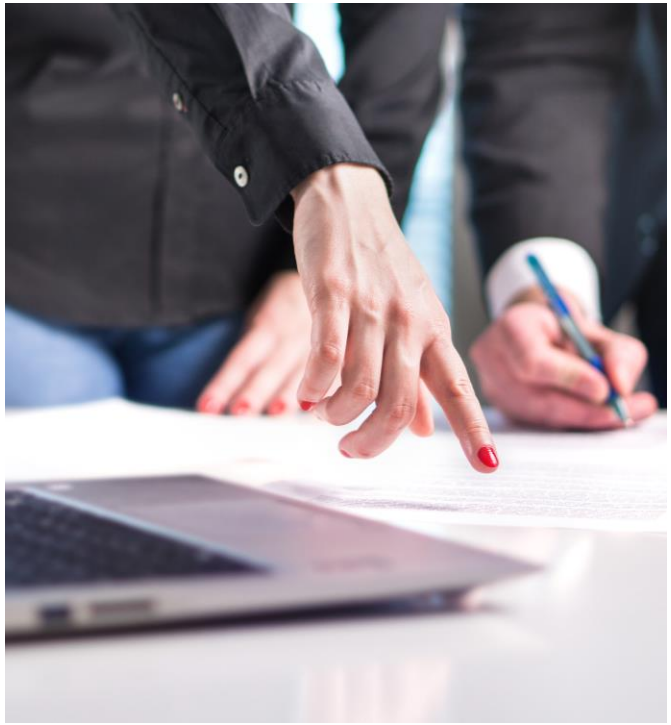
# Project Financing - City of Sherwood

- Sherwood Inside City Limits
  - Segment #1 – Local Responsibility within City Limits
- Sherwood – City Costs benefiting upstream properties in the city
  - Extra Depth costs to maximize service area



# Clean Water Services Reimbursement District Rules

- Owners reimburse for their “development costs”
  - Equivalent to a 12-inch diameter
  - Relieves the owner of required development improvement
  - Nothing payable until benefit is recognized (connection or development)
  - Interest accrues at Oregon Bond rate
  - Reimbursement District does not expire
  - Financing Available
  - No Lien until financed through CWS



# Clean Water Services Reimbursement District Principles

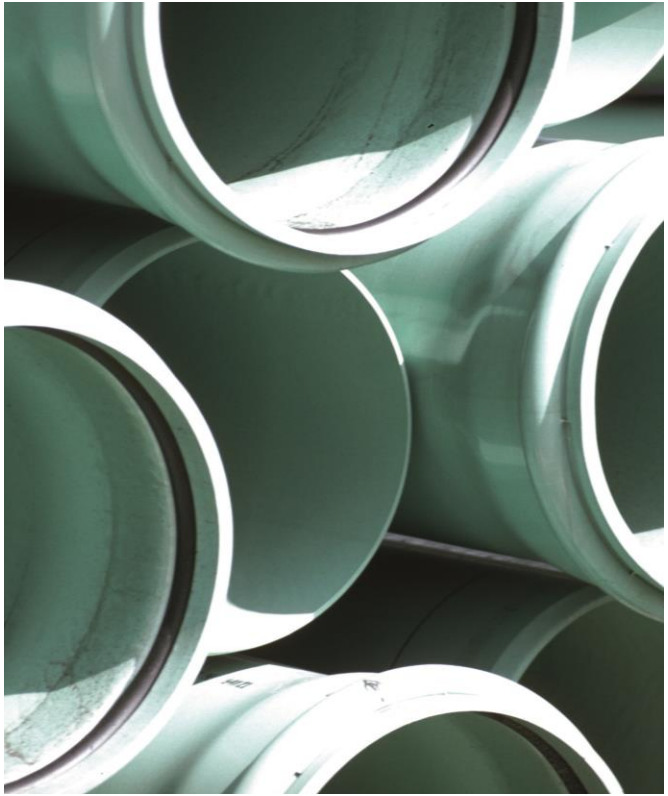
- What properties are included
  - Direct access to the new trunk sewer
  - Sewer extended to upstream property
  - Benefit proportional to developable area
  - Reduced cost to connect home
    - (RD balance deferred)
- Reimbursement Charge (RC) formula

$$RC = \frac{\text{Total cost of owners' responsibilities}}{\text{Developable area of benefited properties}}$$



# Connection, Development & Annexation

- Lots inside UGB in Unincorporated Area
  - May connect existing home
  - Must annex into CWS Boundaries
- Annexation to City
  - Development activity per Urban Planning Area Agreement (UPAA)
  - Connection to a city-owned sewer
- Urban Reserve Area
  - No Connection until annexed into Urban Growth Boundary



## Katie Corgan

**From:** Sylvia Murphy
**Sent:** Monday, February 19, 2024 7:40 AM
**To:** Katie Corgan
**Subject:** FW: Brookman Sanitary Trunkline Council Work Session Presentation 2/20/24 Council Mtg.
**Attachments:** Brookman Financing Presentation to Sherwood Council_2-20-24 (003).pdf; Brookman RD FAQ 1-31-2024 v4 final (003).pdf; Brookman Project FAQ_FINAL_4-25-2023v3 (003).pdf; Generic RD_FactSheet_FINAL_02252020 (003).pdf

Katie, see attached for the meeting record. Please also include this email as it has information regarding the project.

*Sylvia Murphy, MMC, City Recorder*
*Murphys@Sherwoodoregon.gov*
*Ph: 503-625-4246*

**From:** Craig Sheldon <SheldonC@SherwoodOregon.gov>
**Sent:** Friday, February 16, 2024 8:05 PM
**To:** City Council <CityCouncilDistribution@sherwoodoregon.gov>
**Subject:** Brookman Sanitary Trunkline Council Work Session Presentation

Evening,

Please find attached the proposed PowerPoint presentation for the work session on the Brookman Sanitary Trunkline Project Financials & Status Update, along with 3 handouts from the Open House held on January 31st, 2024:

- PDF of the Presentation
- FAQ Brookman Project (from Open House)
- FAQ Brookman Project Financing (from Open House)
- General CWS RD Fact Sheet (from Open House)

The project team (CWS-AKS + City) will be hosting another Open House where this information will be handed out to the public. The purpose of the work session is to provide an update on the project schedule, letting you know CWS is advertising the project for bids now with construction starting soon, provide the financial information needed for the budget to lock in the funding over the next 3 months in our respective budgets and capital outlay plans.

Hope this helps and provides information on reimbursement districts since we don't do them a lot and especially regionally.

Enjoy your weekend.

Craig Sheldon
City Manager Pro Tem
City of Sherwood
15527 SW Willamette St,
Sherwood Oregon
503-925-2310
sheldonc@sherwoodoregon.gov

2/20/2024 Date | City Council Gov. Body
WS Agenda Item | B Exhibit #

Clean Water Services

# BROOKMAN SANITARY SEWER PROJECT

## FAQ: FREQUENTLY ASKED QUESTIONS

**Why are the City of Sherwood and Clean Water Services partnering to construct a new sanitary sewer line in this area?**

There is not a sanitary sewer line available to serve the new Sherwood High School, Sherwood West Planning area, the Brookman Concept Area, or the Urban Reserve Areas south of Brookman Road. The new sewer trunk line will serve all these areas. Currently, Sherwood High School is using a temporary pump station to pump sewage up the hill to the north and into an existing line. The Brookman Sanitary Sewer Project will provide the high school with a permanent gravity sewer connection and remove the pump station. This line will also be available as future properties in the area are brought into the City of Sherwood for development.

**What is the schedule for the project?**

We hope to complete our preliminary design in the spring of 2023. After that, the final design and permitting stage will begin. The final design includes all construction plans needed to build the sewer and meet permit conditions. Final plans will be ready for bid by the fall of 2023. Construction of the CWS project is expected to start in the spring of 2024. It will take one to two years to complete construction.

**What is the area and extent of impact for the project?**

The project impact area will be a 50- to 100-foot-wide swath following the preliminary design route. The impact area will be dependent on the depth of the pipe and the terrain it is crossing. More areas will be impacted as staging areas to store materials and park equipment and vehicles.

**If the sewer line goes through our property, what recourse do we have? Do we have a choice? How will you work with property owners in these situations?**

Now is the best time to time to coordinate with Clean Water Services on the location of the new sanitary sewer pipe. We realize that accommodating construction may be difficult for some residents, and we are committed to working with community members whenever possible. Since this is a gravity line, it can only flow downhill. This limits the options for the location of the line to properties with the right slope and elevation. This is important to ensure that the sewer is neither too deep nor too shallow.

Clean Water Services works with each impacted property owner to negotiate the purchase of an easement to construct and operate the sanitary sewer pipe. It is always our intent to negotiate in good faith and come to a fair and equitable agreement.

**What is an easement?**

An easement is an interest in land that entitles the owner of the easement to use the land of another for a specific purpose. This specific purpose is explained in the terms of the easement. It does not change the ownership the land.

**How can new infrastructure go into the Urban Reserves? I thought Metro says development should stay in the Urban Growth Boundary (UGB). If it goes into the Urban Reserves, can residents hook up to it?**

Generally, sanitary sewers are considered an urban service and should be in the UGB. There are limited exceptions to this rule to allow for the location of utilities outside the UGB to supply efficient service to those properties inside the UGB. This is the case with this project — by installing the line outside the UGB, it can be more efficiently constructed by following the contours of the land.

# BROOKMAN SANITARY SEWER PROJECT

## FAQ - QUESTIONS AND ANSWERS (CONTINUED)

Clean Water Services

**How can new infrastructure go into the Urban Reserves? (continued)**

Properties outside the UGB are not allowed to connect to the sanitary sewer. There are exceptions for situations that could result in a public health hazard and for certain agricultural business uses such as food processing. CWS must abide by these rules. For those properties outside the UGB, they will continue to use a septic system. Once they are annexed into both the UGB and City of Sherwood, they can connect.

**How do you build seismic resilience? What are the pipes made of and are they earthquake resilient?**

The pipes for a project of this size are likely made from a flexible polyvinyl chloride (PVC) connected with flexible watertight joints. These joints provide seismic resilience by allowing the pipe to flex without breaking. This material is an improvement over traditional rigid concrete pipe materials that can crack with ground movement.

**How does restoration work tie into the pipe and infrastructure construction?**

As a water resources management utility, we are responsible not only for infrastructure but also protecting public health and the Tualatin River Watershed.

In addition to sanitary sewers, CWS is also the agency responsible for stormwater within the Tualatin River Basin. A big part of protecting the health of the Tualatin River is protecting the health of the streams that feed it. We do this by protecting the streams from encroachment by new development, regulating stormwater flows into our streams, and enhancing our streams by removing nonnative and invasive plants and protecting them from erosion.

What if we have livestock or goats that will be removed or affected? How do you handle that? Can livestock go elsewhere for an interim period?

Relocation or protection of livestock will be negotiated during easement acquisition. It is helpful if residents let CWS know early if they have unique concerns. CWS can work with individual property owners on resolutions to minimize impacts.

What happens if the project impacts someone's driveway, lawn, etc.?

Our contractors are required to restore the site as it was found or better. In the situation where we can't replace what was affected, this will be negotiated in the easement acquisition phase. As design progresses on the project, we will be able to determine impacts to individual properties and work with the property owner on the desired level of restoration.

**Does Clean Water Services manage roadside drainage ditches?**

No, roadside ditches are maintained by the agency responsible for the road. CWS regulates the vegetated corridor on either side of sensitive areas (creeks, wetlands, and streams). Sometimes this may include ditches if they were historically a stream. We also install and maintain storm drainage infrastructure and facilities, sanitary sewer pipes and pump stations, and resource recovery facilities.

**Can you provide digital maps of the alignments?**

Yes, PDFs of the maps are available. Please contact Daniel Rittatore at RittatoreD@cleanwaterservices.org.

Clean Water Services

# PAYING FOR THE BROOKMAN TRUNK SEWER

## FAQ - FREQUENTLY ASKED QUESTIONS

**What is a regional System Development Charge (SDC)?**

Clean Water Services is a county service district that derives revenue from ratepayers. Any time a property owner obtains a permit to connect to the public sewer system, they pay a permit fee, also known as a System Development Charge (SDC). Revenues from SDCs are used to pay for improvements to the sewer system, water resource recovery facilities, and pump stations necessary to support new development. This includes items such as clarifiers, digesters, and other infrastructure and oversizing gravity sewers to provide the capacity necessary to convey flow to the treatment plants. The regional SDC, currently set at $6,824 per single family residence, remains consistent across the entire Clean Water Services district boundary. These funds are aggregated and utilized to fund various projects essential for accommodating new development throughout the district.

Pipes 12 inches in diameter and smaller that allow direct connection from houses to the trunk sewer system are built by developers constructing subdivisions. The cost to build these sewers is transferred from the developer to homebuyers, incorporated into the purchase price of their house. It is also a requirement of developers to extend the sewers through their developments to the next upstream property.

Some sewers serve three purposes. They enable direct connection to houses. They are oversized to carry flow from a large area upstream, and they meet the development requirement to serve the next upstream property. The Brookman Trunk sewer is an example where one sewer meets all three objectives.

**Who pays to design and construct the sewer?**

Clean Water Services and the City of Sherwood are covering the expenses for the sewer infrastructure. Ultimately, property owners who benefit from the construction will share the cost through a Reimbursement District.

**What is the funding source for covering the project cost?**

The project will be funded through a combination of regional System Development Charges (SDC) administered by Clean Water Services, local SDCs funded by the City of Sherwood, and an internal CWS capital improvement fund loan to be repaid over time through reimbursement charges.

**As a property owner, why am I expected to pay part of the project cost?**

Under the rules of a Reimbursement District, you are not required to pay anything until you begin to realize the benefits of the sewer. You may gain the benefit in one or more ways:

Should you choose to decommission your onsite septic system and connect your house or business to the sewer, you are directly benefiting and will be required to pay or finance your reimbursement charge. You must also obtain a connection permit and pay your SDC as described above.

Should you develop your property by partitioning or subdividing thus creating additional buildable parcels, you will be required to provide a sewer to each new parcel and will be required to meet the sewer extension requirements to upstream parcels as described above. Because the new Brookman Trunk has met the obligation to serve the upstream property, you have now gained the benefit of the sewer.

**How is the amount of my reimbursement charge calculated?**

All costs must be determined for surveying, engineering design, permitting, easement acquisition, construction, and project administration. Extraordinary costs such as crossing Highway 99W and the railroad crossing that do not directly benefit any parcels are part of the costs covered by the SDC.

# PAYING FOR THE BROOKMAN TRUNK SEWER

## FAQ - FREQUENTLY ASKED QUESTIONS (CONTINUED)

Clean Water Services

The cost difference between constructing a standard local 12-inch-diameter line and the larger sewers being constructed with this project are also eligible SDC costs and covered by the Clean Water Services SDC fund.

The cost to build the sewer at 12 inches in diameter across or adjacent to lots that directly benefit is passed along to the owners in the Reimbursement District. Larger lots have the potential to be divided into more parcels than smaller lots and would gain more benefit from the new sewer. Therefore, the reimbursement charge is based on the estimated developable area of each benefiting lot. Goose Creek and Cedar Creek run across many lots on this project. Natural water resource areas along and adjacent to these creeks are generally undevelopable and have been excluded in the developable area calculation. The calculation of the reimbursement charge is:

$$\text{Reimbursement Charge (per acre)} = \frac{\text{Total cost of 12-inch local sewer across benefiting properties}}{\text{Total developable area of benefited properties}}$$

A Reimbursement District is a mechanism to reimburse the expense of constructing public infrastructure to the project owner who pays the initial cost. Reimbursement charges are paid by those who directly benefit from the infrastructure when those benefits are gained.

**I have a large lot, but just want to connect to my current house. Do I have to pay the reimbursement charge for the entire lot?**

An owner with more than one-half acre of developable area wishing to connect their existing house may pay the reimbursement charge associated with one-half acre. The balance of the reimbursement charge would be deferred until development activity occurs on the lot.

**If I defer making a connection to the sewer, will the cost increase?**

Any unpaid reimbursement charge amount will increase annually by the Oregon Bond Index Rate in effect at the time of the adopting legislation. The Oregon Bond Index rate fluctuated between 2.3% and 3.5% between June and December 2023.

**Question: Are there any advantages to connecting to the sewer system?**

Some owners prefer the reliability of a public sewer over maintenance concerns of a private onsite septic system. As an area develops and becomes denser with both people and infrastructure, septic systems requiring large lots for adequate percolation become less viable from a public health perspective.

Clean Water Services offers a financial incentive to connect to the sewer within one year of it becoming available. The amount of the incentive is estimated to be between 5% and 10% of the reimbursement charge and is based on project overhead costs.

**I need to connect to the sewer, but don't have the money to pay the reimbursement charge. What are my options?**

Clean Water Services offers 10-year financing at the Oregon Bond Index Rate plus 2%. At the time you obtain a permit to connect to the sewer system, you may enter into an agreement with CWS to pay your reimbursement charge in semiannual installments over 10 years. CWS also offers financing agreements for the permit fee. If you connect within one year of sewer availability, you may also finance the cost to decommission your septic system and construct your connection to the public sewer.

**If I sell my property, do I have to pay the reimbursement charge?**

The reimbursement charge is not a lien on the property unless you enter into a financing agreement with Clean Water Services. If you are deferring connection, you are not

# PAYING FOR THE BROOKMAN TRUNK SEWER

## FAQ - FREQUENTLY ASKED QUESTIONS (CONTINUED)

Clean Water Services

required to pay the reimbursement charge when you sell your property. The Resolution and Order adopted by the CWS Board of Directors that sets the final reimbursement charge will be filed with the County Recorder and attached to your property. It will notify anyone conducting a title search on your property that they will be subject to the reimbursement charge if they make a connection to the sewer system.

**Do I ever have to connect to the sewer?**

There is no prescribed time to connect to the sewer. Once the sewer is available, if you encounter a septic system failure, you must decommission your onsite septic system and connect to the sewer.

If you build additional dwelling units on your property, you will be required to connect them to the sewer. The original house may also be required to connect to the sewer.

**My property is outside the Urban Growth Boundary. Can I connect to the sewer?**

Lots outside the Urban Growth Boundary may not receive the urban services offered by a sanitary sewer. Upon annexation from the Urban Reserves into the Urban Growth Boundary, a lot becomes eligible for public sanitary sewer service.

**If I connect to the sewer, do I have to annex into the City of Sherwood?**

Initially, much of the new line will be constructed in unincorporated Washington County and annexation to the city will not be required to connect your existing home. Annexation into the Clean Water Services district boundary is required to obtain service.

Development activity on your lot may require annexation to the City of Sherwood. As areas along the Brookman Trunk sewer develop, annexations into Sherwood will occur, and ownership of the sewer line will change from CWS to Sherwood. Generally, connection to a city-owned line requires annexation to Sherwood. The requirement to annex to Sherwood will be dependent upon the development activity and sewer ownership.

Clean Water Services

# REIMBURSEMENT DISTRICTS

## INITIATED BY CLEAN WATER SERVICES

There are times when Clean Water Services (CWS) sees an opportunity to add valuable public infrastructure to an existing project that will benefit the community. Partnering with other jurisdictions to add sanitary sewer pipes and stormwater facilities benefits nearby properties and the general community.

An example of this is when Washington County constructs a roadway project in an urban area without sanitary sewers. CWS will sometimes coordinate construction of the sewer with the roadway project to minimize costs and disruption to the community.

Normally the cost of sewer construction is the responsibility of the property owners who directly benefit from the new infrastructure. To ease this financial burden, the CWS Board of Directors has adopted an ordinance which provides a mechanism to divide the cost equitably among the benefiting owners, as well as a financing option.

Benefiting owners are not required to pay their share immediately. A Reimbursement District (RD) must be formed, and properties only become subject to the charge when they connect to the system.

### Eligibility for Reimbursement Districts

Projects are eligible if they provide a public sanitary sewer or a publicly maintained stormwater system to a lot or portion of a lot that was not previously served.

### Reimbursement District Process

**1.** CWS staff identifies an immediate need or an opportunity to minimize cost and/or disturbance to the neighborhood or general public by constructing a sewer or stormwater improvement.

**2.** CWS conducts a neighborhood meeting to share information about the project details, costs, cost allocation methodology, RD rules, policies and procedures.

**3.** CWS staff prepares a report describing the project, the reason for immediate implementation, the proposed RD boundary and benefited lots, estimated project costs, recommended cost allocation, and applicable financial incentives.

**4.** The report is shared with the owners within the RD boundary prior to a public hearing conducted by the CWS Board of Directors. Anyone has the opportunity to comment on the proposed project or cost allocation proposal prior to or during the public hearing.

**5.** Within three months of project completion, CWS staff prepares a final engineering report and shares it with the property owners. The CWS Board subsequently holds a second public hearing to reconcile actual project costs with estimates. After hearing the staff recommendation and any public comment, the Board has the option to modify the benefited area, reimbursable costs, and/or the cost allocation methodology and determines final reimbursement charges for each property.

**6.** Following Board action, owners are notified of the reimbursement charge applicable to their property. CWS records the reimbursement charge with the County Recorder's office so that it is discoverable in a title search. It is not a lien on the property and does not have to be settled prior to a property transfer.

### Allocation of Project Costs

The allocation of costs will be based on the potential benefit a property could gain from connection, and will vary depending on the nature of the work and project specifics. Cost allocation methodologies may include:

- A proportional distribution of costs based on benefited land area
- A proportional distribution of costs based upon lot front footage
- A proportional distribution of costs based on number of connections
- A formula that makes adjustments related to zoning
- Any other method that fairly and equitably distributes project costs relative to the level of benefit derived



# REIMBURSEMENT DISTRICTS INITIATED BY CLEAN WATER SERVICES



### Payment of Reimbursement Charges

A property owner who is in the Reimbursement District does not have an obligation to connect to the sewer within a certain time frame though certain situations may necessitate connection. A benefited property owner only needs to pay the reimbursement charge if they connect to the improvement for which the RD was formed. Connection may include:

- Physical connection to the improvement, or
- For a stormwater RD, creating an impervious surface that drains to the public system.

The owner must pay the reimbursement charge at the time a connection permit for their lot is approved.

### Cost-Sharing and Financial Assistance

CWS offers several ways to help property owners manage costs:

- Early connection incentive – If the property connects to the sanitary sewer within one year of sewer availability, the reimbursement charge is reduced by waiving their property's allocated share of the engineering and administrative costs (typically 10-15 percent of the reimbursement charge, detailed in the final report).
- Excess costs – If the project necessitated extraordinary conditions, construction solutions or circumstances resulting in excess costs that make the reimbursement charge disproportionately high compared to similar projects, CWS may assume the excess costs. This cost allocation will be clearly shown in the engineering report.
- Financing – CWS offers financing at the Oregon Bond Index Rate. The project interest rate will be stated in the engineering report. Interest accrues at this low interest rate starting at the time of establishment of the final reimbursement charge. If the owner applies for financing from CWS when payment of the reimbursement charge is due, two percent is added to the project interest rate to cover administrative costs. Financing agreements are generally 10 years, requiring semi-annual payments and are administered by Washington County. The reimbursement charge and System Development Charge, also known as the connection fee, may be financed.
- Private Plumbing Financing – If a sanitary sewer connection is made within one year of sewer availability, private plumbing costs up to $10,000 may be financed through CWS according to the terms above.
- Special Considerations – Occasionally, when a lot would have a significant reimbursement charge due to lot size, configuration, development status, natural features, or other factors, special provisions can be made. These provisions must be documented in the engineering report and cannot be proposed subsequent to adoption of the final reimbursement charge.

### Learn more about Permitting Connections

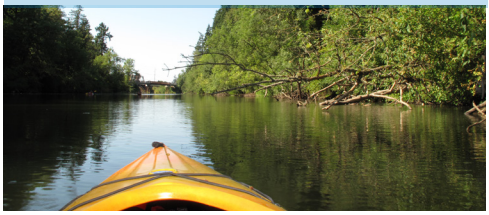
When a property owner is ready to connect to the project, they will contact Clean Water Services to request a connection permit. Additionally, depending on the site, it may be necessary to decommission a septic tank or construct private plumbing which will require review and permit by the appropriate building department.

For CWS permitting fees and connection charges, visit **cleanwaterservices.org/media/1879/review-and-inspection-fees.pdf**

For CWS rates and charges, visit **cleanwaterservices.org/budget**

Visit **cleanwaterservices.org/permits-development/** or contact CWS Permit Counter by phone 503.681.5100 or email permits@cleanwaterservices.org to learn more.

In unincorporated Washington County, the County Building Department can provide more information about plumbing, building, and grading permits. If the property is located in a city, contact the city to learn more.



Everything we do at Clean Water Services aims to protect public health while enhancing the natural environment of the Tualatin River Watershed.

Clean Water Services

2550 SW Hillsboro Highway
Hillsboro, Oregon 97123
503.681.5100
cleanwaterservices.org

Revised 4/23

# SHERWOOD WEST REFINEMENT STUDY UPDATE WORK SESSION

February 20, 2024

Eric Rutledge, Community Development Director

City of Sherwood Oregon

2/20/2024
Date

City Council
Gov. Body

WS
Agenda Item

C
Exhibit #

# SHERWOOD WEST SCHEDULE

- **February 20** City Council Work Session
- **February 27** Washington County Board of Commissioners Work Session
- **March 5** City Council Hearing (Resolution for Refinement Study and IGA with County)
- **April 2** Washington County Board of Commissioners (Resolution for IGA and Letter of Support)
- **April 5** Full application to Metro

# PROPOSED SB 1537 (2024 SHORT SESSION)

Section 38 – Mandatory adjustments to housing development standards for:

- Net new housing units (i.e. not a remodel)
- Single family, mixed-use residential, manufactured dwellings parks, accessory dwellings units, middle housing
- 17 units per acre (net)

Application must state that one of the following criteria apply:

- Adjustment will enable housing that is not otherwise feasible due to cost or delay
- Adjustment will enable housing that reduces the sale or rental price per unit
- Adjustment will increase the number of units within the application

# PROPOSED SB 1537 (2024 SHORT SESSION)

Allowed adjustments:

- Side or rear setback of 10%
- Open space / common area of up to 25%
- Parking minimums
- Minimum lot sizes up to 10%
- Building height maximums of one story or 20%, whichever is greater
- Unit density maximums, to account for other adjustments
- Prohibition of residential uses on the ground floor of a mixed-use building, with the exception of one face of the building that faces the street and is within 20 ft. of the street

# PROPOSED SB 1537 (2024 SHORT SESSION)

Allowed adjustments continued:

- Façade materials
- Façade articulation
- Roof forms and materials
- Entry and garage door materials
- Window materials
- Total window area up to 30%
- Building orientation
- Requirements for balconies and porches
- Requirements for recesses and offsets

# PROPOSED SB 1537 (2024 SHORT SESSION)

Exemption for local governments that can demonstrate:

- Local code allows adjustments for all housing types contained in adjustments section of bill AND
- Local code allows adjustments for all standards in adjustments section of bill AND
- City has approved has approved 90% of adjustment requests for housing in last 5 years OR
- City has adjustment process that is flexible and accommodates housing project needs as demonstrated by testimonials of housing developers who have used the process in the last 5 years

- Exemption status can be revoked upon complaint from developer and review by state of compliance status

# PROPOSED SB 1537 (2024 SHORT SESSION)

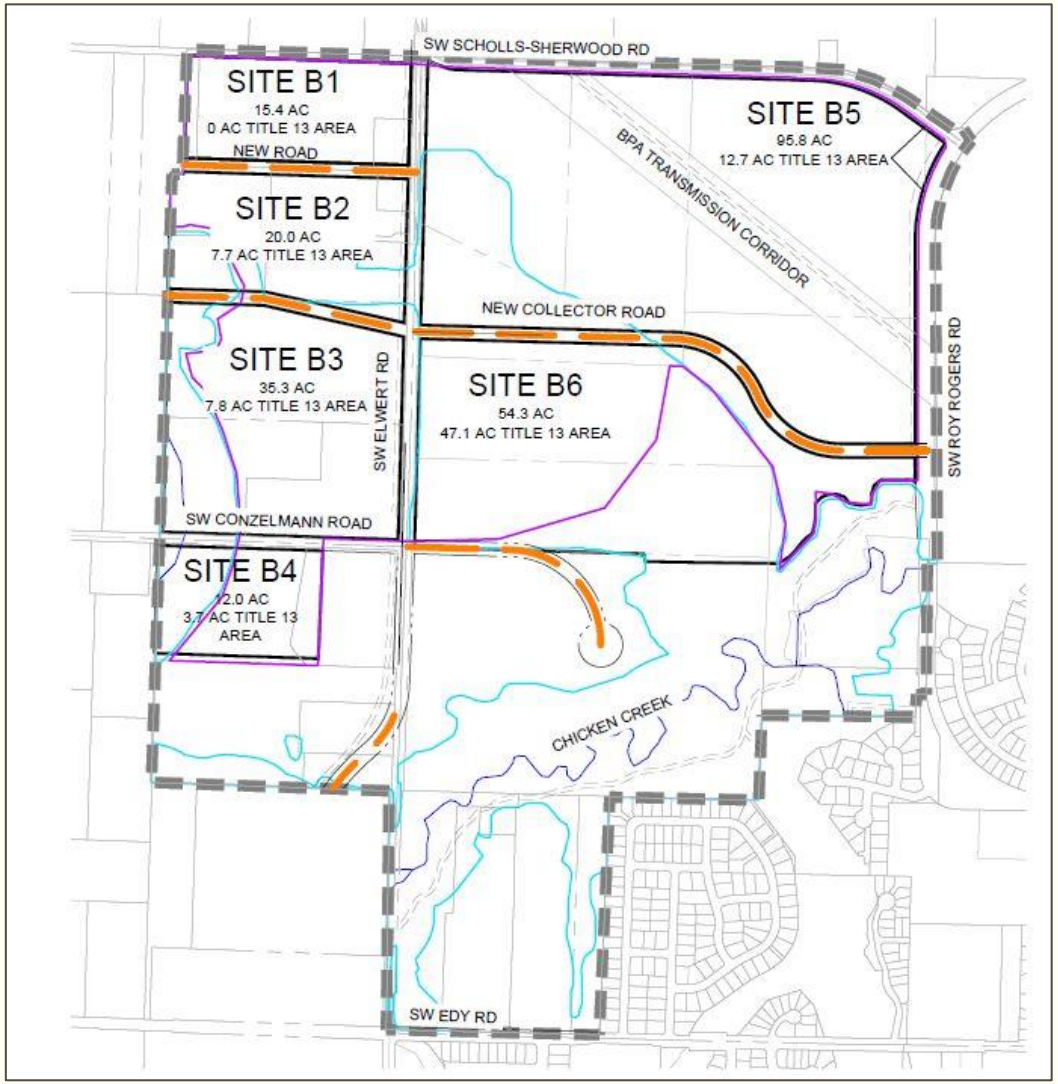
Table 4. Sherwood West Housing Estimates

| | Density Range (Net) | Total Acres (Net) | *% of Residential Acres* | Total Housing Units (with % of Middle Housing in Neighborhood areas) 0% MH | 10% MH | 20% MH | 50% MH |
|---|---|---|---|---|---|---|---|
| Multi-Family | 16.8 to 24 | 33 | *10%* | 798 | 798 | 798 | 798 |
| Middle Housing | 5.5 to 11 | 16 | *5%* | 173 | 173 | 173 | 173 |
| Cottage Cluster | 12.8 to 16 | 23 | *7%* | 362 | 362 | 362 | 362 |
| Med/High Density Nbhd | 5.5 to 11 | 23 | *7%* | 248 | 279 | 311 | 406 |
| Medium-Density Nbhd | 5.6 to 8 | 102 | *30%* | 816 | 990 | 1,163 | 1,683 |
| Low-Density Nbhd | 3.5 to 5 | 144 | *42%* | 720 | 1,008 | 1,296 | 2,160 |
| **TOTAL** | | **340** | ***100%*** | **3,117** | **3,610** | **4,103** | **5,582** |
| *Total Average Density* | | | | *9.2* | *10.6* | *12.1* | *16.4* |
| *Total Average Density with Open Space* | | | | *7.8* | *9.0* | *10.3* | *13.9* |

# SHERWOOD WEST REFINEMENT STUDY

## Purpose

- Evaluate opportunity for large site creation within the mixed-employment zone
- Evaluate opportunities for target industries
- Refine infrastructure design and cost estimates for the North District
- Update cost and revenue projects for entire Sherwood West study area



# INFRASTRUCTURE COST AND REVENUE

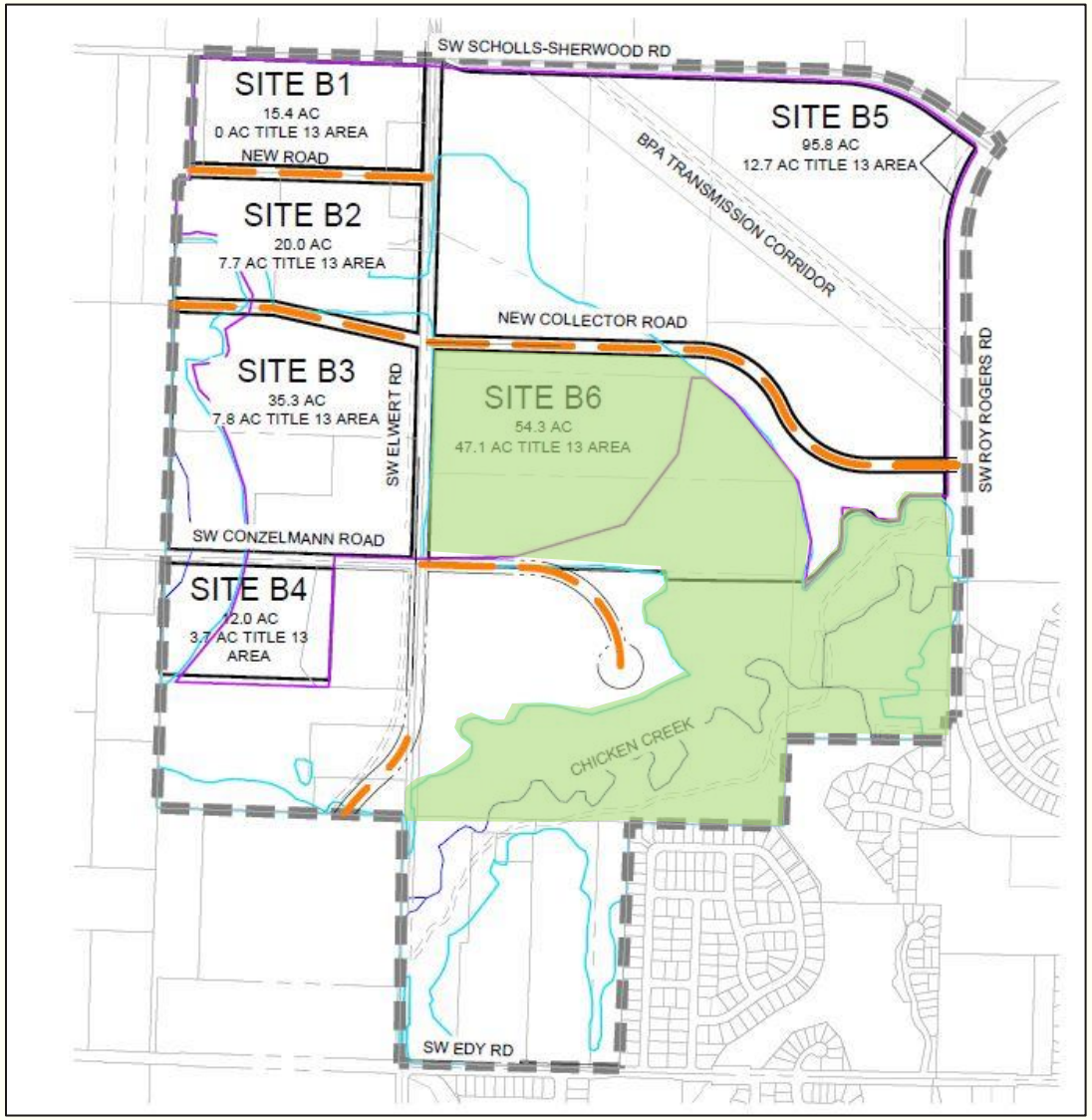
**Table 3. Sherwood West Infrastructure Funding Gap Analysis**

**Preliminary Gap Analysis: Low Density Housing (0% Middle Housing)**

| | Water | Sanitary Sewer | | Storm | Parks | Transportation | | Total w/ all Revenues | Total w/ City Revenues Only |
|---|---|---|---|---|---|---|---|---|---|
| **Revenues to City of Sherwood** | City SDC | City SDC | CWS RCC | City SDC | City SDC | City SDC | County TDT | | |
| North ("C" & "D") | $6,151,837 | $921,150 | $3,946,841 | $2,070,650 | $7,319,177 | $2,774,549 | $15,673,044 | $38,857,249 | $19,237,364 |
| Far West ("F") | $5,107,450 | $521,652 | $3,613,308 | $467,866 | $8,572,248 | $1,125,504 | $5,612,205 | $25,020,233 | $15,794,720 |
| West/Southwest ("A," "B," "E") | $18,231,546 | $2,414,470 | $53,942,295 | $2,798,613 | $39,281,132 | $32,739,960 | $110,090,947 | $259,498,965 | $95,465,722 |
| **Total Sources** | **$29,490,834** | **$3,857,272** | **$61,502,444** | **$5,337,129** | **$55,172,557** | **$36,640,014** | **$131,376,197** | **$323,376,446** | **$130,497,805** |
| **Costs to City of Sherwood** | | | | | | | | | |
| North ("C" & "D") | $10,745,000 | $18,162,500 | | $10,932,500 | $23,428,890 | $72,850,000 | | $136,118,890 | $136,118,890 |
| Far West ("F") | $8,367,000 | $4,801,500 | | $2,775,000 | - | $26,920,000 | | $42,863,500 | $42,863,500 |
| West/Southwest ("A," "B," "E") | $29,164,800 | $10,099,350 | | $6,177,500 | $23,815,610 | $85,787,301 | | $155,044,561 | $155,044,561 |
| **Total Uses** | **$48,276,800** | **$33,063,350** | | **$19,885,000** | **$47,244,500** | **$185,557,301** | | **$334,026,951** | **$334,026,951** |
| **Funding Surplus/Gap** | -$18,785,966 | $32,296,366 | | -$14,547,871 | $7,928,057 | -$17,541,090 | | -$10,650,505 | -$203,529,146 |

- Mixed Employment lot coverage (100% reduced to 35%) – addressed Washington County comment not previously addressed
- Added SDC / TDT Revenue for schools
- Removed duplicate storm costs
- Added costs for parks based on 2021 Parks Master Plan

# PRELIMINARY STREET LAYOUT



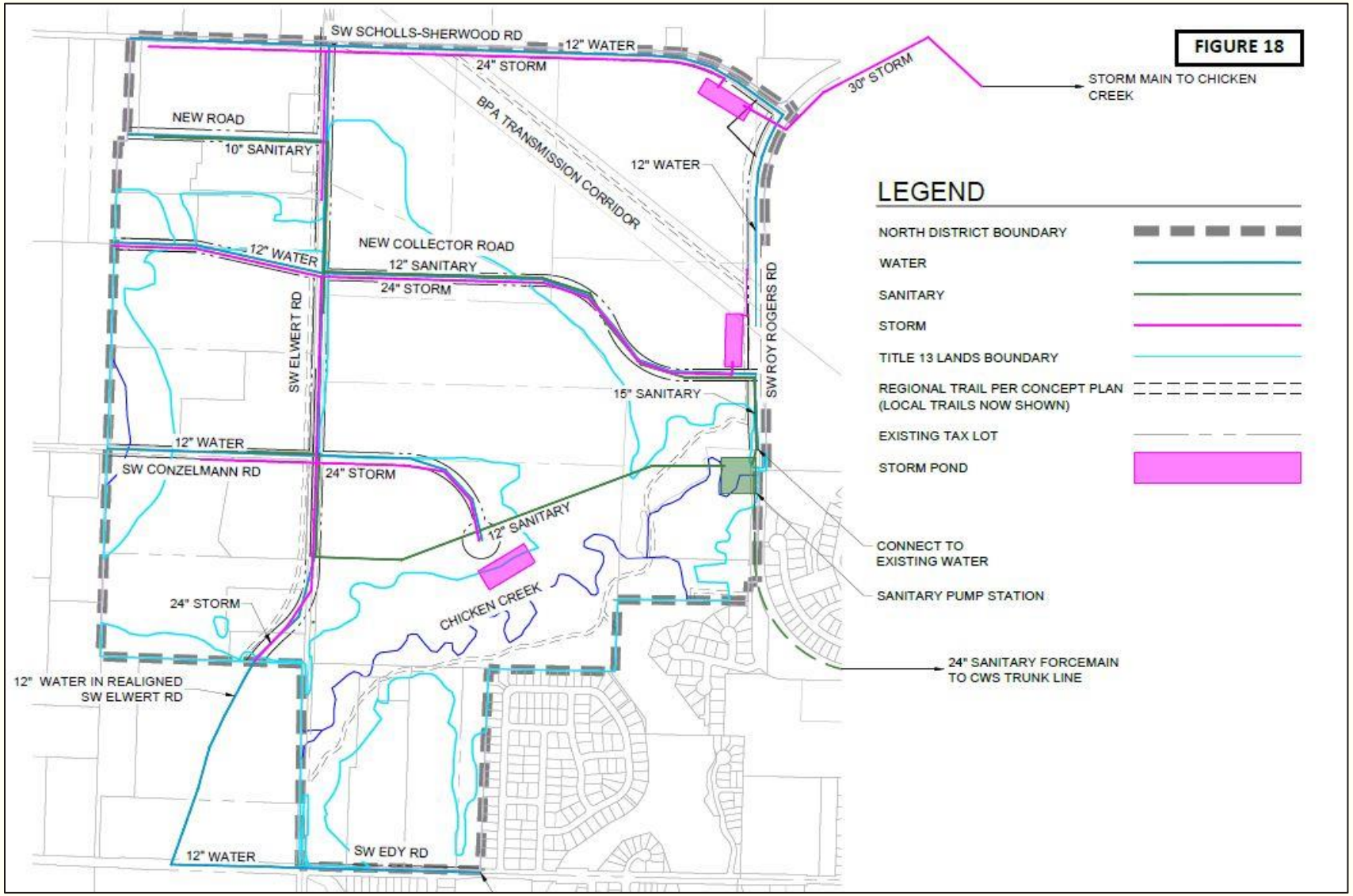

## Scenario B Street Plan

- New collector between Elwert and Roy Rogers
- Avoids Upland Habitat

## Parcel Size

- 95 AC site east of Elwert Rd.
- 12 AC – 35 AC sites west of Elwert Rd.

# PRELIMINARY UTILITY LAYOUT



# KEY INFRASTRUCTURE IMPROVEMENTS

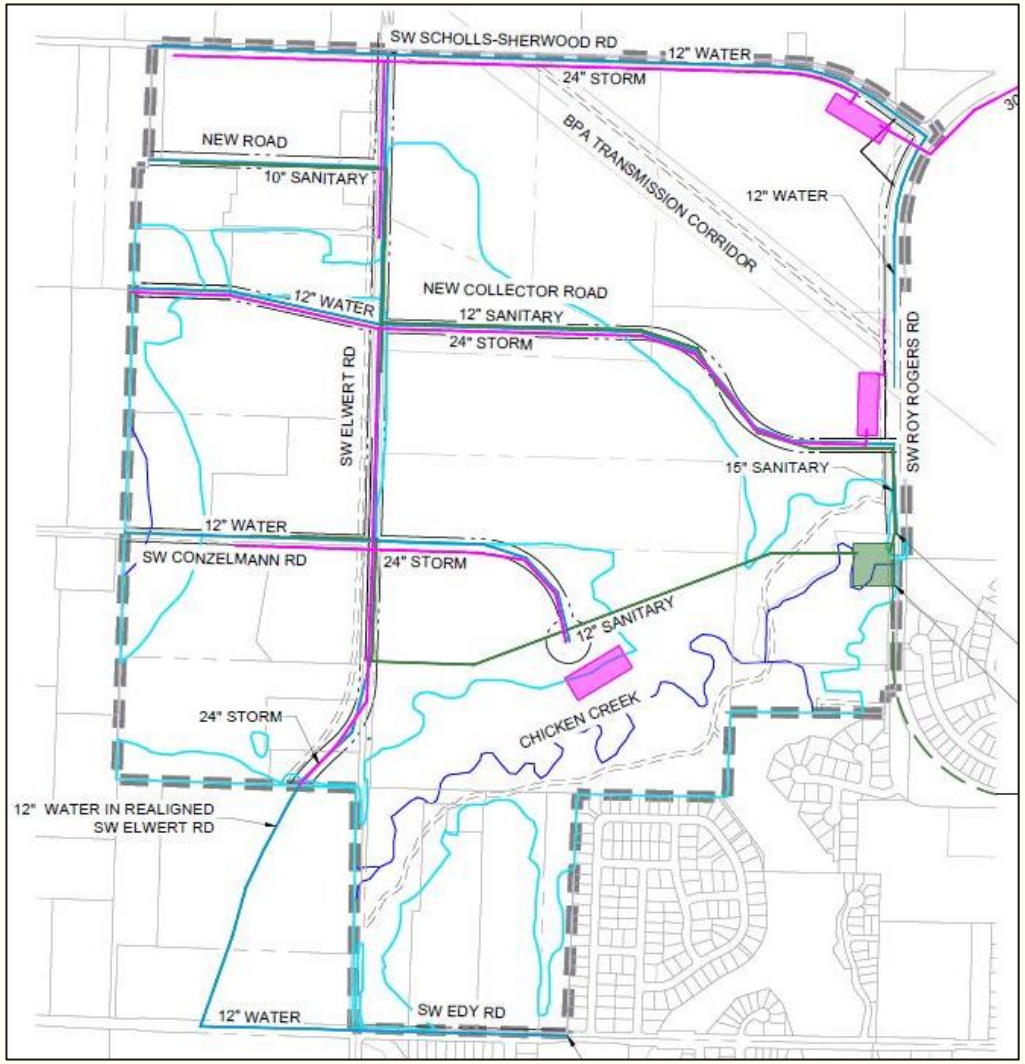
Key infrastructure improvements

Transportation
- Roy Rogers / Scholls Sherwood, Elwert / Scholls Sherwood, Elwert widening, new collector

Water
- Looped 12” system

Sewer
- Pump station, force main within Roy Rogers and Highway 99W

Storm
- Regional system with development



# TARGET INDUSTRY ASSESSMENT

**Manufacturing –** technology and advanced manufacturing, machinery, clean technology

**Professional and Business Services –** software and media, clean technology, athletics and outdoors

- Site sizes range from 12 – 95 AC which is appropriate for target industries, no sites over 100 AC
- Generally flat land, some slopes over 10% on west side of Elwert Rd.

**Recommendations to attract targeted industries**

- Implement strategies for creating and protecting large sites
- Complete Economic, Social, Environmental, and Energy (ESEE) analysis to determine value of upland habitat
- Engage with PGE and NW Natural to address energy needs
- Coordinate with Sherwood Broadband and other communication providers for communication needs

# NEXT STEPS

| | |
|---|---|
| March 5 | City Council Hearing – resolution accepting the refinement study, updated Concept Plan, and IGA with Washington County for transportation |

# SHERWOOD WEST REFINEMENT STUDY UPDATE WORK SESSION

February 20, 2024

Eric Rutledge, Community Development Director

## Katie Corgan

**From:** Sylvia Murphy
**Sent:** Monday, February 19, 2024 10:02 AM
**To:** Katie Corgan
**Subject:** FW: Sherwood West Refinement Study Work Session - 2/20/2024 Council Mtg.
**Attachments:** Sherwood West Presentation 2-20-24v3.pdf

Katie, see attached.

*Sylvia Murphy, MMC, City Recorder*
*Murphys@Sherwoodoregon.gov*
*Ph: 503-625-4246*

---

**From:** Eric Rutledge <RutledgeE@SherwoodOregon.gov>
**Sent:** Friday, February 16, 2024 4:00 PM
**To:** City Council <CityCouncilDistribution@sherwoodoregon.gov>
**Cc:** Joy Chang <ChangJ@SherwoodOregon.gov>; Bruce Coleman <ColemanB@SherwoodOregon.gov>
**Subject:** RE: Sherwood West Refinement Study Work Session

The correct bill number is **SB 1537**** here's a corrected powerpoint.

Thanks,

Eric Rutledge
City of Sherwood
Community Development Director
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Work Cell 971.979.2315

---

**From:** Eric Rutledge
**Sent:** Friday, February 16, 2024 3:53 PM
**To:** City Council <CityCouncilDistribution@sherwoodoregon.gov>
**Cc:** Joy Chang <ChangJ@SherwoodOregon.gov>; Bruce Coleman <ColemanB@SherwoodOregon.gov>
**Subject:** RE: Sherwood West Refinement Study Work Session

Hi Councilors,

Here's an updated presentation on this topic with a few slides on SB 1573 currently being considered by the state legislature. We'll discuss how the mandatory adjustments section of the bill may impact housing development in Sherwood West.

Link to latest version of SB 1537 – see adjustments section that starts on page 38:
https://olis.oregonlegislature.gov/liz/2024R1/Downloads/ProposedAmendment/25809

Thank you,

Eric Rutledge
City of Sherwood
Community Development Director
rutledgee@sherwoodoregon.gov

Desk 503.625.4242
Work Cell 971.979.2315

**From:** Eric Rutledge
**Sent:** Friday, February 16, 2024 9:01 AM
**To:** City Council <CityCouncilDistribution@sherwoodoregon.gov>
**Cc:** Joy Chang <ChangJ@SherwoodOregon.gov>; Bruce Coleman <ColemanB@SherwoodOregon.gov>
**Subject:** Sherwood West Refinement Study Work Session

Hi City Council,

Please see attached material for our Sherwood West Refinement Study work session on Tuesday. Looking forward to the meeting.

Thank you,

Eric Rutledge
City of Sherwood
Community Development Director
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Work Cell 971.979.2315

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**Mayor**
Tim Rosener

**Council President**
Kim Young

**Councilors**
Renee Brouse
Taylor Giles
Keith Mays
Doug Scott
Dan Standke

**City Manager Pro Tem**
Craig Sheldon

**Assistant City Manager**
Kristen Switzer

To: Mayor Rosener and Sherwood City Council

From: Eric Rutledge, Community Development Director

Date: February 20, 2024

Re: Sherwood West Refinement Study

---

**Background**

In Fall 2023 the City initiated a refinement study to the Sherwood West Concept Plan with funding support from Metro. The purpose of the study was to move the North District's mixed-employment zone closer to being development ready and to identify opportunities to attract the City's target industries. The refinement study also updated the infrastructure costs and revenues for the entire Sherwood West study area. This work session will provide a summary of the refinement study findings.

**Refinement Study**

The Sherwood West Refinement Study includes the following elements, all intended to move the mixed-employment zone and entire Sherwood West planning area closure to being development ready:

- An evaluation of opportunities to create and protect large sites within the mixed-employment zone
- An evaluation of opportunities to attract the City's target industries in the mixed-employment zone
- A refinement of infrastructure design and cost estimates for the North District
- An refinement of infrastructure costs and revenues for the entire Sherwood West planning area

The refinement study will be included as an appendix to the full Sherwood West Concept Plan. The Concept Plan will also be updated to reflect the findings of the refinement study.

Attachments:

A. *Sherwood West Refinement Study*

2/20/2024 Date | City Council Gov. Body

WS Agenda Item | D Exhibit #

Attachment A

MACKENZIE.

# SHERWOOD WEST NORTH DISTRICT CONCEPT PLAN REFINEMENT

**To**
City of Sherwood

**Dated**
February 13, 2024

**Project Number**
2230332.00

MACKENZIE
Since 1960

RiverEast Center | 1515 SE Water Avenue, Suite 100, Portland, OR 97214
PO Box 14310, Portland, OR 97293 | T 503.224.9560 | www.mackenzie.inc

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1. November 2023 City of Sherwood Letter to Property Owners Regarding Interest in Development
2. Notes from December 6, 2023 Technical Advisory Committee Meeting
3. Notes from January 31, 2024 Technical Advisory Committee Meeting
4. Notes from December 7, 2023 Portland General Electric Meeting
5. PGE Sherwood West Concept Plan Refinement Map, January 19, 2024
6. Business Oregon Industrial Development Competitiveness Matrix
7. Mackenzie Infrastructure Cost Estimates for North District and Regional Trails
8. Preliminary Infrastructure Funding Strategy Memo, Leland Consulting Group

# I. INTRODUCTION

## Project Overview and Objectives

The City of Sherwood (City) has been planning for the 1,291-acre Sherwood West area—containing one of Metro's designated urban reserves—for many years. In 2016 the City adopted a Concept Plan for the area, but due to a change in City Council policy direction, a second look at the area was initiated in 2021, with a revised Concept Plan accepted by City Council in summer 2023.

In fall 2023, the City engaged Mackenzie and Leland Consulting Group (LCG) to assist in refining the North District of the 2023 Concept Plan. This effort provides additional detail regarding the North District and its Mixed Employment zone, particularly related to Mixed Employment development potential and the costs of providing public infrastructure. Taken together, the 2023 Concept Plan and this 2024 Concept Plan Refinement report will provide information for the City Council to use as the basis for a request for Metro to expand the Urban Growth Boundary (UGB) to include Sherwood West. These reports will also provide information to be incorporated into future updates to the Transportation System Plan and utility master plans following a determination by Metro of which portions of Sherwood West may be included in the UGB.

This report documents the results of this analysis, and includes the following elements:

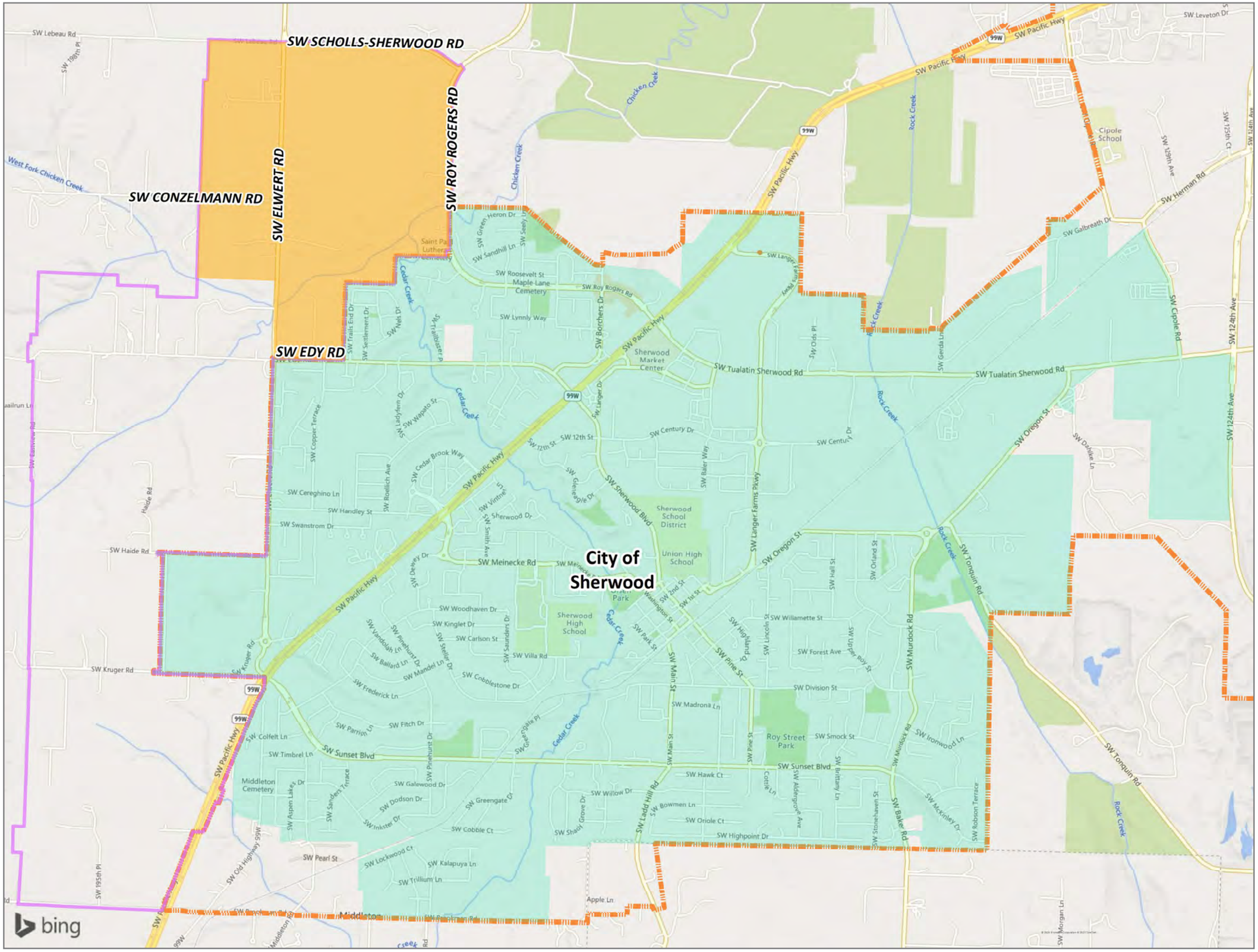
- Existing conditions information on the North District and prior planning efforts.
- Analysis of opportunities to create large sites (50 acres and larger) within the Mixed Employment area.
- Assessment of existing and planned transportation and infrastructure improvements.
- North District Concept Plan refinement scenarios and associated transportation and infrastructure projects and construction costs.
- Evaluation of the Mixed Employment area to accommodate target employment types.
- Discussion of Sherwood West transportation and infrastructure construction costs and funding.

## Study Area Context

The Sherwood West planning area comprises approximately 1,300 acres west of downtown Sherwood and Oregon Highway 99W. Most of Sherwood West (approximately 1,205 acres) is located immediately west of the City of Sherwood, just outside the UGB, in Metro's urban reserve 5B, while the remaining approximately 85 acres are within the UGB and City limits and contain the Sherwood High School. Sherwood West is divided into multiple districts, of which the North District consists of approximately 400 acres. The North District is bounded on the north by SW Scholls-Sherwood Road and SW Lebeau Road, on the east by SW Roy Rogers Road, and on the south by SW Edy Road. The western boundary of the North District does not align with existing roadways. SW Elwert Road passes through the central portion of the North District in a north-south orientation, while SW Conzelmann Road passes through the central portion in an east-west orientation, terminating at SW Elwert Road. The southeastern edge of the North District coincides with the existing UGB and City limits. See Figure 1.

Existing land uses in the North District consists of rural residential properties, agricultural land, and forested areas. The Bonneville Power Administration (BPA) has an electrical transmission line that bisects the North District, crossing diagonally from SW Roy Rogers Road to SW Scholls-Sherwood Road. See Figure 2.

# FIGURE 1
# SHERWOOD WEST CONCEPT PLAN
# NORTH DISTRICT CONTEXT
# SHERWOOD, OREGON




## LEGEND

- Urban Growth Boundary (UGB)
- Sherwood City Limits
- Sherwood West
- North District

0 750 1,500 3,000 Feet

1 inch = 1,500 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 2/9/2024
File: Sherwood West_North District

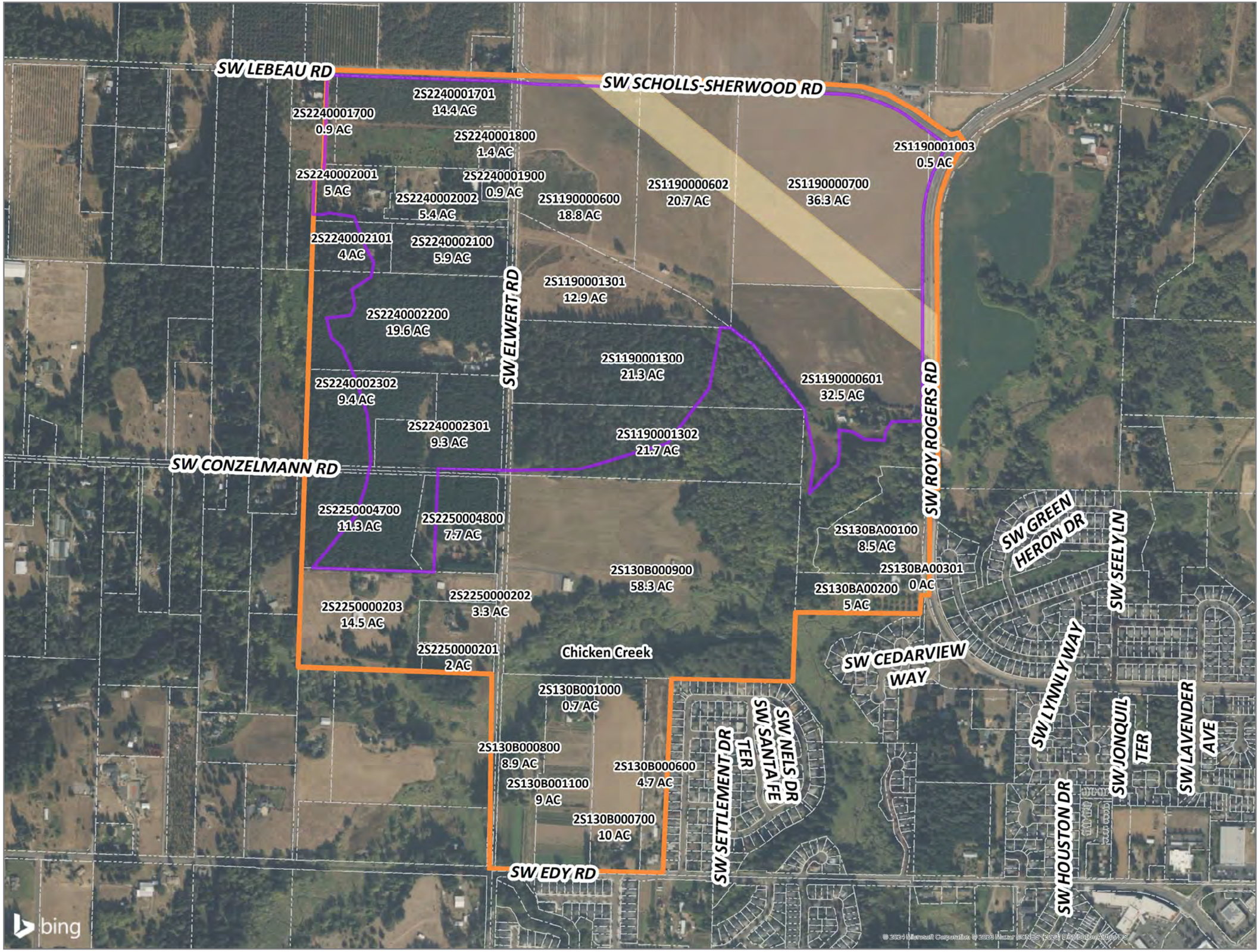
Map Created By: BJV
Project No: 2230332.00




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# FIGURE 2
# SHERWOOD WEST CONCEPT PLAN
# NORTH DISTRICT
# AERIAL
# SHERWOOD, OREGON




**LEGEND**

- North District
- Mixed Employment
- Tax Lots
- BPA Transmission Corridor

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 2/9/2024
File: Aerial Taxlots_ND

Map Created By: BJV
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Chicken Creek passes through the North District, entering at SW Elwert Road and flowing northeasterly toward SW Roy Rogers Road. Cedar Creek joins Chicken Creek shortly before it flows out of the North District. Both creeks have areas of Special Flood Hazard (the 1% annual chance flood, or 100-year floodplain) and regulatory floodway, as illustrated on Figure 3. Wetland areas in the vicinity of Chicken Creek are noted in Figure 4.

Based on the presence of creeks and forested areas, Metro has designated portions of the North District as Title 13 ("Nature in Neighborhoods") habitat, more specifically:

- Riparian Wildlife Habitat Class I
- Riparian Wildlife Habitat Class II
- Riparian Wildlife Habitat Class III
- Upland Wildlife Habitat Class A
- Upland Wildlife Habitat Class B

These areas are also depicted in Figure 4. A review of this map reveals that some of the designated Title 13 areas may no longer serve as habitat, such as in instances where forest cover has been reduced subsequent to the Title 13 designation.

The topography of the North District varies from a high of 280 feet above mean sea level (AMSL) in the northwestern portion to 130 feet AMSL along Chicken Creek. Figure 5 illustrates that most of the North District has slopes under 10% with pockets of areas between 10% and 25% slope and some areas exceeding 25% slope.

# FIGURE 3
# SHERWOOD WEST CONCEPT PLAN NORTH DISTRICT FLOODPLAIN SHERWOOD, OREGON

SW LEBEAU RD
SW SCHOLLS-SHERWOOD RD
SW SCHROEDER LN
SW CONZELMANN RD
SW ELWERT RD
SW ROY ROGERS RD
SW GREEN HERON DR
SW SEELY LN
SW LYNNLY WAY
SW JONQUIL TER
SW LAVENDER AVE
SW CEDARVIEW WAY
Chicken Creek
West Fork Chicken Creek
Cedar Creek
SW TRAILS END DR
SW SETTLEMENT DR
SW NELS DR
SW SANTA FE TER
SW HOUSTON DR
SW EDY RD
bing
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**LEGEND**

- North District
- Mixed Employment
- Tax Lots
- Streams
- 1% Annual Chance Flood Hazard
- Regulatory Flooodway

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 2/9/2024
File: Floodplain

Map Created By: BJV
Project No: 2230332.00




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# FIGURE 4
# SHERWOOD WEST CONCEPT PLAN
# NORTH DISTRICT
# WETLANDS & TITLE 13
# SHERWOOD, OREGON

SW LEBEAU RD
SW SCHOLLS-SHERWOOD RD
SW SCHROEDER LN
SW CONZELMANN RD
SW ELWERT RD
SW ROY ROGERS RD
SW GREEN HERON DR
SW SEELY LN
SW LYNNLY WAY
SW CEDARVIEW WAY
SW JONQUIL TER
SW LAVENDER AVE
SW HOUSTON DR
SW TRAILS END DR
SW SETTLEMENT DR
SW NELS DR
SW SANTA FE TER
SW EDY RD
Chicken Creek

bing
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**LEGEND**

- North District
- Tax Lots
- Mixed Employment
- Streams
- Wetland

**Metro Title 13 Areas**

- Riparian Wildlife Habitat Class I
- Riparian Wildlife Habitat Class II
- Riparian Wildlife Habitat Class III
- Upland Wildlife Habitat Class A
- Upland Wildlife Habitat Class B

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 2/9/2024
File: Wetlands_Title 13

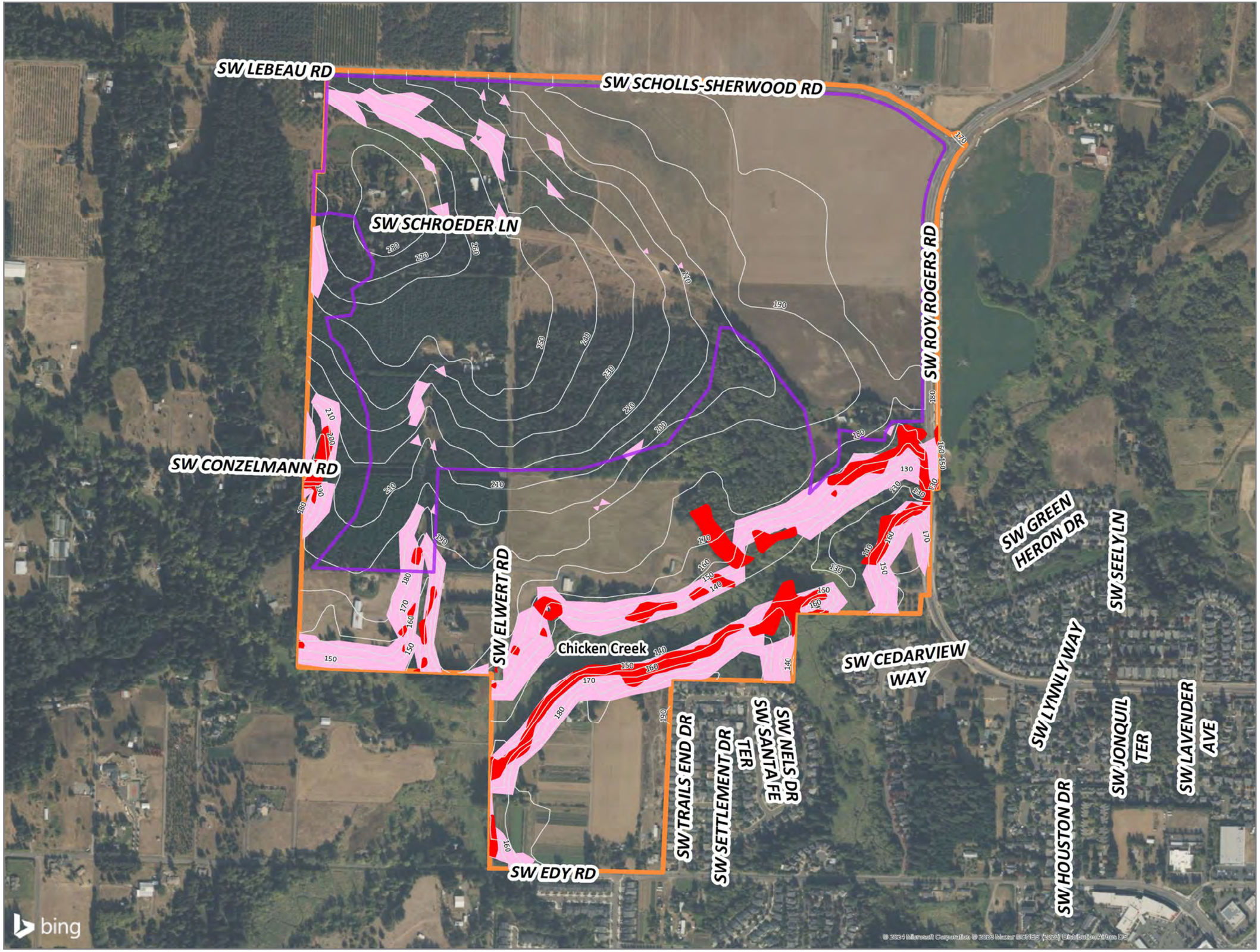
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# FIGURE 5
# SHERWOOD WEST CONCEPT PLAN
# NORTH DISTRICT
# CONTOURS & SLOPE
# SHERWOOD, OREGON




**LEGEND**

- North District
- Mixed Employment
- 10 ft Contours
- 10%-25% Slope
- Over 25% Slope

Feet
0 300 600 1,200

N

1 inch = 600 feet

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 2/9/2024
File: Contours and Slopes_ND

Map Created By: BJV
Project No: 2230332.00




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## Focus of Concept Plan Refinement Study

The City's intent in retaining Mackenzie and Leland Consulting Group for this study was to have the consulting team perform additional analysis related to the following focus areas, as an evolution of the 2023 Concept Plan:

- Determining the viability of assembling large (50 acres and larger) development sites within the Mixed Employment portion of the North District and identifying potential measures to encourage these large sites.
- Refining the North District conceptual roadway network, identifying general alignments for future public utilities, and estimating construction costs for transportation and public utility improvements (water, sewer, storm).
- Comparing transportation, public utility, regional parks, and regional trails construction costs to potential revenues from system development charges (SDCs) and the Washington County Transportation Development Tax (TDT), and identifying potential funding mechanisms to supplement available revenues where needed.

Discussion of the findings of this analysis is included in the following sections.

To assist in this evaluation, the City reconvened its 2023 Concept Plan Technical Advisory Committee (TAC) to provide input in a manner similar to the 2021-2023 Concept Planning effort. Members of the TAC included representatives from:

- Bonneville Power Administration (BPA)
- City of King City
- Clean Water Services (CWS)
- Friends of Tualatin River National Wildlife Refuge
- Home Building Association (HBA)
- Metro
- Oregon Department of Transportation (ODOT)
- Portland General Electric (PGE)
- Tualatin Valley Fire & Rescue (TVF&R)
- Washington County

Notes from the TAC meetings are provided in Appendices 2 and 3.

## II. LARGE SITE CREATION WITHIN THE NORTH DISTRICT MIXED EMPLOYMENT AREA

As laid out in the 2023 Concept Plan, the 405-acre North District is envisioned to have the following mix of uses:

- Mixed Employment
- Multifamily
- Middle Housing
- Medium Density Neighborhood
- Community Park
- Metro Title 13 Riparian/Upland Habitat

These areas, and a conceptual network of existing roadways and future streets, are depicted in Figure 6.

To assess the opinions of existing property owners regarding future development of the areas identified for Mixed Employment, in November 2023, the City mailed a survey to all property owners within the North District. The results of that survey are depicted in Figure 8.[1]

### Factors Affecting Developability for Mixed Employment Uses

To assess the viability of the Mixed Employment area for large scale employment development, Mackenzie reviewed the information compiled in the included maps.

- Figure 2 indicates that within the Mixed Employment area there are seven residences west of SW Elwert Road and one residence east of SW Elwert Road.
- Figure 2 demonstrates that the BPA electrical transmission corridor constrains several properties within the North District. Buildings cannot be located within the BPA's easement, though passenger vehicle parking and vehicle parking are generally allowed.
- Figure 3 demonstrates that the Mixed Employment area is not within the regulated floodway or the Special Flood Hazard Area (1% annual chance flood area).
- Figure 4 demonstrates that the Mixed Employment area has no identified wetlands, no Metro Title 13 Riparian Wildlife Habitat, and some areas of Upland Wildlife Habitat Class B. Title 13 habitat areas could restrict development locations and add permitting requirements that would extend development timelines.
- Figure 5 demonstrates that the majority of the Mixed Employment area has slopes under 10%. There are scattered regions with slopes over 10% (primarily west of SW Elwert Road) and one small pocket of slope over 25% south of SW Conzelmann Road. Slopes in excess of 10% increase the grading requirements (and associated cost) necessary to create the flat sites desired for large employers.[2]
- Figure 6 demonstrates that the existing transportation network is insufficient to serve the North District, and that additional roadways will be needed. The conceptual roadway locations shown

[1] This map only reflects information provided by property owners via returned surveys and does not reflect other information sources (e.g., purchase offers by developers).

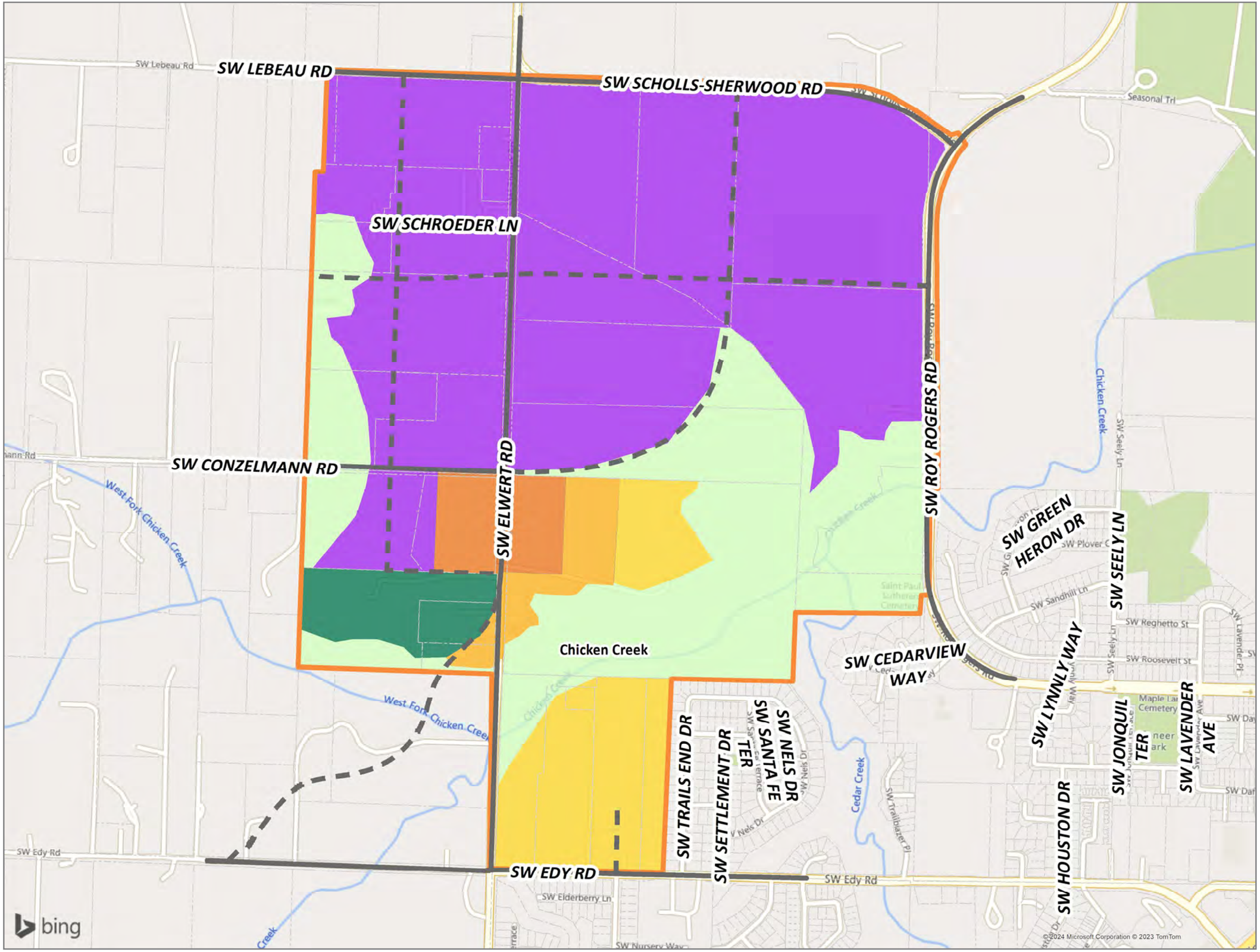
[2] As discussed in Appendix G (Economic Opportunities Memo) of the 2023 Concept Plan, "…developers of industrial and, to a slightly lesser extent, office projects typically require regularly-shaped tracts of flat land with slopes of less than 3.0 percent. A campus-style development may be able to accommodate a greater variety of topographical conditions." City and Metro GIS data grouped all slopes under 10% into a single category so identification of areas with 3-5% slopes was not performed.

in this figure (which match those from the 2023 Concept Plan) have been refined as part of this study, as described in Section IV of this report.

- Figure 7 demonstrates that existing parcel sizes in the Mixed Employment area range from approximately 0.5 acres to approximately 36 acres. In general, larger parcels are located east of SW Elwert Road. Some of the parcels are located partially inside and partially outside the Mixed Employment area.
- Figure 7 also demonstrates that there are 16 owners[3] within the Mixed Employment area, including instances where the same entity owns multiple contiguous parcels. This condition would make it easier for developers to assemble large sites by purchasing multiple parcels.
- Figure 8 shows that owners of four parcels within the Mixed Employment area are interested in developing or selling their land for employment, while owners of three parcels are interested in developing their land with residential uses. The owners of three parcels are not interested in development, and the owners of the remaining 11 parcels did not respond to the City's survey. For property owners who have indicated they are not interested in developing, those parcels may eventually be developed (for instance, if there is a change in ownership), but those properties would likely not be in the first phase of annexation and development.

[3] Property ownership is counted as a distinct owner name for each parcel. In some cases, a company or person may own property under different names and the actual number of owners may be less than listed here.

# FIGURE 6
# SHERWOOD WEST CONCEPT PLAN
# NORTH DISTRICT
# LAND USE & ROADS
# SHERWOOD, OREGON




**LEGEND**

- North District
- Tax Lots

**Land Use per 2023 Concept Plan**

- Mixed Employment
- Multifamily
- Middle Housing
- Medium Density Neighborhood
- Community Park
- Title 13 Riparian/Upland

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 2/9/2024
File: Land Use_ND

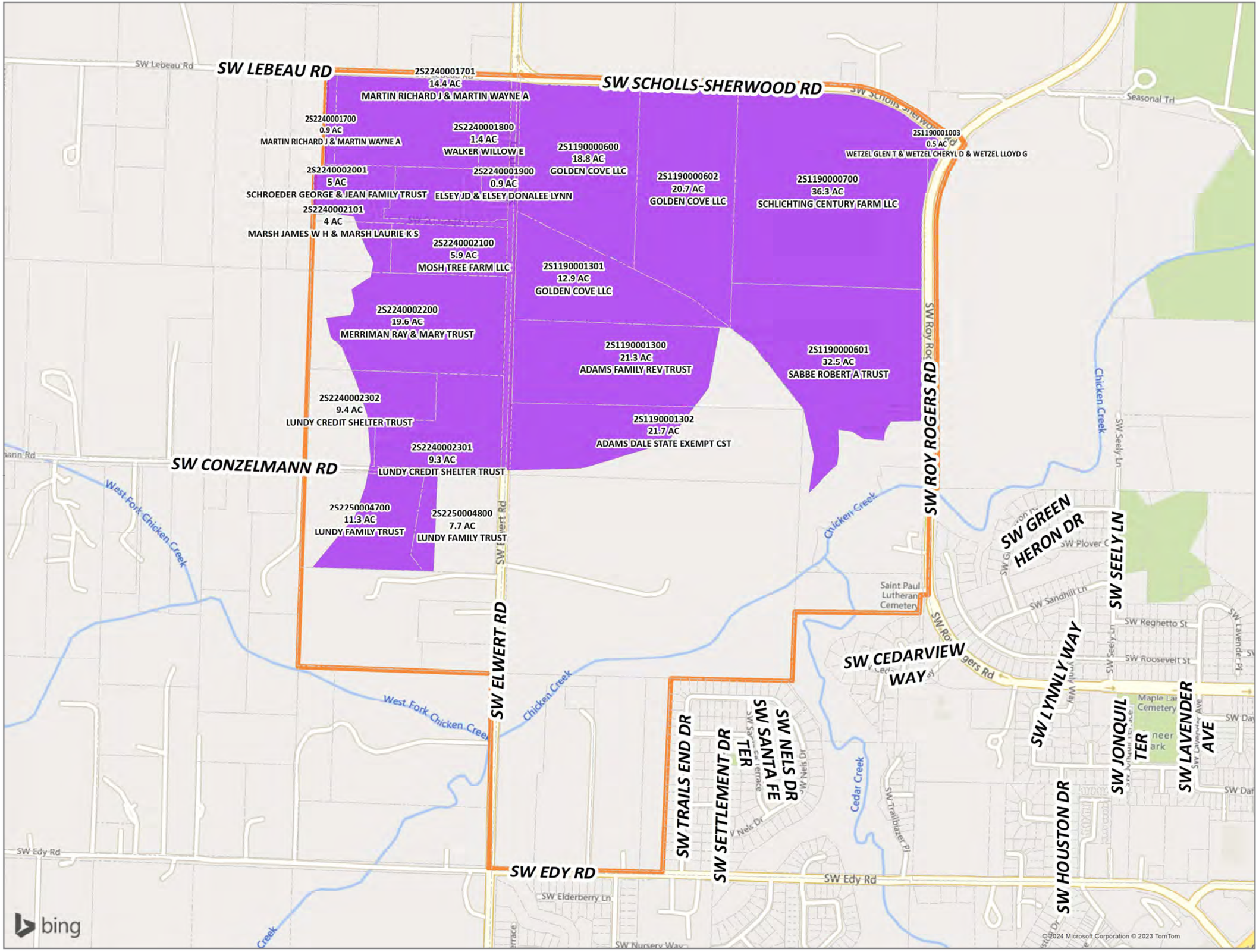
Map Created By: BJV
Project No: 2230332.00




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# FIGURE 7
# SHERWOOD WEST CONCEPT PLAN
# NORTH DISTRICT
# MIXED EMPLOYMENT OWNERSHIP
# SHERWOOD, OREGON




**LEGEND**

- North District
- Tax Lots
- Mixed Employment per Concept Plan

0 300 600 1,200 Feet

1 inch = 600 feet

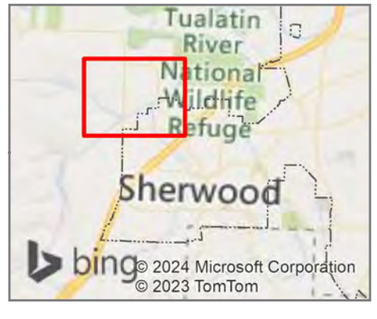
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SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 2/9/2024
File: Parcel Ownership_ME

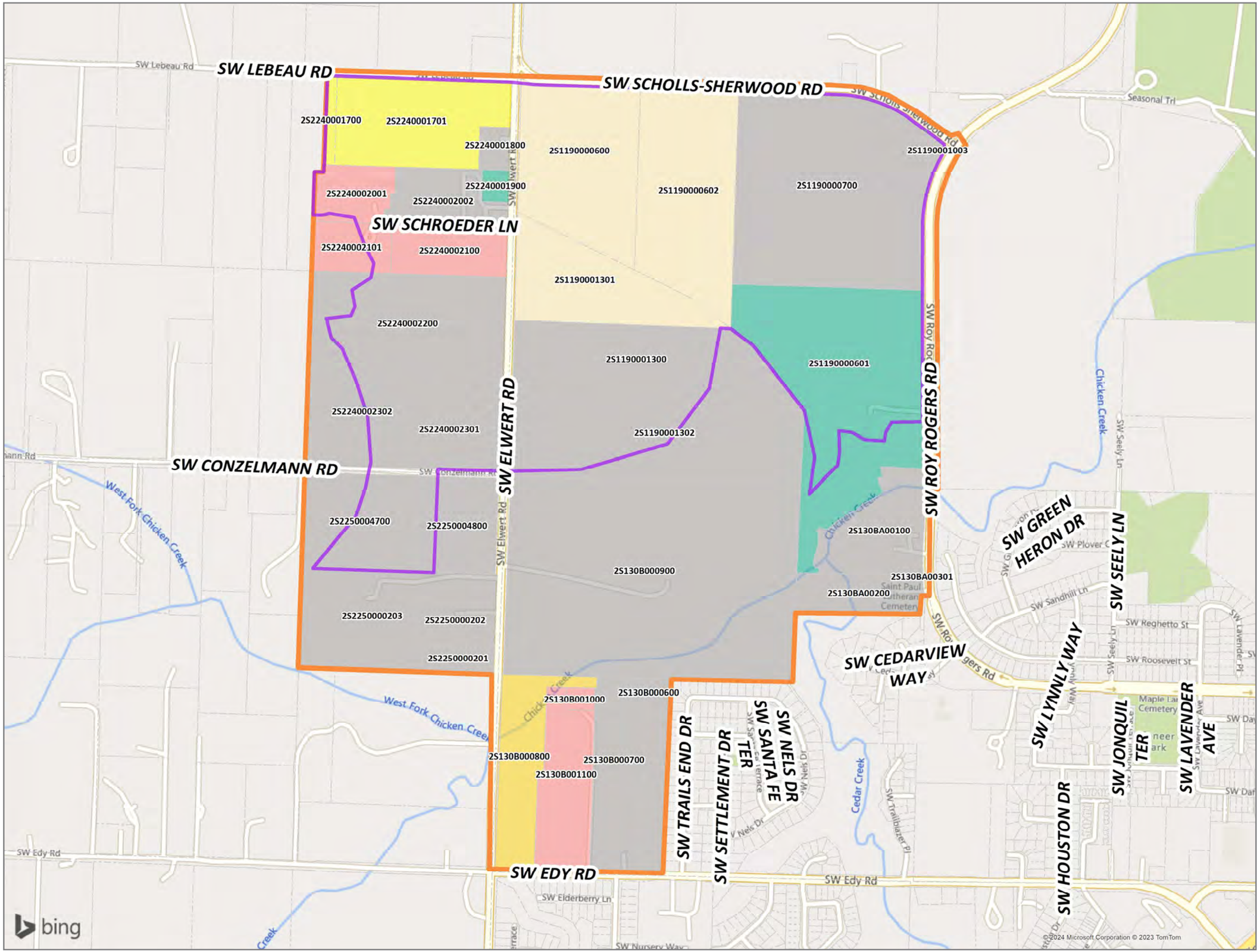
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# FIGURE 8
# SHERWOOD WEST CONCEPT PLAN
# PROPERTY OWNER DEVELOPMENT INTEREST
# SHERWOOD, OREGON




## LEGEND

- North District
- Mixed Employment
- Tax Lots

**Survey Response**

- Development Interest (for Emp.)
- Development Interest (for Res.)
- Available for Sale (for Emp.)
- Available for Sale (for Res.)
- Not Available or Interested
- No Response

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 2/9/2024
File: Owner Devt Interest_ME

Map Created By: BJV
Project No: 2230332.00




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## Analysis

Utilizing the Mixed Employment area for large employment development for target industries requires sites that may be composed of multiple properties and ownerships. Based on the factors identified above, the area east of SW Elwert Road is more conducive to large-scale mixed employment development, while the area west of SW Elwert Road is more appropriate for smaller-scale development, for the following reasons:

- Existing parcel sizes are generally larger east of SW Elwert Road, so there are fewer owners overall to aggregate/assemble (six owners east of the road and 10 owners west of the road).
- There are fewer existing residences east of SW Elwert Road.
- There are very few areas with slopes exceeding 10% east of SW Elwert Road. The gentler slopes east of SW Elwert Road are more amenable for large employers. Slopes greater than 10% can be problematic for mixed employment development, particularly many industrial users who prefer not to exceed 5%.
- The combined acreage of properties with owners interested in selling or developing their land is higher east of SW Elwert Road (though one owner of three parcels expressed interest in residential development rather than employment development). No owners east of SW Elwert Road indicated that they had no interest in development.

While the area east of SW Elwert Road does contain Upland Wildlife Habitat Class B, some of this would likely be removed from Metro's Title 13 inventory upon further analysis (e.g., where trees have been removed from formerly forested areas).

The conceptual roadway network depicted in the 2023 Concept Plan would yield development sites with a maximum size of approximately 30 acres. Therefore, to assess opportunities to create sites larger than 50 acres in the Mixed Employment area, Mackenzie drafted multiple preliminary scenarios of potential site configurations and reconfigured roadways and shared those with the TAC (see Appendix 2). In general, utilizing fewer roads would yield larger site sizes, ranging from approximately 50 acres in one configuration to 150 acres in another which eliminated most conceptual roads east of SW Elwert Road. The specific layouts are not reproduced here since the intent was not to compare and contrast specific options but rather to gain feedback from the TAC on general concepts. Observations shared at the December 6, 2023, TAC meeting included:

- The City can undertake a future study to determine the significance of Metro's Title 13 areas as part of future Comprehensive Planning efforts. At this time, the City should not assume that all Title 13 upland habitat areas could be converted to development sites or roadways.
- Large development sites can hinder pedestrian and bicycle access, so if roadways are minimized then providing trails could maintain access for those users.
- Roadway connectivity is likely more important than the City's maximum block size standards, which are more geared towards residential development.
- Certain large employers may have preferred site sizes ranging from 35 acres to over 100 acres.
- While the BPA transmission corridor cannot be used for buildings, it can accommodate parking and vehicle maneuvering space. The BPA does not support planting trees near the BPA easement.
- PGE requests to reserve at least five acres for an electrical substation. Preferably, the substation site would be located in a central location to efficiently serve the North District.
- The City could consider relocating the North District community park to Title 13 upland habitat area to potentially allow other land to be developed with different uses.

- The City has to balance competing interests (e.g., walkability, block size, targeted industries, and upland habitat).

Separately, the City of Sherwood Economic Development Manager and a local real estate broker shared the following comments:

- Development sites of 20-30 acres are reasonable target sizes from a user demand perspective. While larger sizes are more attractive, maintaining flexibility in lot size is preferable over mandating 50-acre sites.
- Roadway locations need to consider circulation and access needs but should maximize developable land to maintain flexibility and minimize development costs.
- Multiple utilities (public utilities, electricity, natural gas, and communications) will be needed to serve future development.
- Preserving large sites provides flexibility for target employment types and changing market conditions and allows employers to grow over time.
- There is current market demand for multi-tenant industrial buildings to accommodate a range of company sizes.
- Rectangular sites are preferred but may not be possible throughout the entire Mixed Employment area.
- Some users will be concerned about public trails or other public easements through development sites due to security needs and truck maneuvering.
- The smaller parcels west of SW Elwert Road provide opportunities for smaller companies.

## Potential Strategies for Creating and Protecting Large Sites

Based on the input gathered above and Mackenzie's experience designing business parks and industrial and commercial developments, the following strategies for creating and protecting large sites in the Mixed Employment area were considered.

1. *Large-lot County zoning prior to annexation.*

   Under current Washington County zoning, property east of SW Elwert Road is zoned Exclusive Farm Use (EFU) or Agriculture & Forest (AF-20), both of which has a minimum 80-acre parcel size. While some parcels west of SW Elwert Road are also zoned AF-20, others are zoned Agriculture & Forest 10-acre minimum (AF-10) or Agriculture & Forest 5-acre minimum (AF-5). Coordinating with the County to preserve the current zoning in the near term is advisable to prevent further parcelization prior to City of Sherwood annexation.

2. *City purchase and assembly of parcels.*

   The City or its Urban Renewal Agency (URA) could purchase properties from different owners and assemble them to create larger development sites from smaller parcels. This is an effective strategy if the City or URA have sufficient capital reserves to acquire the needed sites and patiently wait/hold for future development.

3. *Financial incentives for larger sites.*

   The City could make a policy choice to provide financial incentives for employment sites over a minimum threshold size. Incentives could include reduced development review or permit fees,

reduced SDCs, City funding for public infrastructure improvements, or tax abatement for a specified period.

4. *Accelerated review timelines for larger sites.*

   The City could make a policy choice to accelerate land use review and permit review timelines for employment sites over a minimum threshold size. The City could also provide additional support and assistance to coordinate permits required by other agencies.

5. *Tailored development standards for larger sites.*

   The City could enact development standards (potentially via overlay zone) which are tailored to large sites to make them more attractive to developers, such as reduced setbacks, increased height limits, simpler design standards, and block spacing standards correlated with large sites.

6. *Development agreements*

   To advance the City's economic goals, the City could require development agreements focused on aggregation/consolidation of parcels under common ownership to ensure availability for larger employers.

7. *50-acre minimum site size for development.*

   This strategy would guarantee that large sites are available. However, this approach is not recommended as it precludes smaller sites from developing and could delay development if a developer is unable to assemble the requisite parcels to satisfy the minimum size. This could also delay development if market conditions lead to multiple smaller users needing sites but who would not be able to develop if the sites are too below the minimum threshold.

Regardless of the strategies used, Mackenzie recommends that the City provide flexibility for varying user needs by accommodating smaller sites west of SW Elwert Road and larger sites (minimum 30 acres) east of SW Elwert Road.

To maintain connectivity for cyclists and pedestrians, the City could require larger development sites to provide public trail easements through and around private property in lieu of public street connections per the City's block length standards. However, to provide flexibility for site layout, the City should not prescribe the precise alignment of these easements. This concept should be developed further through future Comprehensive Planning efforts to determine the appropriate level of trails to balance circulation, site layout, and site security needs.

## III. EVALUATION OF NORTH DISTRICT TRANSPORTATION NETWORK AND INFRASTRUCTURE SYSTEMS

The consultant team reviewed adopted transportation and utility master plans and existing conditions information to identify applicable standards and improvements necessary to accommodate development in the North District.

### Transportation Review

Mackenzie reviewed documentation of the existing transportation conditions as well as planned improvements presented in the City of Sherwood Transportation System Plan (TSP), Washington County TSP, currently adopted Sherwood West Concept Plan, and Washington County Urban Reserves Transportation Study. This section discusses the transportation network that serves the North District illustrated in Figure 2 and Figure 6.

***Existing and Planned Roadway Conditions***

Below is a review of existing roadways within the North District area. Because Sherwood West is currently outside City limits, roadways listed below are generally not improved to City standards. Similarly, County roadways are not currently constructed to their ultimate cross-section.

*SW Elwert Road*

This County Arterial is currently two lanes wide within the North District spanning from SW Scholls-Sherwood Road to the north, SW Edy Road east of SW Elwert Road to the south, and Chicken Creek west of SW Elwert Road to the south. SW Elwert Road will serve as the primary north-south route through the North District. The County's TSP identifies the ultimate configuration of SW Elwert Road as having three lanes with sidewalks and bike lanes south of SW Edy Road; the same configuration should be continued north of SW Edy Road.

*SW Edy Road*

This County Collector creates the southern boundary of the North District east of SW Elwert Road. The roadway is currently two lanes wide. The County's TSP identifies SW Edy Road as a future three-lane Collector with sidewalks and bike lanes between SW Borchers Drive and City limits.

*SW Scholls-Sherwood Road*

This County Arterial creates the northern boundary of the North District east of SW Elwert Road. The roadway continues north of the North District (north-south) and is currently two lanes wide. There is currently no documented plan by Washington County to widen this roadway.

*SW Roy Rogers Road*

This County Arterial creates the eastern boundary of the North District. The roadway is currently two lanes wide but has been identified to be widened to 4-5 lanes in the future.

*Local Street Connections*

The following identifies local rural roadways within Sherwood West and areas immediately west of the North District.

- SW Lebeau Road – This rural local road creates the northern boundary of the North District west of SW Elwert Road, opposite SW Scholls-Sherwood Road. The roadway is currently two lanes wide.
- SW Conzelmann Road – This rural local road intersects SW Elwert Road north of Chicken Creek. This roadway is currently two lanes wide. This roadway consists of rolling terrain west of the Sherwood West area.

***Transit Service***

TriMet serves downtown Sherwood with Routes 94 and 97. TriMet's Southwest Service Enhancement Plan is anticipated to provide service along portions of SW Roy Rogers Road and SW Sherwood Boulevard, starting about three-quarters of a mile east of the North District.

***Access Spacing Standards***

Sherwood Municipal Code (SMC) Section 16.106.040(M) dictates that private access to arterials should be minimized, with access taken on a lower classified alternative whenever possible. The following spacing standards generally apply to new driveway and roadway access points:

- Local streets – 10 feet from the point of curvature or 25 feet if no radius exists.
- Neighborhood routes – 50 feet.
- Collectors – 100 feet.
- Arterials – 600 feet.

City of Sherwood Engineering Design and Standard Details Manual Section 210.6(E) dictates that roadways/full access intersections and driveways should be spaced according to the following per roadway classification, as measured between centerlines:

- Local streets – 200 feet minimum for intersections, 530 feet maximum for driveways.
- Neighborhood routes – 200 feet minimum for intersections, 530 feet maximum for driveways.
- Collectors – 200 feet minimum for driveways and 400 feet minimum for intersections, 530 feet maximum.
- Minor Arterials – 300 feet minimum for driveways and limited access intersections (such as accesses limited to right-in/right-out movements and sometimes left-in movements), 600 feet minimum for full access intersections.
- Major Arterials – 500 feet minimum for driveways and limited access intersections (such as accesses limited to right-in/right-out movements and sometimes left-in movements), 1,000 feet minimum for full access intersections.

Direct private access onto SW Elwert Road should be minimized based on its arterial designation. This roadway should serve as the main thoroughfare for the North District. This is a consideration in the case where direct access is needed from SW Roy Rogers Road or SW Scholls-Sherwood Road, two County arterials that bound the North District. Additionally, only collector roadways are allowed to take access from County arterials.

***Transportation Improvements Review***

The Transportation Impact Analysis (TIA) prepared by DKS Associates (Appendix L of the 2023 Sherwood West Concept Plan) indicated that the SW Elwert Road/SW Lebeau Road/SW Scholls-Sherwood Road intersection operated acceptably under existing conditions but would need capacity improvements by 2040 to accommodate the projected Sherwood West traffic. Either a traffic signal or roundabout should be considered as a future improvement at the SW Elwert Road/SW Lebeau Road/SW Scholls-Sherwood Road intersection.

The DKS Associates TIA did not provide recommendations for additional improvements. However, we note existing City and County streets and new City streets serving the North District will need to be improved/constructed to applicable cross-section standards. Sidewalks and bike lanes on both SW Scholls-Sherwood Road and SW Roy Rogers Road will be needed to provide cross-circulation for bicyclists and pedestrians to and from the North District.

## Public Infrastructure Review

Mackenzie reviewed documentation of the existing infrastructure conditions, as well as proposed improvements for water distribution, sewer collection and treatment, and storm drainage systems.

***Water Infrastructure***

Municipal water service for Sherwood West is expected to be provided by the City of Sherwood. Existing service is provided to the eastern and southern boundaries of the Sherwood West employment area, and expansion to the area is described in the 2015 Water System Master Plan. A diagram of existing and proposed water infrastructure is included as Figure 9.

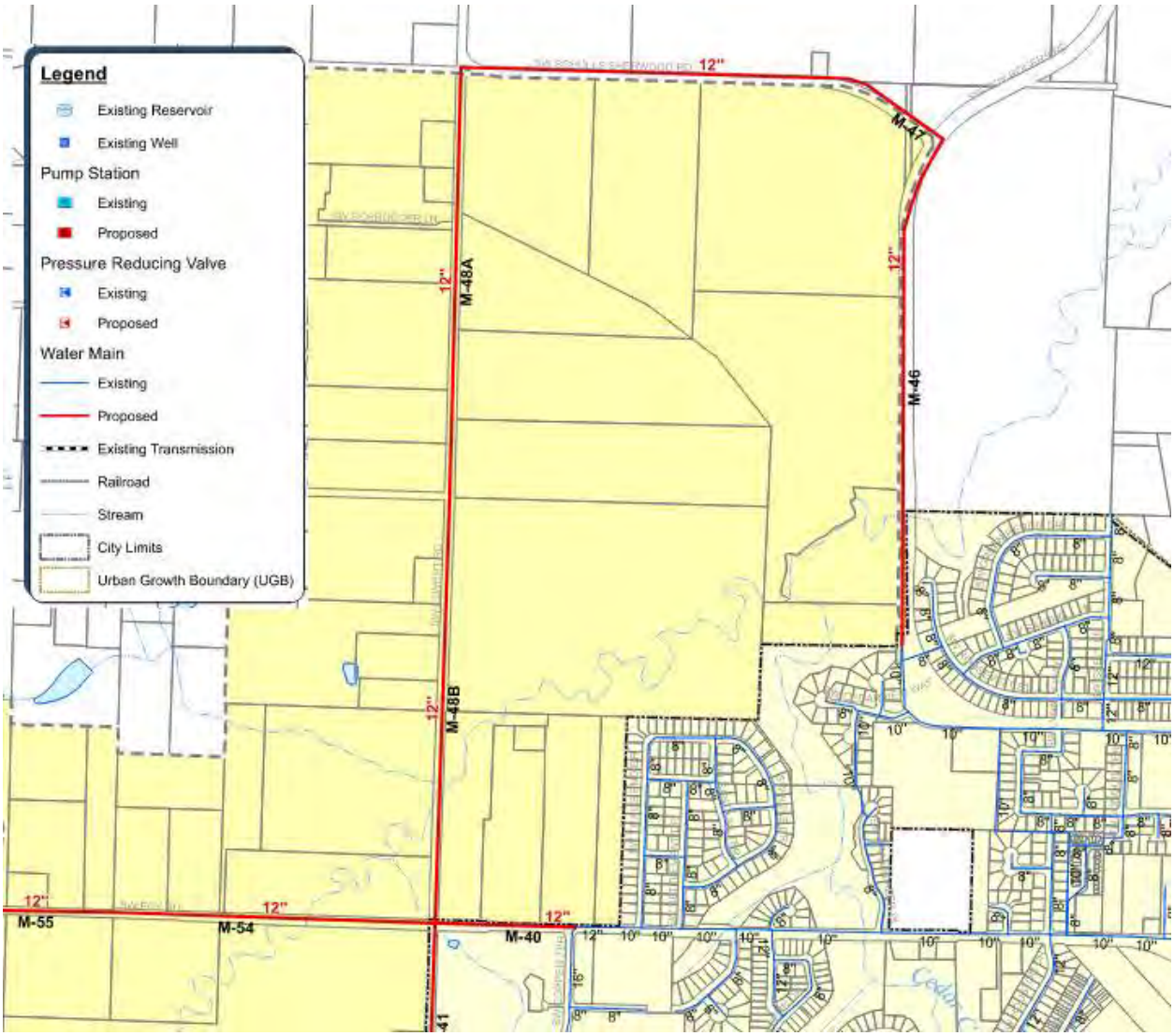



**Figure 9: Water Plan**
*Source: 2015 Water System Master Plan*

The Sherwood West area will be developed as part of the 380-foot Pressure Zone, which comprises most of the City's water service area. This existing zone is served by two reservoirs with an existing capacity of 6.0 million gallons (MG). The 2015 Water System Master Plan Update indicates the 380-foot Pressure Zone reservoirs will experience a 0.61-MG deficit at full build-out of the entire plan service area. However, since the 380-foot zone covers such a large area of the City including other significant growth areas, it is not clear that the expected storage deficit will be due to Sherwood West development. As noted in the Master Plan, the expected deficiency is far enough out on the development timeline that the need for storage expansion should be considered as part of future planning analysis.

Water supply to the City is provided from the Willamette River Water Treatment Plant (WRWTP) located in Wilsonville. The City's ownership and capacity was expanded at the WRWTP, bringing the City's capacity from 5 million gallons per day (MGD) to 6.7MGD. In addition, the City has a number of groundwater wells with a combined capacity of 2.6 MGD. The groundwater wells are currently serving the City as an emergency/redundant water supply.

The Master Plan projects Sherwood West development within the 380-foot pressure zone to contribute up to 1.97-MGD demand to the system at full build-out, which represents approximately 21.9% of the total demand on the City's system. While it is unlikely that build-out of the Mixed Employment area of the North District would trigger the need for additional supply from the WRWTP, the North District represents a significant increase in demand to the existing system. The demand projection does not appear to include process water uses. Adding high-demand mixed employment users in the study area could potentially exceed the demand estimates and trigger a need for additional supply sooner than originally projected.

The distribution system in the North District is proposed to extend new 12-inch water lines within SW Elwert Road, SW Scholls-Sherwood Road, and SW Roy Rogers Road creating a looped system. This water main size is expected to be sufficient for most mixed employment uses; however, high-demand users could require higher peak flows and larger mains than are currently planned.

***Sanitary Sewer Infrastructure***

Municipal sewer service for the Sherwood West area is expected to be provided by the City of Sherwood. A diagram of existing and proposed sanitary sewer infrastructure is included as Figure 10.

The 2021 CWS master plan anticipates a new Chicken Creek pump station to be located within the North District, which will receive flows from the Sherwood West urban reserve area as well as existing flows currently carried by the Sherwood trunk line. A new 24-inch force main approximately 18,000 feet long from the pump station will convey wastewater to an existing 42-inch trunk main located in Oregon Highway 99W, which will allow the district to abandon the existing Sherwood trunk sewer line through the Tualatin Wildlife Refuge.

The City's 2016 Sanitary Sewer Master Plan does not specifically address the Sherwood West expansion, and the improvements identified in that plan are now out-of-date.

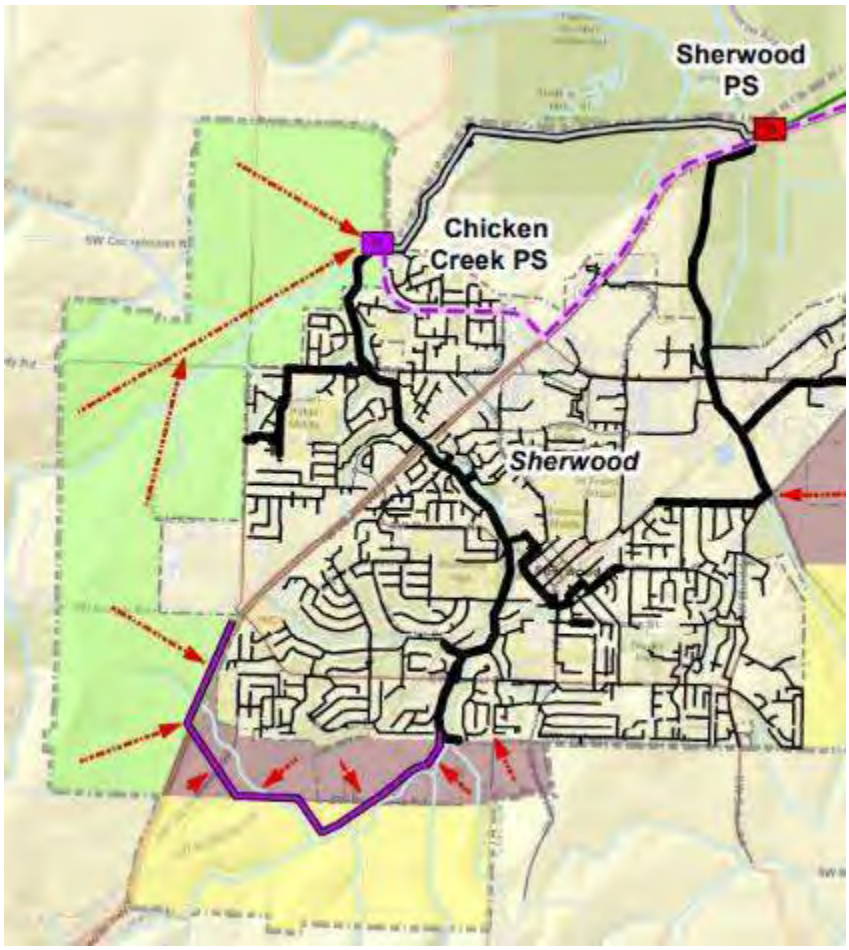



**Figure 10: Sewer Plan**
*Source: 2021 CWS Sewer Master Plan*

***Stormwater Infrastructure***

The Sherwood West study area is split between two regional drainage basins. The majority of the area drains to Chicken Creek, which runs through the area to the northeast and eventually discharges to the Tualatin River. Approximately 35 acres of the North District drains north directly to the Tualatin River.

The North District is expected to be annexed into CWS; therefore, storm management facilities will be designed according to CWS standards for water quality treatment and flow control. Low-impact development approaches are encouraged for new development to minimize the size of regional facilities. Regional facilities may be designed and constructed as individual properties develop; alternatively, the City may opt to provide a sub-area plan and establish regional facilities in a more comprehensive design.

The City's 2016 Stormwater Master Plan did not extend into the Sherwood West urban reserve area, so no specific improvements are noted. The plan indicates the Chicken Creek basin drains a total of approximately 4,875 acres comprising a mix of developed and undeveloped land. Chicken Creek drains to the Tualatin River.

Current CWS mapping indicates the reach of Chicken Creek that runs through the study area is designated as high hydromodification risk. This risk category indicates that new development will be required to

reduce downstream runoff peak flows below pre-development levels, which generally results in larger detention storage volumes required than for sites in other categories.

Hydrologic soil mapping of the study area indicates the near-surface soils in the Sherwood West area generally consist of Group B, C, and C/D soils. These categories represent relatively low infiltration capacity of the native soils. In general, lower infiltration rates result in the need for larger detention storage facilities.

A diagram of existing stormwater infrastructure in and near the North District is included as Figure 11.



**Figure 11: Storm Plan**
*Source: CWS Stormwater Mapping GIS (accessed January 2024)*

## Energy and Communications Infrastructure Review

Energy utilities serving the study area include Northwest Natural Gas (NW Natural) and Portland General Electric (PGE).

NW Natural has not provided specific planning information for this study. NW Natural mapping shows two pipes within SW Elwert Road, a 10-inch diameter line along the west edge, and a 24-inch diameter transmission pipeline along the east edge.

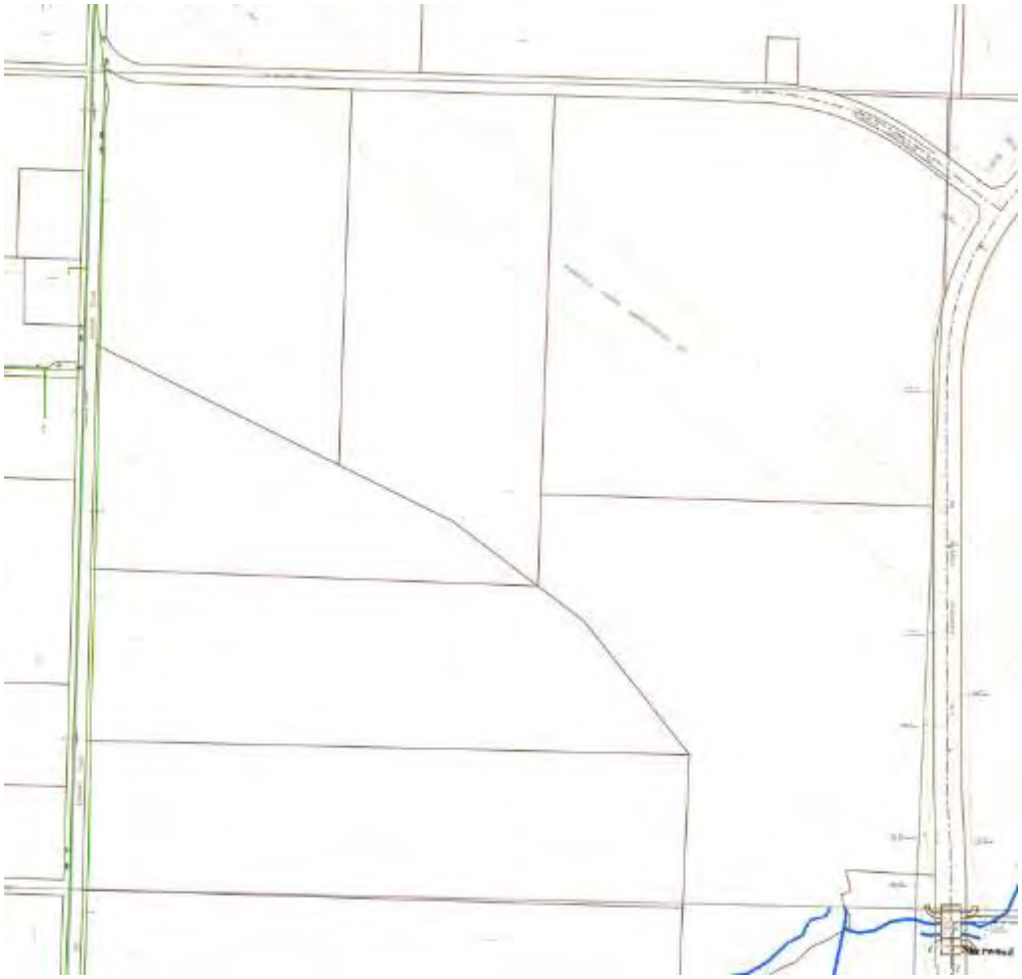


**Figure 12: Natural Gas Plan**
*Source: NW Natural GIS mapping (accessed January 2024)*

PGE staff met with City staff and Mackenzie as a part of this project to help inform the conceptual transportation and utility corridors in the North District, as well as to identify PGE's land needs for an electrical substation. PGE indicated that Sherwood West is not currently served with power infrastructure to support the proposed urban development expansion. New infrastructure is expected to include overhead transmission lines, substation(s), and underground distribution conduits. In general, PGE prefers substation lot footprints of approximately five acres located within the development area, with 60-foot-wide transmission corridors connecting to the regional power grid, following roadways to the extent possible to reduce the challenges associated with accessing off-road infrastructure. Distribution corridors would be 10 feet wide, such as in roadside public utility easements. PGE staff also provided a preliminary sketch (for illustrative purposes only) denoting the locations of existing electrical infrastructure and potential future corridors within the North District. The sketch also denoted one possible substation location, though PGE staff clarified that the location was flexible. See Appendices 4 and 5.

BPA has an easement for overhead power lines that crosses the northern section of the North District; however, these are not available for direct customer access. BPA staff has not indicated that there would

be any need to widen the corridor in the future. The separation requirement from these utilities to any buildings reduces the developable portion of affected sites. As noted previously, buildings may not be located under the BPA power lines. However, parking and stormwater areas may be allowed under certain conditions provided there is adequate clearance from the power lines.

Private communications providers in the general area include CenturyLink, Verizon, and Comcast, while the City of Sherwood operates a fiber optic municipal broadband network (Sherwood Broadband) that provides high-speed internet service throughout the City and could be expanded to serve Sherwood West.

## IV. REFINEMENT OF CONCEPTUAL LAND USE, TRANSPORTATION NETWORK, AND INFRASTRUCTURE SYSTEMS

This section describes proposed refinements to the North District of the Sherwood West Concept Plan to optimize road and utility layout while allowing for large employment sites east of SW Elwert Road. Key projects and planning-level infrastructure construction cost estimates are provided as well.

### Concept Plan Refinement Scenarios

To illustrate a range of potential employment land lot configurations and transportation and utility corridors in the North District, Mackenzie has prepared two different scenarios of how the area could develop in the future. The scenarios attempt to balance competing needs such as large employment sites, connectivity, protection of Title 13 habitat, trail locations, livability, site security, etc. Through discussion with Metro staff, the City understands it can undertake a future Economic, Social, Environmental, and Energy (ESEE) analysis to determine the value of the upland habitat and evaluate how much development, if any, can occur in the area. The previous ESEE analysis completed by Metro in 2005 likely considered rural development in its alternatives analysis. Once brought into the UGB, the ESEE analysis completed by the City will instead consider the benefits of urban development. To account for the uncertainty related to the extent of allowable development in Title 13 areas (which will depend on future site assessment), the two scenarios present varying degrees of upland habitat impact.

Notably, the scenarios are for illustrative purposes only, as a means to draw conclusions about the developability of the study area and will require further refinement during Comprehensive Planning efforts if Metro adds Sherwood West to the UGB.

The following overarching aims informed each of the two scenarios:

- Preserving opportunities for large employment sites in the Mixed Employment area east of SW Elwert Road, with smaller employment sites west of SW Elwert Road. Combined, these areas will accommodate a range of building and site sizes since specific users are not known.
- Accounting for the location of the BPA transmission corridor in the northeast portion of the District by proposing large employment sites that could accommodate buildings placed outside the power line corridor.
- Maintaining the residential areas from the 2023 Concept Plan as previously planned.
- Keeping the North District community park in the location shown in the 2023 Concept Plan. The current location contains steep slopes not conducive to employment uses, is contiguous to Title 13 habitat so it would serve as a connection between open space areas and is close to planned residential uses which can promote walking and bicycling between the two areas.
- Utilizing SW Elwert Road as the major north-south transportation spine, with realignment at the south end of the North District as proposed in the 2023 Concept Plan.
- Providing east-west roadways between SW Elwert Road and SW Roy Rogers Road to allow for efficient circulation.
- Providing roadway locations that comply with applicable County and City minimum spacing standards.
- Limiting the length of roadways through Title 13 upland habitat areas where feasible.
- Extending public utilities within the proposed public streets as much as possible and minimizing utility corridors outside of roadways.
- Accounting for the future extension of electrical transmission lines along roadways, while not specifying their specific location nor the location of a future electrical substation.

- Utilizing regional stormwater ponds at the downstream (eastern) side of the North District. Regional ponds may be designed to accommodate runoff from a mix of public right-of-way and private development. Ponds may be designed and constructed as individual sites develop; alternatively, the City may elect to prepare a sub-area drainage plan with CWS to design stormwater drainage treatment and management for the entire basin, including an implementation schedule.
- Keeping the regional trails the same as shown in the 2023 Concept Plan. While local trails have not been illustrated, the intent would be that they connect from sites and roadways to the regional trail network. Trail connectivity would need to maintain the maximum trail spacing of 300 feet as dictated by SMC Section 16.106.030(B), or a separate standard (e.g., special overlay standards) should be established for the Mixed Employment area if the 300-foot spacing cannot be achieved.

***Scenario A***

Scenario A utilizes a series of east-west roadways to provide access to development areas while minimizing the need for site access from SW Elwert Road, SW Roy Rogers Road, and SW Scholls-Sherwood Road. Two of the east-west roadways (a new collector road and the eastward extension of SW Conzelmann Road) would connect to SW Roy Rogers Road.

As depicted in Figure 13, within the Mixed Employment Area, Scenario A illustrates seven potential development sites as summarized in Table 1:

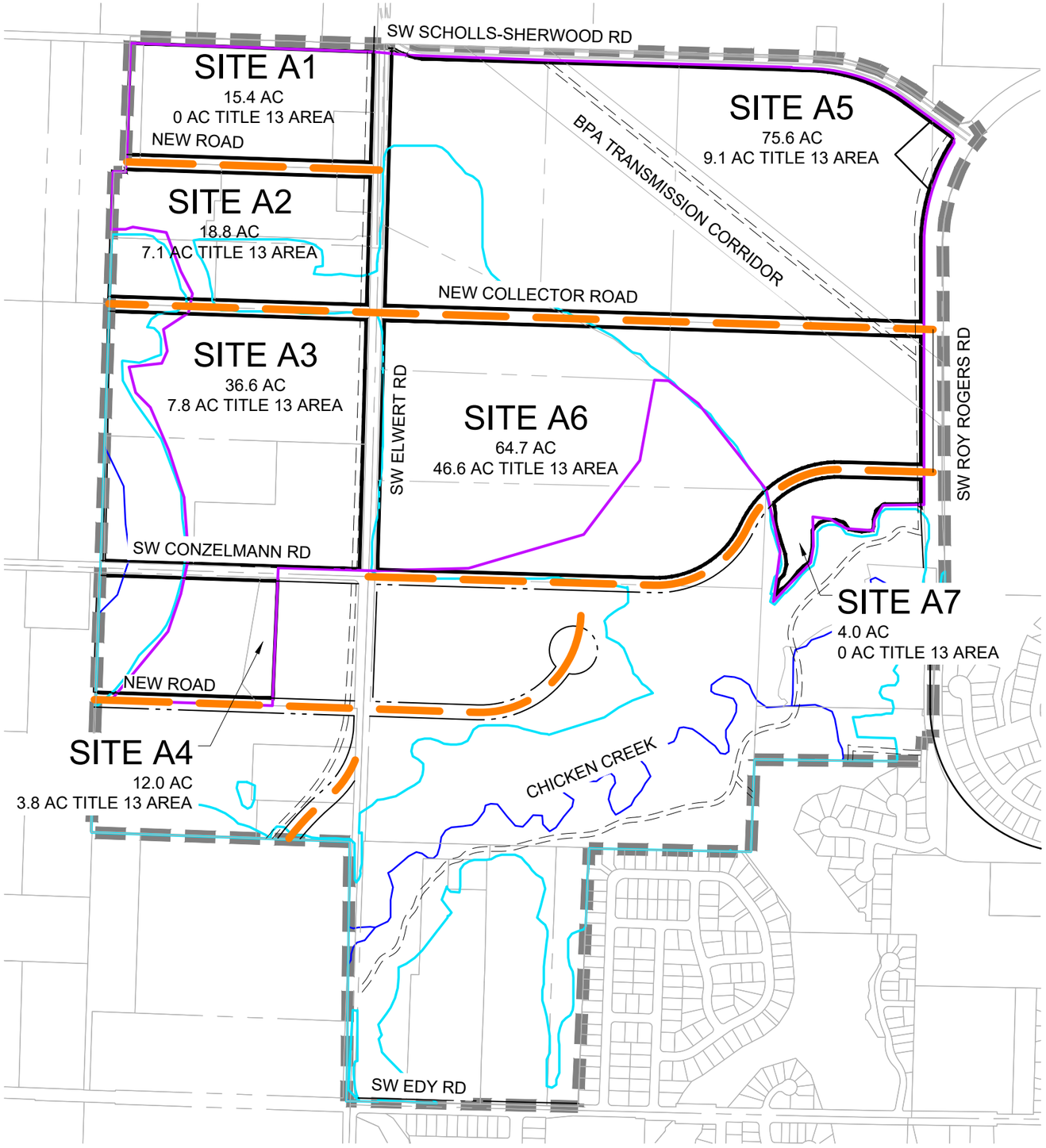
**TABLE 1: SCENARIO A POTENTIAL DEVELOPMENT SITES**

| Site | East or West of SW Elwert Road | Gross Area (acres) | Title 13 Area (acres) | Area outside Title 13 Area (acres) |
|---|---|---|---|---|
| A1 | West | 15.4 | 0 | 15.4 |
| A2 | West | 18.8 | 7.1 | 11.7 |
| A3 | West | 36.6 | 7.8 | 28.8 |
| A4 | West | 12.0 | 3.8 | 8.2 |
| **Total (West)** | **West** | **82.8** | **18.7** | **64.1** |
| A5 | East | 75.6 | 9.1 | 66.5 |
| A6 | East | 64.7 | 46.6 | 18.1 |
| A7 | East | 4.0 | 0 | 4.0 |
| **Total (East)** | **East** | **144.3** | **55.7** | **88.6** |
| **Total** | | **227.1** | **74.4** | **152.7** |

Site A6 diverges from the 2023 Concept Plan by including approximately 13 gross acres from area that had been designated Title 13 Riparian/Upland rather than Mixed Employment.

Potential access locations to Mixed Employment development sites are shown in Figure 14, as dictated by the spacing standards for arterials (SW Elwert Road, SW Roy Rogers Road, and SW Scholls-Sherwood Road) and collectors.

~~Attachment A~~
**FIGURE 13**




## LEGEND

- NORTH DISTRICT BOUNDARY
- POTENTIAL DEVELOPMENT LOT BOUNDARY
- PROPOSED NEW ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
- REGIONAL TRAIL PER CONCEPT PLAN (LOCAL TRAILS NOT SHOWN)
- TITLE 13 LANDS BOUNDARY
- EXISTING TAX LOT
- MIXED EMPLOYMENT AREA BOUNDARY

# SHERWOOD WEST - NORTH DISTRICT
## SCENARIO A STREET PLAN

FEBRUARY 9, 2024
Job # 2230332.00

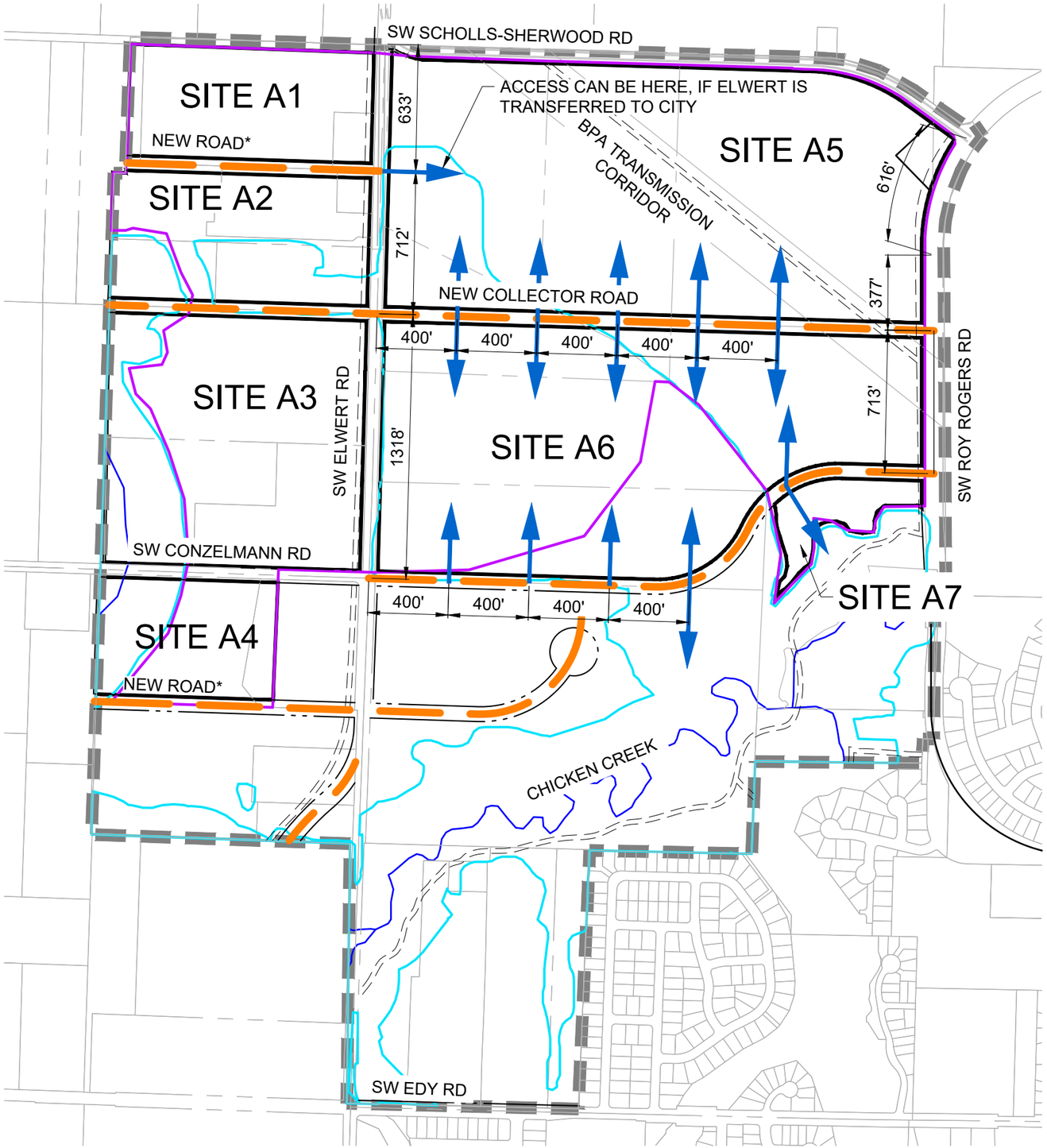
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2230332001\DRAWINGS\CIVIL\EXHIBIT\332-FIG 13 - OPT A STREET EXHIBIT.DWG BMR 02/09/24 16:09 1:600

~~Attachment A~~
**FIGURE 14**




## LEGEND

- NORTH DISTRICT BOUNDARY
- POTENTIAL DEVELOPMENT LOT BOUNDARY
- PROPOSED NEW ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
- REGIONAL TRAIL PER CONCEPT PLAN (LOCAL TRAILS NOT SHOWN)
- TITLE 13 LANDS BOUNDARY
- EXISTING TAX LOT
- MIXED EMPLOYMENT AREA BOUNDARY
- POTENTIAL SITE ACCESS

STREET/DRIVEWAY SPACING STANDARDS

ARTERIAL - 600' MINIMUM, 1,000' MAXIMUM
COLLECTORS - 100' MINIMUM, 400' MAXIMUM

*FUNCTIONAL CLASSIFICATION TO BE COLLECTOR IF ELWERT ROAD IS MAINTAINED UNDER COUNTY OWNERSHIP AND MAINTENANCE. FUNCTIONAL CLASSIFICATION MAY BE LOCAL ROAD IF ELWERT ROAD IS TRANSFERRED TO CITY.

# SHERWOOD WEST - NORTH DISTRICT
# SCENARIO A STREET PLAN - WITH INTERSECTION SPACING

FEBRUARY 9, 2024
Job # 2230332.00

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2230332\00\DRAWINGS\CIVIL\EXHIBIT\332-FIG 14 - OPT A STREET EXHIBIT - INTERSECTION.DWG BMR 02/09/24 16:10 1:600

***Scenario B***

Scenario B utilizes fewer east-west roadways than Scenario A, but still provides access to development areas while minimizing the need for site access from SW Elwert Road, SW Roy Rogers Road, and SW Scholls-Sherwood Road. In this scenario, SW Conzelmann Road would extend eastward to terminate in a cul-de-sac, while the new collector road would connect to SW Roy Rogers Road.

As depicted in Figure 15, within the Mixed Employment Area, Scenario B illustrates the following potential development sites as summarized in Table 2:

**TABLE 2: SCENARIO B POTENTIAL DEVELOPMENT SITES**

| Site | East or West of SW Elwert Road | Gross Area (acres) | Title 13 Area (acres) | Area outside Title 13 Area (acres) |
|---|---|---|---|---|
| B1 | West | 15.4 | 0 | 15.4 |
| B2 | West | 20.0 | 7.7 | 12.3 |
| B3 | West | 35.3 | 7.8 | 27.5 |
| B4 | West | 12.0 | 3.7 | 8.3 |
| **Total (West)** | **West** | **82.7** | **19.2** | **63.5** |
| B5 | East | 95.8 | 12.7 | 83.1 |
| B6 | East | 54.3 | 47.1 | 7.2 |
| **Total (East)** | **East** | **150.1** | **59.8** | **90.3** |
| **Total** | | **232.8** | **79.0** | **153.8** |

Site B6 diverges from the 2023 Concept Plan by including approximately 17 gross acres from area that had been designated Title 13 Riparian/Upland rather than Mixed Employment.

Potential Scenario B access locations to Mixed Employment development sites are shown in Figure 16, as dictated by the spacing standards for arterials (SW Elwert Road, SW Roy Rogers Road, and SW Scholls-Sherwood Road) and collectors.

***Comparison of Scenarios***

Scenario A provides seven sites in 227.1 gross acres, while Scenario B provides six sites in 232.8 gross acres. Scenario B provides larger sites east of SW Elwert Road, which could potentially accommodate larger employers. However, the buildable acreage in each scenario is dependent on the degree to which Title 13 areas may be developed, as both scenarios have nearly the same areas outside Title 13 (152.7 acres for Scenario A and 153.8 acres for Scenario B).

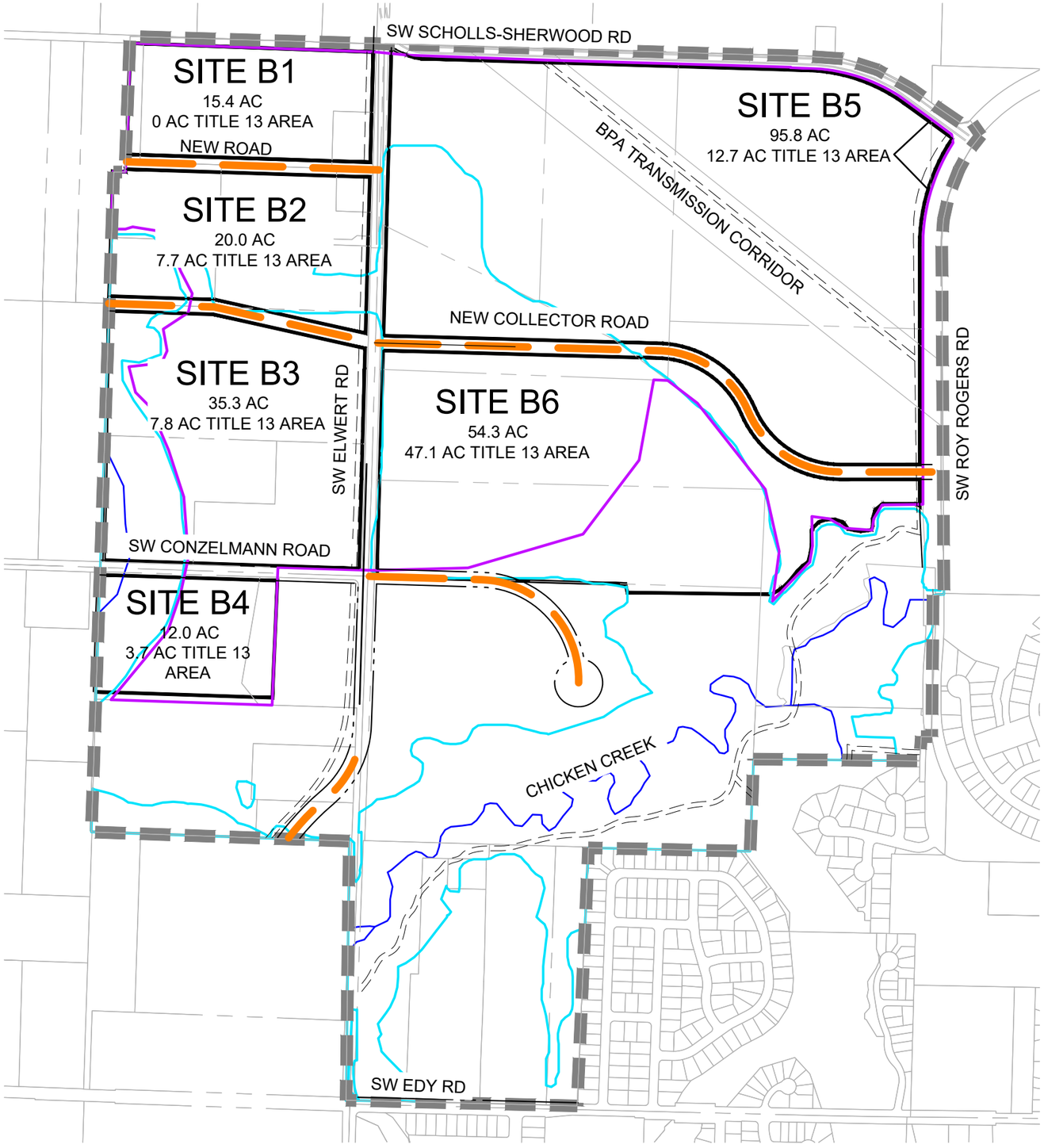
With two new east-west roadways to SW Roy Rogers Road, Scenario A would require more infrastructure and transportation investment than Scenario B, which has a single new east-west roadway to SW Roy Rogers Road.

The two scenarios were shared with the TAC members to seek input. Observations shared at the January 31, 2024 TAC meeting included:

- Scenario B may create more flexibility in lot size and lower road construction costs.

- The City will need to keep Title 13 regulations in mind when identifying developable areas as part of future Comprehensive Planning efforts if Metro adds the area the UGB. The City may perform an ESEE analysis as part of that process.
- Transportation connections to County arterials (e.g., SW Elwert Road, SW Scholls-Sherwood Road, SW Roy Rogers Road) is limited to collector streets.
- Providing trail circulation through the North District would increase connectivity but developers and employers may have hesitation about public trails through their sites.

~~Attachment A~~
**FIGURE 15**




## LEGEND

- NORTH DISTRICT BOUNDARY
- POTENTIAL DEVELOPMENT LOT BOUNDARY
- PROPOSED NEW ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
- REGIONAL TRAIL PER CONCEPT PLAN (LOCAL TRAILS NOT SHOWN)
- TITLE 13 LANDS BOUNDARY
- EXISTING TAX LOT
- MIXED EMPLOYMENT AREA BOUNDARY

# SHERWOOD WEST - NORTH DISTRICT
# SCENARIO B STREET PLAN

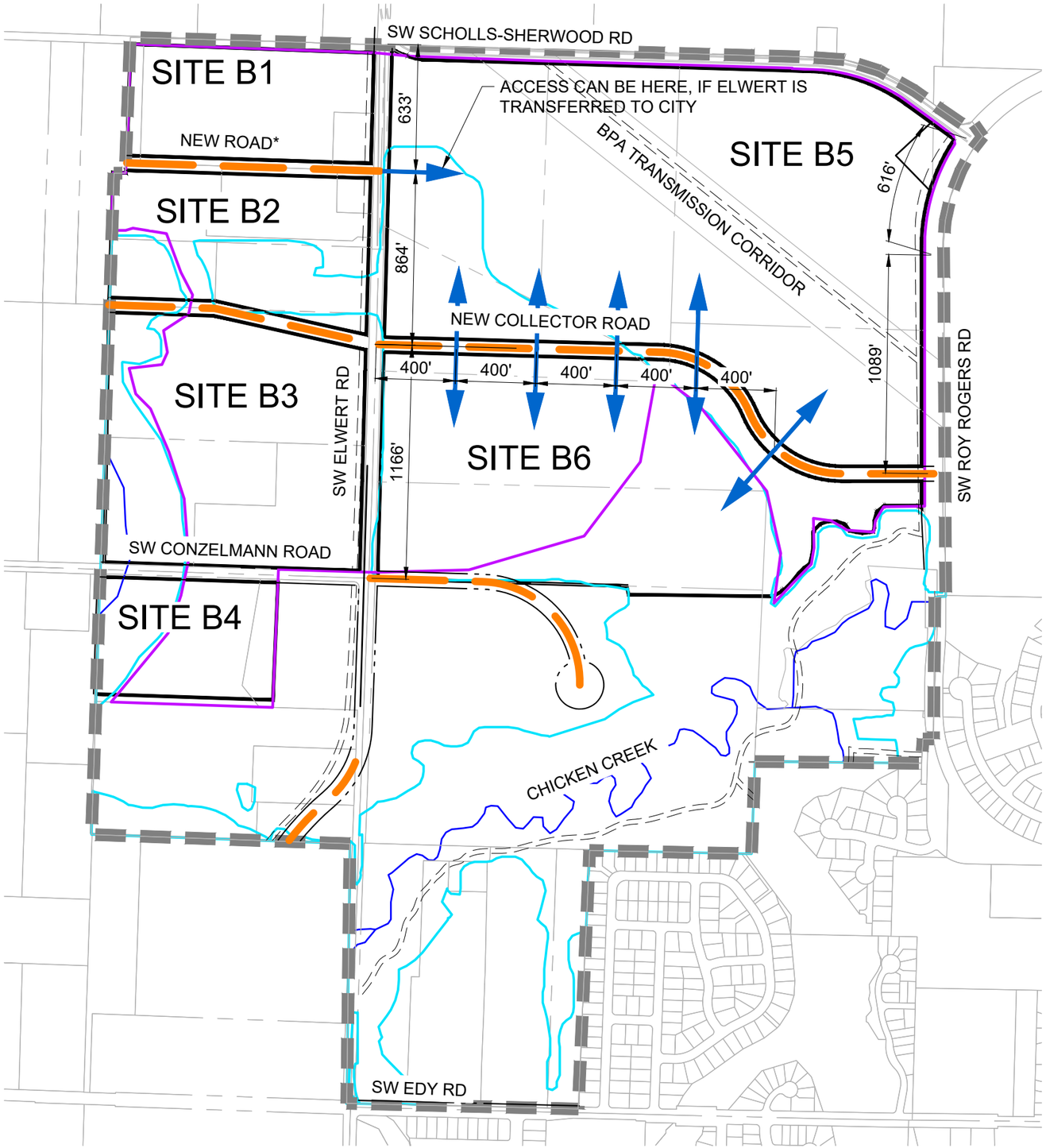
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2230332001\DRAWINGS\CIVIL\EXHIBIT\332-FIG 15 - OPT B STREET EXHIBIT.DWG BMR 02/09/24 16:10 1:600

~~Attachment A~~
**FIGURE 16**




## LEGEND

- NORTH DISTRICT BOUNDARY
- POTENTIAL DEVELOPMENT LOT BOUNDARY
- PROPOSED NEW ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
- REGIONAL TRAIL PER CONCEPT PLAN (LOCAL TRAILS NOT SHOWN)
- TITLE 13 LANDS BOUNDARY
- EXISTING TAX LOT
- MIXED EMPLOYMENT AREA BOUNDARY
- POTENTIAL SITE ACCESS

STREET/DRIVEWAY SPACING STANDARDS

ARTERIAL - 600' MINIMUM, 1,000' MAXIMUM
COLLECTORS - 100' MINIMUM, 400' MAXIMUM

*FUNCTIONAL CLASSIFICATION TO BE COLLECTOR IF ELWERT ROAD IS MAINTAINED UNDER COUNTY OWNERSHIP AND MAINTENANCE. FUNCTIONAL CLASSIFICATION MAY BE LOCAL ROAD IF ELWERT ROAD IS TRANSFERRED TO CITY.

# SHERWOOD WEST - NORTH DISTRICT
# SCENARIO B STREET PLAN - WITH INTERSECTION SPACING

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2230332\00\DRAWINGS\CIVIL\EXHIBIT\332-FIG 16 - OPT B STREET EXHIBIT - INTERSECTION.DWG BMR 02/09/24 16:11 1:600

## Transportation and Infrastructure Improvements

***Transportation Improvements***

The roadway network necessary to support the North District will require improvements per City and County cross-section standards. Table 3 below presents our recommendations on new roadway classifications with the corresponding cross-section standards based on either City or County requirements.

**TABLE 3: RECOMMENDED CLASSIFICATIONS AND CORRESPONDING ROADWAY CROSS-SECTION STANDARDS**

| Roadway | Extents | Jurisdiction | Functional Classification | Right-of-Way Width |
|---|---|---|---|---|
| SW Elwert Road | SW Scholls-Sherwood Road to SW Edy Road | City of Sherwood [1] | Arterial | 78 feet |
| SW Scholls-Sherwood Road | SW Lebeau Road to SW Roy Rogers Road | Washington County | Arterial | 90 feet |
| SW Conzelmann Road (Scenario A) | SW Elwert Road to SW Roy Rogers Road | City of Sherwood | Collector [2] | 74 feet |
| New east-west Collector | SW Elwert Road to SW Roy Rogers Road | City of Sherwood | Collector | 74 feet |

1. Elwert Road is currently a County arterial. Transferring ownership to the City would allow the City to provide direct local road access from Elwert Road to the planned community park and residential uses in the North District.
2. SW Conzelmann Road is currently a local road but to maintain compliance with County access standards, we recommend this roadway to be re-designated as a Collector if extension to SW Roy Rogers Road is planned.

The extension of SW Conzelmann Road to SW Roy Rogers Road is only recommended with Scenario A, as noted above.

To account for the transportation improvements identified in the refined Concept Plan, the City's TSP should be updated to reflect the transportation network improvements needed to facilitate development of the North District and the remainder of Sherwood West. Some of the recommendations below refer to either Scenario A or Scenario B. If no scenario is identified with the recommendation, the recommendation applies to both Scenario A and Scenario B.

*City TSP Recommendations*

- Identify SW Elwert Road as the primary north/south arterial roadway serving the North District.
- Identify a project to widen SW Elwert Road to the three-lane arterial standard with bike lanes and sidewalks, if ownership is transferred to the City.
- Identify a project to extend SW Conzelmann Road eastward to SW Roy Rogers Road as a Collector (Scenario A).
- Identify a project to construct a new east-west Collector extending from the area west of SW Elwert Road to SW Roy Rogers Road.
- Identify a project to improve the SW Elwert Road/SW Conzelmann Road intersection (Scenario A).
- Identify a project to improve the SW Elwert Road/new east-west Collector intersection.

- If SW Elwert Road remains a County arterial, identify a project to construct a new east-west collector road serving park and residential uses.
- If SW Elwert Road becomes a City arterial, identify a project to construct a new east-west local road serving park and residential uses.
- Identify a trail network through the North District.
- Require trail connections where public streets dead-end to provide cross-circulation for pedestrians and cyclists through the roadway network.

*County TSP Recommendations*

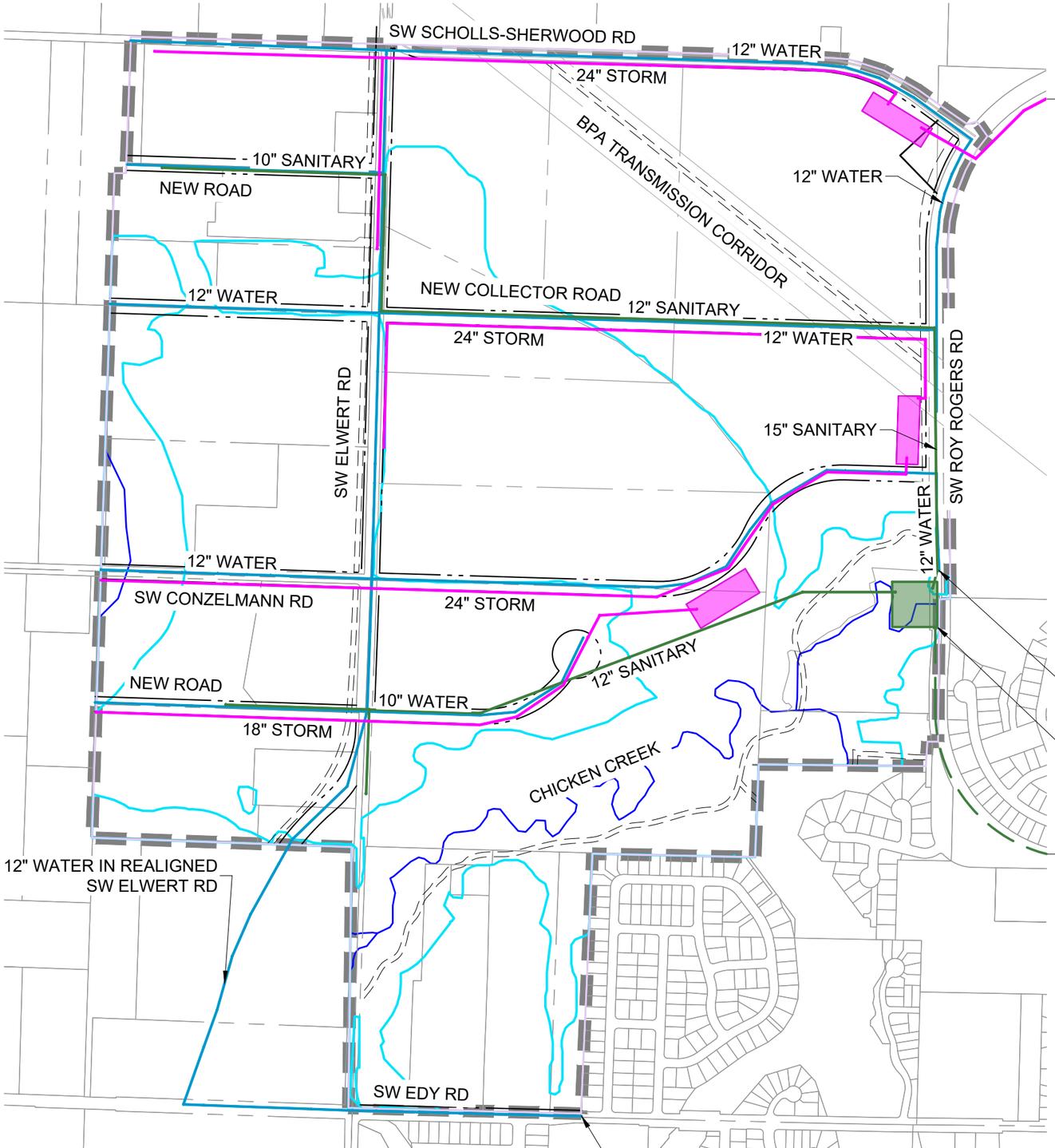
Similarly, improvements to County facilities may be needed. Washington County should update its TSP to include transportation network improvements that have been identified in the 2020 Washington County Infrastructure Analysis:

- Identify a project to widen SW Elwert Road to the three-lane arterial standard with bike lanes and sidewalks, if ownership is maintained by County.
- Identify a project to improve the SW Elwert Road/SW Scholls-Sherwood Road intersection.
- Identify a project to improve the future SW Roy Rogers Road/SW Conzelmann Road intersection (Scenario A).
- Identify a project to improve the future SW Roy Rogers Road/new east-west Collector intersection (Scenario B).
- Identify a project to improve the southern half of SW Scholls-Sherwood Road to the County's arterial standard with bike lanes and sidewalks.
- Identify a project to improve the west half of SW Roy Rogers Road to the County's arterial standard with bike lanes and sidewalks.

***Public Infrastructure Improvements***

Public utility infrastructure is required to support mixed employment development within the North District. As shown in Figure 17 and Figure 18, improvements are expected for public water, sanitary sewer, and stormwater systems. To be conservative, utility improvement quantities listed below are based on Scenario A (which depicts more roadways and utilities).

~~Attachment A~~
**FIGURE 17**




STORM MAIN TO CHICKEN CREEK

CONNECT TO EXISTING WATER

SANITARY PUMP STATION

24" SANITARY FORCEMAIN TO CWS TRUNK LINE

CONNECT TO EXISTING WATER

## LEGEND

- NORTH DISTRICT BOUNDARY
- WATER
- SANITARY
- STORM
- TITLE 13 LANDS BOUNDARY
- REGIONAL TRAIL PER CONCEPT PLAN (LOCAL TRAILS NOW SHOWN)
- EXISTING TAX LOT
- STORM POND

# SHERWOOD WEST - NORTH DISTRICT
# SCENARIO A UTILITY LAYOUT

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Job # 2230332.00

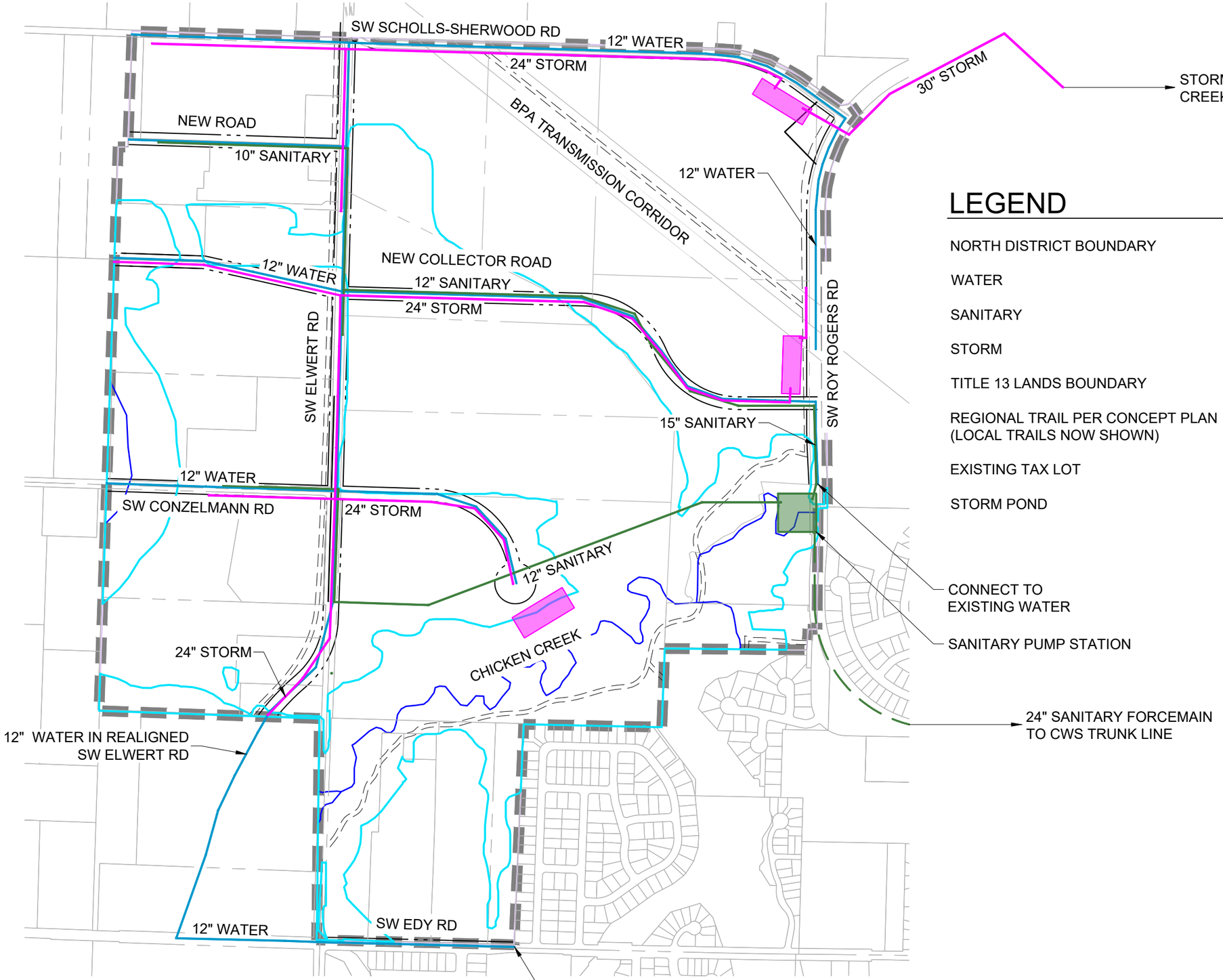
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2230332\DRAWINGS\CIVIL\EXHIBIT\332-FIG 17 - OPT A EXHIBIT.DWG BMR 02/09/24 16:11 1:600

~~Attachment A~~
**FIGURE 18**




## LEGEND

- NORTH DISTRICT BOUNDARY
- WATER
- SANITARY
- STORM
- TITLE 13 LANDS BOUNDARY
- REGIONAL TRAIL PER CONCEPT PLAN (LOCAL TRAILS NOW SHOWN)
- EXISTING TAX LOT
- STORM POND

# SHERWOOD WEST
# SCENARIO B UTILITY LAYOUT

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Job # 2230332.00

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"223033200" C:\TEMP\ACPUBLISH_28284\332-FIG 18 - OPT B EXHIBIT.DWG BMR 02/09/24 16:12 1:600

*Water*

Construct new water lines to be located generally within new public roadway rights-of-way, expected to consist of:

- Approximately 24,500 linear feet (LF) of 12-inch water pipes.
- Approximately 2,700 LF of 10-inch water pipes.
- Connections to existing City of Sherwood water system at SW Edy Road and SW Roy Rogers Road.
- Ongoing improvements to the City's water system through the Willamette Water Supply project, including a new water treatment plant. Costs associated with the Willamette Water Supply improvements are not included in this study.

*Sanitary Sewer*

Construct new sanitary sewer lines and facilities to be located within new public roadway rights-of-way to the extent possible, expected to consist of:

- Chicken Creek sanitary sewer CWS pump station.
- Approximately 18,000 LF of 24-inch CWS sanitary sewer force main.
- Approximately 1,200 LF of 15-inch gravity sanitary sewer pipes.
- Approximately 5,500 LF of 12-inch gravity sanitary sewer pipes.
- Approximately 3,000 LF of 10-inch gravity sanitary sewer pipes.

*Stormwater*

Construct new storm drainage lines and facilities to be located generally within new public roadway rights-of-way, expected to consist of:

- Approximately 9.5 acres (total) of regional storm treatment pond facilities.
- Approximately 2,200 LF of 30-inch storm drainpipes.
- Approximately 12,300 LF of 24-inch storm drainpipes.
- Approximately 3,200 LF of 18-inch storm drainpipes.

***Key Projects***

Following is a list of key transportation, water, sanitary sewer, and storm projects required to serve the North District at full development capacity:

*Transportation*

- SW Elwert Road/SW Scholls-Sherwood Road intersection improvements.
- Widening of SW Elwert Road to include bike and pedestrian facilities.
- Designate roadway connections west of SW Elwert Road.
- Designate new Collector roads running east/west in TSP update.
- Improve the SW Elwert Road/SW Scholls-Sherwood Road intersection with signalization or roundabout.
- Improve the SW Elwert Road/SW Conzelmann Road intersection with signalization or roundabout (Scenario A).
- Improve the SW Elwert Road/East-West Collector intersection with signalization or roundabout.

*Water*

- Approximately 11,400 LF of water line installation is considered high priority to construct a water line loop through the North District. Dead-end lines extended from the existing water system boundaries are unlikely to be able to support development of the larger mixed employment sites within the North District without a looped connection.

*Sanitary Sewer*

- Priority sewer projects include the pump station, force main, and 15-inch sewer line to support initial mixed employment development within the North District. Subsequent improvements are expected to be constructed with adjacent site development.

*Storm*

- Since storm drainage is required for all new public and private development, priority storm improvements are likely to be aligned with the initial site development and roadway construction.

## Transportation and Infrastructure Construction Cost Estimates

Development of the 405 acres in the North District will require transportation improvements and installation of public utilities. Mackenzie prepared a preliminary (planning-level) construction cost estimates for these improvements as detailed in Table 4 below. Estimates were only prepared for Scenario A since it had longer roadway and pipe networks.

| TABLE 4: SCENARIO A PLANNING-LEVEL TRANSPORTATION AND INFRASTRUCTURE COSTS | |
|---|---|
| **Category** | **Estimated Cost (2024 dollars)** |
| Public Water | $10,745,000 |
| Public Sanitary Sewer | $18,162,500 |
| Public Storm Drain | $10,932,500 |
| Public Roadways | $64,150,000 |
| **Total** | **$103,990,000** |

The total infrastructure cost of nearly $104 million equates to approximately $6 per square foot, based on the 405 gross acres in the North District. However, as some portions of the North District will not be developed, the effective cost per square foot will be even higher.

Detailed breakdowns of the cost estimates are attached in Appendix 7.

The above costs exclude the following:

- Site development costs (e.g., earthwork, paving, and landscaping).
- Building costs (as they vary depending on construction type and level of finish).
- Soft costs, such as permitting, design consultants, City staff, and overhead costs such as contingency.

The City should consider who constructs new roadways. If new core roadways are constructed by the City that may facilitate quick development of sites within the North District. Alternatively, if developers are required to build entire roadways that may narrow the pool of developers interested in the North District, although they may be reimbursed for the improvements through SDC and TDT credits. Who constructs the improvements may also impact the sequence of development-ready areas.

## V. EVALUATION OF MIXED EMPLOYMENT AREA FOR TARGET EMPLOYMENT TYPES

The 2023 Concept Plan notes the following with respect to target employment sites that may be applicable to the North District:

- *Employment/Industrial. There is strong potential for mixed employment and industrial development, considering the increasing demand for, and limited supply of, high-quality buildable employment land in the region, particularly large sites.*
- *Tech Clusters. Sherwood is centrally located between existing tech clusters in Wilsonville and the Sunset Corridor, and developers are looking for opportunities elsewhere in the region. The Sherwood area is beginning to draw interest from existing tech companies in Hillsboro and elsewhere.*
- *Plan for Mixed Employment. Most of the opportunities for long-term job creation will likely require a mixed employment approach—namely industrial, flex, and office. Mixed Employment in centers/parks of 20-100 acres is the strongest market.*
- *Reserve large, flat parcels with transportation access for employment uses. Land needs for mixed employment range from 40 to 50 acres per "center" or "park." The City should target areas of Sherwood West with the largest and flattest contiguous tracts of land for these developments, with slopes of less than 3.0 percent.*
- *Be Flexible. Maintain as much flexibility (zoning, land, tools, approach) as possible in planning for employment growth as market cycles and trends over the next 20 years are unclear. This means maintaining large, contiguous sites but not mandating large-lot sites.*

(Source: Sherwood West Concept Plan, July 2023, pp. 21-22)

Furthermore, the 2023 Economic Opportunities Analysis (EOA), adopted by the City Council in June 2023, identified the following Target Industries for the City as a whole:

- *Manufacturing*
  - *Technology and Advanced Manufacturing*
  - *Machinery Manufacturing*
  - *Clean Tech*
- *Professional and Business Services*
  - *Software and Media*
  - *Clean Tech*
  - *Athletics and Outdoors*
  - *Other Services*
- *Wholesale*
- *Services for Visitors*
- *Services for Residents*
  - *Medical Services*
  - *Legal Services*
  - *Financial Services*
  - *Retail*
  - *Personal Services*
  - *Restaurants*

(Source: Sherwood Economic Opportunities Analysis, April 2023, Figure 3.01)

To evaluate whether the development areas depicted in the two scenario diagrams could accommodate development in the City's target industries, Mackenzie referred to preferred characteristics for different industries, based on Business Oregon's Industrial Development Competitiveness Matrix included in Appendix 6. The characteristics identified in Table 5, which are reproduced from Appendix 6, are from those industry types in the Business Oregon matrix which are closest to the City's target employment uses.

**TABLE 5: INDUSTRIAL PREFERRED SITE CHARACTERISTICS**

| *Factor* | *High-Tech/Clean-Tech Manufacturing* | *Advanced Manufacturing and Assembly* | *General Manufacturing* | *Industrial Business Park and R&D Campus* | *Local Warehouse/ Distribution* |
|---|---|---|---|---|---|
| Competitive site acreage | 5 - 100+ | 5 - 25+ | 5 - 15+ | 20 - 100+ | 10 - 25+ |
| Competitive maximum slope | 0 - 5% | 0 - 7% | 0 - 5% | 0 - 7% | 0 - 5% |
| Railroad Access | Preferred | Not Required | Preferred | Preferred | Preferred |
| Minimum water service diameter | 12" - 16" | 8" - 12" | 6" - 10" | 8" - 12" | 4" - 6" |
| Minimum sanitary sewer service diameter | 12" - 18" | 10"-12" | 6" - 8" | 10"-12" | 4" |
| Preferred natural gas service diameter | 6" | 6" | 4" | 6" | 2" |
| Minimum electrical service demand (megawatts) | 4-6 MW | 1 MW | 0.5 MW | 0.5 MW | 1 MW |
| Fiber optic communications | Required | Required | Preferred | Required | Preferred |

*Source: Mackenzie, Business Oregon Industrial Development Competitive Matrix*

### Target Industry Suitability Assessment

Based on Table 5 and Appendix 6:

- The site sizes in Scenario A range from four acres to 75 acres, while those in Scenario B range from 12 acres to 95 acres. These sizes are generally in line with the competitive acreage ranges for the target industries, with the exception of very large High-Tech/Clean-Tech Manufacturing and Industrial Business Park and R&D Campus users, some of which seek sites over 100 acres.
- Some of the Mixed Employment land (primarily west of SW Elwert Road) has slopes over 10% which could limit the types of development that occur on those sites (e.g., these sites could

accommodate smaller format employment buildings such as office or small flex space but not large industrial employers that need large, flat sites for single-level floor plates). By contrast, the majority of Mixed Employment land east of SW Elwert Road has slopes under 10%, which is more conducive to the target industries.

- The water main size depicted in Figure 13 is 12-inch in the Mixed Employment area. This size is generally sufficient for the target industries, with the exception of high-demand users that may require higher peak flows and larger water mains than are currently planned.
- The sanitary sewer line sizes depicted in Figure 13 include 10-inch in the northwest portion west of SW Elwert Road and 12-inch or 15-inch lines elsewhere in the Mixed Employment area. These sizes are generally sufficient for the target industries, with the exception of high-demand users that may require higher peak flows and larger sanitary sewer lines than are currently planned.
- The storm drain sizes depicted in Figure 13 include 24-inch lines in the Mixed Employment area, which should be sufficient for the anticipated amount of impervious surface.
- While there may be a need for system-wide improvements identified in utility master plans, such analysis of those plans is beyond the scope of this project.

**Recommendations**

To help promote development of the Mixed Employment area with the target employment types, the City can consider the following approaches:

- Implement some of the strategies for creating and protecting large sites identified in Section II.
- Engage a natural resources consultant to evaluate the condition of Mixed Employment areas designated by Metro as Title 13 habitat and to assist the City with economic, social, environmental and energy (ESEE) analysis to determine the appropriate level of protection considering urban land uses.
- Continue engagement with Portland General Electric and initiate engagement with NW Natural to plan for the energy needs of the Mixed Employment area.
- Coordinate with Sherwood Broadband staff and other communications providers to plan for the communication needs of the Mixed Employment area.
- Facilitate annexation and development discussions with property owners to explain the annexation process, timeline, and costs. Consider whether to provide annexation assistance to property owners.
- Coordinate with Washington County and Oregon Department of Transportation regarding transportation needs for both employment and residential uses.
- Coordinate with Clean Water Services regarding storm drainage and sanitary sewer planning.
- Coordinate with TriMet regarding service planning for Sherwood West in general and the North District in particular.
- Amend the TSP and utility master plans and capital improvement plan to incorporate key projects identified above.
- Construct key projects identified above in section IV.

## VI. TRANSPORTATION AND INFRASTRUCTURE FUNDING CONSIDERATIONS FOR SHERWOOD WEST

As part of the project, Leland Consulting Group (LCG) prepared a summary memo to discuss Sherwood West transportation and infrastructure construction costs and funding. Highlights from the memo—which is attached as Appendix 8—are presented below.

### Construction Cost and Revenue Comparison

LCG analyzed the transportation, infrastructure, regional parks, and regional trails construction costs for all of Sherwood West (using cost estimates provided by Mackenzie for the North District and for regional trails, together with City of Sherwood City Engineering cost estimates for the remainder of Sherwood West). LCG then estimated potential revenues from development, such as system development charges (SDCs) and the Washington County Transportation Development Tax (TDT).

The financial analysis demonstrated that potential revenues generated at full buildout of Sherwood West are likely sufficient to cover estimated infrastructure construction costs for sanitary sewer and parks; however, revenues are expected to be insufficient to cover construction costs for water, transportation, and storm infrastructure. This analysis is preliminary and will require further refinement during Comprehensive Planning, but points to the fact that additional funding sources may be needed to cover some construction costs.

### Potential Funding Sources

LCG identified a range of funding tools that could be used to supplement shortfalls, including the following:

- Federal funding sources such as the Economic Development Administration.
- State funding sources such as the Special Public Works Fund, Community Paths Grants, Immediate Opportunity Fund, Oregon Parks and Recreation Department Local Government Grant Program, and other emerging opportunities.
- Regional funding sources such as Washington County's Major Streets Transportation Improvement Program (MSTIP) or the Metropolitan Transportation Improvement Program (MTIP) or other regional flexible funding overseen by Metro.
- Local funding mechanisms such as supplemental SDCs, a Local Improvement District (LID), utility fees, general obligation bonds, or urban renewal tax increment financing.

While each of these funding sources would require further evaluation to determine applicability and viability, it does appear that there are supplemental funding sources that could be used to bolster the revenues expected from SDCs and TDT.

## VII. CONCLUSION

Development of the North District of the Sherwood West urban reserve area can be implemented in a manner that advances the City's long-term goals including economic development, provision of housing, and conservation of natural resources.

The Mixed Employment area designated in the 2023 Concept Plan appears appropriate for development with the City's target employment types, and infrastructure can be constructed to serve the area in an orderly manner. Roadway improvements and public utility extensions would be required for the development, but the necessary improvements are typical of development in new areas.

Competing interests for infrastructure within the North District specifically include a need or desire for large sites (up to 50 acres), maintaining City block length standards, providing reasonable cross-circulation for pedestrians and bicyclists, and minimizing or avoiding impact on protected habitat areas. We have provided two potential scenarios for roadway layout and site creation that attempts to balance these competing interests while providing flexibility on lot size for future developers and users.

Public utilities to the North District are generally expected to be extended from the existing boundary of City services. Fortunately, the City appears to be proactive in expanding capacity for water and sanitary sewer in cooperation with the Willamette River Water Treatment Plant and CWS sewer basin improvements. However, the extension of these utilities from existing service boundaries and through the North District present significant costs. Partnership with cooperating agencies such as CWS will likely be key to establishing robust infrastructure within the North District.

The City may elect to construct key public infrastructure projects to facilitate development within the North District, which would provide certainty in roadway and utility alignments. Any pre-emptive infrastructure should be constructed in locations to maintain flexibility of site layouts. In particular, key infrastructure such as locating an electrical substation for PGE and installing the sewer pump station and force main for CWS can help early developers overcome significant hurdles.

Both roadway scenarios presented above provide east-west cross-circulation through the North District, providing continuity to smaller sites west of SW Elwert Road and larger sites east of SW Elwert Road. Scenario A assumed greater impact to Title 13 areas with two east-west collectors extending to SW Roy Rogers Road whereas Scenario B only assumes one east-west collector extending to SW Roy Rogers Road. As Scenario A has more roadways and utilities, Mackenzie estimated construction costs only for this scenario, totaling nearly $104 million.

Leland Consulting Group's financial analysis indicates that at full buildout, SDC and TDT revenues are likely sufficient to cover estimated infrastructure construction costs for sanitary sewer and parks but are likely insufficient to cover construction costs for water, transportation, and storm infrastructure. Therefore, LCG identified a range of potential funding sources for the City to consider as it moves into the Comprehensive Planning stage if Metro approves the request to add Sherwood West to the UGB.

APPENDIX 1

**NOVEMBER 2023 CITY OF SHERWOOD LETTER TO PROPERTY OWNERS REGARDING INTEREST IN DEVELOPMENT**

Attachment A

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

**Mayor**
Tim Rosener

**Council President**
Keith Mays

**Councilors**
Renee Brouse
Taylor Giles
Doug Scott
Dan Standke
Kim Young

**City Manager**
Keith Campbell

November 13, 2023

Dear Sherwood West Property Owner:

As part of the City of Sherwood's ongoing long-term planning for the Sherwood West area, the City is gathering information on parcel size and property owner interest regarding future development **in the mixed-employment district** envisioned for the **northern portion** of Sherwood West. Please see the map on backside of letter.

This effort is part of the Sherwood West Concept Plan, a long-range planning document that will guide Sherwood community members, decision-makers, and staff as they make plans and decisions about future growth in Sherwood West. Metro has designated Sherwood West as an "urban reserve," which means that at some point in the future, it will be added to the Urban Growth Boundary. The Concept Plan has been informed by extensive public involvement, with the Preliminary Concept Plan approved in 2016 and further revisions accepted by the Sherwood City Council this past summer. Further information is available on the City's website at

sherwoodoregon.gov/planning/page/sherwood-west-preliminary-concept-plan-re-look.

Determining property owners' interest in developing or selling their properties for employment uses will allow the City to form plans for preserving large lots and to determine the viability of future developers and employers to create large building sites by purchasing multiple smaller lots.

If your property is currently available for sale or lease –or you are interested in making it available for sale in the future–please indicate accordingly on the enclosed form and return it in the envelope provided, by fax, or by email. *If your property is NOT available and you are NOT interested in including it for use in the employment district, we ask that you please indicate this information to us as well.*

Please note: the City's intent is only to gather information at this point. The City does not become involved in the pricing of land or in sale or lease negotiations. The attached form does not obligate you in any way to sell your land.

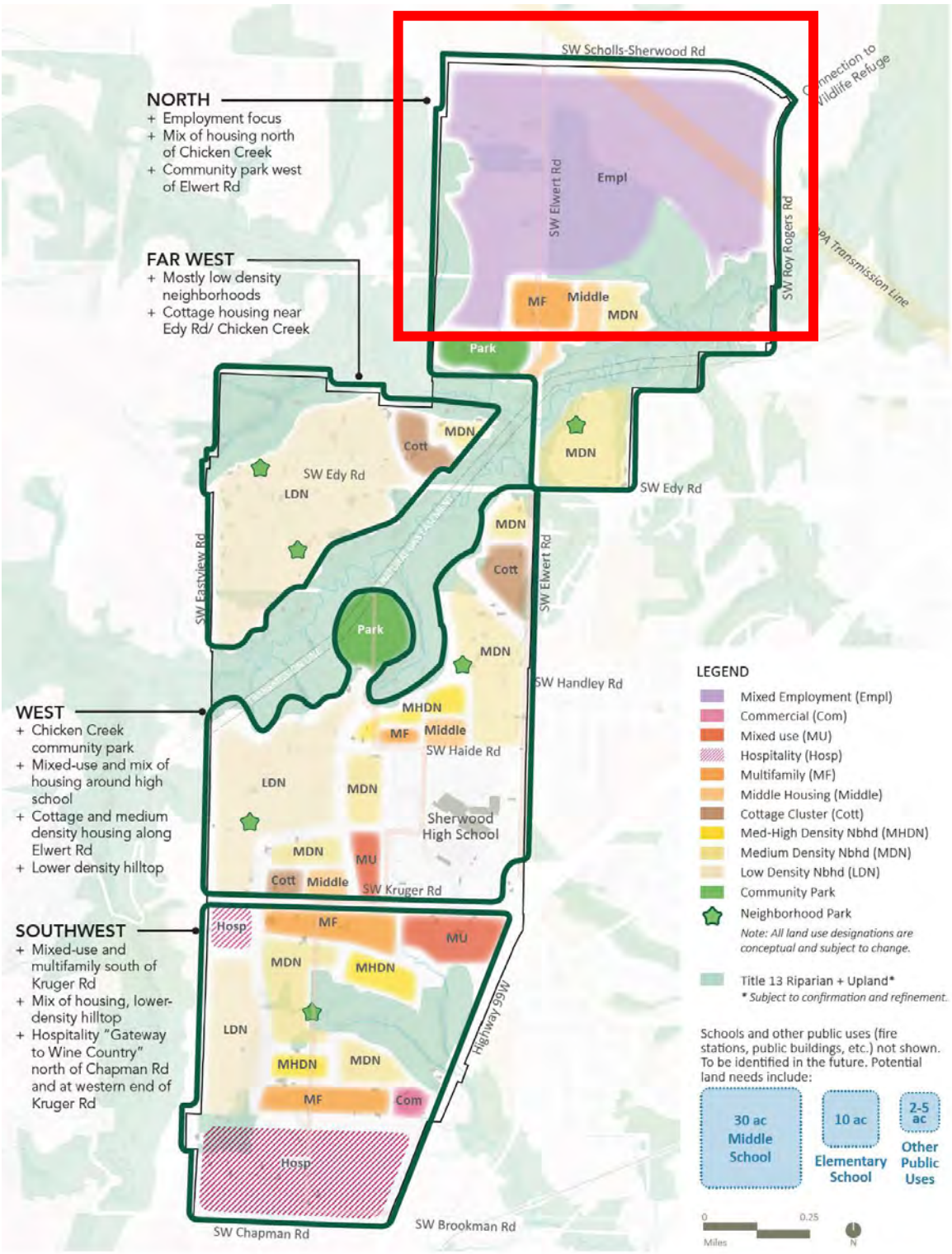
We would request that you return the enclosed form to the City by **Monday, November 27, 2023,** in the return envelope provided or call Erika Palmer, Planning Manager at the City of Sherwood, with your response.

If you have any questions or require additional clarification, please feel free to contact the project representative:

Erika Palmer, Planning Manager at City of Sherwood
Phone Number: (503) 625-4208
Email: palmere@sherwoodoregon.gov

Sincerely,
Erika Palmer, Planning Manager

## Mixed-Employment Zone



Attachment A

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

**Mayor**
Tim Rosener

**Council President**
Keith Mays

**Councilors**
Renee Brouse
Taylor Giles
Doug Scott
Dan Standke
Kim Young

**City Manager**
Keith Campbell

Erika Palmer, Planning Manager
City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140

RE: Sherwood West Long-Term Concept Large Parcel Protection for Employment Uses

I, _____ as the owner/representative of the property located in Washington County, OR at address

_____

/tax lot _____, submit the following:

***Check the box that represents your interest in selling, leasing, and/or developing your property for the purpose of contributing to the creation of a Mixed-Employment District. Please sign the letter and return either: in the envelope provided and addressed to City of Sherwood (see above), email to palmere@sherwoodoregon.gov, or fax it to 503-625-5524 by Monday, November 27, 2023.***

☐ I am interested in developing my property in the future for employment uses.

☐ I am interested in making my property available for sale for future employment uses.

*If property is already for sale:*
*Listing Agent/Representative:* _____

*Phone:* _____

*Parcel size (acres):* _____

☐ My property is NOT available, and I am presently NOT interested in selling or developing it for employment uses.

Property owner signature: _____

Printed name:_____ Date: _____

Phone: _____ Email: _____

APPENDIX 2

# NOTES FROM DECEMBER 6, 2023 TECHNICAL ADVISORY COMMITTEE MEETING

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# MEETING MINUTES

| | | | |
|---|---|---|---|
| PROJECT NUMBER: | 2230332.00 | ISSUE DATE: | December 20, 2023 |
| PROJECT NAME: | Sherwood West Concept Plan Refinement | | |

| | |
|---|---|
| RECORDED BY: | Brian Varricchione – Project Manager |
| TO: | FILE |
| PRESENT: | Erika Palmer, Craig Sheldon, Jason Waters, Kristen Switzer, Eric Rutledge, Joy Chang, Colleen Resch – City of Sherwood<br>Chris Faulkner – Clean Water Services (CWS)<br>Glen Bolen – Oregon Department of Transportation (ODOT)<br>Glen Hamburg – Metro<br>Matt Craigie, CJ Doxsee, Suzanne Savin – Washington County<br>Mike Weston – City of King City<br>Theresa Haskins – Portland General Electric (PGE)<br>Darin Smith – Bonneville Power Administration (BPA)<br>Brian Varricchione, Gabriela Frask, Janet Jones, Brent Nielsen, Breezy Rinehart-Young, Scott Moore – Mackenzie |

**SUBJECT: Technical Advisory Committee (TAC) Meeting #1 (December 6, 2023)**

## INFORMATION ITEMS

1. City of Sherwood (Erik Rutledge) opened the meeting by providing a recap of Sherwood West history and a summary of next steps.
    A. The last Technical Advisory Committee (TAC) meeting for the Sherwood West area was held late last winter. City Council adopted the current concept plan in July 2023.
    B. The City recently submitted a letter of interest to Metro regarding a potential urban growth boundary (UGB) expansion of up to 1,200 acres.
    C. City's intent is to submit the Sherwood West Concept Plan to Metro in April 2024.
    D. Metro is looking for site development readiness for industrial users. The City views the employment area near the new Sherwood High School and the employment area in the North District catalysts for future economic growth.
    E. The current effort is on the North District where most jobs within the Sherwood West plan area would be located.
        I. Mackenzie's scope includes reviewing opportunities to create parcel sizes larger than 50 acres to better satisfy Metro Title 11 code requirements.
        II. Mackenzie's scope also includes looking at refinements to the transportation network and utility corridors in the North District and preparing infrastructure cost estimates.
2. Mackenzie (Brian Varricchione) shared maps conveying existing conditions. These maps are enclosed within Attachment B.
    A. The first map shows City limits, Sherwood West reserve area, and North District.

B. The second map shows existing lot lines within North District.

C. The third map shows floodplain, riparian corridors, and upland wildlife habitat areas as determined by Metro's Title 13 inventory.

D. The fourth map shows slopes which impact developability, particularly industrial users. Slopes greater than 10% can be problematic for development, and many industrial users prefer not to exceed 5%.

I. City of Sherwood (Erik Rutledge) noted it would be helpful to understand what acreage is remaining after excluding high slope areas.

E. The fifth map shows the land uses areas depicted in the July 2023 Concept Plan, along with the conceptual road alignments.

F. The sixth map shows owners of properties within the proposed Mixed Employment area.

G. The seventh map shows the response from property owners regarding willingness to sell their property. Brian pointed out many property owners did not respond to the City's survey.

I. City of Sherwood (Erik Rutledge) noted that while the map depicts little interest in property owners selling their land, there have been several "behind-the-scenes" purchase offers from developers for property within the North District.

H. The eighth map shows development considerations within the North District, such as the BPA easement at the northeast corner, the preclusion of large parcels due to block length and intersection spacing standards, smaller areas west of Elwert Road, and Title 13 habitat designation.

I. It is currently unclear how Title 13 habitat designations affect developability within the North District.

I. The ninth map shows intersection and driveway spacing standards.

3. Mackenzie (Brian Varricchione) shared maps conveying potential parcelization within North District to explore ways in which large parcels could be created to attract employers. These maps are enclosed within Attachment B.

A. Scenario A shows road alignments consistent with approved concept plan. The largest parcel size is about 30 acres, and one site may not be developable due to Title 13 habitat designation.

B. Scenario B shows removal of the north-south roadway running parallel to Elwert Road resulting in a 50-acre site in northeast corner.

C. Scenario C shows two large parcels at about 70 acres by extending Conzelman Road to the east and terminating at Roy Rogers Road north of the creek and removing the east-west concept road east of Elwert Road. This scenario also removes the north-south road west of Elwert Road.

D. Scenario D is similar to Scenario C but alignment of north-south road parallel to Elwert Road minimizes impacts to Title 13 habitat.

E. Scenario E is very similar to Scenario D but with a different east-west connection to Roy Rogers Road.

F. Scenario F only assumes extension of Conzelman Road to east on the eastern portion creating a 150-acre site east of Elwert Road.

4. Metro (Glen Hamburg) cautioned the group against assuming that the Title 13 upland habitat area is developable, but noted the City can undertake a study to determine significance of habitat area at the time of comprehensive planning if the area is added to the UGB. Glen also noted his preferred concept may be Scenario E but perhaps removing the east-west roadway traversing the Title 13 habitat area.

   A. Mackenzie (Brian Varricchione) pointed out there is a portion of land currently designated as Title 13 habitat area where trees have been recently removed.

   B. Metro (Glen Hamburg) confirmed that area could be removed from the Title 13 upland habitat as part of future efforts.

5. City of King City (Mike Weston) asked if there is a trail planned along power lines and cautioned against having block lengths that are too long for pedestrians. He urged the team to consider some public connections within large parcels such as trails through large development parcels.

6. ODOT (Glen Boden) asked if subdivision of smaller parcels would be prohibited to accommodate development, and if so, the City should "stick to their guns" about large parcels. Glen also noted connectivity is more important than roadway location standards, and one example of administrative flexibility can be to provide one frontage road per property.

7. PGE (Theresa Haskins) shared with the group that developers often complain there are no lots available that are large enough to accommodate certain users. She asked the City to consider if they want larger manufacturing or smaller user requests. The average acreage request from observation is 35 acres but can be as high as 100 acres.

8. Washington County (Matt Craigie) noted perhaps a community park can be sited within the upland habitat area, noting that it would not generate property taxes. He noted that may allow other land to be developed with different uses. He also suggested reviewing other examples and typologies with similar layouts to the area closest to the BPA easement corridor.

   A. Mackenzie (Scott Moore) noted there are certain design components that are often allowed within BPA easement areas such as maneuvering space for vehicles; however, buildings cannot be placed within the easement area.

   B. BPA (Darren Smith) noted that generally customers request stormwater detention, parking, lighting, etc. within BPA easements and cautioned against planting vegetation associated with parking near the BPA easement area.

9. PGE (Theresa Haskins) informed the group that PGE will want to reserve at least five acres for an electrical substation site and reminded the group there will be constraints with where the substation can be placed. As an example, a substation cannot be placed on a slope.

10. City of Sherwood (Erik Rutledge) reminded the group the next meeting will be more focused on utilities/infrastructure and other needs.

11. Mackenzie (Brent Nielsen) asked the group how they felt about eliminating the north-south roadway west of Elwert Road.

   A. City of Sherwood (Erik Rutledge) noted that the City has to balance competing interests (e.g., walkability, block size, targeted industries, and upland habitat). The City will look at

the target industries, easement locations, etc. to calibrate the land supply with the needs of target users. Removing this roadway may be fine as long as it is consistent with the goals of this exercise.

Every effort has been made to accurately record this meeting. If any errors or omissions are noted, please provide written response within five days of receipt.

Enclosure(s): Attachment A – Meeting Agenda
Attachment B – Meeting Materials

c: Present

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Portland, Oregon ▪ Vancouver, Washington ▪ Seattle, Washington

# MEETING AGENDA

| | | | |
|---|---|---|---|
| **PROJECT NUMBER:** | 2230332.00 | **TODAY'S DATE:** | November 30, 2023 |
| **PROJECT NAME:** | Sherwood West Concept Plan Refinement | | |

| | |
|---|---|
| **MEETING DATE:** | December 6, 2023 |
| **MEETING TIME:** | 2:00 PM – 3:00 PM |
| **MEETING PLACE:** | Virtual |
| **PARTICIPANTS:** | Erika Palmer, Bruce Coleman, Craig Sheldon, Jason Waters, Kristen Switzer, Eric Rutledge, Joy Chang – City of Sherwood<br>Chris Faulkner – Clean Water Services (CWS)<br>Glen Bolen – Oregon Department of Transportation (ODOT)<br>Glen Hamburg – Metro<br>Jessica Pelz, Matt Craigie, Theresa Cherniak, CJ Doxsee, Suzanne Savin – Washington County<br>Eva Kristofik – Friends of Tualatin River National Wildlife Refuge<br>Mike Weston – City of King City<br>Preston Korst – Home Building Association (HBA)<br>Ty Darby – Tualatin Valley Fire & Rescue (TVF&R)<br>Theresa Haskins – Portland General Electric (PGE)<br>Darin Smith – Bonneville Power Administration (BPA)<br>Brian Varricchione, Gabriela Frask, Janet Jones, Brent Nielsen, Breezy Rinehart-Young, Scott Moore - Mackenzie |
| **FACILITATOR:** | Erika Palmer (City of Sherwood), Brian Varricchione (Mackenzie) |

**SUBJECT:** Technical Advisory Committee (TAC) Meeting #1

## I. INTRODUCTIONS — Erika Palmer: 5 minutes

- Names and roles
- Previous Concept Plan involvement (if any)

## II. PROJECT INTRODUCTION — Erika Palmer: 5 minutes

- TAC role and responsibilities

## III. PROJECT GOALS & SCOPE OF WORK — Brian Varricchione: 10 minutes

- Schedule

IV. **TASK 1 PRESENTATION/WORK SESSION** Brian Varricchione: 35 minutes

- Consultant presentation
- TAC Discussion

**V. NEXT STEPS & SCHEDULE** Brian Varricchione: 5 minutes

**MEETING PACKET**

As you review the meeting packet materials prior to the meeting, the consultant team requests you consider and think about the following questions and comments and come to the meeting prepared to discuss.

A. Site sizes

1. The site size scenario sketches on pages 10-15 include a variety of site sizes, some of which exceed 50 acres to accommodate large employers. Which are your preferred scenarios?

B. Roadways

1. The Sherwood West Concept Plan includes multiple proposed/future roads. In efforts to create/preserve as many large industrial/employment sites as possible, some of the proposed/future roads, particularly west of Elwert Rd, may not be necessary as they create small sites (10 acres and smaller) as a result of bifurcation. What do you think of the consultant teams scenarios that eliminate or relocate roads from the Concept Plan?
2. Several scenarios in the meeting packet include potential road realignments in order to preserve/create large industrial/employment sites. What are your thoughts and are these alignments acceptable from your agency and perspective?
3. Page 9 of the meeting packet includes a map with intersection and driveway spacing standards. The consultant team used these standards to help identify potential site locations and configurations. What are your thoughts on deviating from the block length and/or spacing requirements to accommodate large employment sites?
4. Our assumption is within the North District Elwert Road should be designed based on City standards once the area is annexed to the City. Is that correct?

C. Utilities

1. We have received Sherwood's master plans for sewer, water, and storm drainage. Please provide the CWS master plan to verify downstream connection points for sanitary sewer.
2. Please confirm the City's preference for regional stormwater facilities or separated public/private approach.

3. Please confirm preferred power transmission corridors and substation footprints within the study area, if needed.

D. Natural Resources

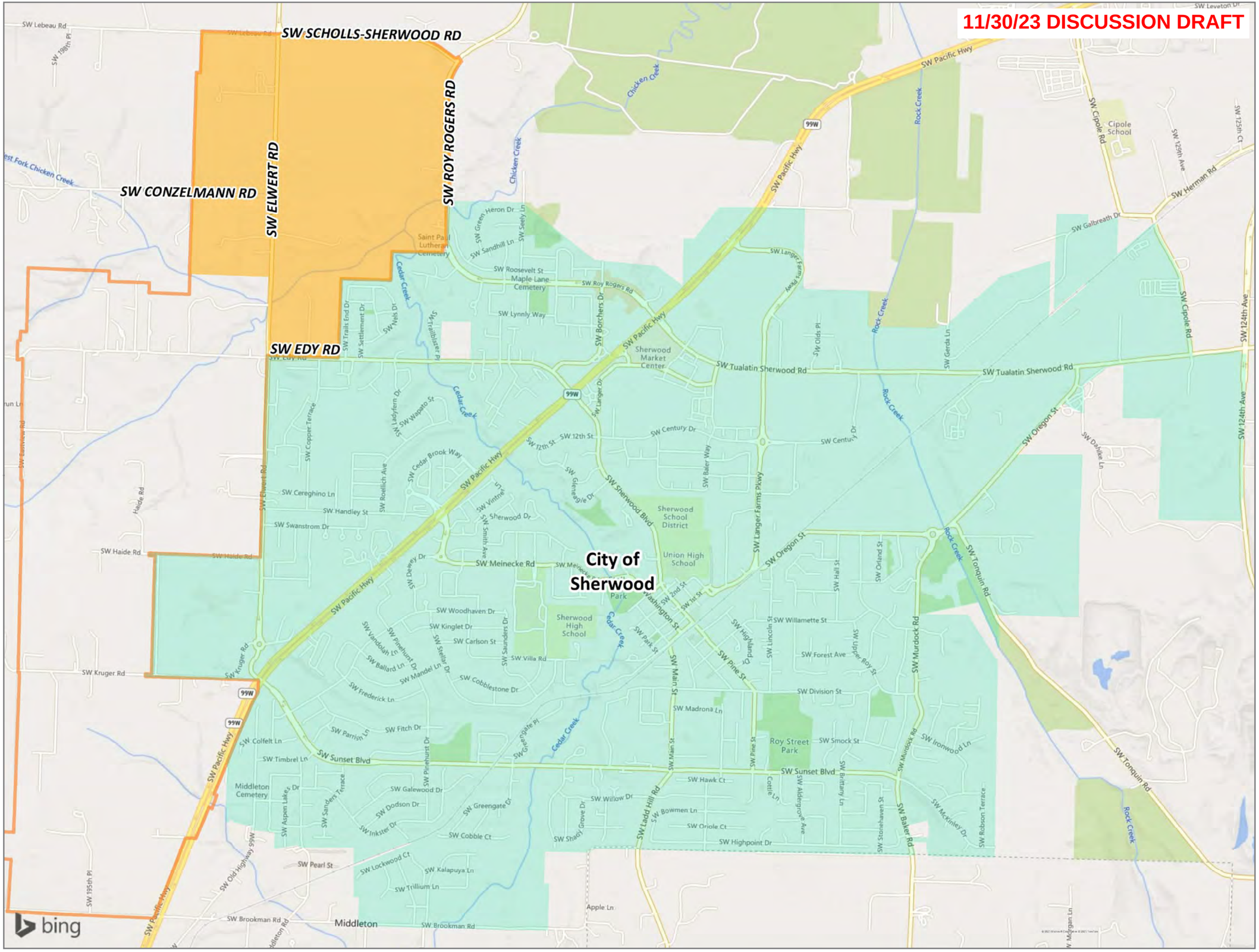
1. The North District has many potential development constraints, including BPA transmission line, steep slopes, and Metro Title 13 upland wildlife habitat. Please share any information you have on these constraints and the potential to allow impacts to accommodate employment uses. Can new roadways be constructed through Metro Title 13 upland habitat areas?

c: Participants

Attachment A

# SHERWOOD WEST CONCEPT PLAN NORTH DISTRICT Sherwood, Oregon

**11/30/23 DISCUSSION DRAFT**




## LEGEND

- Sherwood City Limits
- Sherwood West
- North District

0 700 1,400 2,800 Feet

N

1 inch = 1,474 feet

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/29/2023
File: Sherwood West_North District

Map Created By: BJV
Project No: 2230332.00




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Attachment A

11/30/23 DISCUSSION DRAFT

SW LEBEAU RD
SW SCHOLLS-SHERWOOD RD
SW CONZELMANN RD
SW EDY RD
SW ELWERT RD
SW ROY ROGERS RD
SW GREEN HERON DR
SW SEELY LN
SW CEDARVIEW WAY
SW LYNNLY WAY
SW JONQUIL TER
SW LAVENDER AVE
SW HOUSTON DR
SW SETTLEMENT DR
SW NELS DR
SW SANTA FE TER

2S2240001701 14.4 AC
2S2240001700 0.9 AC
2S2240001800 1.4 AC
2S2240002001 5 AC
2S2240001900 0.9 AC
2S2240002002 5.4 AC
2S1190000600 18.8 AC
2S1190000602 20.7 AC
2S1190000700 36.3 AC
2S1190001003 0.5 AC
2S2240002101 4 AC
2S2240002100 5.9 AC
2S1190001301 12.9 AC
2S2240002200 19.6 AC
2S1190001300 21.3 AC
2S1190000601 32.5 AC
2S2240002302 9.4 AC
2S2240002301 9.3 AC
2S1190001302 21.7 AC
2S2250004700 11.3 AC
2S2250004800 7.7 AC
2S130BA00100 8.5 AC
2S130B000900 58.3 AC
2S2250000202 3.3 AC
2S130BA00200 5 AC
2S2250000203 14.5 AC
2S2250000201 2 AC
2S130B001000 0.7 AC
2S130B000800 8.9 AC
2S130B000600 4.7 AC
2S130B001100 9 AC
2S130B000700 10 AC

bing

# SHERWOOD WEST CONCEPT PLAN NORTH DISTRICT AERIAL Sherwood, Oregon

**LEGEND**

- North District
- Tax Lots
- BPA Transmission Corridor

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Aerial Taxlots_ND

Map Created By: BJV
Project No: 2230332.00




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11/30/23 DISCUSSION DRAFT

SW LEBEAU RD
SW SCHOLLS-SHERWOOD RD
SW SCHROEDER LN
SW CONZELMANN RD
SW ELWERT RD
SW ROY ROGERS RD
SW GREEN HERON DR
SW SEELY LN
SW CEDARVIEW WAY
SW LYNNLY WAY
SW JONQUIL TER
SW LAVENDER AVE
SW TRAILS END DR
SW SETTLEMENT DR
SW NELS DR
SW SANTA FE TER
SW HOUSTON DR
SW EDY RD

bing

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# SHERWOOD WEST CONCEPT PLAN NORTH DISTRICT ENVIRONMENTAL Sherwood, Oregon

## LEGEND

- North District
- Tax Lots
- Streams
- Wetland
- 1% Annual Chance Flood Hazard
- Regulatory Flooodway

**Title 13**

- Riparian Wildlife Habitat Class I
- Riparian Wildlife Habitat Class II
- Riparian Wildlife Habitat Class III
- Upland Wildlife Habitat Class A
- Upland Wildlife Habitat Class B

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Environmental_ND

Map Created By: BJV
Project No: 2230332.00




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Attachment A

11/30/23 DISCUSSION DRAFT

SW LEBEAU RD

SW SCHOLLS-SHERWOOD RD

SW SCHROEDER LN

SW CONZELMANN RD

SW ELWERT RD

SW ROY ROGERS RD

SW GREEN HERON DR

SW SEELY LN

SW CEDARVIEW WAY

SW LYNNLY WAY

SW JONQUIL TER

SW LAVENDER AVE

SW TRAILS END DR

SW SETTLEMENT DR

SW NELS DR

SW SANTA FE TER

SW HOUSTON DR

SW EDY RD

bing

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# SHERWOOD WEST CONCEPT PLAN NORTH DISTRICT CONTOURS & SLOPE Sherwood, Oregon

**LEGEND**

- North District
- 10ft Contours
- 10%-25% Slope
- Over 25% Slope

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Contours and Slopes_ND

Map Created By: BJV
Project No: 2230332.00

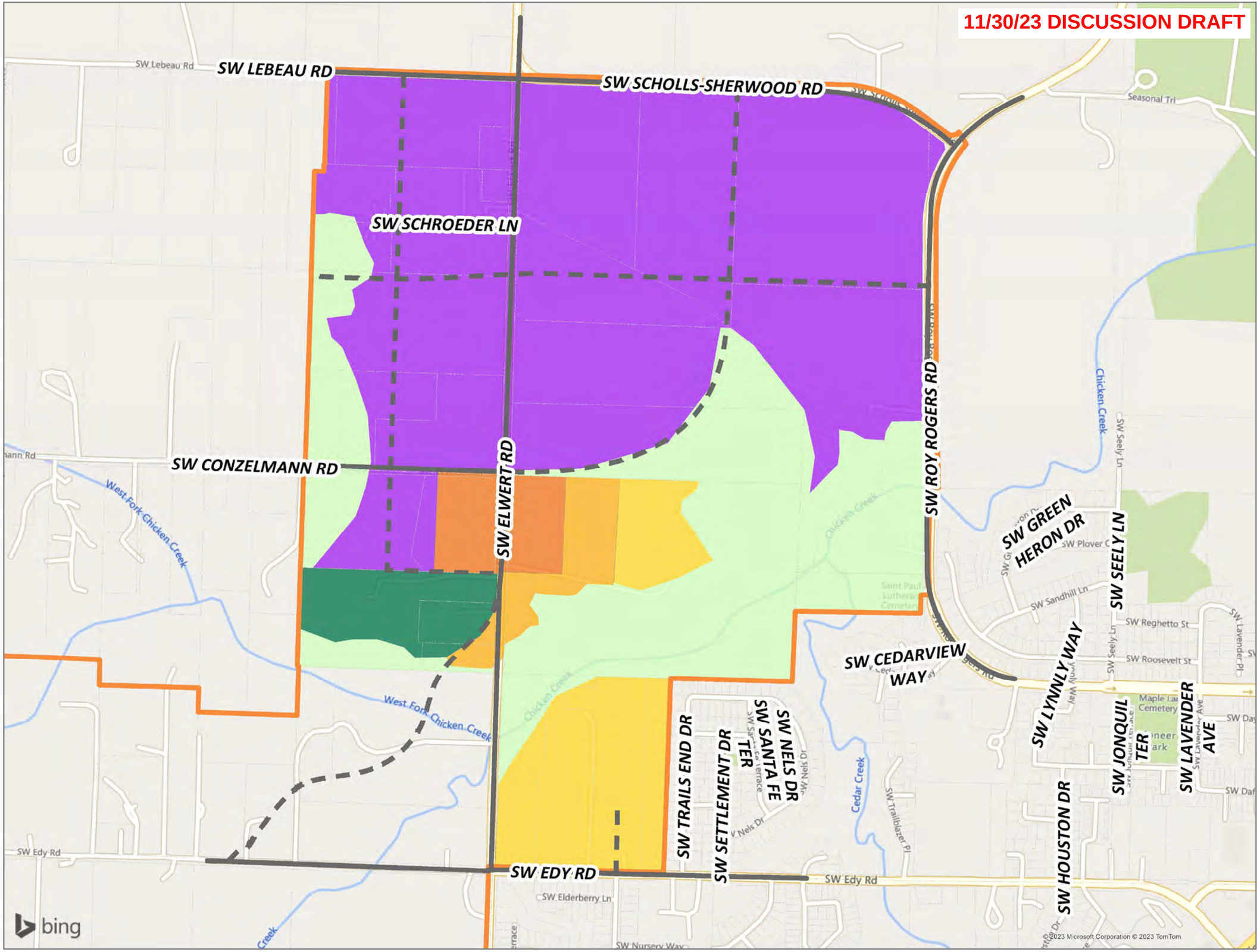



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Attachment A

11/30/23 DISCUSSION DRAFT




# SHERWOOD WEST CONCEPT PLAN NORTH DISTRICT LAND USE & ROADS Sherwood, Oregon

**LEGEND**

- Sherwood West
- Tax Lots

**North District Land Use**

- Mixed Employment
- Multifamily
- Middle Housing
- Medium Density Neighborhood
- Community Park
- Title 13 Riparian/Upland

**Roadways**

- Existing
- Conceptual

0 300 600 1,200 Feet

N

1 inch = 600 feet

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Land Use_ND

Map Created By: BJV
Project No: 2230332.00




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11/30/23 DISCUSSION DRAFT

# SHERWOOD WEST CONCEPT PLAN
## NORTH DISTRICT
## MIXED EMPLOYMENT
## Sherwood, Oregon

**LEGEND**

- North District
- Tax Lots
- Mixed Employment

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Parcel Ownership_ME

Map Created By: BJV
Project No: 2230332.00




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11/30/23 DISCUSSION DRAFT

# SHERWOOD WEST CONCEPT PLAN
# MIXED EMPLOYMENT DEVELOPMENT INTEREST
## Sherwood, Oregon

**LEGEND**

- North District
- Mixed Employment

**Survey Response**

- Interested in Developing
- Available for Sale
- Available for Sale (for MDR)
- Not Available or Interested
- No Response

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Owner Devt Interest_ME

Map Created By: BJV
Project No: 2230332.00




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# Mixed Employment Development Considerations

**11/30/23 DISCUSSION DRAFT**

Parcelization west of SW Elwert Rd hampers opportunities to create large development sites

Roadway spacing/block spacing affects size of development sites

BPA electrical transmission corridor restricts building locations

Limited development opportunities in steel slope areas

Title 13 habitat significance not yet determined

SW LEBEAU RD
SW SCHOLLS-SHERWOOD RD
SW SCHROEDER LN
SW CONZELMANN RD
SW ELWERT RD
SW ROY ROGERS RD
SW GREEN HERON DR
SW SEELY LN
SW CEDARVIEW WAY
SW LYNNLY WAY
SW JONQUIL TER
SW LAVENDER AVE
SW TRAILS END DR
SW SETTLEMENT DR
SW NELS DR
SW SANTA FE TER
SW HOUSTON DR
SW EDY RD

## SHERWOOD WEST CONCEPT PLAN MIXED EMPLOYMENT

**Sherwood, Oregon**

**LEGEND**

- North District
- Tax Lots
- Mixed Employment
- BPA Transmission Corridor
- 10ft Contours
- 10%-25% Slope
- Over 25% Slope
- Title13 Riparian/Upland

**Roadways**

- Existing
- Conceptual

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Emp_50_acres

Map Created By: BJV
Project No: 2230332.00




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# Intersection Spacing Standards

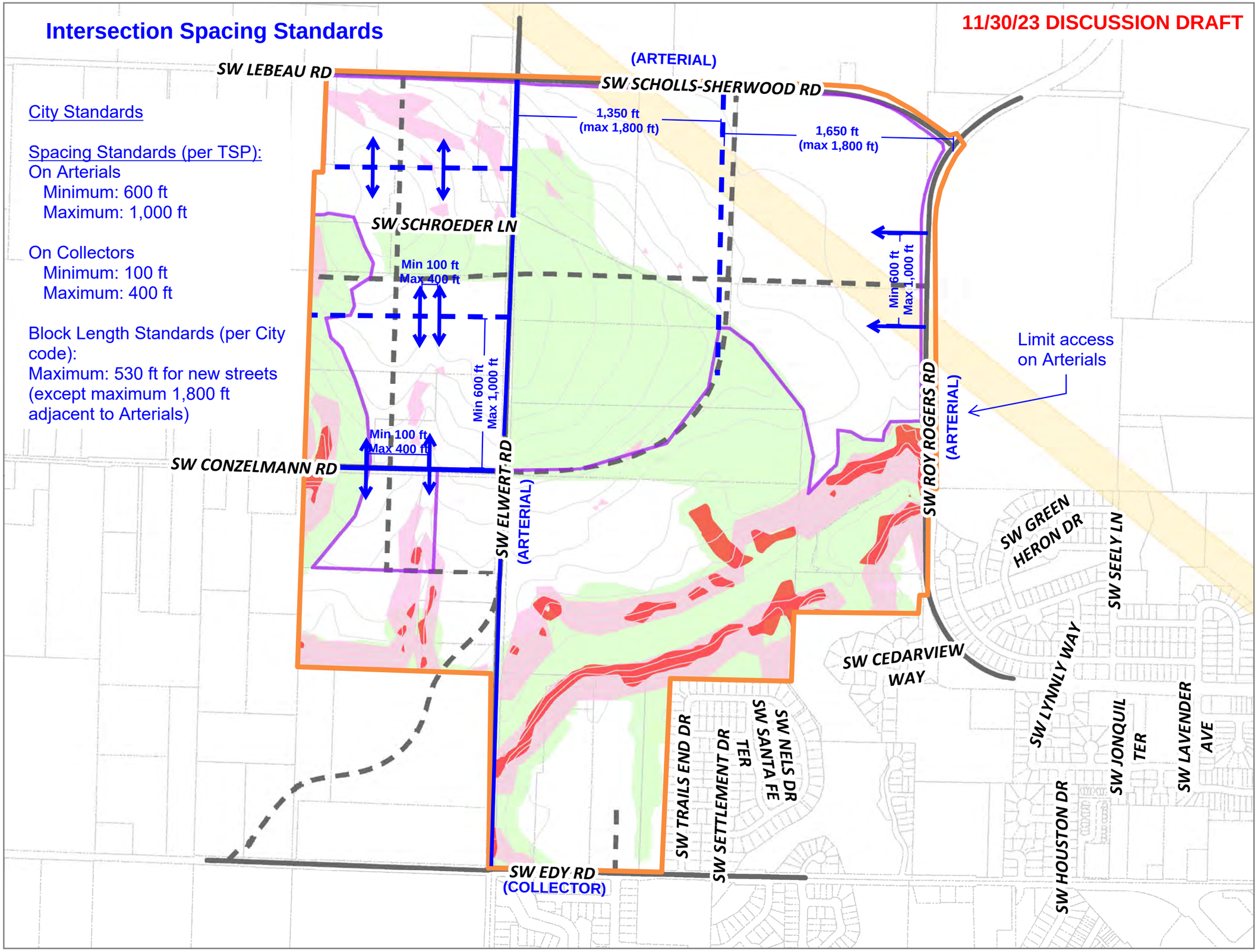
11/30/23 DISCUSSION DRAFT

City Standards

Spacing Standards (per TSP):
On Arterials
Minimum: 600 ft
Maximum: 1,000 ft

On Collectors
Minimum: 100 ft
Maximum: 400 ft

Block Length Standards (per City code):
Maximum: 530 ft for new streets (except maximum 1,800 ft adjacent to Arterials)




## SHERWOOD WEST CONCEPT PLAN MIXED EMPLOYMENT

**Sherwood, Oregon**

**LEGEND**

- North District
- Tax Lots
- Mixed Employment
- BPA Transmission Corridor
- 10ft Contours
- 10%-25% Slope
- Over 25% Slope
- Title13 Riparian/Upland

**Roadways**

- Existing
- Conceptual

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

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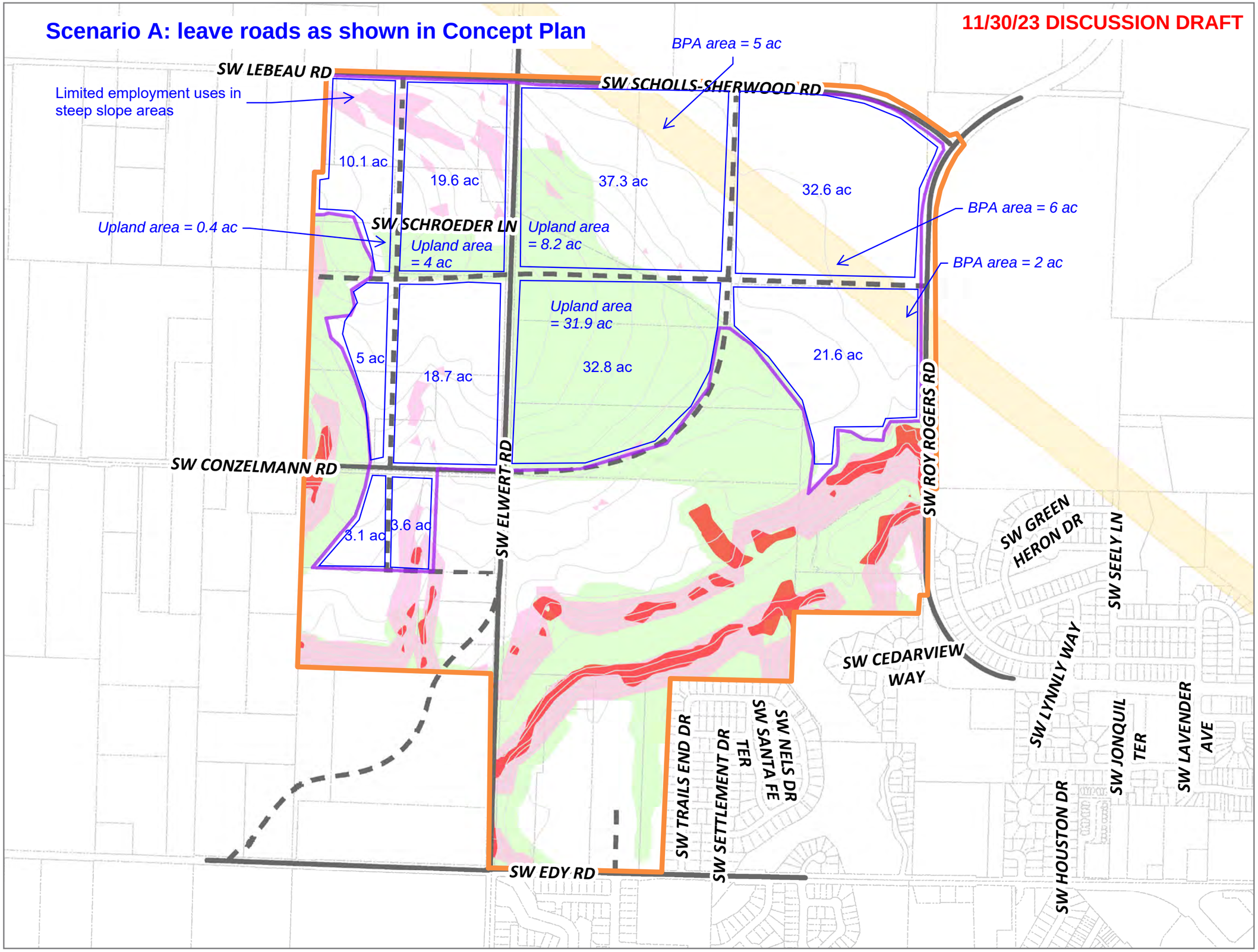



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# Scenario A: leave roads as shown in Concept Plan

**11/30/23 DISCUSSION DRAFT**




## SHERWOOD WEST CONCEPT PLAN MIXED EMPLOYMENT

**Sherwood, Oregon**

**LEGEND**

- North District
- Tax Lots
- Mixed Employment
- BPA Transmission Corridor
- 10ft Contours
- 10%-25% Slope
- Over 25% Slope
- Title 13 Riparian/Upland

**Roadways**

- Existing
- Conceptual

0 300 600 1,200 Feet

N

1 inch = 600 feet

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Emp_50_acres

Map Created By: BJV
Project No: 2230332.00




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# Scenario B: delete conceptual road segment

**11/30/23 DISCUSSION DRAFT**

SW LEBEAU RD
SW SCHOLLS-SHERWOOD RD
SW SCHROEDER LN
SW CONZELMANN RD
SW ELWERT RD
SW EDY RD
SW ROY ROGERS RD
SW CEDARVIEW WAY
SW GREEN HERON DR
SW SEELY LN
SW LYNNLY WAY
SW JONQUIL TER
SW LAVENDER AVE
SW HOUSTON DR
SW TRAILS END DR
SW SETTLEMENT DR
SW NELS DR
SW SANTA FE TER

Limited employment uses in steep slope areas

BPA area = 11 ac

BPA area = 1 ac

Upland area = 0.4 ac

Upland area = 4 ac

Upland area = 8 ac

Upland area = 32 ac

Eliminate highlighted road segment

BPA area = 2 ac

10.1 ac
19.6 ac
21.5 ac
52.2 ac
5 ac
18.7 ac
32.8 ac
21.6 ac
3.1 ac
3.6 ac

## SHERWOOD WEST CONCEPT PLAN MIXED EMPLOYMENT

**Sherwood, Oregon**

**LEGEND**

- North District
- Tax Lots
- Mixed Employment
- BPA Transmission Corridor
- 10ft Contours
- 10%-25% Slope
- Over 25% Slope
- Title 13 Riparian/Upland

**Roadways**

- Existing
- Conceptual

0 300 600 1,200 Feet

N

1 inch = 600 feet

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Emp_50_acres

Map Created By: BJV
Project No: 2230332.00




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Attachment A

# Scenario C: reconsider roadways

**11/30/23 DISCUSSION DRAFT**

SW LEBEAU RD

SW SCHOLLS-SHERWOOD RD

SW ELWERT RD

SW ROY ROGERS RD

SW CONZELMANN RD

SW EDY RD

SW TRAILS END DR

SW SETTLEMENT DR

SW NELS DR

SW SANTA FE TER

SW CEDARVIEW WAY

SW GREEN HERON DR

SW LYNNLY WAY

SW SEELY LN

SW JONQUIL TER

SW LAVENDER AVE

Limited employment uses in steep slope areas

Add road

14.1 ac

16.4 ac

Upland area = 5 ac

75.7 ac

70.2 ac

25.7 ac

7.8 ac

Upland area = 46 ac

BPA area = 5 ac

Eliminate highlighted road segment

BPA area = 10 ac

Eliminate highlighted road segment

Eliminate highlighted road segment

Realign road

Extend Conzelmann Road to Roy Rogers Road

## SHERWOOD WEST CONCEPT PLAN MIXED EMPLOYMENT

**Sherwood, Oregon**

### LEGEND

- North District
- Tax Lots
- Mixed Employment
- BPA Transmission Corridor
- 10ft Contours
- 10%-25% Slope
- Over 25% Slope
- Title 13 Riparian/Upland

**Roadways**

- Existing
- Conceptual

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Emp_50_acres

Map Created By: BJV
Project No: 2230332.00




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Attachment A

# Scenario D: reconsider roadways

**11/30/23 DISCUSSION DRAFT**

SW LEBEAU RD

SW SCHOLLS-SHERWOOD RD

SW CONZELMANN RD

SW EDY RD

SW ELWERT RD

SW ROY ROGERS RD

SW GREEN HERON DR

SW SEELY LN

SW CEDARVIEW WAY

SW LYNNLY WAY

SW JONQUIL TER

SW LAVENDER AVE

SW TRAILS END DR

SW SETTLEMENT DR

SW NELS DR

SW SANTA FE TER

Limited employment uses in steep slope areas

Add road

14.1 ac

16.4 ac

Upland area = 5 ac

71.6 ac

58 ac

BPA area = 5 ac

Eliminate highlighted road segment

BPA area = 10 ac

Realign road

Eliminate highlighted road segment

25.7 ac

Upland area = 44 ac

7.8 ac

Extend Conzelmann Road to Roy Rogers Road

## SHERWOOD WEST CONCEPT PLAN MIXED EMPLOYMENT

**Sherwood, Oregon**

### LEGEND

- North District
- Tax Lots
- Mixed Employment
- BPA Transmission Corridor
- 10ft Contours
- 10%-25% Slope
- Over 25% Slope
- Title 13 Riparian/Upland

**Roadways**

- Existing
- Conceptual

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Emp_50_acres

Map Created By: BJV
Project No: 2230332.00



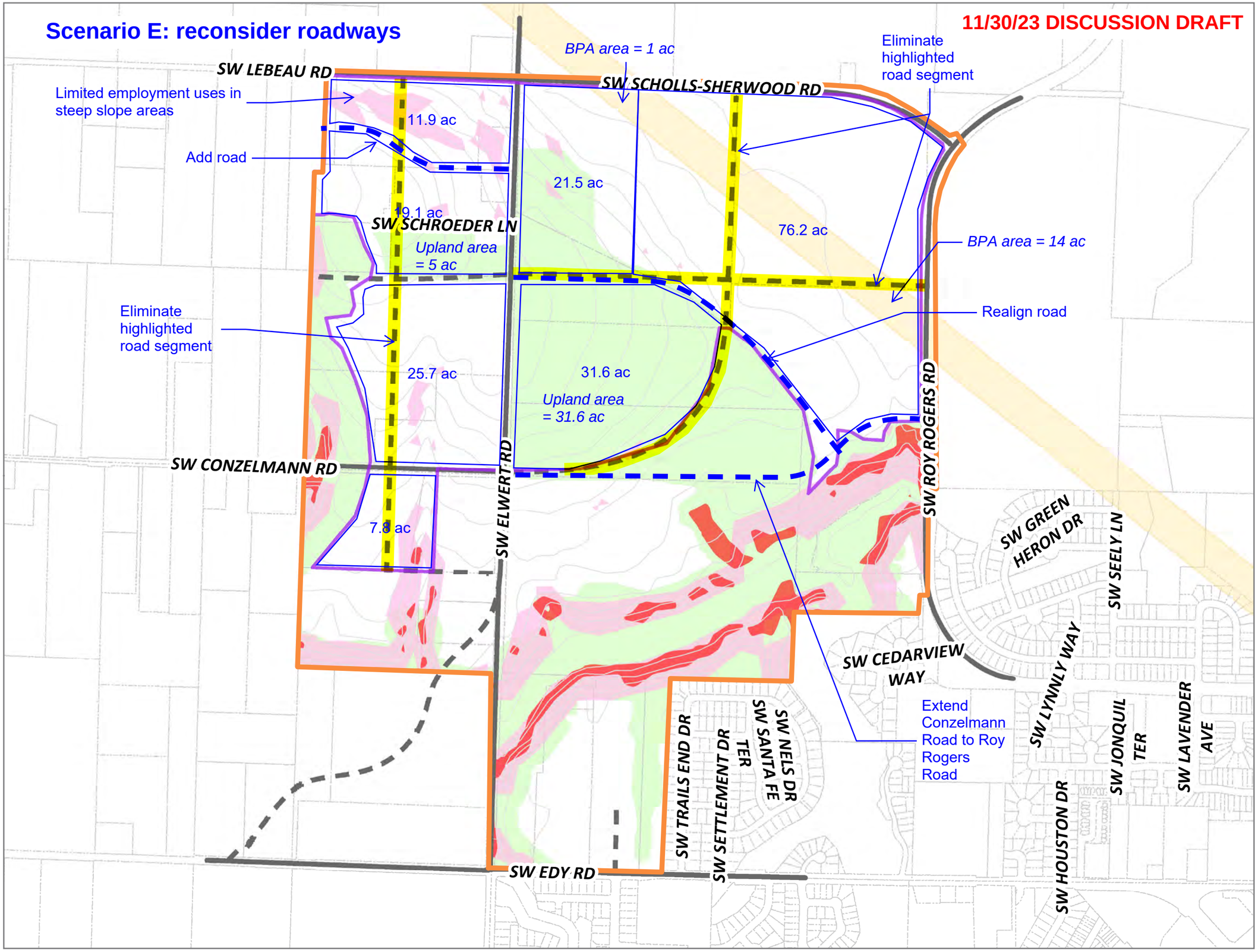

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Attachment A

# Scenario E: reconsider roadways

**11/30/23 DISCUSSION DRAFT**




## SHERWOOD WEST CONCEPT PLAN MIXED EMPLOYMENT

**Sherwood, Oregon**

**LEGEND**

- North District
- Tax Lots
- Mixed Employment
- BPA Transmission Corridor
- 10ft Contours
- 10%-25% Slope
- Over 25% Slope
- Title 13 Riparian/Upland

**Roadways**

- Existing
- Conceptual

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Emp_50_acres

Map Created By: BJV
Project No: 2230332.00



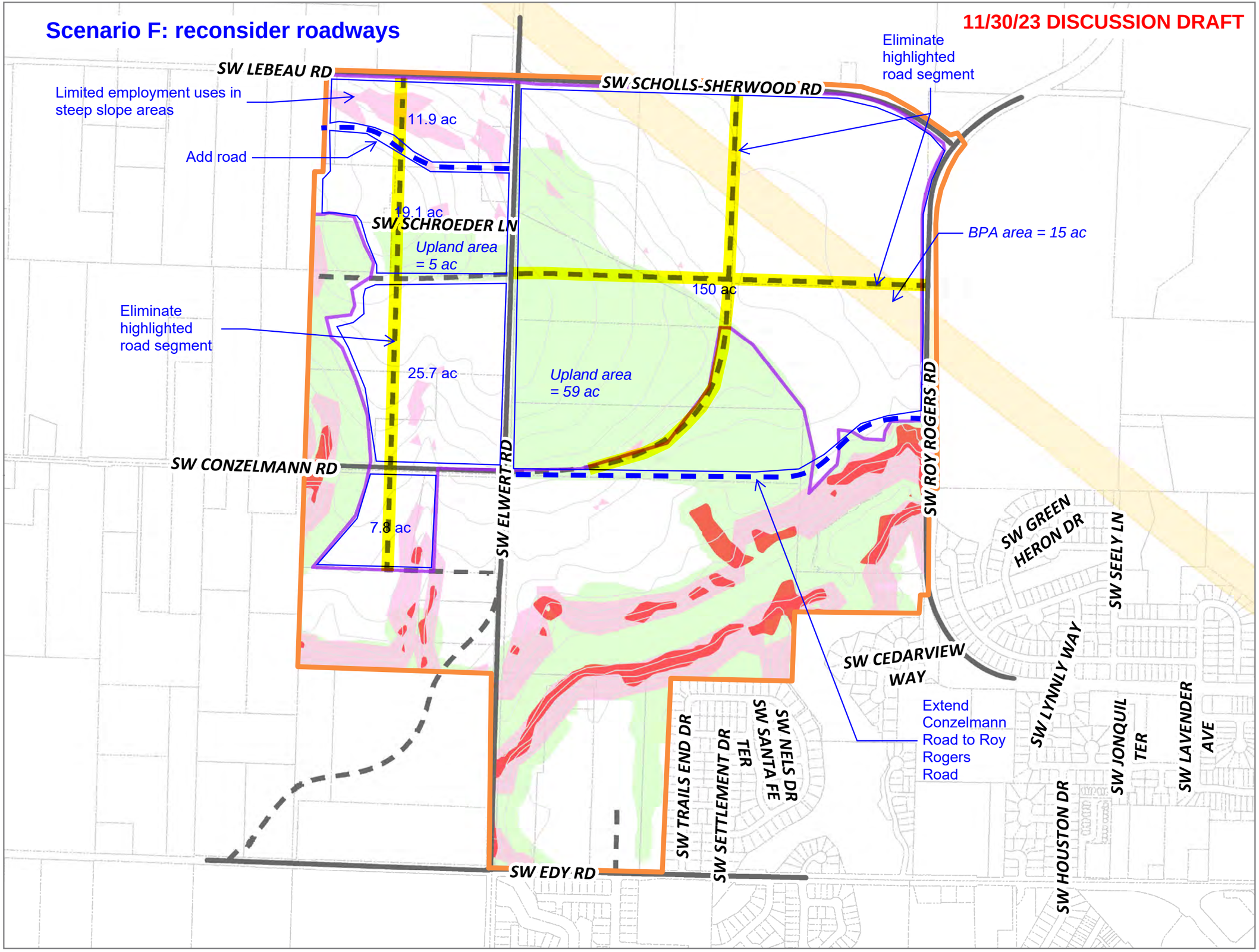

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Attachment A

# Scenario F: reconsider roadways

11/30/23 DISCUSSION DRAFT




## SHERWOOD WEST CONCEPT PLAN MIXED EMPLOYMENT

**Sherwood, Oregon**

**LEGEND**

- North District
- Tax Lots
- Mixed Employment
- BPA Transmission Corridor
- 10ft Contours
- 10%-25% Slope
- Over 25% Slope
- Title 13 Riparian/Upland

**Roadways**

- Existing
- Conceptual

0 300 600 1,200 Feet

1 inch = 600 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, October 2023

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 11/30/2023
File: Emp_50_acres

Map Created By: BJV
Project No: 2230332.00




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APPENDIX 3

# NOTES FROM JANUARY 31, 2024 TECHNICAL ADVISORY COMMITTEE MEETING

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# MEETING MINUTES

| | | | |
|---|---|---|---|
| PROJECT NUMBER: | 2230332.00 | ISSUE DATE: | February 7, 2024 |
| PROJECT NAME: | Sherwood West Concept Plan Refinement | | |

| | |
|---|---|
| RECORDED BY: | Brian Varricchione – Project Manager |
| TO: | FILE |
| PRESENT: | Bruce Coleman, Craig Sheldon, Jason Waters, Eric Rutledge – City of Sherwood<br>Chris Faulkner – Clean Water Services (CWS)<br>Glen Bolen – Oregon Department of Transportation (ODOT)<br>Glen Hamburg – Metro<br>CJ Doxsee, Suzanne Savin – Washington County<br>Mike Weston – City of King City<br>Hap English, Chris Lu, Tod Shattuck – Portland General Electric (PGE)<br>Preston Korst – Home Building Association (HBA)<br>Brian Varricchione, Gabriela Frask, Janet Jones, Brent Nielsen – Mackenzie |
| **SUBJECT:** | **Technical Advisory Committee (TAC) Meeting #2 (January 31, 2024)** |

## INFORMATION ITEMS

1. City of Sherwood (Eric Rutledge) provided an update on the project status.
   A. Staff has had numerous work sessions with the City Council to discuss Sherwood West and whether Council is interested in applying to Metro for the urban reserve to be added to the urban growth boundary (UGB). City Council has determined they want to include the entirety of Sherwood West in the UGB amendment request.
   B. The purpose of the current Concept Plan refinement project is to refine concept area and prepare cost estimates and revenue estimates.
   C. City Council will review the materials in March and submit the formal request to Metro in early April.
   D. The staff is seeking letters of support from agencies and service provider partners and is coordinating with Washington County.
2. Mackenzie (Brian Varricchione) provided a quick recap of Mackenzie's scope of work, which is to examine opportunities for large lots in the Mixed Employment area, refine the transportation network and utility corridors in the North District, prepare infrastructure cost estimates for the North District, and estimate regional trail costs throughout Sherwood West.
3. Mackenzie (Brian Varricchione) discussed the existing conditions graphics with the TAC.
   A. The existing conditions maps (Attachment B) have had minor updates since the 12/6/2023 TAC meeting.
   B. The existing parcels are smaller west of SW Elwert Road and larger east of SW Elwert Road. Floodplain and riparian corridors are outside the Mixed Employment area. Portions of the Mixed Employment area have identified Title 13 upland habitat. Due to the existing parcel

sizes and gentler slopes, the area east of SW Elwert Road lends itself more easily to large employment sites.

C. The map indicating property Owner interest in selling or developing for employment lands is based solely on Owner responses to the City's written survey, and may not portray all owner sentiment since many Owners did not respond to the City's mailing. City of Sherwood (Eric Rutledge) thinks there may be other interested Owners.

4. Mackenzie (Brian Varricchione, Brent Nielsen, and Janet Jones) shared maps regarding potential transportation, lot, and utility layouts.

   A. The two scenarios are meant to convey a range of potential options for the future, subject to additional revision during the comprehensive planning process if Metro approves the UGB expansion. Mackenzie is not asking the TAC members to pick one scenario over another.

   B. Scenario A depicts two east-west collectors connecting to SW Roy Rogers Road, with resulting parcel sizes in the Mixed Employment area ranging from 4 acres to 75 acres.

   C. Scenario B depicts a single east-west collector connecting to SW Roy Rogers Road, with resulting parcel sizes in the Mixed Employment area ranging from 12 acres to 95 acres.

   D. In both scenarios:

      I. The potential large lots are east of SW Elwert Road, with smaller rectangular lots west of SW Elwert Road.

      II. Roadway spacing and site access points conform to the spacing standards for arterials (on SW Elwert Road, SW Roy Rogers Road, and SW Scholls-Sherwood Road) and collectors (for the two proposed collectors). Access is prioritized on collectors, not arterials.

      III. The water main design is a series of loops extending from the City's existing water system.

      IV. Sanitary sewer service relies on a Clean Water Services pump station near Chicken Creek, which would pump to existing infrastructure in Highway 99W.

      V. Regional storm facilities are proposed for public right-of-way and private stormwater runoff.

5. City of Sherwood (Bruce Coleman) indicated that Scenario B may create more flexibility and lesser costs with roads. He likes the idea of larger lots on the east for large employers and smaller lots on the west side of SW Elwert Road, which could serve as incubator space. He inquired whether energy and technology infrastructure would be considered.

   A. Mackenzie (Brent Nielsen) noted that PGE provided feedback requesting room for a 5-acre substation, but they do not want to call out a specific location in order to maintain flexibility. Mackenzie (Brian Varricchione) indicated that PGE has said some high-tech users want redundant power which can mean from two power sources or from two substations.

   B. Mackenzie (Brian Varricchione) stated that coordination with NW Natural and communications providers is beyond the current scope.

C. Mackenzie (Brent Nielsen) commented that the utility sizes are intended for typical light industrial users and may need to be upsized for some high-tech users with high water demands.

6. Metro (Glen Hamburg) expressed a general preference for Scenario B, and inquired what the City's thoughts were regarding designating 50 acres of Title 13 upland habitat as mixed employment.

   A. City of Sherwood (Eric Rutledge) stated the City is supportive of upland and riparian habitat, and intends to look at upland habitat area more closely during comprehensive planning to comply with Metro standards. He noted the option to go through a detailed study to analyze Title 13 upland habitat and said he could envision a campus-type area that has protected habitat and trails and that preserves existing trees.

   B. Metro (Glen Hamburg) said the City's goal of protecting trees is good but cautioned the City about assuming the Title 13 area could be utilized as Mixed Employment. The City can embark on economic, social, environmental,. and Energy (ESEE) analysis but cannot prejudge the outcome. He appreciates the creativity with Scenario B and having the road around the Title 13 area.

7. Washington County (CJ Doxsee) shared several comments.

   A. Washington County is currently updating its significant natural resource regulations, which would apply prior to annexation.

   B. Arterial streets (SW Elwert Road, SW Scholls-Sherwood Road, SW Roy Rogers Road) should only have collector access, not neighborhood routes or local streets. The County encourages site access from collectors instead of arterials, which could be challenging around the BPA transmission corridor.

   C. The unit costs for improvements low for road widening (he suggested $2,000/linear foot) and intersection improvements (he suggested $1.5 million).

8. ODOT (Glen Bolen) explained that ODOT does not want to overload Highway 99W. He also observed that the City's economic opportunities analysis identified base employment and raised concerns about flexibility, noting it may lead to conflicts between abutting uses.

   A. City of Sherwood (Eric Rutledge) noted that the flexibility in this study is geared toward lot sizes, not necessarily to uses.

   B. City of Sherwood (Bruce Coleman) agreed that the flexibility should be geared toward lot sizes and building types and sizes, stating that the City is being strategic about uses. He observed that the City's Employment Industrial zone has been successful in attracting employers with quality jobs.

9. Mackenzie (Janet Jones) commented on the block length standards and how those interact with large parcel needs. Mackenzie recommends adequate trail circulation through the area to promote bicycling and pedestrians, but specific local trail locations are not illustrated.

   A. City of Sherwood (Eric Rutledge) liked the idea but indicated the City would likely get some developer pushback.

10. Mackenzie (Brian Varricchione) discussed the schedule, noting the April 5 deadline for the City to apply to Metro for the UGB amendment.

Every effort has been made to accurately record this meeting. If any errors or omissions are noted, please provide written response within five days of receipt.

Enclosure(s): Attachment A – Meeting Agenda
Attachment B – Meeting Materials

c: Present

Attachment A

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# MEETING AGENDA

| | | | |
|---|---|---|---|
| **PROJECT NUMBER:** | 2230332.00 | **TODAY'S DATE:** | January 25, 2024 |
| **PROJECT NAME:** | Sherwood West Concept Plan Refinement | | |

| | |
|---|---|
| **MEETING DATE:** | January 31, 2024 |
| **MEETING TIME:** | 1:30 PM – 3:00 PM |
| **MEETING PLACE:** | Virtual |
| **PARTICIPANTS:** | Bruce Coleman, Craig Sheldon, Jason Waters, Kristen Switzer, Eric Rutledge, Joy Chang – City of Sherwood<br>Chris Faulkner – Clean Water Services (CWS)<br>Glen Bolen – Oregon Department of Transportation (ODOT)<br>Glen Hamburg – Metro<br>Jessica Pelz, Matt Craigie, Theresa Cherniak, CJ Doxsee, Suzanne Savin – Washington County<br>Eva Kristofik – Friends of Tualatin River National Wildlife Refuge<br>Mike Weston – City of King City<br>Preston Korst – Home Building Association (HBA)<br>Ty Darby – Tualatin Valley Fire & Rescue (TVF&R)<br>David Underwood, Chris Lu – Portland General Electric (PGE)<br>Darin Smith – Bonneville Power Administration (BPA)<br>Brian Varricchione, Janet Jones, Brent Nielsen – Mackenzie |
| **FACILITATORS:** | Eric Rutledge, City of Sherwood<br>Brian Varricchione, Mackenzie |
| **SUBJECT:** | Technical Advisory Committee (TAC) Meeting #2 |

**I. INTRODUCTIONS** — Eric: 5 minutes

- Names and roles

**II. UPDATES FROM CITY OF SHERWOOD** — Eric: 10 minutes

**III. PROJECT RECAP AND SCOPE OF WORK** — Brian: 5 minutes

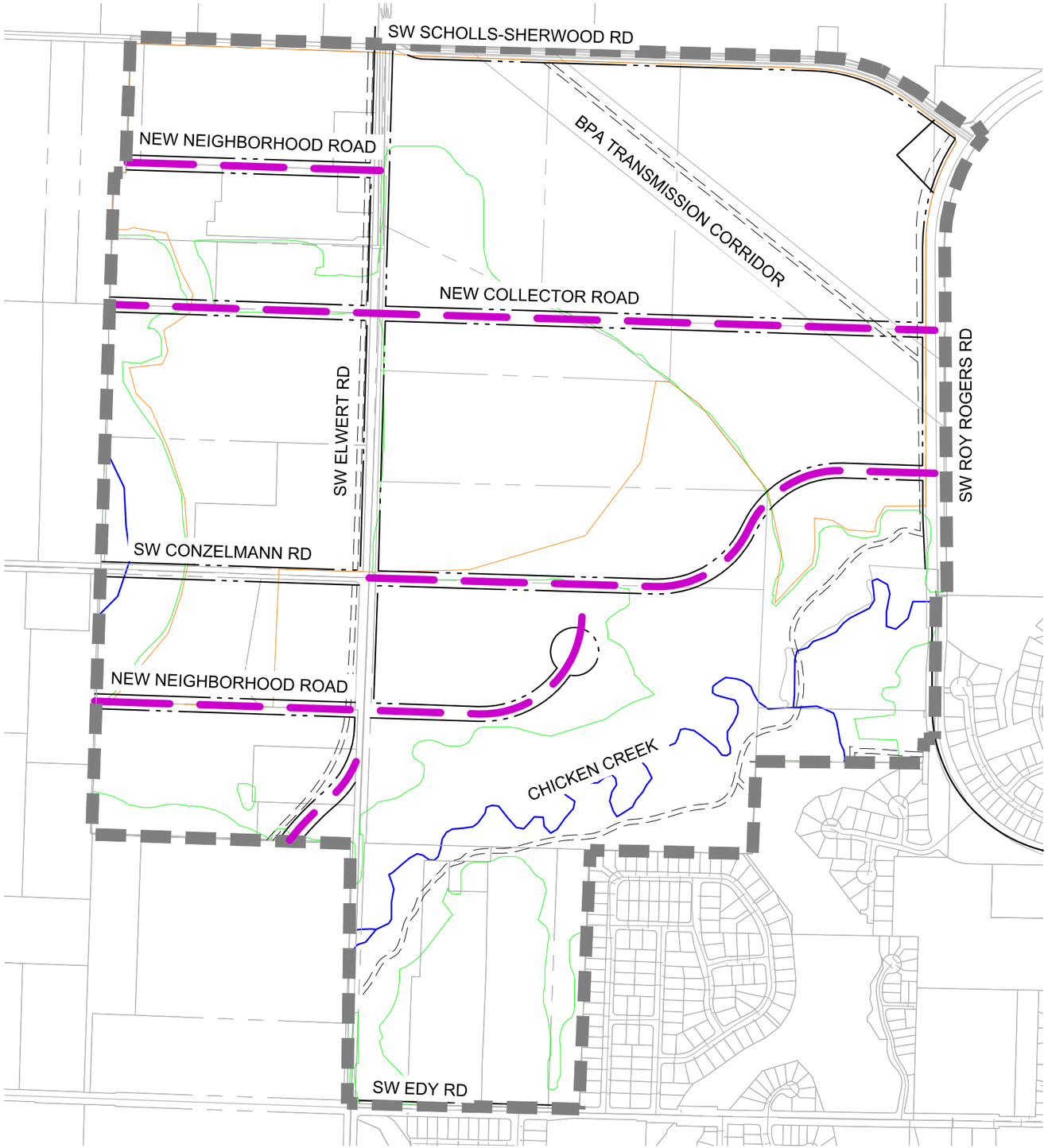
**IV. TASK 2 PRESENTATION/WORK SESSION** — Brian/Brent/Janet: 60 minutes

- Consultant presentation on road and utility layouts and potential development sites
- TAC Discussion

**V. NEXT STEPS & SCHEDULE** — Eric/Brian: 5 minutes

c: Participants

**1/25/24 DISCUSSION DRAFT**




## LEGEND

- NORTH DISTRICT BOUNDARY
- PROPOSED ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
- REGIONAL TRAIL PER CONCEPT PLAN
- TITLE 13 LANDS BOUNDARY
- EXISTING TAX LOT
- MIXED EMPLOYMENT AREA BOUNDARY

# SHERWOOD WEST - NORTH DISTRICT
# SCENARIO A STREET PLAN

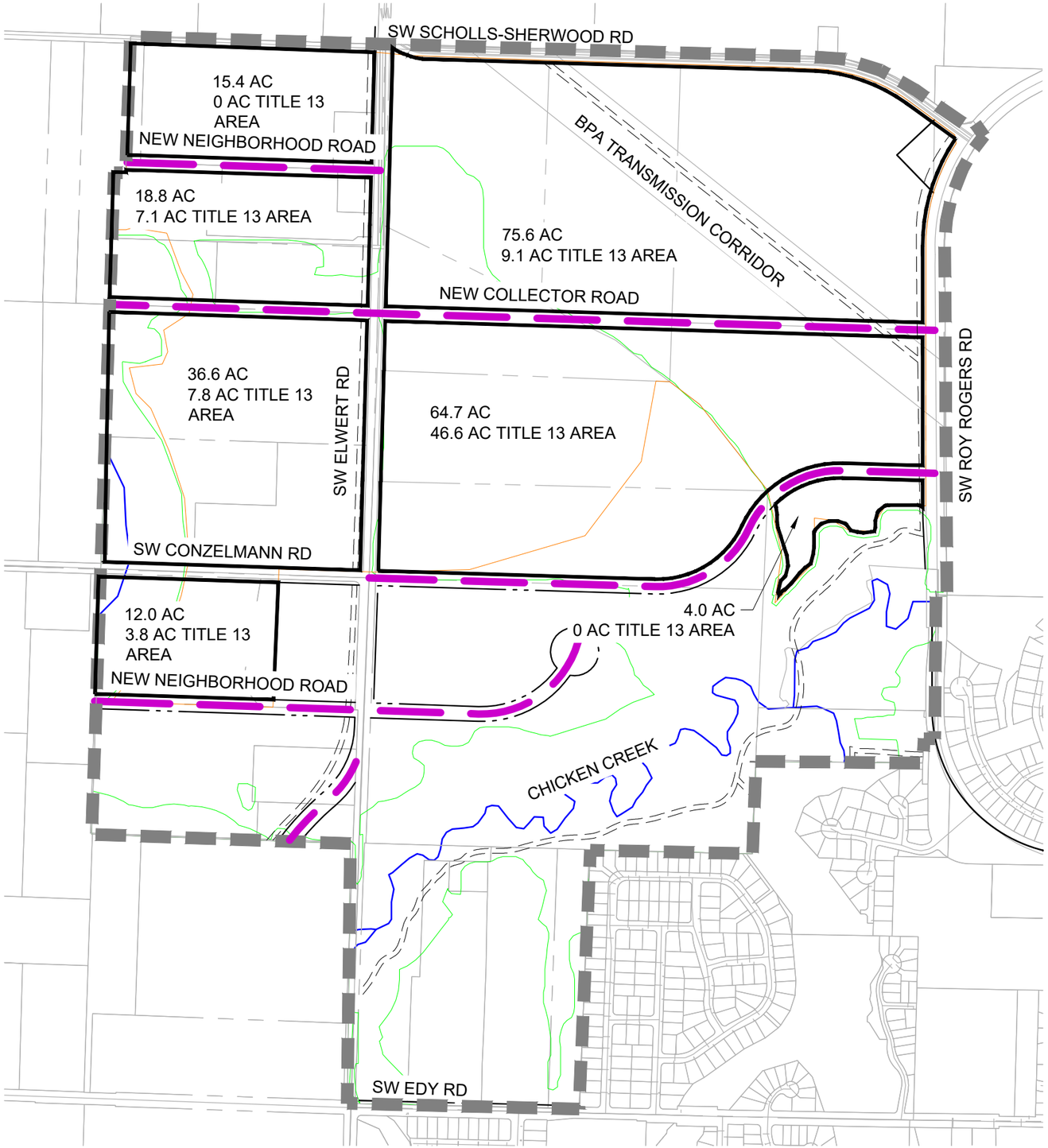
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2230332.00 DRAWINGS\CIVIL\EXHIBIT\332-OPT A STREET EXHIBIT.DWG BDN 01/25/24 11:46 1:600

**1/25/24 DISCUSSION DRAFT**




## LEGEND

- NORTH DISTRICT BOUNDARY
- POTENTIAL DEVELOPMENT LOT BOUNDARY
- PROPOSED ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
- REGIONAL TRAIL PER CONCEPT PLAN
- TITLE 13 LANDS BOUNDARY
- EXISTING TAX LOT
- MIXED EMPLOYMENT AREA BOUNDARY

# SHERWOOD WEST - NORTH DISTRICT

## SCENARIO A STREET PLAN - WITH DEVELOPMENT AREAS

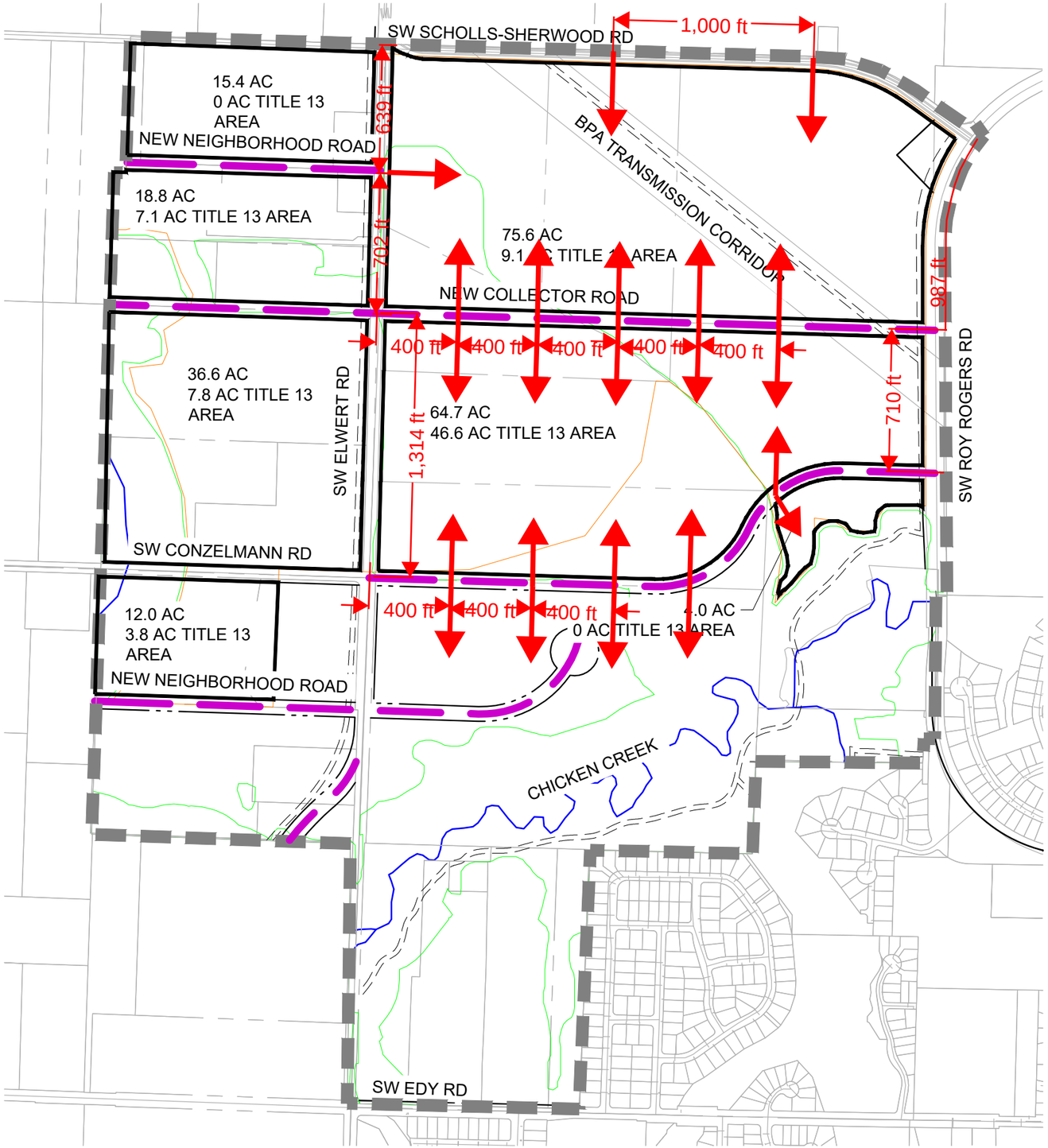
JANUARY 25, 2024
Job # 2230332.00

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**1/25/24 DISCUSSION DRAFT**




## LEGEND

- NORTH DISTRICT BOUNDARY
- POTENTIAL DEVELOPMENT LOT BOUNDARY
- PROPOSED ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
- REGIONAL TRAIL PER CONCEPT PLAN
- TITLE 13 LANDS BOUNDARY
- EXISTING TAX LOT
- MIXED EMPLOYMENT AREA BOUNDARY

Street/Driveway Spacing Standards

Arterials - 600' minimum, 1,000' maximum
Collectors - 100' minimum, 400' maximum

Potential site access

# SHERWOOD WEST - NORTH DISTRICT

## SCENARIO A STREET PLAN - WITH INTERSECTION SPACING

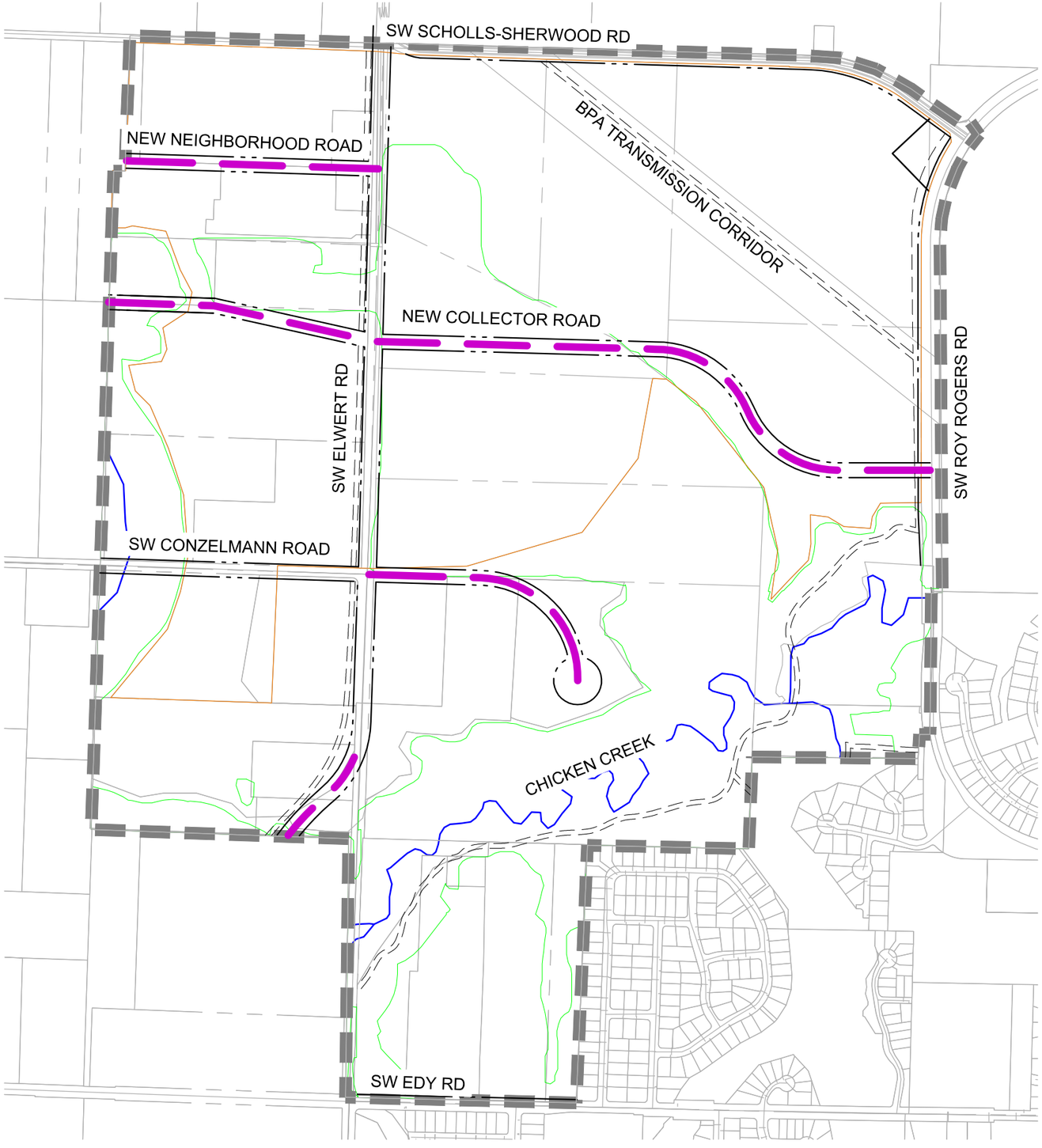
JANUARY 25, 2024
Job # 2230332.00

SCALE: 1"=600'
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**1/25/24 DISCUSSION DRAFT**




## LEGEND

- NORTH DISTRICT BOUNDARY
- PROPOSED ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
- REGIONAL TRAIL PER CONCEPT PLAN
- TITLE 13 LANDS BOUNDARY
- EXISTING TAX LOT
- MIXED EMPLOYMENT AREA BOUNDARY

# SHERWOOD WEST - NORTH DISTRICT
## SCENARIO B STREET PLAN

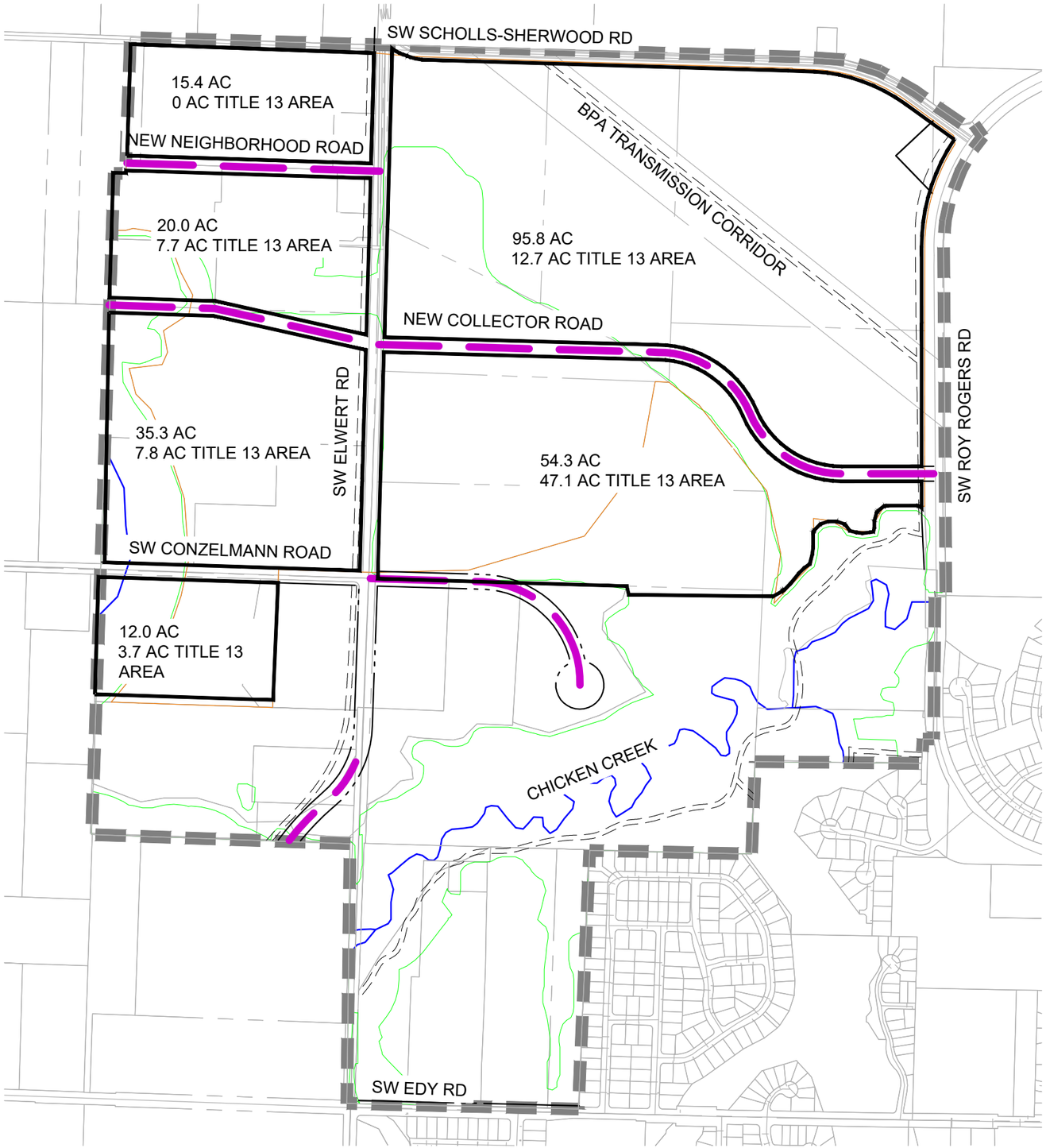
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**1/25/24 DISCUSSION DRAFT**




## LEGEND

- NORTH DISTRICT BOUNDARY
- POTENTIAL DEVELOPMENT LOT BOUNDARY
- PROPOSED ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
- REGIONAL TRAIL PER CONCEPT PLAN
- TITLE 13 LANDS BOUNDARY
- EXISTING TAX LOT
- MIXED EMPLOYMENT AREA BOUNDARY

# SHERWOOD WEST - NORTH DISTRICT
# SCENARIO B STREET PLAN - WITH DEVELOPMENT AREAS

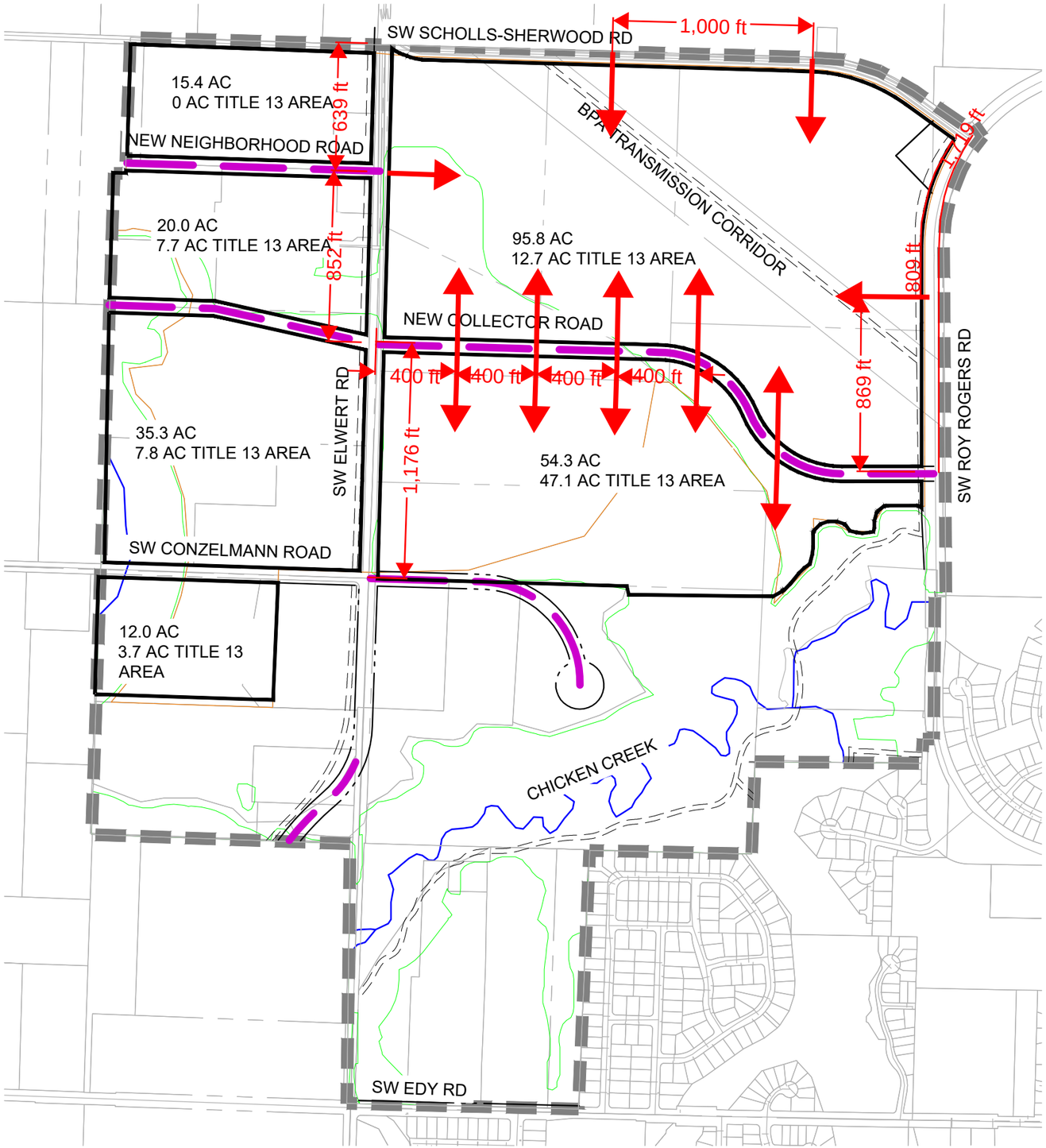
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**1/25/24 DISCUSSION DRAFT**




## LEGEND

- NORTH DISTRICT BOUNDARY
- POTENTIAL DEVELOPMENT LOT BOUNDARY
- PROPOSED ROAD ALIGNMENT
- PROPOSED ROAD R.O.W.
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- MIXED EMPLOYMENT AREA BOUNDARY

Street/Driveway Spacing Standards

Arterials - 600' minimum, 1,000' maximum
Collectors - 100' minimum, 400' maximum

Potential site access

# SHERWOOD WEST - NORTH DISTRICT
# SCENARIO B STREET PLAN - WITH INTERSECTION SPACING

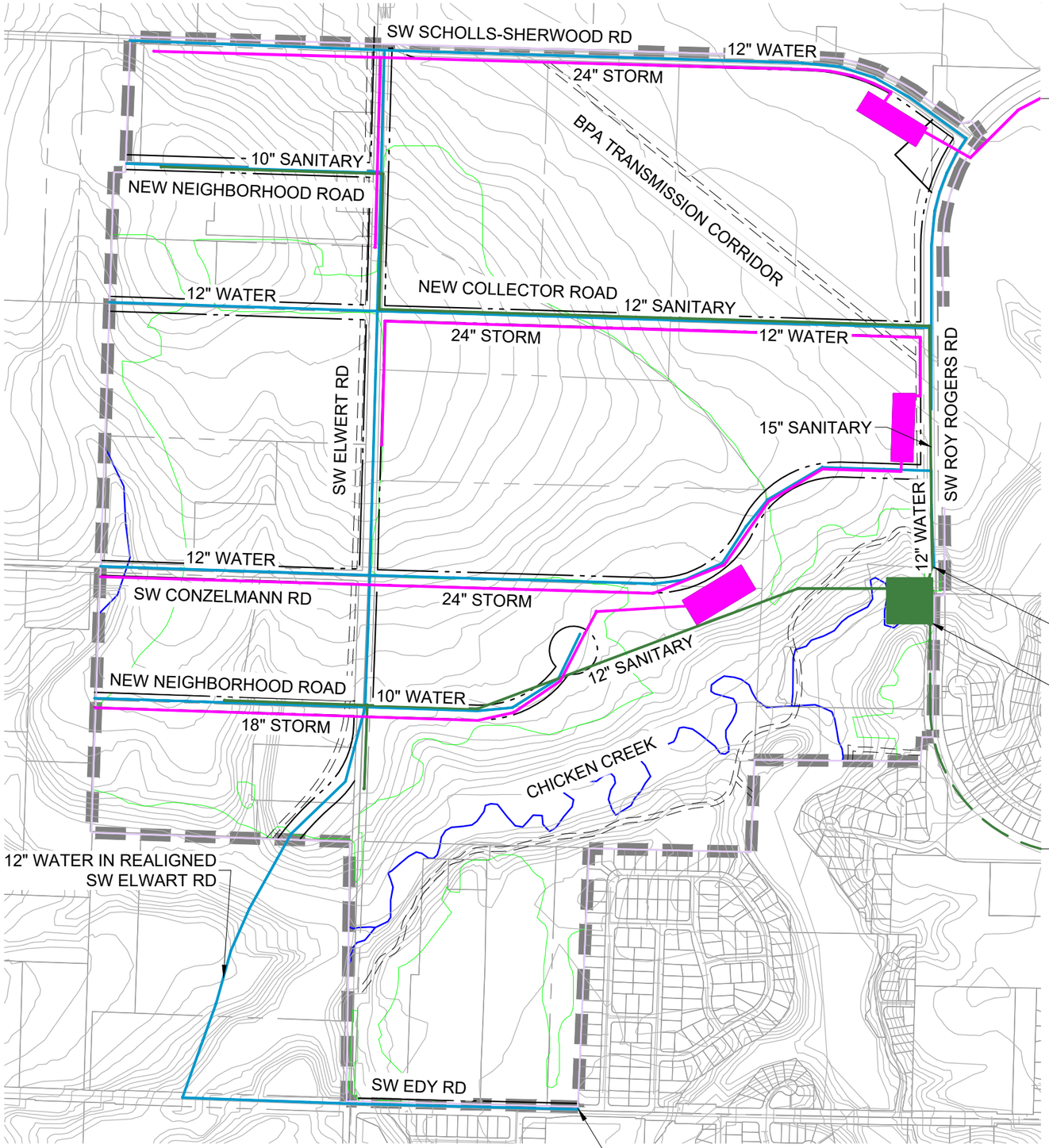
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**1/25/24 DISCUSSION DRAFT**




STORM MAIN TO CHICKEN CREEK

## LEGEND

- NORTH DISTRICT BOUNDARY
- WATER
- SANITARY
- STORM
- EXISTING 5' CONTOURS
- TITLE 13 LANDS BOUNDARY
- EXISTING LAX LOT
- STORM POND

CONNECT TO EXISTING WATER

SANITARY PUMP STATION

24" SANITARY FORCEMAIN TO CWS TRUNK LINE

CONNECT TO EXISTING WATER

# SHERWOOD WEST - NORTH DISTRICT
# SCENARIO A UTILITY LAYOUT

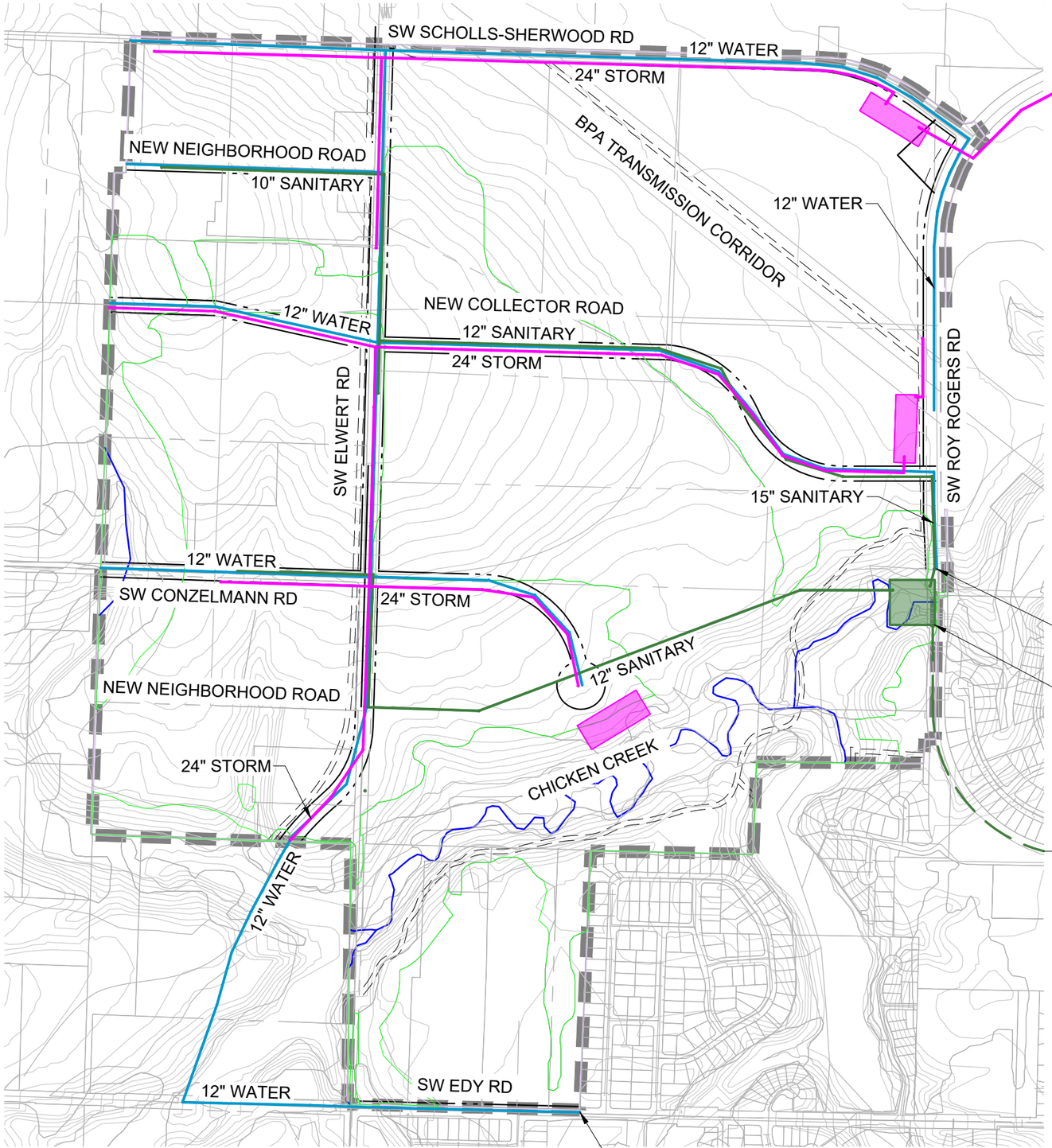
JANUARY 25, 2024
Job # 2230332.00

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**1/30/24 DISCUSSION DRAFT**




## LEGEND

- NORTH DISTRICT BOUNDARY
- WATER
- SANITARY
- STORM
- EXISTING 5' CONTOURS
- TITLE 13 LANDS BOUNDARY
- EXISTING LAX LOT
- STORM POND

CONNECT TO EXISTING WATER

SANITARY PUMP STATION

24" SANITARY FORCEMAIN TO CWS TRUNK LINE

# SHERWOOD WEST
# SCENARIO B UTILITY LAYOUT

JANUARY 30, 2024
Job # 2230332.00

SCALE: 1"=600'
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# Sherwood West - North District

City of Sherwood
Public Infrastructure Summary




| Water Distribution | | | | Sanitary Sewer | | | | Storm Drainage | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| *Existing Water Infrastructure* | | | | *Existing Sewer Infrastructure* | | | | *Existing Storm Infrastructure* | | | |
| Nearest Water Location: | **Eastern and Southern boundaries of Sherwood West** | | | Nearest Sewer Location: | **OR-99W CWS Trunk Line** | | | Nearest Storm Location: | **Chicken Creek** | | |
| Water Provider: | **City of Sherwood** | | | Sewer Provider: | **City of Sherwood** | | | Storm Provider: | **City of Sherwood** | | |
| Water Service Area: | **380 West Zone** | | | Sewer Service Basin: | **Cedar Creek Basin** | | | Storm System Outfall: | **Chicken Creek** | | |
| Distance to Site: | **Adjacent to East and South** | | | Distance to Site: | **18,000 LF** | | | Distance to Site: | **Adjacent to South** | | |
| *Proposed Water Improvements* | | | | *Proposed Sewer Improvements* | | | | *Proposed Storm Improvements* | | | |
| Pipe Size | Pipe Length | Unit Cost | Total Cost | Pipe Size | Pipe Length | Unit Cost | Total Cost | Pipe Size | Pipe Length | Unit Cost | Total Cost |
| 10" | 2,700 LF | $350 | $ 945,000 | 10" | 3,000 LF | $275 | $ 825,000 | 18" | 3,200 LF | $400 | $ 1,280,000 |
| 12" | 13,100 LF | $400 | $ 5,240,000 | 12" | 5,500 LF | $350 | $ 1,925,000 | 24" | 12,300 LF | $425 | $ 5,227,500 |
| * 12" | 11,400 LF | $400 | $ 4,560,000 | * 15" | 1,200 LF | $375 | $ 450,000 | 30" | 2,200 LF | $500 | $ 1,100,000 |
| | | | | * 24" FM | 18,000 LF | $350 | $ 6,300,000 | Pond: | 9.5 ac | $350,000 | $ 3,325,000 |
| | | | | * Pump Station | 10.5 MGD | $825,000 | $ 8,662,500 | | | | |
| **Total Water Improvements Cost:** | | | **$ 10,745,000** | **Total Sanitary Sewer Improvements Cost:** | | | **$18,162,500** | **Total Storm Improvements Cost:** | | | **$ 10,932,500** |
| *Other Water Notes:* | | | | *Other Sewer Notes:* | | | | *Other Storm Notes:* | | | |
| * Indicates priority improvements to be constructed with or prior to initial development. | | | | Forcemain to OR-99W 42" gravity main is required per CWS East Basin master plan. * Indicates priority improvements to be constructed with or prior to initial development. | | | | Majority of area drains to Chicken Creek. Small portion in the north drains to the Tualatin River. * Indicates priority improvements to be constructed with or prior to initial development. | | | |
| *Water Design:* | 12 months | | | *Sewer Design:* | 18 months | | | *Storm Design:* | 12 months | | |
| *Water Permit / Construction:* | 18 months | | | *Sewer Permit / Construction:* | 24 months | | | *Storm Permit / Construction:* | 18 months | | |

*Proposed Transportation Improvements*

| Description | Size | Length | Unit Cost | Total Cost | Design | Permitting & Construction |
|---|---|---|---|---|---|---|
| Widen Scholls-Sherwood Road | 1 Lane 1 Frontage | 4,400 ft | $800 | $ 3,520,000 | 6 months | 12 months |
| Northern collector street | 2 Lanes Full Street | 4,100 ft | $1,600 | $ 6,560,000 | 12 months | 12 months |
| Southern collector street | 2 Lanes Full Street | 4,400 ft | $1,600 | $ 7,040,000 | 12 months | 18 months |
| Neighborhood Road | 2 Lanes Full Street | 2,600 ft | $1,600 | $ 4,160,000 | 9 months | 9 months |
| NW Collector street | 2 Lanes Full Street | 1,300 ft | $1,600 | $ 2,080,000 | 6 months | 9 months |
| Elwert Road southern realignment | 2 Lanes Full Street | 750 ft | $2,000 | $ 1,500,000 | 6 months | 12 months |
| Elwert Road removal to Edy Rd | 2 Lanes Removal | 2,000 ft | $500 | $ 1,000,000 | 6 months | 12 months |
| Widen Elwert Road | 1 Lane 2 Frontage | 3,400 ft | $1,000 | $ 3,400,000 | 6 months | 12 months |
| Widen Roy Rogers Road | 1 Lane 1 Frontage | 5,400 ft | $800 | $ 4,320,000 | 12 months | 12 months |
| Widen Edy Road | 1 Lane | 1,100 ft | $800 | $ 880,000 | 9 months | 12 months |
| Intersection Improvements (Signals) | | 5 EA | $750,000 | $ 3,750,000 | 6 months | 12 months |
| **Total Transportation Improvement Cost:** | | | | **$33,580,000** | | |

Mackenize Project No. 2230332.00

Revision Date: 1/25/2024

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**Sherwood West - Regional Trails**

City of Sherwood
Public Infrastructure Summary

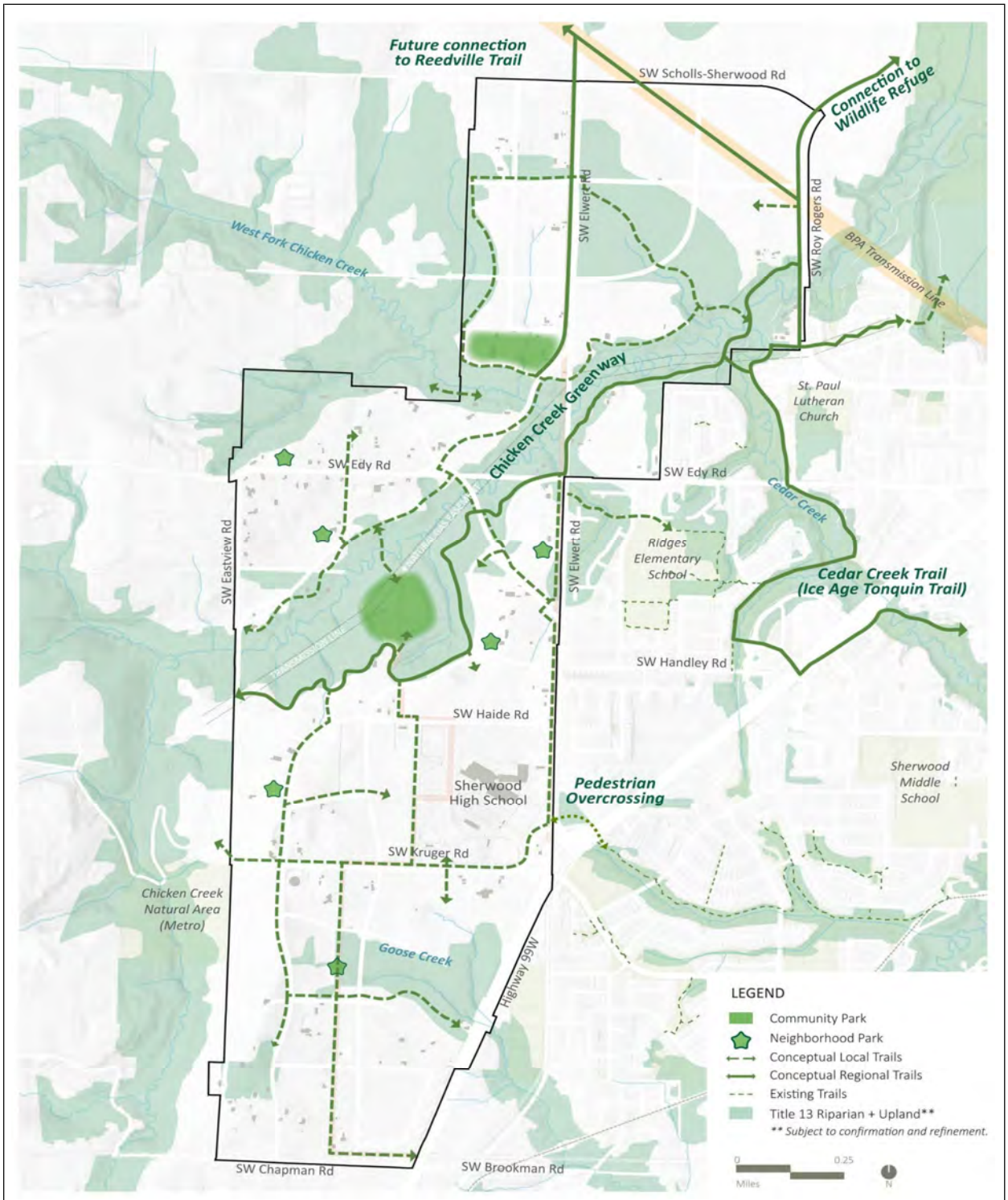



*Image source: Sherwood West Concept Plan, July 2023*

*Proposed Regional Trail Improvements*

| Description | Length | Unit Cost | Total Cost | Design & Permitting | Construction |
|---|---|---|---|---|---|
| 12' Regional Trail (North District) | 12,600 ft | $400 | $ 5,040,000 | 6 months | 9 months |
| 12' Regional Trail (West District) | 7,700 ft | $400 | $ 3,080,000 | 6 months | 9 months |
| Bridge (West District) | 1 EA | $300,000 | $ 300,000 | 6 months | 9 months |
| Boardwalk Segments (West District) | 600 ft | $650 | $ 390,000 | 6 months | 9 months |
| **Total Regional Trail Improvement Cost:** | | | **$8,810,000** | | |

Mackenize Project No. 2230332.00

Revision Date: 1/25/2024

APPENDIX 4

**NOTES FROM DECEMBER 7, 2023 PORTLAND GENERAL ELECTRIC MEETING**

Attachment A

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Portland, Oregon ▪ Vancouver, Washington ▪ Seattle, Washington

# MEETING MINUTES

| | | | |
|---|---|---|---|
| PROJECT NUMBER: | 2230332.00 | ISSUE DATE: | December 20, 2023 |
| PROJECT NAME: | Sherwood West Concept Plan Refinement | | |

| | |
|---|---|
| RECORDED BY: | Brian Varricchione – Project Manager |
| TO: | FILE |
| PRESENT: | Erika Palmer, Bruce Coleman – City of Sherwood<br>Theresa Haskins, David Underwood, Chris Lu – Portland General Electric (PGE)<br>Brian Varricchione, Brent Nielsen – Mackenzie |

**SUBJECT: Portland General Electric Meeting (December 7, 2023)**

## ACTION ITEMS

1.1 City of Sherwood (Erika Palmer), by 12/8/2023, to forward the 12/6/2023 Technical Advisory Committee maps to PGE staff.

1.2 City of Sherwood (Erika Palmer), by 12/15/2023, to forward the land use map(s) and other relevant information from the Concept Plan to PGE staff.

1.3 PGE (David Underwood and Chris Lu), by 12/22/2023, to share information with the City regarding the general locations of existing infrastructure and guidance on utility corridor orientation (e.g., north-south, east-west, etc.).

## INFORMATION ITEMS

1. The intent of the meeting was to gather information from PGE to help inform the conceptual transportation and utility corridors in the Sherwood West Concept Plan's North District, as well as to identify PGE's land needs for an electrical substation.

2. City staff noted that they wish to maintain maximum flexibility to accommodate future employers. They would prefer to have high-tech users rather than distribution centers.

3. PGE attendees noted the following:

   A. The Bonneville Power Administration's (BPA's) 500 kV line is not available for direct customer access.

   B. Their electrical designs are based on load density, which varies based on land use, so it will be helpful for PGE to know the anticipated land uses throughout the Sherwood West area, not just the North District.

   C. The City should consider whether they will allow data centers as not, as that affects power demand and location.

   D. Assume that electrical corridors follow roadways to the extent possible, to reduce the challenges associated with accessing off-road infrastructure. PGE lines would not need to parallel the BPA corridor.

E. PGE needs to know the locations of critical facilities (hospitals, pump stations, fire stations, etc.) to ensure they have reliable power.

F. Some users what redundant power. Depending on the user, this could either mean feeds from multiple substations or perhaps only feeds from different transformers within a single substation. The anticipated users would likely be satisfied with a single substation.

G. Transmission corridors would be 60 feet wide while distribution corridors would be 10 feet wide (e.g., in an easement). Underground power would be limited to local distribution, not transmission.

H. PGE would want to know about future transportation projects (e.g., road widening, road removal) prior to establishing the specific location of infrastructure.

I. Clean Water Services will need a pump station in the North District. PGE recommends that it be located near a substation but not directly adjacent (to minimize underground utility congestion and to ensure adequate room for future expansion).

J. The Concept Plan should plan for a minimum of 1 substation. PGE's preference for a substation site is flat, square/rectangular, free of wetlands, and at least 5 acres. Once a site has been purchased or identified, the lead time for design and construction is 2-3 years due to market demand and supply chain issues.

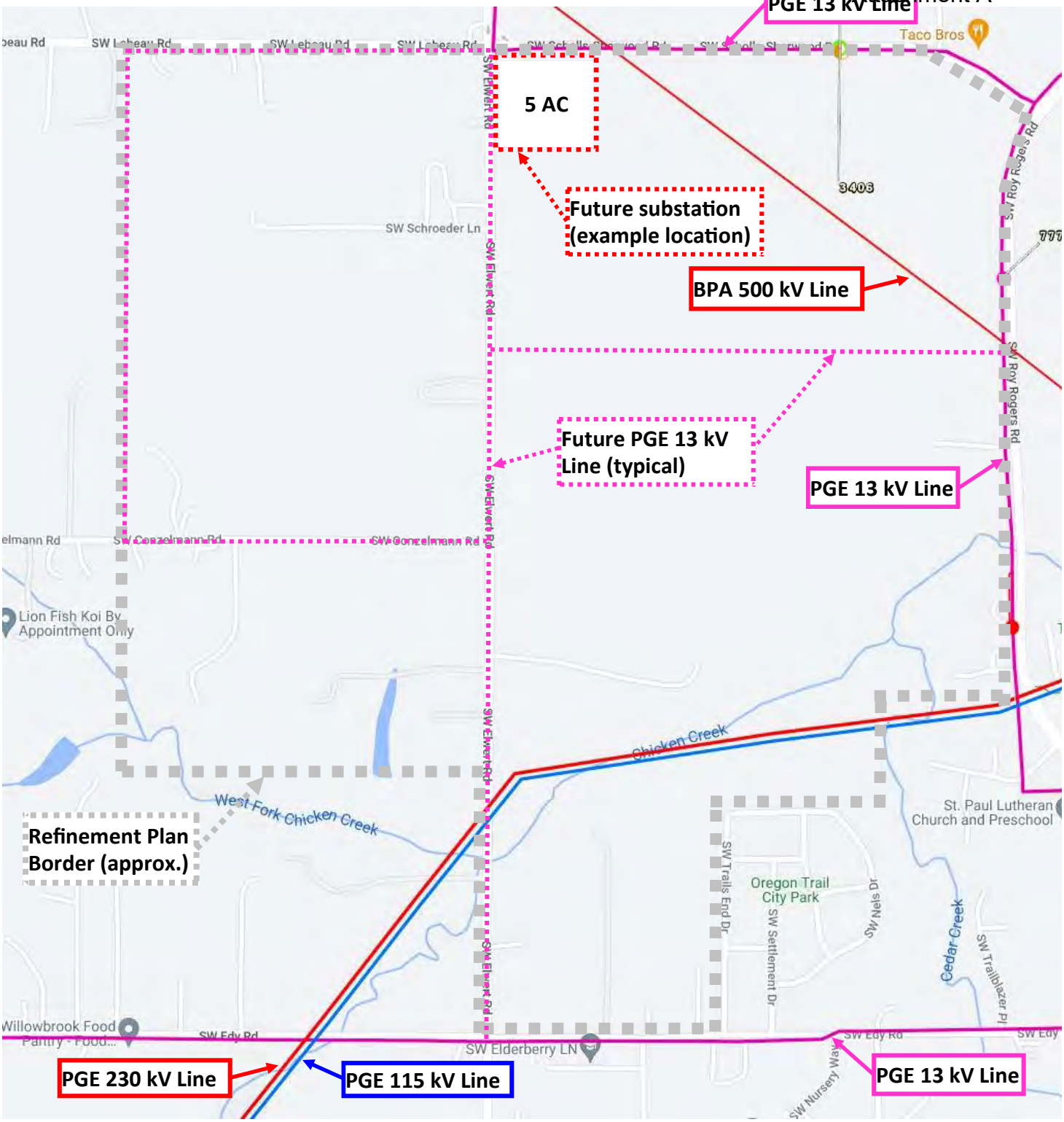
K. There is also a lead time for planning and constructing transmission lines.

Every effort has been made to accurately record this meeting. If any errors or omissions are noted, please provide written response within five days of receipt.

c: Present

APPENDIX 5

**PGE SHERWOOD WEST CONCEPT PLAN REFINEMENT MAP, JANUARY 19, 2024**




Sherwood West

Concept Plan Refinement

Response to Action Item 1.3
from 12/20/23 meeting minutes.

By: Ken Spencer and Josh Davis at PGE

Date: 1/19/24

APPENDIX 6

# BUSINESS OREGON INDUSTRIAL DEVELOPMENT COMPETITIVENESS MATRIX

Attachment A

**STATE OF OREGON - Infrastructure Finance Authority**
**Industrial Development Competitiveness Matrix**

| | | | Production Manufacturing | | Value-Added Manufacturing and Assembly | | Light / Flex Industrial | | | Warehousing & Distribuiton | | Specialized | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | PROFILE | | A | B | C | D | E | F | G | I | H | J | K | L |
| | CRITERIA | | Heavy Industrial / Manufacturing | High-Tech / Clean-Tech Manufacturing | Food Processing | Advanced Manufacturing & Assembly | General Manufacturing | Industrial Business Park and R&D Campus | Business / Admin Services | Regional Warehouse / Distribution | Local Warehouse / Distribution | UVA Manufacturing / Research | Data Center | Rural Industrial |
| 1 | **GENERAL REQUIREMENTS** | | Use is permitted outright, located in UGB or equivalent and outside flood plain; and site (NCDA) does not contain contaminants, wetlands, protected species, or cultural resources or has mitigation plan(s) that can be implemented in 180 days or less. | | | | | | | | | | | |
| | PHYSICAL SITE | | | | | | | | | | | | | |
| 2 | TOTAL SITE SIZE** | Competitive Acreage* | 10 - 100+ | 5 - 100+ | 5 - 25+ | 5 - 25+ | 5 - 15+ | 20 - 100+ | 5 - 15+ | 20 - 100+ | 10 - 25+ | 10 - 25+ | 10 - 25+ | 5 - 25+ |
| 3 | COMPETITIVE SLOPE: | Maximum Slope | 0 to 5% | 0 to 5% | 0 to 5% | 0 to 7% | 0 to 5% | 0 to 7% | 0 to 12% | 0 to 5% | 0 to 5% | 0 to 7% | 0 to 7% | 0 to 5% |
| | TRANSPORTATION | | | | | | | | | | | | | |
| 5 | TRIP GENERATION: | Average Daily Trips per Acre | 40 to 60 (ADT / acre) | 40 to 60 (ADT / acre) | 50 to 60 (ADT / acre) | 40 to 60 (ADT / acre) | 40 to 50 (ADT / acre) | 60 to 150 (ADT / acre) | 170 to 180 (ADT / acre) | 40 to 80 (ADT / acre) | 40 to 80 (ADT / acre) | 40 to 80 (ADT / acre) | 20 to 30 (ADT / acre) | 40 to 50 (ADT / acre) |
| 6 | MILES TO INTERSTATE OR OTHER PRINCIPAL ARTERIAL: | Miles | w/ in 10 | w/ in 10 | w/ in 30 | w/ in 15 | w/ in 20 | N/A | N/A | w/ in 5 (only interstate or equivalent) | w/ in 5 (only interstate or equivalent) | N/A | w/ in 30 | N/A |
| 7 | RAILROAD ACCESS: | Dependency | Preferred | Preferred | Preferred | Not Required | Preferred | Preferred | Not Required | Preferred | Preferred | Not Required | Avoid | N/A |
| 8 | PROXIMITY TO MARINE PORT: | Dependency | Preferred | Preferred | Preferred | Not Required | Preferred | Preferred | Not Required | Preferred | Preferred | Not Required | Not Required | N/A |
| 9 | PROXIMITY TO REGIONAL COMMERCIAL AIRPORT: | Dependency | Preferred | Competitive | Preferred | Competitive | Preferred | Required | Preferred | Preferred | Preferred | Preferred | Competitive | N/A |
| | | Distance (Miles) | w/ in 60 | w/ in 60 | w/ in 60 | w/ in 30 | w/ in 60 | w/ in 30 | w/ in 60 | w/ in 60 | w/ in 60 | w/ in 30 | w/ in 60 | N/A |
| 10 | PROXIMITY TO INTERNATIONAL AIRPORT: | Dependency | Preferred | Competitive | Preferred | Competitive | Preferred | Competitive | Preferred | Preferred | Preferred | Competitive | Preferred | N/A |
| | | Distance (Miles) | w/ in 300 | w/ in 300 | w/ in 300 | w/ in 100 | w/ in 300 | w/ in 100 | w/ in 300 | w/ in 300 | w/ in 300 | w/ in 100 | w/ in 300 | N/A |
| | UTILITIES | | | | | | | | | | | | | |
| 11 | WATER: | Min. Line Size (Inches/Dmtr) | 8" - 12" | 12" - 16" | 12" - 16" | 8" - 12" | 6" - 10" | 8" - 12" | 4" - 6" | 4" - 8" | 4" - 6" | 4" - 8" | 16" | 4" - 8" |
| | | Min. Fire Line Size (Inches/Dmtr) | 10" - 12" | 12" - 18" | 10" - 12" | 10" - 12" | 8" - 10" | 8" - 12" | 6" - 10" | 10" - 12" | 6" - 8" | 6" - 10" | 10"-12" | 6" (or alternate source) |
| | | High Pressure Water Dependency | Preferred | Required | Required | Preferred | Not Required | Preferred | Not Required | Not Required | Not Required | Not Required | Required | Not Required |
| | | Flow Gallons per Day per Acre) | 1600 (GPD / Acre) | 5200 (GPD / Acre) | 3150 (GPD / Acre) | 2700 (GPD / Acre) | 1850 (GPD / Acre) | 2450 (GPD / Acre) | 1600 (GPD / Acre) | 500 (GPD / Acre) | 500 (GPD / Acre) | 1600 (GPD / Acre) | 50-200 (Gallons per MWh) † | 1200 (GPD / Acre) |
| 12 | SEWER: | Min. Service Line Size (Inches/Dmtr) | 6" - 8" | 12" - 18" | 10" - 12" | 10" - 12" | 6" - 8" | 10" - 12" | 6" - 8" | 4" | 4" | 6" | 8"-10" | 4" - 6" (or on-site source) |
| | | Flow (Gallons per Day per Acre) | 1500 (GPD / Acre) | 4700 (GPD / Acre) | 2600 (GPD / Acre) | 2500 (GPD / Acre) | 1700 (GPD / Acre) | 2000 (GPD / Acre) | 1600 (GPD / Acre) | 500 (GPD / Acre) | 500 (GPD / Acre) | 1300 (GPD / Acre) | 1000 (GPD / Acre) ‡ | 1000 (GPD / Acre) |
| 13 | NATURAL GAS: | Preferred Min. Service Line Size (Inches/Dmtr) | 4" - 6" | 6" | 4" | 6" | 4" | 6" | 2" | 2" | 2" | 2" | 4" | N/A |
| | | On Site | Competitive | Competitive | Preferred | Competitive | Competitive | Competitive | Preferred | Preferred | Preferred | Preferred | Preferred | Preferred |
| 14 | ELECTRICITY: | Minimum Service Demand | 2 MW | 4-6 MW | 2-6 MW | 1 MW | 0.5 MW | 0.5 MW | 0.5 MW | 1 MW | 1 MW | 0.5 MW | 5-25 MW | 1 MW |
| | | Close Proximity to Substation | Competitive | Competitive | Not Required | Competitive | Preferred | Competitive | Preferred | Not Required | Not Required | Not Required | Required, could be on site | Not Required |
| | | Redundancy Dependency | Required | Preferred | Not Required | Required | Not Required | Competitive | Required | Not Required | Not Required | Not Required | Required | Not Required |
| 15 | TELECOMMUNICATIONS: | Major Communications Dependency | Preferred | Required | Preferred | Required | Required | Required | Required | Preferred | Preferred | Required | Required | Preferred |
| | | Route Diversity Dependency | Not Required | Required | Not Required | Required | Not Required | Preferred | Required | Not Required | Not Required | Not Required | Required | Not Required |
| | | Fiber Optic Dependency | Preferred | Required | Preferred | Required | Preferred | Required | Required | Preferred | Preferred | Required | Required | Not Required |
| 16 | **SPECIAL CONSIDERATIONS:** | | Adequate distance from sensitive land uses (residential, parks, large retail centers) necessary. High throughput of materials. Large yard spaces and/or buffering required. Often transportation related requiring marine/rail links. | Acreage allotment includes expansion space (often an exercisable option). Very high utility demands in one or more areas common. Sensitive to vibration from nearby uses. | May require high volume/supply of water and sanitary sewer treatment. Often needs substantial storage/yard space for input storage. Onsite water pre-treatment needed in many instances. | Surrounding environment of great concern (vibration, noise, air quality, etc.). Increased setbacks may be required. Onsite utility service areas. Avoid sites close to wastewater treatment plants, landfills, sewage lagoons, and similar land uses. Lower demands for water and sewer treatment than Production High-Tech Manufacturing. | Adequate distance from sensitive land uses (residential, parks) necessary. Moderate demand for water and sewer. Higher demand for electricity, gas, and telecom. | High diversity of facilities within business parks. R&D facilities benefit from close proximity to higher education facilities. Moderate demand on all infrastructure systems. | Relatively higher parking ratios may be necessary. Will be very sensitive to labor force and the location of other similar centers in the region. High reliance on telecom infrastructure. | Transportation routing and proximity to/from major highways is crucial. Expansion options required. Truck staging requirements mandatory. Minimal route obstructions between the site and interstate highway such as rail crossings, drawbridges, school zones, or similar obstacles. | Transportation infrastructure such as roads and bridges to/from major highways is most competitive factor. | Must be located withn or near FAA-regulated UAV testing sites. Moderate utility demands. Low reliance on transportation infrastructure. | Larger sites may be needed. The 25 acre site requirement represents the more typical site. Power delivery, water supply, and security are critical. Surrounding environment (vibration, air quality, etc.) is crucial. May require high volume/supply of water and sanitary sewer treatment. | Located in more remote locations in the state. Usually without direct access (within 50 miles) of Interstate or City of more than 50,000 people. |

Mackenzie; Business Oregon

**Terms:**

| | |
|---|---|
| More Critical ↑ Less Critical | **'Required'** factors are seen as mandatory in a vast majority of cases and have become industry standards |
| | **'Competitive'** significantly increases marketability and is *highly recommended by Business Oregon* . May also be linked to financing in order to enhance the potential reuse of the asset in case of default. |
| | **'Preferred'** increases the feasibility of the subject property and its future reuse. Other factors may, however, prove more critical. |

* Competitive Acreage: Acreage that would meet the site selection requirements of the majority of industries in this sector.

**Total Site: Building footprint, including buffers, setbacks, parking, mitigation, and expansion space

† Data Center Water Requirements: Water requirement is reported as gallons per MWh to more closely align with the Data Center industry standard reporting of Water Usage Effectiveness (WUE).

‡ Data Center Sewer Requirements: Sewer requirement is reported as 200% of the domestic usage at the Data Center facility. Water and sewer requirements for Data Centers are highly variable based on new technologies and should be reviewed on a case-by-case basis for specific development requirements.

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DESIGN DRIVEN | CLIENT FOCUSED

Current Revision Date: 7/22/2015

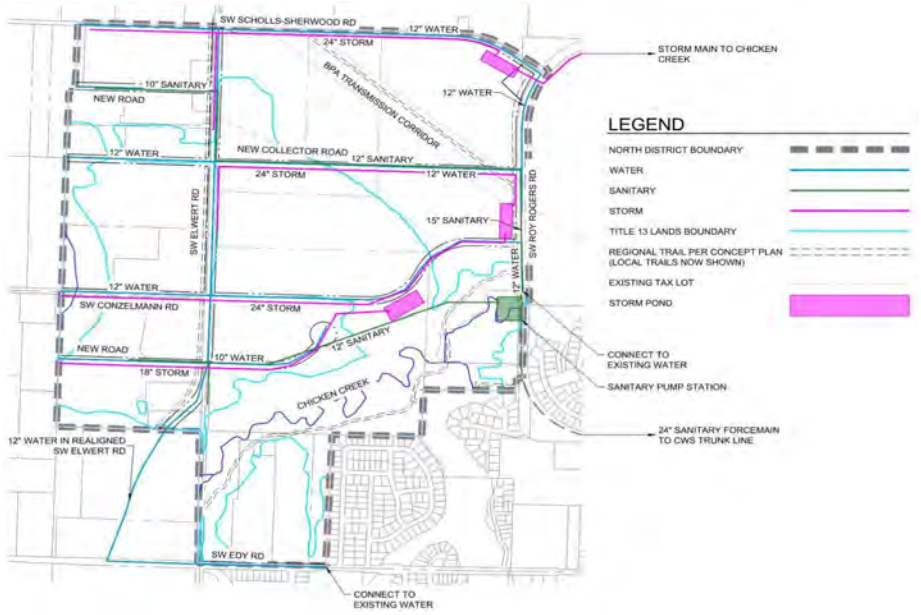
APPENDIX 7

# MACKENZIE INFRASTRUCTURE COST ESTIMATES FOR NORTH DISTRICT AND REGIONAL TRAILS

MACKENZIE.

# Sherwood West - North District

City of Sherwood
Public Infrastructure Summary




## Water Distribution

*Existing Water Infrastructure*

Nearest Water Location: **Eastern and Southern boundaries of Sherwood West**
Water Provider: **City of Sherwood**
Water Service Area: **380 West Zone**
Distance to Site: **Adjacent to East and South**

*Proposed Water Improvements*

| Pipe Size | Pipe Length | Unit Cost | Total Cost |
|---|---|---|---|
| 10" | 2,700 LF | $350 | $ 945,000 |
| 12" | 13,100 LF | $400 | $ 5,240,000 |
| * 12" | 11,400 LF | $400 | $ 4,560,000 |

**Total Water Improvements Cost: $ 10,745,000**

*Other Water Notes:*

* Indicates priority improvements to be constructed with or prior to initial development.

*Water Design:* 12 months
*Water Permit / Construction:* 18 months

## Sanitary Sewer

*Existing Sewer Infrastructure*

Nearest Sewer Location: **OR-99W CWS Trunk Line**
Sewer Provider: **City of Sherwood**
Sewer Service Basin: **Cedar Creek Basin**
Distance to Site: **18,000 LF**

*Proposed Sewer Improvements*

| Pipe Size | Pipe Length | Unit Cost | Total Cost |
|---|---|---|---|
| 10" | 3,000 LF | $275 | $ 825,000 |
| 12" | 5,500 LF | $350 | $ 1,925,000 |
| * 15" | 1,200 LF | $375 | $ 450,000 |
| * 24" FM | 18,000 LF | $350 | $ 6,300,000 |
| * Pump Station | 10.5 MGD | $825,000 | $ 8,662,500 |

**Total Sanitary Sewer Improvements Cost: $18,162,500**

*Other Sewer Notes:*

Forcemain to OR-99W 42" gravity main is required per CWS East Basin master plan.
Cost estimates for 24" FM and Chicken Creek pump station are from CWS master plan, project DU21C-27a.
* Indicates priority improvements to be constructed with or prior to initial development.

*Sewer Design:* 18 months
*Sewer Permit / Construction:* 24 months

## Storm Drainage

*Existing Storm Infrastructure*

Nearest Storm Location: **Chicken Creek**
Storm Provider: **City of Sherwood**
Storm System Outfall: **Chicken Creek**
Distance to Site: **Adjacent to South**

*Proposed Storm Improvements*

| Pipe Size | Pipe Length | Unit Cost | Total Cost |
|---|---|---|---|
| 18" | 3,200 LF | $400 | $ 1,280,000 |
| 24" | 12,300 LF | $425 | $ 5,227,500 |
| 30" | 2,200 LF | $500 | $ 1,100,000 |
| Pond: | 9.5 ac | $350,000 | $ 3,325,000 |

**Total Storm Improvements Cost: $ 10,932,500**

*Other Storm Notes:*

Majority of area drains to Chicken Creek. Small portion in the north drains to the Tualatin River.

* Indicates priority improvements to be constructed with or prior to initial development.

*Storm Design:* 12 months
*Storm Permit / Construction:* 18 months

*Proposed Transportation Improvements*

| Description | Size | Length | Unit Cost | Total Cost | Design | Permitting & Construction |
|---|---|---|---|---|---|---|
| Widen Scholls-Sherwood Road | 1 Lane 1 Frontage | 4,400 ft | $2,000 | $ 8,800,000 | 6 months | 12 months |
| Northern collector street | 2 Lanes Full Street | 4,100 ft | $2,000 | $ 8,200,000 | 12 months | 12 months |
| Southern collector street | 2 Lanes Full Street | 4,400 ft | $2,000 | $ 8,800,000 | 12 months | 18 months |
| Neighborhood Road | 2 Lanes Full Street | 2,600 ft | $2,000 | $ 5,200,000 | 9 months | 9 months |
| NW Collector street | 2 Lanes Full Street | 1,300 ft | $2,000 | $ 2,600,000 | 6 months | 9 months |
| Elwert Road southern realignment | 2 Lanes Full Street | 750 ft | $3,000 | $ 2,250,000 | 6 months | 12 months |
| Elwert Road removal to Edy Rd | 2 Lanes Removal | 2,000 ft | $500 | $ 1,000,000 | 6 months | 12 months |
| Widen Elwert Road | 1 Lane 2 Frontage | 3,400 ft | $2,000 | $ 6,800,000 | 6 months | 12 months |
| Widen Roy Rogers Road | 1 Lane 1 Frontage | 5,400 ft | $2,000 | $ 10,800,000 | 12 months | 12 months |
| Widen Edy Road | 1 Lane | 1,100 ft | $2,000 | $ 2,200,000 | 9 months | 12 months |
| Intersection Improvements (Signals) | | 5 EA | $1,500,000 | $ 7,500,000 | 6 months | 12 months |

**Total Transportation Improvement Cost: $ 64,150,000**

Note: transportation improvement construction estimates based on unit costs provided by Washington County and City of Sherwood, January 31, 2024

Mackenize Project No. 2230332.00

Revision Date: 2/9/2024

MACKENZIE.

# Sherwood West - Regional Trails

City of Sherwood
Public Infrastructure Summary

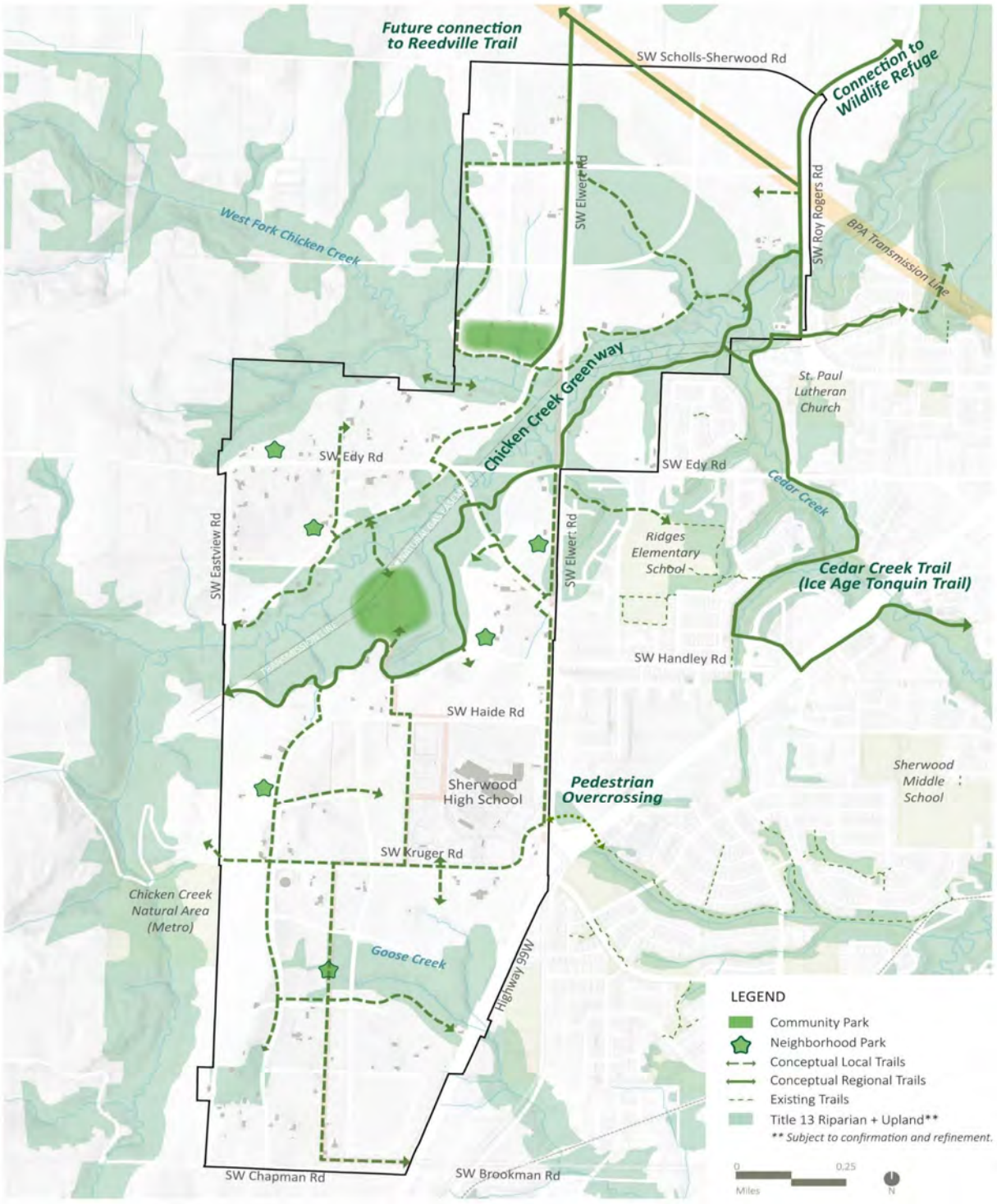



*Image source: Sherwood West Concept Plan, July 2023*

*Proposed Regional Trail Improvements*

| Description | Length | Unit Cost | Total Cost | Design & Permitting | Construction |
|---|---|---|---|---|---|
| 12' Regional Trail (North District) | 12,600 ft | $400 | $ 5,040,000 | 6 months | 9 months |
| 12' Regional Trail (West District) | 7,700 ft | $400 | $ 3,080,000 | 6 months | 9 months |
| Bridge (West District) | 1 EA | $300,000 | $ 300,000 | 6 months | 9 months |
| Boardwalk Segments (West District) | 600 ft | $650 | $ 390,000 | 6 months | 9 months |
| **Total Regional Trail Improvement Cost:** | | | **$8,810,000** | | |

APPENDIX 8

# PRELIMINARY INFRASTRUCTURE FUNDING STRATEGY MEMO, LELAND CONSULTING GROUP

Sherwood West Concept Plan

# Preliminary Infrastructure Funding Strategy

**Date** February 13, 2024

**To** Brian Varricchione, Mackenzie

**From** Ellen Bini, Leland Consulting Group
Chris Zahas, AICP, Leland Consulting Group

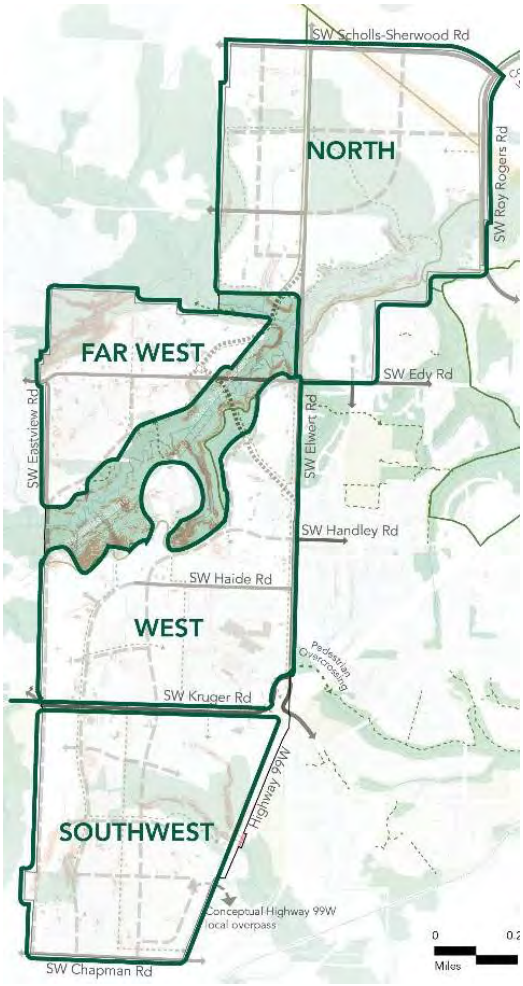
**CC** Eric Rutledge, City of Sherwood

## Introduction

This Infrastructure Funding Strategy memorandum accompanies the Sherwood West Concept Plan Refinement study by providing a high-level comparison of estimated infrastructure costs and revenues and by outlining potential tools for funding the development of priority districts in the Sherwood West area. It builds upon a preliminary exploration of infrastructure costs and funding tools that was developed during the 2016 Sherwood West Preliminary Concept Plan and replaces an earlier Preliminary Infrastructure Funding Strategy provided in March 2023.

This memorandum is organized as follows:

- **Infrastructure Funding Gap Analysis.** We present a high-level summary of expected infrastructure costs required to make the various subdistricts of Sherwood West developable and compare them to the system development charges (SDCs) and other development impact fees that would be generated by new development in Sherwood West to help pay for such infrastructure. This calculation identifies funding gaps that will need to be addressed for Sherwood West to build out. The types of infrastructure evaluated in this memorandum include water, sanitary sewer, storm water, parks, and transportation.
- **Funding Toolkit and Strategy.** To address the anticipated funding gaps, the memo identifies potential funding tools and strategies that could supplement the baseline SDC revenues to make development feasible. This memo builds upon the tools discussed in the 2016 Sherwood West Preliminary Concept Plan and recommends those that have the most promise for filling any funding shortfalls.




In all steps of this analysis and throughout this memorandum, the focus is on regional infrastructure necessary to provide access or utility service to development parcels. For the most part, this means major arterials, collectors and trunk utility lines that will serve multiple parcels within Sherwood West. Roads and infrastructure internal to development sites are not considered here and are assumed to be a developer cost.

## Catalyst Projects

Based on City priorities and existing infrastructure availability, it is anticipated that the North, West, and Southwest districts will develop first. Through public investment and private development, attention in these districts will help lay the foundation for the long-term evolution of Sherwood West. This analysis, therefore, takes a close look at the infrastructure that will help these areas serve as catalysts for subsequent development elsewhere in Sherwood West.

**Table 1. Estimated Infrastructure Costs by District and Category**

| | Water | | Sanitary Sewer | | Storm | | Parks | | Transportation | | Total District |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Costs | % | Costs | % | Costs | % | Costs | % | Costs | % | Costs |
| North | $10,745,000 | 8% | $18,162,500 | 13% | $10,932,500 | 8% | $23,428,890 | 17% | $72,850,000 | 54% | **$136,118,890** |
| Far West | $8,367,000 | 20% | $4,801,500 | 11% | $2,775,000 | 6% | $0 | 0% | $26,920,000 | 63% | **$42,863,500** |
| West/Southwest | $29,164,800 | 19% | $10,099,350 | 7% | $6,177,500 | 4% | $23,815,610 | 15% | $85,787,301 | 55% | **$155,044,561** |

- **North District.** The North District is best suited for employment uses that support the City's economic development goals, and the 2023 Concept Plan accordingly shows a future focus on mixed employment uses in this area. As in all districts, transportation projects account for the largest share—54 percent—of infrastructure costs anticipated in this district (Table 1). Park projects are the second highest-cost category in the North District, at 17 percent, followed by sanitary sewer at 13 percent. It is expected that a large proportion of transportation project costs will be paid by developers on a project-by-project basis, though the City will need to plan for capital projects serving the area (e.g., the Elwert and Scholls-Sherwood intersection). Serving this area with appropriate infrastructure will require considerable investment, as summarized in Table 1 and outlined in Mackenzie's February 2024 Sherwood West Concept Plan Refinement report.
- **West/Southwest Districts.** Development of the West District has already begun with the new high school, finished in 2021. The concept plan shows this district is expected to be developed with a mixture of housing types and employment uses adjacent to Highway 99W. The highest-cost categories for these districts include transportation (55 percent), followed by water (19 percent) and parks (15 percent). According to the City's 2023 infrastructure and phasing analysis, this area can more readily accommodate most needed infrastructure improvements relative to the North District. However, road construction and financing will pose significant costs and challenges throughout Sherwood West given the terrain, the presence of significant natural areas, and the current parcelization of the area.

A list of the highest-cost projects for both areas can be found in Table 2.

**Table 2. Highest-Cost Infrastructure Projects, North and West/Southwest Districts**

| | | |
|---|---|---|
| **North District** | | |
| Park Development and Land Acquisition | $18,388,890 | Park |
| Widen Roy Rogers Road | $10,800,000 | Transportation |
| Widen Scholls-Sherwood Road | $8,800,000 | Transportation |
| Southern collector street | $8,800,000 | Transportation |
| Highway 99W Undercrossing at Cedar Creek | $8,700,000 | Transportation |
| Northern collector street | $8,200,000 | Transportation |
| **West/Southwest Districts** | | |
| Highway 99W Pedestrian Bridge at Elwert | $14,898,401 | Transportation |
| Park Development and Land Acquisition | $11,270,610 | Park |
| Replacement of Fieldhouse | $8,775,000 | Park |
| New Collector (2-lane),* Sector "A" | $7,880,000 | Transportation |
| New Collector (2-lane),* Sector "B" | $6,256,000 | Transportation |
| Elwert Road (Full)* | $4,500,000 | Transportation |
| Pump Facility* | $4,500,000 | Water |
| Regional Trails | $3,770,000 | Park |
| Finish Loop* | $3,440,000 | Water |

* Project cost estimates include hard costs only, or those excluding design, construction management, and land acquisition.

# Infrastructure Funding Gap Analysis

## Methodology

Table 3 compares expected infrastructure costs and revenues to calculate the funding surplus (positive amounts) or gap (negative amounts) that would be generated through development fees. Some notes on the methodology used are included below, with a detailed account of the methodology found in Appendix A.

**Revenues.** The primary revenues that will be used to fund infrastructure in Sherwood West include the City's system development charges (SDCs) and regional development impact fees, described further below. Some additional funds may be available from other public agencies and other local funding tools, described at the end of this memorandum. All revenues shown are based on a full build out of the area, and the land use programs identified in the Land Use Plan section of the 2023 Concept Plan. A gap analysis was calculated for both low and high housing scenarios, with the low housing scenario assuming 0 percent middle housing (plexes, townhomes, and cottage clusters) built in areas designated for single-family homes, and the high scenario assuming 20 percent middle housing built in those areas. This analysis does not consider the timing of infrastructure costs or revenues.

- **City System Development Charges.** The City of Sherwood System Development Charges (SDC) are "one-time fees charged to new development to help pay a portion of the water, sewer, storm, parks and street costs associated with building infrastructure to meet needs created by growth."[1]

[1] City of Sherwood, System Development Charges, accessed February 12, 2024.

- **Clean Water Services (CWS) Regional Connection Charge (RCC).** Clean Water Services is a water resources management utility providing sanitary sewer and surface water management in Washington County. This analysis assumes RCC revenue will be available for funding sanitary sewer infrastructure expansion in Sherwood West.
- **County Transportation Development Tax (TDT).** The TDT, passed by Washington County voters in 2008, is a one-time charge on development (like an SDC) that funds transportation capital improvements designed to accommodate growth. A list of eligible projects is maintained by the County and is "generally limited to improvements on major roads (arterials and collectors) and selected transit capital projects."[2]

**Costs.** Infrastructure costs for water, sanitary sewer, storm water, and transportation facilities were provided by the City engineering team, with the exception of costs for the North District—which were supplied by Mackenzie. Mackenzie also provided regional trail cost estimates—tracked under the parks category—and park costs were based on estimates provided in the City's 2021 Parks and Recreation Master Plan, adjusted for inflation (see Appendix D for construction cost index values used in the inflation adjustment). A share of costs for planned capital improvement projects that will either entirely or partially be built outside of Sherwood West but still serve the area was also supplied by City engineers. Not included are costs internal to development projects, such as site preparation and construction, that will be paid by private developers. Though the findings below show a funding surplus for some utilities, if construction costs continue to increase as rapidly as they have in recent years, future market conditions may lead to a deficit.

[2] Washington County Department of Land Use and Transportation, Transportation Development Tax Annual Reports 2009–Present.

**Table 3. Sherwood West Infrastructure Funding Gap Analysis**

**Preliminary Gap Analysis: Low Density Housing (0% Middle Housing)**

| | Water | Sanitary Sewer | | Storm | Parks | Transportation | | Total w/ all Revenues | Total w/ City Revenues Only |
|---|---|---|---|---|---|---|---|---|---|
| **Revenues to City of Sherwood** | City SDC | City SDC | CWS RCC | City SDC | City SDC | City SDC | County TDT | | |
| North ("C" & "D") | $6,151,837 | $921,150 | $3,946,841 | $2,070,650 | $7,319,177 | $2,774,549 | $15,673,044 | $38,857,249 | $19,237,364 |
| Far West ("F") | $5,107,450 | $521,652 | $3,613,308 | $467,866 | $8,572,248 | $1,125,504 | $5,612,205 | $25,020,233 | $15,794,720 |
| West/Southwest ("A," "B," "E") | $18,231,546 | $2,414,470 | $53,942,295 | $2,798,613 | $39,281,132 | $32,739,960 | $110,090,947 | $259,498,965 | $95,465,722 |
| **Total Sources** | **$29,490,834** | **$3,857,272** | **$61,502,444** | **$5,337,129** | **$55,172,557** | **$36,640,014** | **$131,376,197** | **$323,376,446** | **$130,497,805** |
| **Costs to City of Sherwood** | | | | | | | | | |
| North ("C" & "D") | $10,745,000 | $18,162,500 | | $10,932,500 | $23,428,890 | $72,850,000 | | $136,118,890 | $136,118,890 |
| Far West ("F") | $8,367,000 | $4,801,500 | | $2,775,000 | - | $26,920,000 | | $42,863,500 | $42,863,500 |
| West/Southwest ("A," "B," "E") | $29,164,800 | $10,099,350 | | $6,177,500 | $23,815,610 | $85,787,301 | | $155,044,561 | $155,044,561 |
| **Total Uses** | **$48,276,800** | **$33,063,350** | | **$19,885,000** | **$47,244,500** | **$185,557,301** | | **$334,026,951** | **$334,026,951** |
| **Funding Surplus/Gap** | -$18,785,966 | $32,296,366 | | -$14,547,871 | $7,928,057 | -$17,541,090 | | -$10,650,505 | -$203,529,146 |

**Preliminary Gap Analysis: High Density Housing (20% Middle Housing)**

| | Water | Sanitary Sewer | | Storm | Parks | Transportation | | Total w/ all Revenues | Total w/ City Revenues Only |
|---|---|---|---|---|---|---|---|---|---|
| **Revenues to City of Sherwood** | City SDC | City SDC | CWS RCC | City SDC | City SDC | City SDC | County TDT | | |
| North ("C" & "D") | $6,819,915 | $989,057 | $4,424,521 | $2,131,427 | $8,453,476 | $2,863,323 | $16,116,844 | $41,798,562 | $21,257,197 |
| Far West ("F") | $8,132,886 | $829,174 | $5,776,516 | $743,100 | $13,708,998 | $1,527,524 | $7,621,985 | $38,340,182 | $24,941,681 |
| West/Southwest ("A," "B," "E") | $23,948,378 | $2,995,560 | $58,029,871 | $3,318,692 | $48,987,484 | $33,499,612 | $113,888,607 | $284,668,206 | $112,749,727 |
| **Total Sources** | **$38,901,178** | **$4,813,790** | **$68,230,908** | **$6,193,220** | **$71,149,957** | **$37,890,459** | **$137,627,437** | **$364,806,950** | **$158,948,605** |
| **Costs to City of Sherwood** | | | | | | | | | |
| North ("C" & "D") | $10,745,000 | $18,162,500 | | $10,932,500 | $23,428,890 | $72,850,000 | | $136,118,890 | $136,118,890 |
| Far West ("F") | $8,367,000 | $4,801,500 | | $2,775,000 | - | $26,920,000 | | $42,863,500 | $42,863,500 |
| West/Southwest ("A," "B," "E") | $29,164,800 | $10,099,350 | | $6,177,500 | $23,815,610 | $85,787,301 | | $155,044,561 | $155,044,561 |
| **Total Uses** | **$48,276,800** | **$33,063,350** | | **$19,885,000** | **$47,244,500** | **$185,557,301** | | **$334,026,951** | **$334,026,951** |
| **Funding Surplus/Gap** | -$9,375,622 | $39,981,349 | | -$13,691,780 | $23,905,457 | -$10,039,405 | | $30,779,999 | -$175,078,346 |

## Findings

Across both scenarios, revenues generated under a full buildout of Sherwood West are sufficient to cover estimated infrastructure costs for sanitary sewer and parks, but not for water, transportation, or storm infrastructure.

The calculation of storm water revenues assumed no CWS Regional Storm Drainage Improvement Charges would be collected due to credits given for water detention and water quality projects, per City guidance. With an additional 45% reduction in assumed City storm water SDC collection (due to participation in water quality projects), a shortfall of roughly $13.7–14.5 million is found for stormwater under both housing scenarios. It is not unexpected to find a deficit for transportation infrastructure—even when including sizeable TDT revenues and excluding the Chicken Creek Bridge from the cost estimates—when considering that many local governments are challenged with funding road development and maintenance.

This is a preliminary analysis and should be revisited as the City conducts additional infrastructure planning, as development is implemented, and as other aspects of development in Sherwood West change—including any significant changes to costs or timing of development.

# Funding Toolkit and Strategy

## Recommended Funding Strategies

A broad range of tools can be considered for supplementing the estimated development impact fee revenues identified above. LCG's recommendations are informed by recent development experience in the region and review of existing resources, including the Phasing and Funding Strategy prepared by ECONorthwest for the Preliminary Concept Plan in 2016, and the 2020 Washington County Infrastructure Funding Plan Toolkit (which provides guidance on funding transportation infrastructure in urban reserve areas specifically).

**Federal Funding Sources**. Particularly for the North District, the City should keep an eye on funding opportunities offered by the Economic Development Administration for the development of employment lands, and consider partnering with regional economic development entities such as Greater Portland Inc when applying for federal funding.

**State Funding Sources.** Business Oregon operates industrial and employment land readiness programs that may have the potential to fund infrastructure development in Sherwood West, particularly in the North District. Additional opportunities for road construction supporting economic development as well as regional trail development are available through the Oregon Department of Transportation (ODOT), with further opportunities for funding parks and trails available through the Oregon Parks and Recreation Department.

- **Special Public Works Fund.** Business Oregon's Special Public Works Fund provides low-cost financing to eligible municipalities for planning, design, and construction of utilities and facilities essential to industrial growth, commercial enterprise, and job creation. Eligible projects include capital improvements (acquisition, preliminary and final design, & engineering) or planning projects (technical and financial feasibility studies) that assist in developing industrial lands, supporting an immediate job creation/retention/expansion opportunity, or replacement of essential community facilities. Loan funding is available for financing small to large projects with favorable interest rates and terms up to 30 years or the useful life of the project, whichever is less, for most projects.
- **Community Paths Grants.** ODOT's Oregon Community Paths Program is "dedicated to helping communities create and maintain connections through multiuse paths, with the goal of complementing and expanding existing active transportation programs across the state."[3] Grants are awarded on an annual basis, with the current round of applications due January 2025.
- **Immediate Opportunity Fund.** The purpose of this ODOT-administered fund is to support economic development through the construction and improvement of streets and roads. This fund may only be used when other sources of financial support are unavailable or insufficient.
- **Oregon Parks and Recreation Department Local Government Grant Program.** Grants of up to $1,000,000 are available to help fund park and trail planning, land acquisition, and development—and with a population under 25,000, Sherwood is not required to provide matching funds. Grants are awarded on an annual basis, with the current round of applications due starting April 2024.
- **Emerging Opportunities.** The City should watch the state legislature for additional funding opportunities and re-authorization of past funding sources. Examples include the state's Regionally Significant Industrial Sites (RSIS) program, through which local governments can receive state income tax reimbursements to help fund industrial site development, and the Semiconductor Industrial Lands Loan Program (SILL).

[3] ODOT, Oregon Community Paths Program, accessed February 12, 2024.

**Regional Sources.** In addition to potential state sources mentioned above, securing "outside" funding sources for needed infrastructure can help reduce costs on a dollar-for-dollar basis. Therefore, the City should seek to leverage additional existing funding through other government sources, including:

- **Major Streets Transportation Improvement Program (MSTIP).** MSTIP is a county-wide road improvement program funded by countywide property taxes. The 2023-2028 System of Countywide Interest Map identifies Elwert Road as an "eligible arterial/principal," and may receive funding through MSTIP as a major road. There is MSTIP funding for SW Roy Rogers Road, but not currently for the portion adjacent to Sherwood West.
- **Metropolitan Transportation Improvement Program (MTIP).** MTIP, overseen by Oregon Metro, "records how all federal transportation money is spent in the Portland metropolitan area" and monitors significant state and locally funded projects with an impact on air quality.[4] MTIP follows a four-year construction schedule and is updated every two to three years. Sherwood West projects may be eligible for the next round of MTIP funds.
- **Regional Flexible Funding**. Regional flexible funding for transportation projects, administered by Oregon Metro, provides "federal funding for investments in sidewalks, trails, and roadways in communities across the region." Regional funds not already allocated for ongoing commitments may be applied for by regional jurisdictions through a project selection process. Projects for the 2025-2027 cycle were selected in October 2022, but the City can plan to submit a project proposal for the next funding cycle. To be eligible for funding, the project will need to demonstrate alignment with regional investment priorities.

**Supplemental SDC.** Based on recent development experience in the region, especially Frog Pond West in Wilsonville, LCG recommends considering Supplemental SDCs to meet any funding gaps not closed by other sources. Supplemental SDCs are essentially additional SDCs for a sub-area of the City, paid by developers. By using the SDC tool, costs can be shared across multiple developers over time. As with standard SDCs, developers can be credited and/or reimbursed for oversized infrastructure that they construct that benefits other developers and/or the city as a whole. As with any development cost, the costs of supplemental SDCs will ultimately get passed on to homebuyers and commercial and residential tenants in the form of higher housing costs and rents. The next steps to implementing a supplemental SDC would involve the following, which should be managed by City staff with the support of a municipal finance consultant:

- Ongoing refinement of project engineering and costs;
- Outreach to property owners and developers to refine development projections and phasing and to negotiate the specifics of a potential fee;
- Financial modeling of a potential fee, including identification of specific projects that would be included in the fee and exploration of scenarios that might vary the fee in different parts of Sherwood West;
- Engagement of the Sherwood City Council and Planning Commission;
- Development of a final proposal for adoption.

## Additional funding strategies

Additionally, the three funding tools identified as preferred in the Preliminary Concept Plan (in addition to supplemental SDCs) could also be considered, but would be a lower priority than supplemental SDCs, regional, and state sources:

- **Local Improvement District (LID).** "An LID is a special assessment district where property owners are assessed a fee to pay for capital improvements, such as streetscape enhancements, underground utilities, or shared open

[4] Oregon Metro, Regional Flexible Funding Allocation Overview, accessed February 12, 2024.

space."[5] With LIDs, landowners within the district are assessed a fee based on the proportional benefits they receive from the district, established at inception. LIDs typically require the approval of 60 percent of the affected property owners in the district. Owners benefit from paying costs over time and the City's access to a lower interest rate than typically available through commercial lending.[6] LIDs would have much the same impact as a supplemental SDC, therefore LCG recommends focusing on a supplemental SDC as the primary tool before considering using LIDs.

- **Utility fees**: Utility fees for regional infrastructure are much less common in Oregon and, while allowed, would be relatively unique and less familiar to developers than a supplemental SDC. A utility fee also would be paid by end users (homeowners and tenants) and could therefore create a timing issue where revenues aren't realized until after the infrastructure is built.
- **Property Tax (GO) Bonds**: While citywide general obligation (GO) bonds backed by a temporary increase in property tax rates are a legal option for consideration, the need for a public vote and the fact that all city residents would bear the funding burden limits the appropriateness of this tool to infrastructure projects that have a citywide benefit. Given the need for a public vote and the greater ease of implementing other tools, LCG does not recommend GO bonds as a funding tool for Sherwood West.

**Urban Renewal** was also considered in the previous Phasing and Funding Strategy, but not as a preferred tool. Nevertheless, it could potentially be used with some caveats as discussed here. Through tax increment financing, urban renewal can help pay for infrastructure through the increase in property taxes that occur in the urban renewal area over time. Urban renewal is typically implemented in existing areas of a city where revitalization is desired or there is a need to address specific infrastructure deficiencies that are barriers to new investment, and its use in new undeveloped areas of the city may face political challenges in implementation. There are also strict limits on how much of a city can be within an urban renewal district, both by taxable value and geographically. This would need to be considered since Sherwood already has two existing urban renewal areas.

## Conclusion

Key findings of this preliminary infrastructure funding strategy analysis include:

- Development envisioned for the focus areas of this analysis include employment uses in the North and a mix of housing (including middle housing intermixed with low and medium-density single family development) and employment uses along Highway 99W in the West/Southwest.
- Several infrastructure projects are catalytic to making development possible in these areas. For both the North and West/Southwest districts, transportation projects are projected as the highest-cost, including the widening of Roy Rodgers and Scholls-Sherwood roads in the North, and a new 2-lane collector in the West/Southwest. Additional catalytic projects include the construction of regional trails and the 27 acres of regional parks in the North and West/Southwest districts and expanding water service in the West/Southwest.
- Preliminary analysis shows a shortfall for water, storm and transportation, and a surplus in parks and sanitary sewer when regional connection charge revenues to Clean Water Services are included.
- A range of funding tools for supplementing shortfalls exist—including regional and state sources, as well as supplemental SDCs.
- Next steps involve continued refinement of projects and costs and financial modeling and discussions with developers on a potential supplemental fee.

[5] ECONorthwest, Preliminary Concept Plan Phasing and Funding Strategy, 2016.
[6] Municipal Research and Services Center of Washington, Local Improvement Districts (LIDs), November 2023.

# Appendix A: Methodology

The following assumptions were made for the Sherwood West Concept Plan Preliminary Infrastructure Funding Strategy revenue gap analysis, which compares estimated System Development Charge (SDC) revenues and other impact fees from future development to the costs of necessary infrastructure improvements for Sherwood West.

## Development Programming

- Because infrastructure costs were provided by sector boundaries defined in the 2016 Concept Plan, to match development programming by Concept Plan "district," costs were summed as follows. See Appendix B for a map that city engineers used to develop sector cost estimates.
    - North District (Sectors "C" & "D")
    - West/Southwest District (Sectors "A," "B," "E")—Southwest included with West because Sector "E" spans both West and Southwest
    - Far West District (Sector "F")
- Mixed Use treated as Commercial, with no additional estimates for housing.
- Cottage clusters are categorized as single family for all SDC types, per City guidance.

## Cost Calculation

- Costs were supplied by the City for areas A, B, E, and F, with costs for C and D supplied by Mackenzie—with the exception of parks costs, which were derived from estimates in the 2021 Parks and Recreation Master Plan. Park cost estimates were adjusted for inflation using the Engineering News-Record (ENR) Construction Cost Index for Seattle, using figures for April 2021 and December 2023 (see Appendix D). Regional trail cost estimates were supplied by Mackenzie and tracked under the Parks category.
- Additional cost assumptions for planned offsite capital improvement projects were attributed to the North and West/Southwest districts per City guidance.

## Revenue Calculation

| | Residential | Non-Residential |
|---|---|---|
| **Water** | Water SDC fees are based on the water connection size. For all residential uses:<br>**Units # * SDC**<br>• For single family and middle housing, a sum of reimbursement, improvement, and administrative SDC charges for the 5/8-3/4" meter size was applied per unit.<br>• For multifamily housing, the sum of charges for the 1-1/2" meter size was applied per multifamily development. The number of multifamily developments was estimated by dividing the number of units programmed for the district by 24 units per acre (the density for all multifamily units programmed for Sherwood West). | For all employment, school, and park uses:<br>**Net acreage * 2.05 * 5/8-3/4" meter SDC**<br>• The 2.05 multiplier is derived from the 2015 Sherwood Water Master Plan's estimate of 437 gallons per day per buildable acre for non-residential uses, divided by the 213 gallon per day per Equivalent Residential Unit (ERU) per buildable acre estimate. |

| | | |
|---|---|---|
| **Sanitary Sewer** | Sanitary sewer SDCs are based on Equivalent Dwelling Units (EDUs), equating to 150 gallons per day for the City SDC and 16 "fixture units"—or the number of fixtures (such as sinks) contributing to the sanitary sewer system for Clean Water Services' Regional Connection Charge. For all residential uses:<br><br>**Units # * SDC or CWS RCC**<br><br>• For City SDCs, a sum of reimbursement and improvement charges per was applied per unit.<br>• For CWS fees, the regional connection charge (RCC) was applied for each unit.<br><br>Note: Technically multifamily CWS RCC fees are calculated based on the fixture count method (described at right, under the non-residential section); though the estimated fixture units per dwelling unit—including a toilet, bath/shower, two sinks and a domestic dishwasher (see CWS rate schedule pg. 21) equate to the 16 fixture unit Dwelling Unit Equivalent, so the flat RCC was applied per multifamily unit—as with other housing types. | ***City SDC***<br><br>For all employment, school and park uses, an estimated gallon per day multiplier was applied to net acreage.<br><br>**Net acreage * 2.91 * SDC**<br><br>• The 2.91 multiplier is derived from the 2015 Sherwood Water Master Plan's estimate of 437 gallons per day per buildable acre of water use for non-residential uses divided by the 150 gallon per day to convert to EDUs.[7]<br>• The SDC reimbursement and improvement charge for the UGB Minus Brookman and Tonquin Employment Area was used.<br><br>***CWS RCC calculation***<br><br>CWS RCC charges for nonresidential uses are based on a fixture count method—or the number of fixtures (such as sinks) contributing to the sewage system. According to the CWS rate schedule (pg. 20), 1 Dwelling Unit Equivalent = 16 fixture units. Employment land was translated into fixture units (FU) as follows:<br><br>***Commercial Land***<br>**((Net acreage * FAR * 43,560)/avg SF per business) * (multiplier * RCC)**<br><br>For commercial lands, an FAR assumption was applied to net acreage, and divided by average square foot for business assumptions.<br><br>• Mixed Employment: FAR 0.35; 46,000 SF per business<br>• Commercial, Mixed Use, Hospitality: FAR 1.5; 6,000 SF per business |

[7] The City's 2016 Sewer Master Plan estimates 850 gallons-per-acre per day (gpad) for employment industrial and 1,000 gpad for commercial zones. However, since sewage uses are conventionally balanced with water use, the lower and more conservative water use number was used for sanitary sewage SDC revenue calculations.

| | | |
|---|---|---|
| | | The resulting estimated business count was multiplied by the RCC charge, with a multiplier applied based on estimated sanitary sewer intensity of the business type. This multiplier was based on average fixture units for industrial and commercial businesses, using data provided by the City:<br>• Mixed Employment: 3.1 = 50 average FU divided by 16<br>• Commercial/Mixed Use/Hospitality: 5.6 = 90 average FU divided by 16<br><br>***Schools***<br>The RCC was multiplied by 3.5 (assuming one toilet at 6 FU, and 1 sink at 2 FU, per 30 people, divided by 16) for each school.<br><br>***Parks***<br>The RCC was multiplied by 0.5 (assuming one toilet at 6 FU, and 1 sink at 2 FU, divided by 16) for each park. |
| **Stormwater** | Stormwater system SDCs are based on equivalent service units (ESU), where 1 ESU = 2,640 square feet of impervious surface area.<br><br>**(Impervious acres*(43,560/2,640)) * SDC**<br>• For single family and middle housing, a discounted ESU rate was applied per dwelling unit.<br>• For multifamily, impervious area (estimated at 80% of net acreage) was converted into ESUs, multiplied by a discounted ESU rate.<br>• The ESU rate was discounted by 45% with the expectation that many users will receive a 45% discount for designs that support water quality.<br><br>Note: the CWS Regional Storm Drainage Improvement Charge was not tracked because most users have charges waived because their projects provide water quality as well as water detention services. | Calculated the same as multifamily housing, with the following changes in assumptions for percent impervious surface, based on existing schools and parks in the city:<br>• 55% for middle schools<br>• 40% for elementary schools<br>• 20% for parks |

| | | |
|---|---|---|
| **Parks** | A set fee is identified for residential uses.<br><br>**Units # * SDC**<br><br>• The single family rate was applied for both single family and middle housing, per unit. The multifamily rate was applied per multifamily unit. | For non-residential uses, a fee per employee is charged. Number of employees was estimated based on Floor Area Ratio (FAR) assumptions and square foot per job assumptions.<br><br>**(Net acreage * FAR * (43,560/SF per job)) * SDC**<br><br>Floor Area Ratio (FAR) assumptions:<br><br>• Mixed Employment: 0.35<br>• Commercial, Mixed Use, Hospitality: 1.5<br>• Schools: 0.20<br>• Parks: no FAR applied<br><br>SF per job assumptions:<br><br>• Mixed Employment: 1,000 SF per job (conservative assumption based on manufacturing category estimates from City data)<br>• Commercial, Mixed Use, Hospitality: 470 SF per job (retail estimate from City data)<br>• Schools: 1,300 SF per job, based on U.S. Energy Information Administration building energy consumption data<br>• Parks: 416,900 SF per job, based on current parks jobs and space in the city<br><br>The non-residential SDC rate was applied per job for all non-residential uses. |

| | | |
|---|---|---|
| **Transportation** | Transportation SDCs are based on average weekday trip generation rates for different housing and land use types.<br><br>**Units # * SDC or TDT**<br><br>• For both City SDCs and the Washington County Transportation Development Tax (TDT), the respective rate for single family, middle housing ("condominium/townhouse"), or multifamily type was applied per unit. | ***Commercial Land***<br>For both City SDCs and County TDTs on commercial and industrial lands, fees were applied per 1,000 square feet of gross floor area (TSFGFA), after applying an FAR assumption to net acreage. Estimates for schools are based on student count.<br><br>**(Net acreage * FAR * (43,560/1,000)) * SDC or TDT**<br><br>Floor Area Ratio (FAR) assumptions:<br>• Mixed Employment: 0.35<br>• Commercial, Mixed Use, Hospitality: 1.5<br><br>SDCs and TDTs for the following "Types" were used:<br>• Mixed Employment: average of "General Light Industrial" and "Manufacturing" rates<br>• Commercial, Mixed Use, Hospitality: "Shopping Center"<br><br>***Schools***<br>For schools, rates for middle and elementary schools were applied per student, with student count estimates supplied by Washington County, based on average middle and elementary school sizes.<br><br>***Parks***<br>Park SDCs were applied per net acre of park development in the Concept Plan, applying the City Park rate for City SDCs, and Park rate for County TDTs. |

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

# TECHNICAL MEMORANDUM

City of Sherwood
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**Mayor**
Tim Rosener

**Council President**
Kim Young

**Councilors**
Renee Brouse
Taylor Giles
Keith Mays
Doug Scott
Dan Standke

**City Manager Pro Tem**
Craig Sheldon

**Assistant City Manager**
Kristen Switzer

Date: January 26th, 2024

To: Eric Rutledge, Community Development Director, City of Sherwood

From: Jason Waters, P.E., City Engineer, City of Sherwood

Project: Sherwood West UGB Expansion

Phase: Final Concept Plan, Re-Look Project (FY23-24)

Subject: Cost Estimates for Public Transportation & Utility Infrastructure

Dear Eric,

City Engineering Department staff has completed a final review of the cost estimates and made the following changes which resulted in a slight reduction in the total anticipated public infrastructure costs. Based on comments and feedback from the last TAC meeting, we revisited our estimates and increased the cost per linear foot of new collectors and arterials after comparison with more recent cost estimates prepared by Kittelson & Associates for nearby projects. We also re-evaluated the cost estimates prepared for SW Elwert Rd and made adjustment that accounted for realignment of the Edy-Elwert intersection. Lastly, we reduced storm infrastructure costs associated with regional stormwater management facilities to be constructed with adjacent private development projects and less common for the regional stormwater management facilities to be constructed by the City with the Public Improvements.

Cost estimates and bid item pricing were compared to the same cost estimating indices utilized for annual SDC rate adjustments (ENR, Seattle Index) and average bid item prices published by ODOT. Additionally, Engineering Department staff compared these costs against similar planning level cost estimates prepared by private consultants for Washington County DLUT in 2022 for the SW Edy Rd Improvements and in 2023 for the SW Ice Age Drive Improvements to ensure the cost estimates enclosed here for the Sherwood West UGB expansion area align with current industry standards and best practices.

For ease of review all of the cost estimating tables and associated maps for each of the 6 sectors have been included here (see Attachments 1 & 2). Please let me know if you

have any questions or need additional information related to the infrastructure cost estimates prepared for the Sherwood West UGB expansion area.

Sincerely,

Jason M. Waters, P.E.
City Engineer | City of Sherwood
Attachments: 1. Updated Public Transportation & Utility Infrastructure Cost Estimate Summary Tables (7 pages) and 2. Public Transportation & Utility Infrastructure Location Map (7 pages)

Cc: File, e-file, Craig Christensen (COS), City Manager's Office, Planning Manager

Attachment 1 Cost Estimate Summary Tables and Detailed Cost Estimates (7 pages total)

| COST ESTIMATE TABLE 1 - ENTIRE SHERWOOD WEST STUDY AREA (SECTORS A THRU F) | | | | | |
|---|---|---|---|---|---|
| Cost Estimate for Public Infrastrucure for Sherwood West (Summary) - January 26, 2024 | | | | | |
| Sector | Street | Storm | Sanitary | Water | Sector Total |
| A | $ 49,647,500.00 | $ 3,402,500.00 | $ 2,250,600.00 | $ 14,701,500.00 | $ 70,002,100.00 |
| B | $ 16,551,400.00 | $ 2,775,000.00 | $ 1,428,750.00 | $ 8,287,300.00 | $ 29,042,450.00 |
| C | $ 20,541,000.00 | $ 4,725,000.00 | $ 2,913,750.00 | $ 9,469,350.00 | $ 37,649,100.00 |
| D | $ 3,570,000.00 | $ - | $ 617,500.00 | $ 594,000.00 | $ 4,781,500.00 |
| E | $ 4,690,000.00 | $ - | $ - | $ 6,176,000.00 | $ 10,866,000.00 |
| F | $ 26,920,000.00 | $ 2,775,000.00 | $ 4,801,500.00 | $ 8,367,000.00 | $ 42,863,500.00 |
| Total | $ 121,919,900.00 | $ 13,677,500.00 | $ 12,012,100.00 | $ 47,595,150.00 | **$ 195,204,650.00** |

| SECTOR A | | | |
|---|---|---|---|
| **Public (Street) Transportation Infrastructure** | | | |
| Street Segment | Length | Cost per Length | Cost |
| Elwert Road | 1500 | $ 2,000.00 | $ 3,000,000.00 |
| Elwert/Handley Signal | 1 | $ 1,000,000.00 | $ 1,000,000.00 |
| Elwert Road (Full) | 1500 | $ 3,000.00 | $ 4,500,000.00 |
| Edy Road (Full) | 1500 | $ 2,000.00 | $ 3,000,000.00 |
| Elwert/Edy R-A-B | 1 | $ 1,000,000.00 | $ 1,000,000.00 |
| Chicken Creek Crossing (No Bridge) | 1 | $ 2,000,000.00 | $ 2,000,000.00 |
| Remove Edy Road | 1 | $ 500,000.00 | $ 500,000.00 |
| New Collector (2-lane) | 4925 | $ 1,600.00 | $ 7,880,000.00 |
| Kruger Road (full) | 875 | $ 2,000.00 | $ 1,750,000.00 |
| Kruger Road (partial) | 1900 | $ 800.00 | $ 1,520,000.00 |
| | | *Subtotal* | *$ 26,150,000.00* |
| | | Design Costs | $ 5,230,000.00 |
| | | Construction Mangement | $ 5,230,000.00 |
| | | Land Acquisition | $ 6,500,000.00 |
| | | Contingency (25% of Const.) | $ 6,537,500.00 |
| | | Total | $ 49,647,500.00 |
| | | | |
| **Storm Improvements** | | | |
| Elwert Road | 0 | $ 600.00 | $ - |
| Elwert/Handley Signal | 1 | $ - | $ - |
| Elwert/Edy Intersection | 1 | $ 350,000.00 | $ 350,000.00 |
| New Collector (2-lane) | 0 | $ 400.00 | $ - |
| Kruger Road (full) | 0 | $ 1,000.00 | $ - |
| Kruger Road (partial) | 0 | $ 600.00 | $ - |
| Regional Facilities | 1 | $ 1,500,000.00 | $ 1,500,000.00 |
| | | *Subtotal* | *$ 1,850,000.00* |
| | | Design Costs | $ 370,000.00 |
| | | Construction Mangement | $ 370,000.00 |
| | | Land Acquisition | $ 350,000.00 |
| | | Contingency (25% of Const.) | $ 462,500.00 |
| | | Total | $ 3,402,500.00 |
| | | | |
| **Sanitary Improvements** | | | |
| Elwert Road | 970 | $ 500.00 | $ 485,000.00 |
| New Collector | 2930 | $ 300.00 | $ 879,000.00 |
| | | *Subtotal* | *$ 1,364,000.00* |
| | | Design Costs | $ 272,800.00 |
| | | Construction Mangement | $ 272,800.00 |
| | | Contingency (25% of Const.) | $ 341,000.00 |
| | | Total | $ 2,250,600.00 |
| | | | |
| **Water Improvements** | | | |
| Elwert Road | 900 | $ 600.00 | $ 540,000.00 |
| Elwert Road | 2500 | $ 600.00 | $ 1,500,000.00 |
| Elwert Road PRV | 1 | $ 200,000.00 | $ 200,000.00 |
| Haide Road PRV | 1 | $ 200,000.00 | $ 200,000.00 |
| Pump Facility | 1 | $ 4,500,000.00 | $ 4,500,000.00 |
| New Collector | 4925 | $ 400.00 | $ 1,970,000.00 |
| | | *Subtotal* | *$ 8,910,000.00* |
| Design Costs | | | $ 1,782,000.00 |
| Construction Mangement | | | $ 1,782,000.00 |
| Contingency (25% of Const.) | | | $ 2,227,500.00 |
| | | Total | $ 14,701,500.00 |
| | | Total ALL | **$ 70,002,100.00** |

| SECTOR B | | | |
|---|---|---|---|
| **Public (Street) Transportation Infrastructure** | | | |
| Street Segment | Length | Cost per Length | Cost |
| New Collector (2-lane) | 3910 | $ 1,600.00 | $ 6,256,000.00 |
| Chapman Road (full) | 1130 | $ 2,000.00 | $ 2,260,000.00 |
| | | *Subtotal* | *$ 8,516,000.00* |
| | | Design Costs | $ 1,703,200.00 |
| | | Construction Mangement | $ 1,703,200.00 |
| | | Land Acquisition | $ 2,500,000.00 |
| | | Contingency (25% of Const.) | $ 2,129,000.00 |
| | | Total | $ 16,551,400.00 |
| **Storm Improvements** | | | |
| New Collector (2-lane) | 0 | $ 400.00 | $ - |
| Chapman Road (full) | 0 | $ 1,000.00 | $ - |
| | 0 | $ - | $ - |
| Regional Facilities | 1 | $ 1,500,000.00 | $ 1,500,000.00 |
| | | *Subtotal* | *$ 1,500,000.00* |
| | | Design Costs | $ 300,000.00 |
| | | Construction Mangement | $ 300,000.00 |
| | | Land Acquisition | $ 300,000.00 |
| | | Contingency (25% of Const.) | $ 375,000.00 |
| | | Total | $ 2,775,000.00 |
| **Sanitary Improvements** | | | |
| Highway 99 | 1550 | $ 500.00 | $ 775,000.00 |
| | 0 | $ - | $ - |
| | | *Subtotal* | *$ 775,000.00* |
| | | Design Costs | $ 155,000.00 |
| | | Construction Mangement | $ 155,000.00 |
| | | Land Acquisition | $ 150,000.00 |
| | | Contingency (25% of Const.) | $ 193,750.00 |
| | | Total | $ 1,428,750.00 |
| **Water Improvements** | | | |
| Highway 99 | 4200 | $ 600.00 | $ 2,520,000.00 |
| Chapman Road | 1130 | $ 600.00 | $ 678,000.00 |
| Chapman Road PRV | 1 | $ 200,000.00 | $ 200,000.00 |
| New Collector | 3910 | $ 400.00 | $ 1,564,000.00 |
| | | *Subtotal* | *$ 4,962,000.00* |
| | | Design Costs | $ 992,400.00 |
| | | Construction Mangement | $ 992,400.00 |
| | | Land Acquisition | $ 100,000.00 |
| | | Contingency (25% of Const.) | $ 1,240,500.00 |
| | | Total | $ 8,287,300.00 |
| | | Total ALL | **$ 29,042,450.00** |

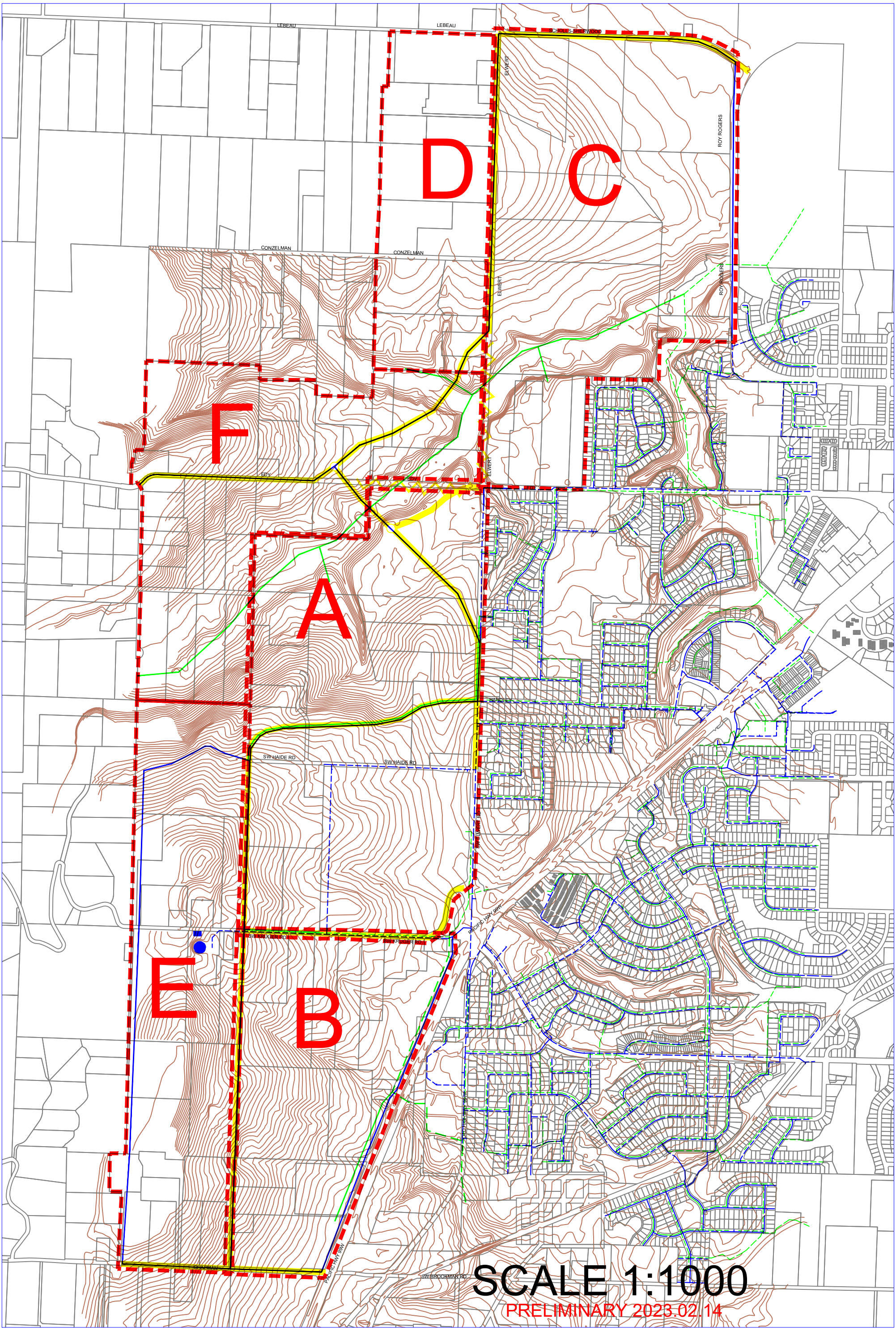
| SECTOR C | | | |
|---|---|---|---|
| **Public (Street) Transportation Infrastructure** | | | |
| Street Segment | Length | Cost per Length | Cost |
| Elwert Road | 3500 | $ 2,000.00 | $ 7,000,000.00 |
| Elwert/Chapman Intersection | 1 | $ 1,500,000.00 | $ 1,500,000.00 |
| Remove Elwert Road | 1 | $ 600,000.00 | $ 600,000.00 |
| Scholls Sherwood (partial) | 3050 | $ 800.00 | $ 2,440,000.00 |
| | | *Subtotal* | *$ 11,540,000.00* |
| | | Design Costs | $ 2,308,000.00 |
| | | Construction Mangement | $ 2,308,000.00 |
| | | Land Acquisition | $ 1,500,000.00 |
| | | Contingency (25% of Const.) | $ 2,885,000.00 |
| | | Total | $ 20,541,000.00 |
| | | | |
| **Storm Improvements** | | | |
| Extension to Chicken Creek | 0 | $ 500.00 | $ - |
| Elwert Road | 0 | $ 1,000.00 | $ - |
| Scholls-Sherwood (Partial) | 0 | $ 500.00 | $ - |
| Scholls-Sherwood Facility | 1 | $ 1,250,000.00 | $ 1,250,000.00 |
| Elwert Facility | 1 | $ 1,250,000.00 | $ 1,250,000.00 |
| Chicken Creek Crossing | 0 | $ 1,000,000.00 | $ - |
| (Assume No Bridge) | | | $ - |
| | | *Subtotal* | *$ 2,500,000.00* |
| | | Design Costs | $ 500,000.00 |
| | | Construction Mangement | $ 500,000.00 |
| | | Land Acquisition | $ 600,000.00 |
| | | Contingency (25% of Const.) | $ 625,000.00 |
| | | Total | $ 4,725,000.00 |
| | | | |
| **Sanitary Improvements** | | | |
| Trunk Line | 2600 | $ 500.00 | $ 1,300,000.00 |
| Chicken Creek Crossing | 500 | $ 750.00 | $ 375,000.00 |
| | | *Subtotal* | *$ 1,675,000.00* |
| | | Design Costs | $ 335,000.00 |
| | | Construction Mangement | $ 335,000.00 |
| | | Land Acquisition | $ 150,000.00 |
| | | Contingency (25% of Const.) | $ 418,750.00 |
| | | Total | $ 2,913,750.00 |
| | | | |
| **Water Improvements** | | | |
| Scholls-Sherwood | 3050 | $ 600.00 | $ 1,830,000.00 |
| Elwert Road | 3455 | $ 600.00 | $ 2,073,000.00 |
| Roy Rogers | 3060 | $ 600.00 | $ 1,836,000.00 |
| | | *Subtotal* | *$ 5,739,000.00* |
| | | Design Costs | $ 1,147,800.00 |
| | | Construction Mangement | $ 1,147,800.00 |
| | | Contingency (25% of Const.) | $ 1,434,750.00 |
| | | Total | $ 9,469,350.00 |
| | | Total ALL | **$ 37,649,100.00** |

| SECTOR D | | | |
|---|---|---|---|
| **Public (Street) Transportation Infrastructure** | | | |
| Street Segment | Length | Cost per Length | Cost |
| Elwert Road (Full) | 600 | $ 3,000.00 | $ 1,800,000.00 |
| | | *Subtotal* | *$ 1,800,000.00* |
| | | Design Costs | $ 360,000.00 |
| | | Construction Mangement | $ 360,000.00 |
| | | Land Acquisition | $ 600,000.00 |
| | | Contingency (25% of Const.) | $ 450,000.00 |
| | | Total | $ 3,570,000.00 |
| | | | |
| **Storm Improvements** | | | |
| | 0 | $ - | $ - |
| | 0 | $ - | $ - |
| | 0 | $ - | $ - |
| | 0 | $ - | $ - |
| | 0 | $ - | $ - |
| | 0 | $ - | $ - |
| | | | $ - |
| | | *Subtotal* | *$ -* |
| | | Design Costs | $ - |
| | | Construction Mangement | $ - |
| | | Land Acquisition | $ - |
| | | Contingency (25% of Const.) | $ - |
| | | Total | $ - |
| | | | |
| **Sanitary Improvements** | | | |
| Trunk Line | 700 | $ 500.00 | $ 350,000.00 |
| | | *Subtotal* | *$ 350,000.00* |
| | | Design Costs | $ 70,000.00 |
| | | Construction Mangement | $ 70,000.00 |
| | | Land Acquisition | $ 40,000.00 |
| | | Contingency (25% of Const.) | $ 87,500.00 |
| | | Total | $ 617,500.00 |
| | | | |
| **Water Improvements** | | | |
| Elwert Road | 600 | $ 600.00 | $ 360,000.00 |
| | | $ - | $ - |
| | | $ - | $ - |
| | | *Subtotal* | *$ 360,000.00* |
| | | Design Costs | $ 72,000.00 |
| | | Construction Mangement | $ 72,000.00 |
| | | Contingency (25% of Const.) | $ 90,000.00 |
| | | Total | $ 594,000.00 |
| | | Total ALL | **$ 4,781,500.00** |

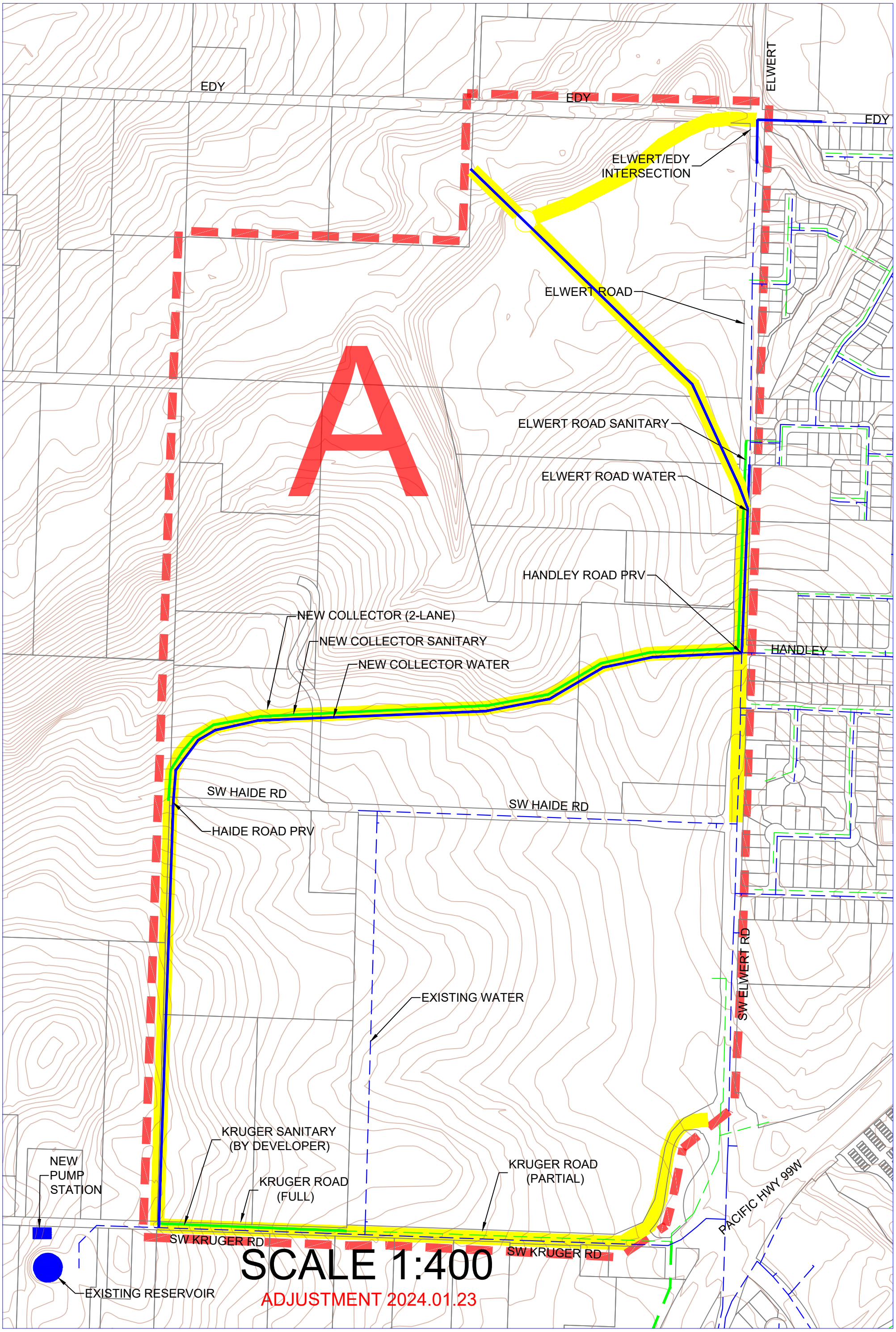
| SECTOR E | | | |
|---|---|---|---|
| **Public (Street) Transportation Infrastructure** | | | |
| Street Segment | Length | Cost per Length | Cost |
| Chapman Road (full) | 1300 | $ 2,000.00 | $ 2,600,000.00 |
| | | *Subtotal* | *$ 2,600,000.00* |
| | | Design Costs | $ 520,000.00 |
| | | Construction Mangement | $ 520,000.00 |
| | | Land Acquisition | $ 400,000.00 |
| | | Contingency (25% of Const.) | $ 650,000.00 |
| | | Total | $ 4,690,000.00 |
| | | | |
| **Storm Improvements** | | | |
| Chapman Road (full) | 0 | $ 1,000.00 | $ - |
| | 0 | $ - | $ - |
| | 0 | $ - | $ - |
| | 0 | $ - | $ - |
| | 0 | $ - | $ - |
| | 0 | $ - | $ - |
| | | | $ - |
| | | *Subtotal* | *$ -* |
| | | Design Costs | $ - |
| | | Construction Mangement | $ - |
| | | Land Acquisition | $ - |
| | | Contingency (25% of Const.) | $ - |
| | | Total | $ - |
| | | | |
| **Sanitary Improvements** | | | |
| Trunk Line | 0 | $ - | $ - |
| | | *Subtotal* | *$ -* |
| | | Design Costs | $ - |
| | | Construction Mangement | $ - |
| | | Land Acquisition | $ - |
| | | Contingency (25% of Const.) | $ - |
| | | Total | $ - |
| | | | |
| **Water Improvements** | | | |
| Finish Loop | 8600 | $ 400.00 | $ 3,440,000.00 |
| | | $ - | $ - |
| | | $ - | $ - |
| | | *Subtotal* | *$ 3,440,000.00* |
| | | Design Costs | $ 688,000.00 |
| | | Construction Mangement | $ 688,000.00 |
| | | Land Acquisition | $ 500,000.00 |
| | | Contingency (25% of Const.) | $ 860,000.00 |
| | | Total | $ 6,176,000.00 |
| | | Total ALL | **$ 10,866,000.00** |

| SECTOR F | | | |
|---|---|---|---|
| **Public (Street) Transportation Infrastructure** | | | |
| Street Segment | Length | Cost per Length | Cost |
| Elwert Road (full) | 2000 | $ 3,000.00 | $ 6,000,000.00 |
| Edy Road (full) | 3650 | $ 2,000.00 | $ 7,300,000.00 |
| Trib. Creek Crossing (No Bridge) | 1 | $ 500,000.00 | $ 500,000.00 |
| Elwert /Edy R-A-B | 1 | $ 1,000,000.00 | $ 1,000,000.00 |
| | | *Subtotal* | *$ 14,800,000.00* |
| | | Design Costs | $ 2,960,000.00 |
| | | Construction Mangement | $ 2,960,000.00 |
| | | Land Acquisition | $ 2,500,000.00 |
| | | Contingency (25% of Const.) | $ 3,700,000.00 |
| | | Total | $ 26,920,000.00 |
| | | | |
| **Storm Improvements** | | | |
| Edy Road (full) | 0 | $ 1,000.00 | $ - |
| Chicken Creek Crossing | 0 | $ 1,000,000.00 | $ - |
| Edy Road Facility | 1 | $ 1,500,000.00 | $ 1,500,000.00 |
| | | *Subtotal* | *$ 1,500,000.00* |
| | | Design Costs | $ 300,000.00 |
| | | Construction Mangement | $ 300,000.00 |
| | | Land Acquisition | $ 300,000.00 |
| | | Contingency (25% of Const.) | $ 375,000.00 |
| | | Total | $ 2,775,000.00 |
| | | | |
| **Sanitary Improvements** | | | |
| Trunk Line | 4770 | $ 500.00 | $ 2,385,000.00 |
| Chicken Creek Crossing | 300 | $ 750.00 | $ 225,000.00 |
| Chicken Creek Crossing | 400 | $ 750.00 | $ 300,000.00 |
| | | *Subtotal* | *$ 2,910,000.00* |
| | | Design Costs | $ 582,000.00 |
| | | Construction Mangement | $ 582,000.00 |
| | | Land Acquisition | $ - |
| | | Contingency (25% of Const.) | $ 727,500.00 |
| | | Total | $ 4,801,500.00 |
| | | | |
| **Water Improvements** | | | |
| Edy Road | 4550 | $ 600.00 | $ 2,730,000.00 |
| Pump Station | 1 | $ 2,250,000.00 | $ 2,250,000.00 |
| | | $ - | $ - |
| | | *Subtotal* | *$ 4,980,000.00* |
| | | Design Costs | $ 996,000.00 |
| | | Construction Mangement | $ 996,000.00 |
| | | Land Acquisition | $ 150,000.00 |
| | | Contingency (25% of Const.) | $ 1,245,000.00 |
| | | Total | $ 8,367,000.00 |
| | | Total ALL | **$ 42,863,500.00** |

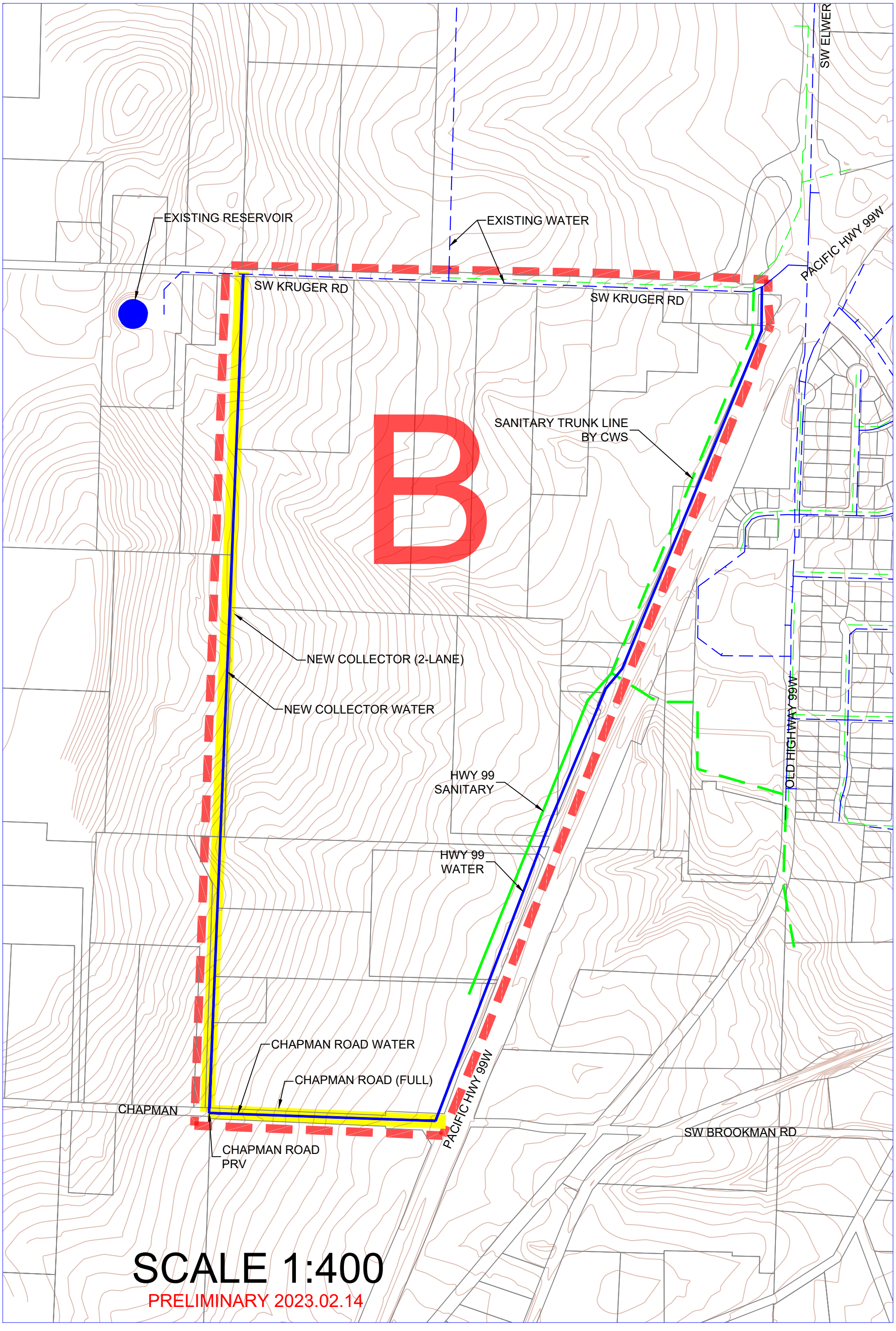
Attachment A



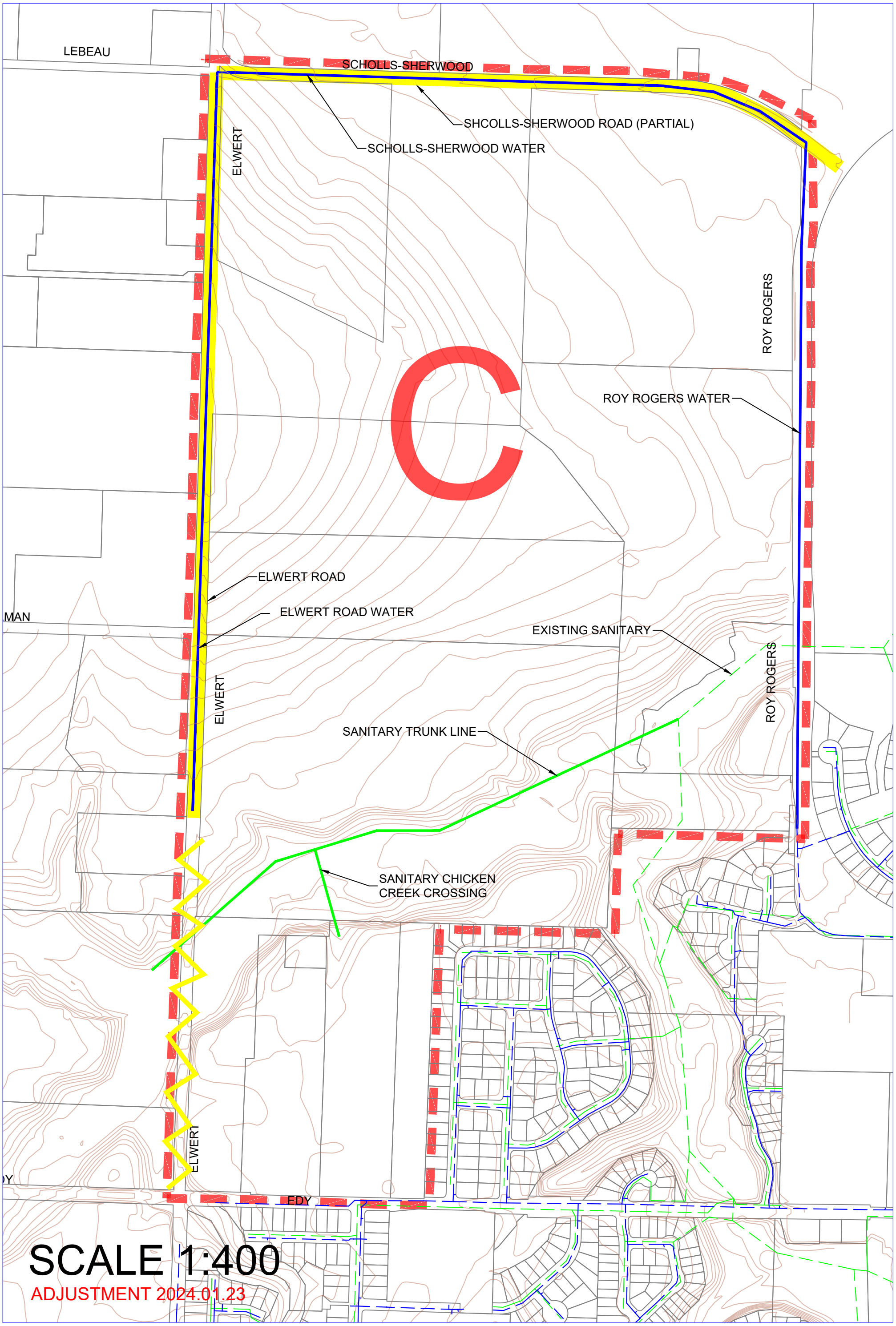
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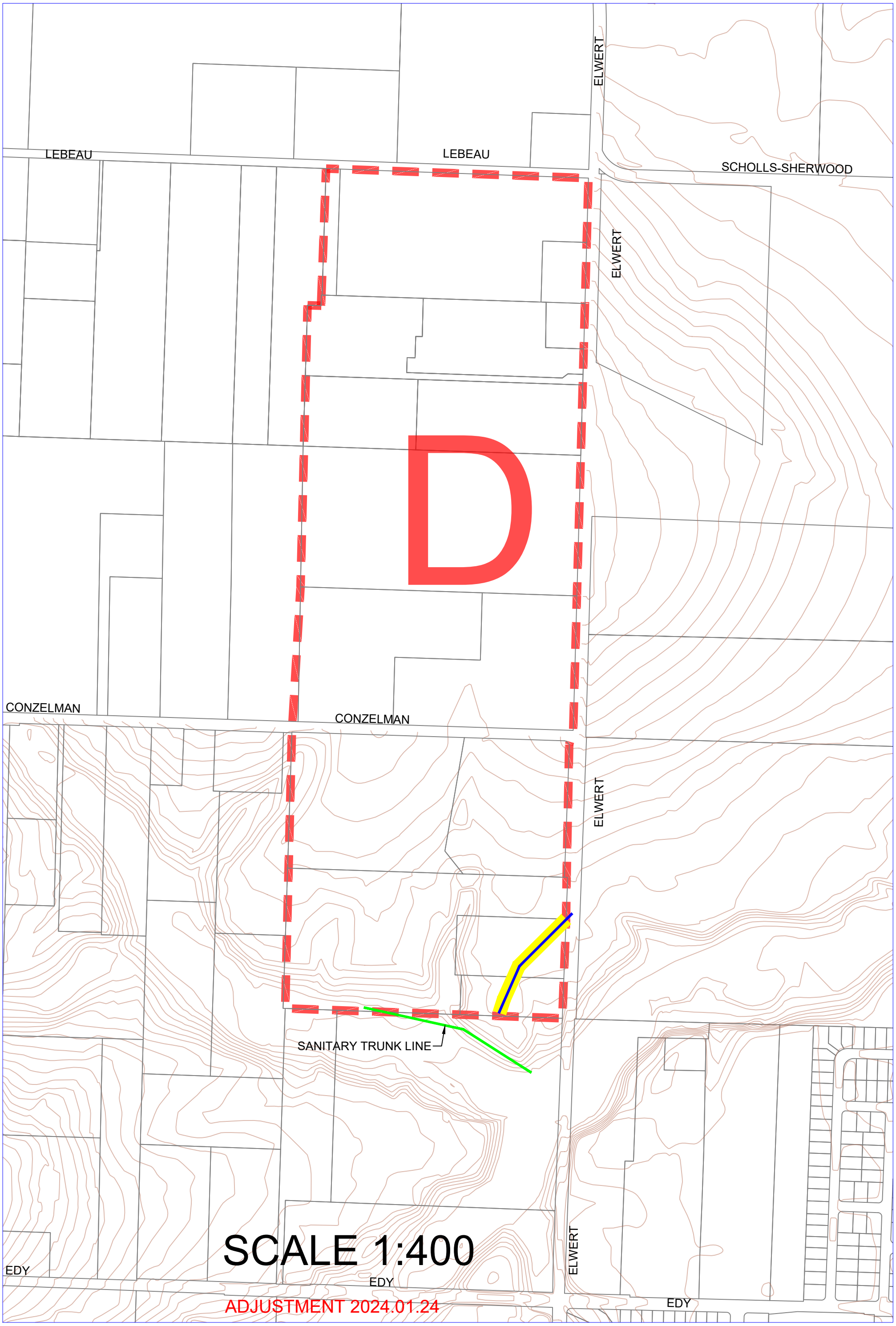
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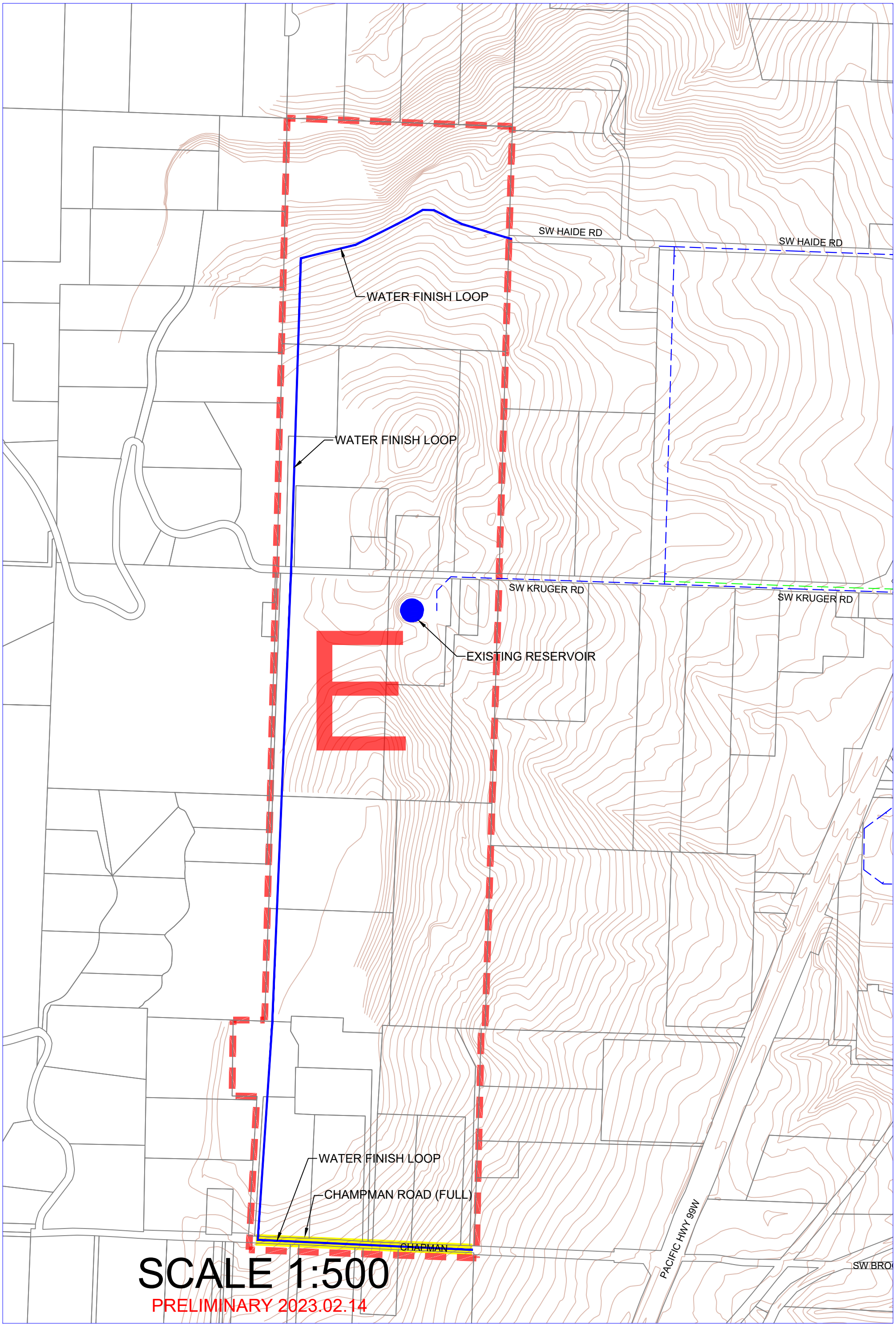
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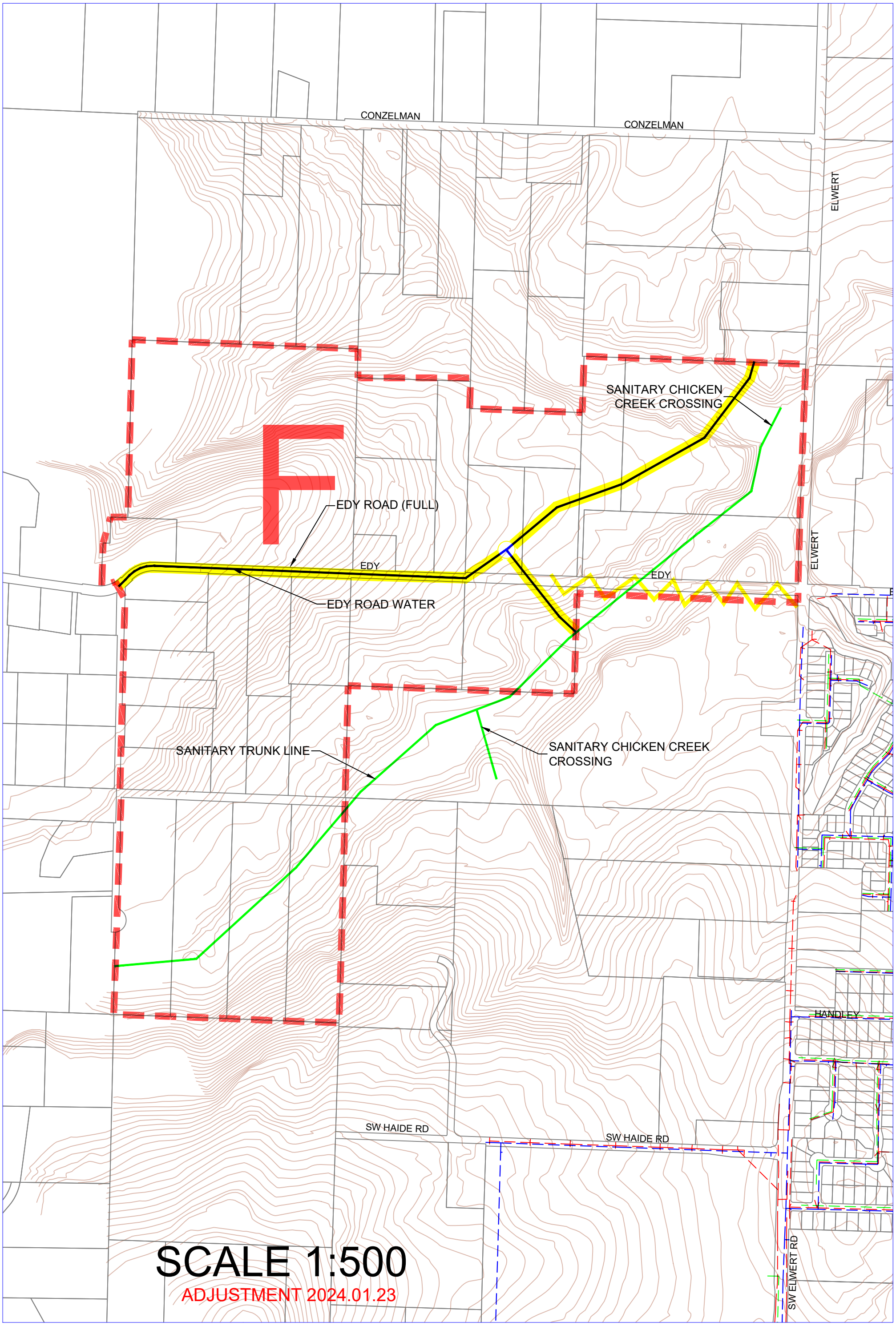
Attachment A



Attachment A



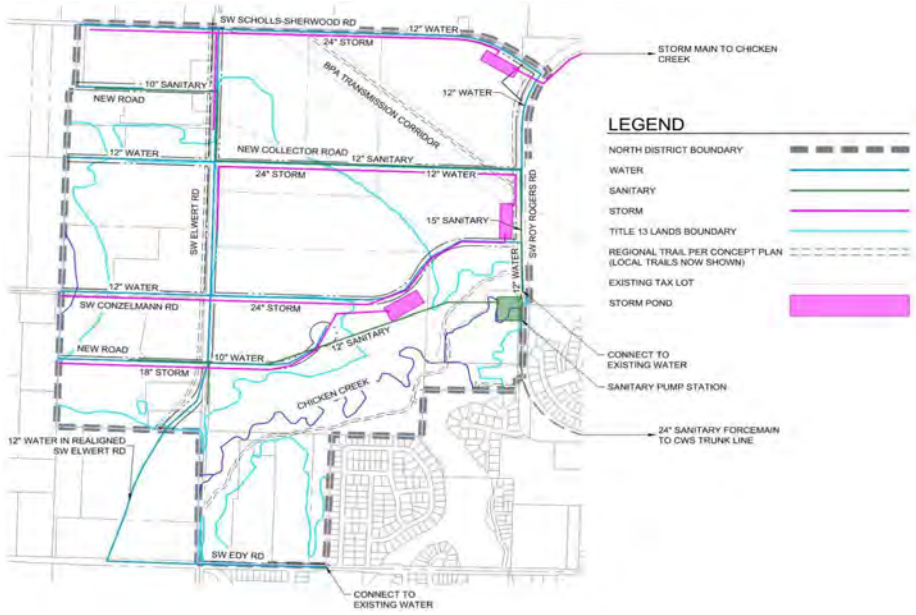
Attachment A



MACKENZIE.

## Sherwood West - North District

City of Sherwood
Public Infrastructure Summary




### Water Distribution

*Existing Water Infrastructure*

Nearest Water Location: **Eastern and Southern boundaries of Sherwood West**
Water Provider: **City of Sherwood**
Water Service Area: **380 West Zone**
Distance to Site: **Adjacent to East and South**

*Proposed Water Improvements*

| Pipe Size | Pipe Length | Unit Cost | Total Cost |
|---|---|---|---|
| 10" | 2,700 LF | $350 | $ 945,000 |
| 12" | 13,100 LF | $400 | $ 5,240,000 |
| * 12" | 11,400 LF | $400 | $ 4,560,000 |

**Total Water Improvements Cost: $ 10,745,000**

*Other Water Notes:*

* Indicates priority improvements to be constructed with or prior to initial development.

*Water Design:* 12 months
*Water Permit / Construction:* 18 months

### Sanitary Sewer

*Existing Sewer Infrastructure*

Nearest Sewer Location: **OR-99W CWS Trunk Line**
Sewer Provider: **City of Sherwood**
Sewer Service Basin: **Cedar Creek Basin**
Distance to Site: **18,000 LF**

*Proposed Sewer Improvements*

| Pipe Size | Pipe Length | Unit Cost | Total Cost |
|---|---|---|---|
| 10" | 3,000 LF | $275 | $ 825,000 |
| 12" | 5,500 LF | $350 | $ 1,925,000 |
| * 15" | 1,200 LF | $375 | $ 450,000 |
| * 24" FM | 18,000 LF | $350 | $ 6,300,000 |
| * Pump Station | 10.5 MGD | $825,000 | $ 8,662,500 |

**Total Sanitary Sewer Improvements Cost: $18,162,500**

*Other Sewer Notes:*

Forcemain to OR-99W 42" gravity main is required per CWS East Basin master plan.
Cost estimates for 24" FM and Chicken Creek pump station are from CWS master plan, project DU21C-27a.
* Indicates priority improvements to be constructed with or prior to initial development.

*Sewer Design:* 18 months
*Sewer Permit / Construction:* 24 months

### Storm Drainage

*Existing Storm Infrastructure*

Nearest Storm Location: **Chicken Creek**
Storm Provider: **City of Sherwood**
Storm System Outfall: **Chicken Creek**
Distance to Site: **Adjacent to South**

*Proposed Storm Improvements*

| Pipe Size | Pipe Length | Unit Cost | Total Cost |
|---|---|---|---|
| 18" | 3,200 LF | $400 | $ 1,280,000 |
| 24" | 12,300 LF | $425 | $ 5,227,500 |
| 30" | 2,200 LF | $500 | $ 1,100,000 |
| Pond: | 9.5 ac | $350,000 | $ 3,325,000 |

**Total Storm Improvements Cost: $ 10,932,500**

*Other Storm Notes:*

Majority of area drains to Chicken Creek. Small portion in the north drains to the Tualatin River.

* Indicates priority improvements to be constructed with or prior to initial development.

*Storm Design:* 12 months
*Storm Permit / Construction:* 18 months

*Proposed Transportation Improvements*

| Description | Size | Length | Unit Cost | Total Cost | Design | Permitting & Construction |
|---|---|---|---|---|---|---|
| Widen Scholls-Sherwood Road | 1 Lane 1 Frontage | 4,400 ft | $2,000 | $ 8,800,000 | 6 months | 12 months |
| Northern collector street | 2 Lanes Full Street | 4,100 ft | $2,000 | $ 8,200,000 | 12 months | 12 months |
| Southern collector street | 2 Lanes Full Street | 4,400 ft | $2,000 | $ 8,800,000 | 12 months | 18 months |
| Neighborhood Road | 2 Lanes Full Street | 2,600 ft | $2,000 | $ 5,200,000 | 9 months | 9 months |
| NW Collector street | 2 Lanes Full Street | 1,300 ft | $2,000 | $ 2,600,000 | 6 months | 9 months |
| Elwert Road southern realignment | 2 Lanes Full Street | 750 ft | $3,000 | $ 2,250,000 | 6 months | 12 months |
| Elwert Road removal to Edy Rd | 2 Lanes Removal | 2,000 ft | $500 | $ 1,000,000 | 6 months | 12 months |
| Widen Elwert Road | 1 Lane 2 Frontage | 3,400 ft | $2,000 | $ 6,800,000 | 6 months | 12 months |
| Widen Roy Rogers Road | 1 Lane 1 Frontage | 5,400 ft | $2,000 | $ 10,800,000 | 12 months | 12 months |
| Widen Edy Road | 1 Lane | 1,100 ft | $2,000 | $ 2,200,000 | 9 months | 12 months |
| Intersection Improvements (Signals) | | 5 EA | $1,500,000 | $ 7,500,000 | 6 months | 12 months |

**Total Transportation Improvement Cost: $ 64,150,000**

Note: transportation improvement construction estimates based on unit costs provided by Washington County and City of Sherwood, January 31, 2024

Mackenize Project No. 2230332.00

Revision Date: 2/9/2024

MACKENZIE.

# Sherwood West - Regional Trails

City of Sherwood
Public Infrastructure Summary

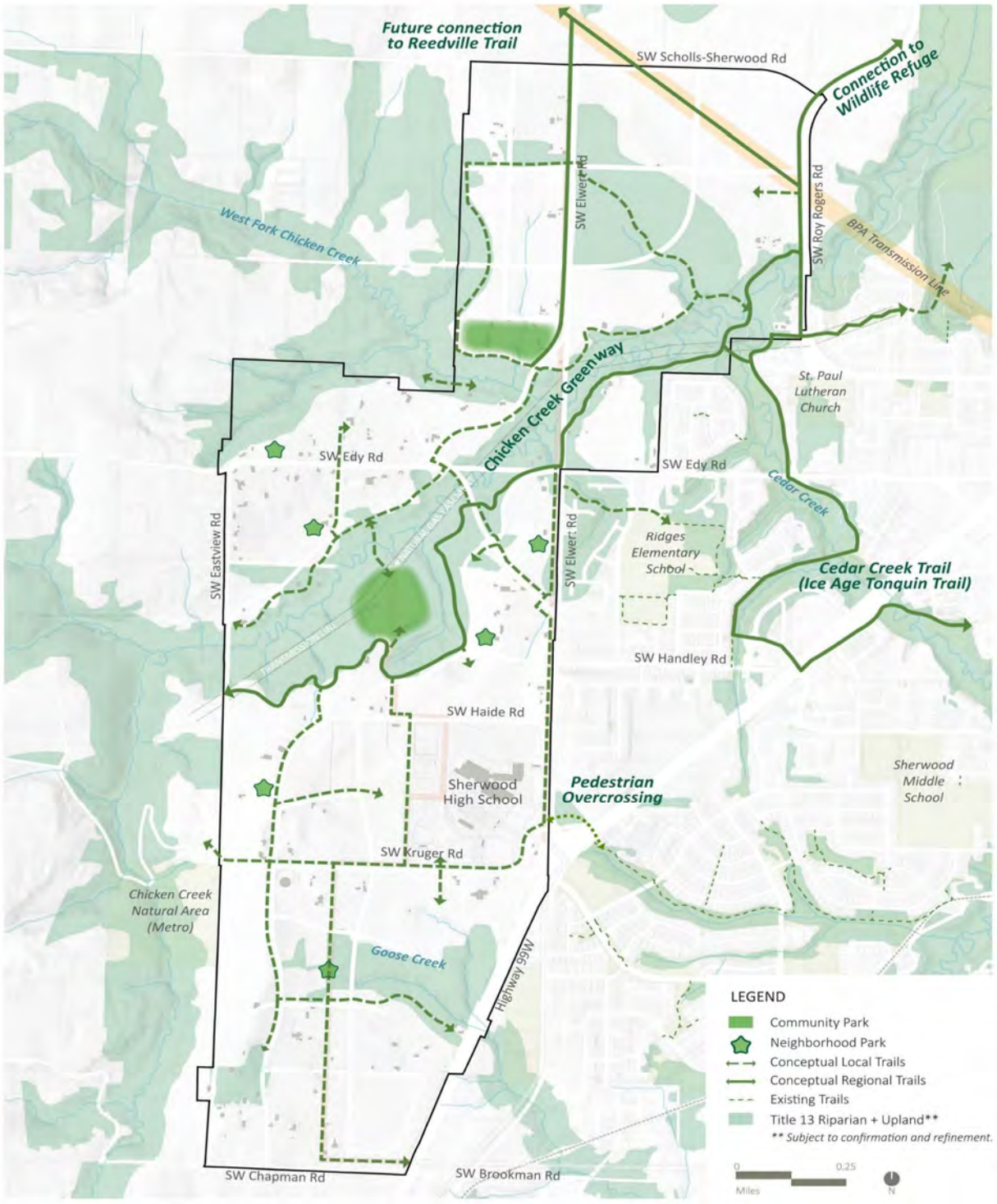



*Image source: Sherwood West Concept Plan, July 2023*

*Proposed Regional Trail Improvements*

| Description | Length | Unit Cost | Total Cost | Design & Permitting | Construction |
|---|---|---|---|---|---|
| 12' Regional Trail (North District) | 12,600 ft | $400 | $ 5,040,000 | 6 months | 9 months |
| 12' Regional Trail (West District) | 7,700 ft | $400 | $ 3,080,000 | 6 months | 9 months |
| Bridge (West District) | 1 EA | $300,000 | $ 300,000 | 6 months | 9 months |
| Boardwalk Segments (West District) | 600 ft | $650 | $ 390,000 | 6 months | 9 months |
| **Total Regional Trail Improvement Cost:** | | | **$8,810,000** | | |

# CONSTRUCTION ECONOMICS

## ENR's 20-city average cost indexes, wages and material prices. Historical data and details for ENR's 20 cities can be found at ENR.com/economics

### Construction Cost Index

ANNUAL INFLATION RATE

**+3.8%**

APR. 2021

| 1913=100 | INDEX VALUE | MONTH | YEAR |
|---|---|---|---|
| CONSTRUCTION COST | 11849.31 | +0.8% | +3.8% |
| COMMON LABOR | 24253.88 | +0.4% | +1.4% |
| WAGE $/HR. | 46.59 | +0.4% | +1.4% |

The Construction Cost Index's annual escalation is up 3.8%, while the monthly component rose 0.8%

### Building Cost Index

ANNUAL INFLATION RATE

**+6.1%**

APR. 2021

| 1913=100 | INDEX VALUE | MONTH | YEAR |
|---|---|---|---|
| BUILDING COST | 6612.50 | +1.0% | +6.1% |
| SKILLED LABOR | 10805.01 | 0.0% | +1.7% |
| WAGE $/HR. | 59.73 | 0.0% | +1.7% |

The Building Cost Index is up 6.1% on an annual basis, while the monthly component increased 1.0%.

### Materials Cost Index

ANNUAL INFLATION RATE

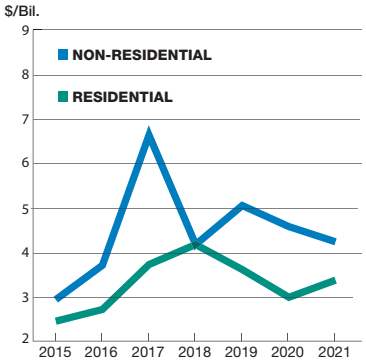
**+2.6%**

APR. 2021

| 1913=100 | INDEX VALUE | MONTH | YEAR |
|---|---|---|---|
| MATERIALS COST | 4018.82 | +2.6% | +14.0% |
| CEMENT $/TON | 151.10 | +1.0% | +3.5% |
| STEEL $/CWT | 58.68 | +1.4% | +5.0% |
| LUMBER $/MBF | 820.75 | +5.1% | +35.4% |

The MCI rose 2.6% on a monthly basis, while the annual escalation rate increased 14%.

**Construction starts in the Philadelphia metro area are expected to rise 0.6% in 2021, to $7.6 billion,** according to Dodge Data & Analytics. Dodge predicts a 17.5% decrease in non-residential construction, while residential work is expected to rise 13.1%. Office and warehouse construction are expected to decline, while single-family homes and hotel work will see increases.




SOURCE: DODGE DATA & ANALYTICS

## ENR's Cost Indexes by City

1913=100
1967=100
R=REVISED

| | CONSTRUCTION COST | | BUILDING COST | | COMMON LABOR | | SKILLED LABOR | | MATERIALS | |
|---|---|---|---|---|---|---|---|---|---|---|
| | APR '21: 1913 | % CHG. YEAR | APR '21: 1913 | % CHG. YEAR | APR '21: 1967 | % CHG. YEAR | APR '21: 1967 | % CHG. YEAR | APR '21: 1967 | % CHG. YEAR |
| ATLANTA | 7038.96 | +4.4 | 4959.08 | +7.8 | 825.83 | 0.0 | 728.97 | +2.6 | 945.46 | +13.1 |
| BALTIMORE | 9708.25 | +6.5 | 6030.69 | +12.4 | 1214.52 | 0.0 | 885.81 | +2.3 | 1012.73 | +25.4 |
| BIRMINGHAM | 7674.41 | +2.5 | 4901.32 | +4.3 | 978.68 | 0.0 | 823.99 | +0.7 | 812.84 | +8.5 |
| BOSTON | 15924.08 | +7.8 | 8400.12 | +6.1 | 1698.09 | +6.3 | 1496.53 | +2.1 | 867.67 | +16.2 |
| CHICAGO | 17124.05 | +1.3 | 8280.96 | +3.8 | 1690.57 | 0.0 | 1442.24 | +1.5 | 720.93 | +9.8 |
| CINCINNATI | 10927.74 | +7.6 | 5769.24 | +7.7 | 1077.82 | +4.8 | 907.12 | +0.8 | 860.32 | +17.9 |
| CLEVELAND | 12753.77 | +2.3 | 6396.81 | +8.0 | 1086.20 | –0.7 | 949.75 | +2.8 | 834.61 | +16.9 |
| DALLAS | 6259.18 | +5.0 | 4868.50 | +6.6 | 742.23 | 0.0 | 738.08 | 0.0 | 829.71 | +13.5 |
| DENVER | 7718.50 | +1.9 | 5320.92 | +2.8 | 818.18 | 0.0 | 854.73 | 0.0 | 781.93 | +6.7 |
| DETROIT | 12492.27 | +3.0 | 6798.44 | +6.7 | 1068.28 | 0.0 | 1020.67 | +1.5 | 785.76 | +16.6 |
| KANSAS CITY | 12028.81 | +4.4 | 6721.57 | +7.3 | 1308.17 | +0.8 | 1238.10 | +0.7 | 825.13 | +19.8 |
| LOS ANGELES | 12139.56 | +0.7 | 6436.93 | +0.8 | 1111.66 | 0.0 | 1053.90 | –0.9 | 751.18 | +4.0 |
| MINNEAPOLIS | 13389.45 | +2.5 | 6883.33 | +5.6 | 1339.26 | 0.0 | 1238.40 | +0.9 | 814.96 | +14.6 |
| NEW ORLEANS | 6652.07 | +5.1 | 4632.37 | +8.1 | 749.82 | 0.0 | 653.79 | +1.2 | 889.10 | +14.6 |
| NEW YORK CITY | 20598.65 | +1.1 | 9894.03 | +4.2 | 1626.07 | 0.0 | 1456.81 | +2.3 | 848.10 | +10.4 |
| PHILADELPHIA | 13971.72 | +4.3 | 7811.75 | +4.5 | 1538.40 | +2.9 | 1356.72 | +1.6 | 881.40 | +11.6 |
| PITTSBURGH | 11719.00 | +7.8 | 6681.94 | +9.4 | 1178.28 | +5.2 | 1027.72 | +4.6 | 781.74 | +18.4 |
| ST. LOUIS | 12763.26 | +3.2 | 6727.43 | +7.6 | 1096.32 | 0.0 | 1029.32 | +2.2 | 927.99 | +17.4 |
| SAN FRANCISCO | 13157.41 | +2.7 | 7863.57 | +4.5 | 1046.50 | 0.0 | 1091.49 | 0.0 | 1006.58 | +12.9 |
| SEATTLE | 12945.18 | +6.6 | 6870.90 | +7.1 | 1210.11 | +6.0 | 1195.72 | +5.9 | 933.67 | +9.5 |

# CONSTRUCTION ECONOMICS

ENR's 20-city average cost indexes, wages and materials prices. Historical data for ENR's 20 cities can be found at ENR.com/economics

## Construction Cost Index

ANNUAL INFLATION RATE

+2.6% DEC. 2023

| 1913=100 | INDEX VALUE | MONTH | YEAR |
|---|---|---|---|
| CONSTRUCTION COST | 13514.76 | 0.0% | +2.6% |
| COMMON LABOR | 25080.22 | 0.0% | +1.8% |
| WAGE $/HR. | 48.30 | 0.0% | +1.8% |

The Construction Cost Index's annual escalation rose 2.6%, while the monthly component held steady.

## Building Cost Index

ANNUAL INFLATION RATE

+3.8% DEC. 2023

| 1913=100 | INDEX VALUE | MONTH | YEAR |
|---|---|---|---|
| BUILDING COST | 8272.36 | +0.1% | +3.8% |
| SKILLED LABOR | 11697.70 | 0.0% | +3.4% |
| WAGE $/HR. | 64.60 | 0.0% | +3.4% |

The Building Cost Index was up 3.8% on an annual basis, while the monthly component rose 0.1%.

## Materials Cost Index

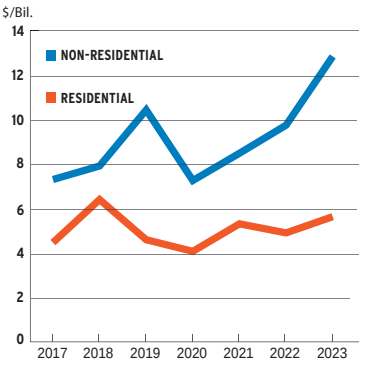
MONTHLY INFLATION RATE

+0.1% DEC. 2023

| 1913=100 | INDEX VALUE | MONTH | YEAR |
|---|---|---|---|
| MATERIALS COST | 6150.35 | +0.1% | +4.4% |
| CEMENT $/TON | 211.76 | +2.1% | +21.6% |
| STEEL $/CWT | 99.19 | –0.6% | +7.8% |
| LUMBER $/MBF | 1072.26 | –0.1% | –2.1% |

The Materials Cost Index rose 0.1% this month, while the annual escalation rate increased 4.4%.

Construction starts in the Boston metro area are expected to rise 25.5% in 2023, to $18.6 billion, according to Dodge Construction Network. Dodge predicts a 31.6% increase in non-residential starts, while residential is expected to rise 13.5%. Hotel and health care starts are expected to increase, while office work is predicted to drop.




SOURCE: DODGE CONSTRUCTION NETWORK

## ENR's Cost Indexes by City

1913=100
1967=100
R=REVISED

| | CONSTRUCTION COST | | BUILDING COST | | COMMON LABOR | | SKILLED LABOR | | MATERIALS | |
|---|---|---|---|---|---|---|---|---|---|---|
| | DEC '23: 1967 | % CHG. YEAR | DEC '23: 1967 | % CHG. YEAR | DEC '23: 1967 | % CHG. YEAR | DEC '23: 1967 | % CHG. YEAR | DEC '23: 1967 | % CHG. YEAR |
| ATLANTA | 8217.17 | –4.6 | 6272.56 | –5.4 | 825.83 | 0.0 | 770.13 | +1.4 | 1380.10 | –9.5 |
| BALTIMORE | 10490.51 | –6.5 | 7143.23 | –8.8 | 1214.52 | 0.0 | 980.21 | +1.3 | 1283.00 | –16.5 |
| BIRMINGHAM | 8653.91 | –2.0 | 6018.33 | –2.4 | 978.68 | 0.0 | 868.43 | +0.9 | 1151.58 | –4.9 |
| BOSTON | 17736.92 | –0.4 | 10194.29 | +0.8 | 1756.25 | 0.0 | 1609.60 | +2.6 | 1318.55 | –1.9 |
| CHICAGO | 20105.48 | +10.3 | 10175.12 | +6.2 | 1859.31 | +10.0 | 1536.02 | +3.2 | 1172.52 | +11.4 |
| CINCINNATI | 12629.61 | +4.9 | 7635.32 | +8.9 | 1077.82 | 0.0 | 953.18 | +1.0 | 1441.16 | +16.2 |
| CLEVELAND | 14480.68 | +5.8 | 8134.18 | +10.9 | 1095.01 | 0.0 | 972.70 | 0.0 | 1378.68 | +23.7 |
| DALLAS | 7757.88 | +1.8 | 6368.27 | +2.2 | 742.23 | 0.0 | 738.52 | 0.0 | 1320.59 | +3.5 |
| DENVER | 9285.75 | +7.8 | 7198.79 | +10.6 | 818.18 | 0.0 | 943.19 | +0.4 | 1310.49 | +21.0 |
| DETROIT | 13673.70 | –0.3 | 8231.00 | +2.9 | 1078.49 | 0.0 | 1104.00 | +6.5 | 1119.59 | –1.2 |
| KANSAS CITY | 13901.25 | +4.7 | 8212.88 | +4.8 | 1390.03 | +3.7 | 1300.95 | +2.6 | 1234.35 | +7.4 |
| LOS ANGELES | 15257.92 | +11.7 | 8541.63 | +7.3 | 1287.67 | +15.8 | 1193.11 | +13.2 | 1274.26 | +0.6 |
| MINNEAPOLIS | 14367.74 | +2.2 | 8328.76 | +5.2 | 1339.26 | 0.0 | 1371.67 | +2.3 | 1128.67 | +9.4 |
| NEW ORLEANS | 7729.80 | –2.6 | 6337.51 | –2.2 | 749.82 | 0.0 | 848.69 | +2.5 | 1268.13 | –5.4 |
| NEW YORK CITY | 22480.00 | +2.8 | 11824.32 | +7.2 | 1663.39 | 0.0 | 1547.48 | +2.3 | 1368.11 | +18.8 |
| PHILADELPHIA | 15966.73 | +3.0 | 9322.89 | +6.2 | 1637.07 | 0.0 | 1421.38 | +1.3 | 1335.92 | +14.6 |
| PITTSBURGH | 12921.81 | +3.8 | 8174.95 | +8.2 | 1178.28 | 0.0 | 1099.94 | +3.5 | 1150.19 | +14.4 |
| ST. LOUIS | 13948.95 | –0.2 | 7974.69 | +0.4 | 1112.34 | 0.0 | 1082.07 | +1.3 | 1293.68 | –0.7 |
| SAN FRANCISCO | 15515.00 | +3.6 | 10767.24 | +11.2 | 1076.13 | +2.8 | 1277.98 | +17.1 | 1704.37 | +5.2 |
| SEATTLE | 15174.36 | +0.4 | 8591.26 | +0.7 | 1314.48 | 0.0 | 1302.87 | 0.0 | 1444.00 | +1.6 |

# SHERWOOD WEST REFINEMENT STUDY UPDATE WORK SESSION

February 20, 2024

Eric Rutledge, Community Development Director

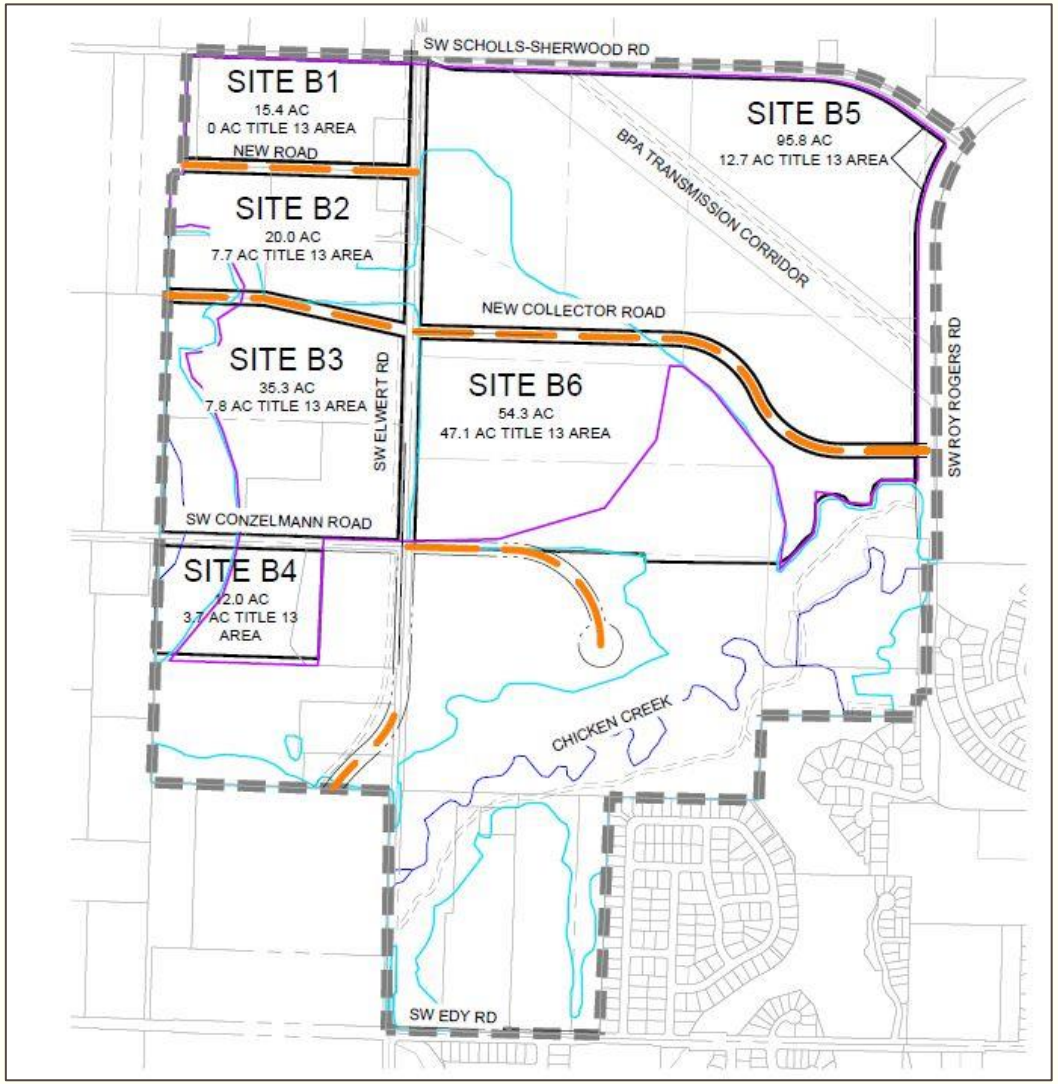
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## Purpose

- Evaluate opportunity for large site creation within the mixed-employment zone
- Evaluate opportunities for target industries
- Refine infrastructure design and cost estimates for the North District
- Update cost and revenue projects for entire Sherwood West study area



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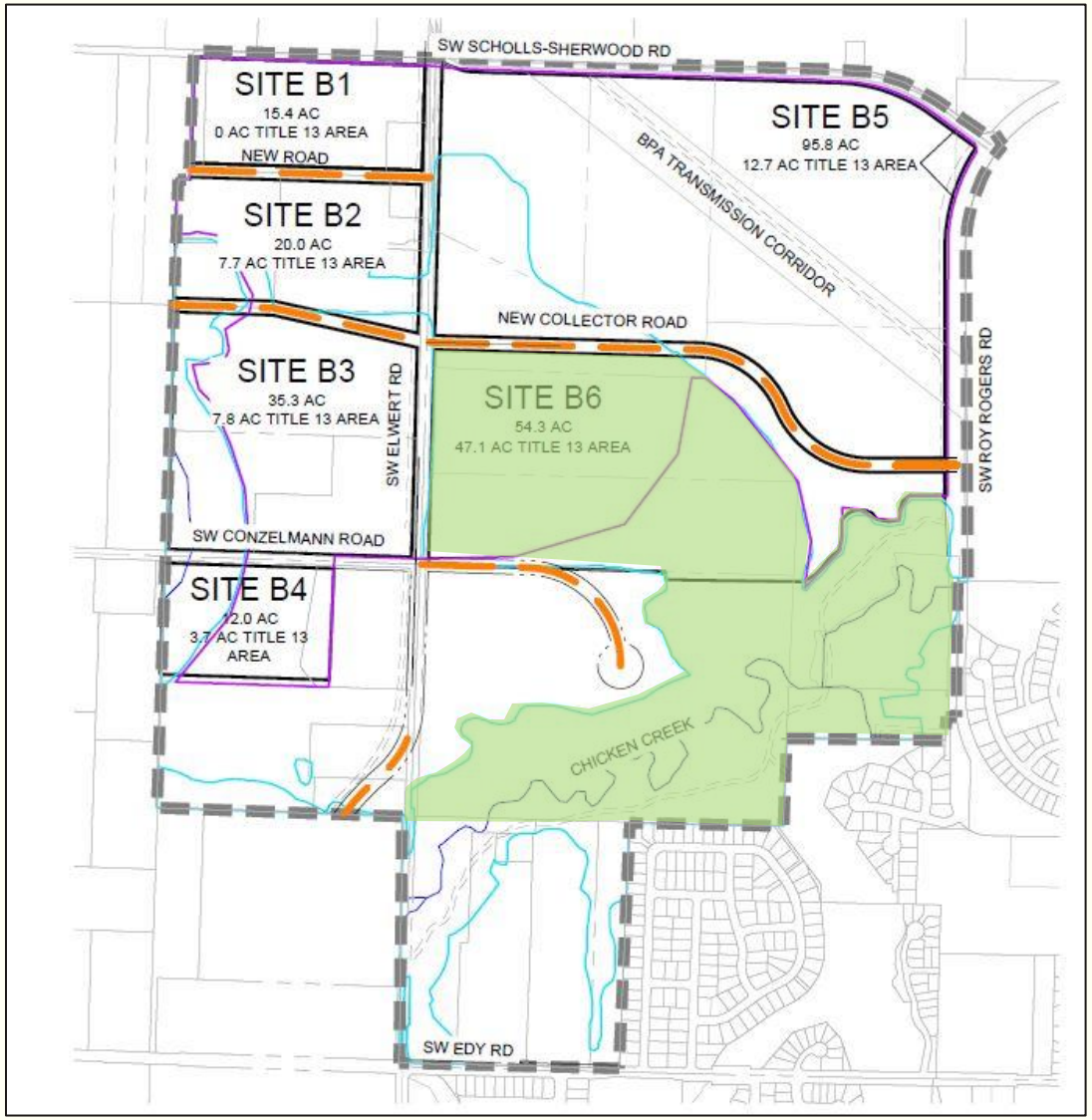
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| **Revenues to City of Sherwood** | City SDC | City SDC | CWS RCC | City SDC | City SDC | City SDC | County TDT | | |
| North ("C" & "D") | $6,151,837 | $921,150 | $3,946,841 | $2,070,650 | $7,319,177 | $2,774,549 | $15,673,044 | $38,857,249 | $19,237,364 |
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- Mixed Employment lot coverage (100% reduced to 35%) – addressed Washington County comment not previously addressed
- Added SDC / TDT Revenue for schools
- Removed duplicate storm costs
- Added costs for parks based on 2021 Parks Master Plan

# PRELIMINARY STREET LAYOUT



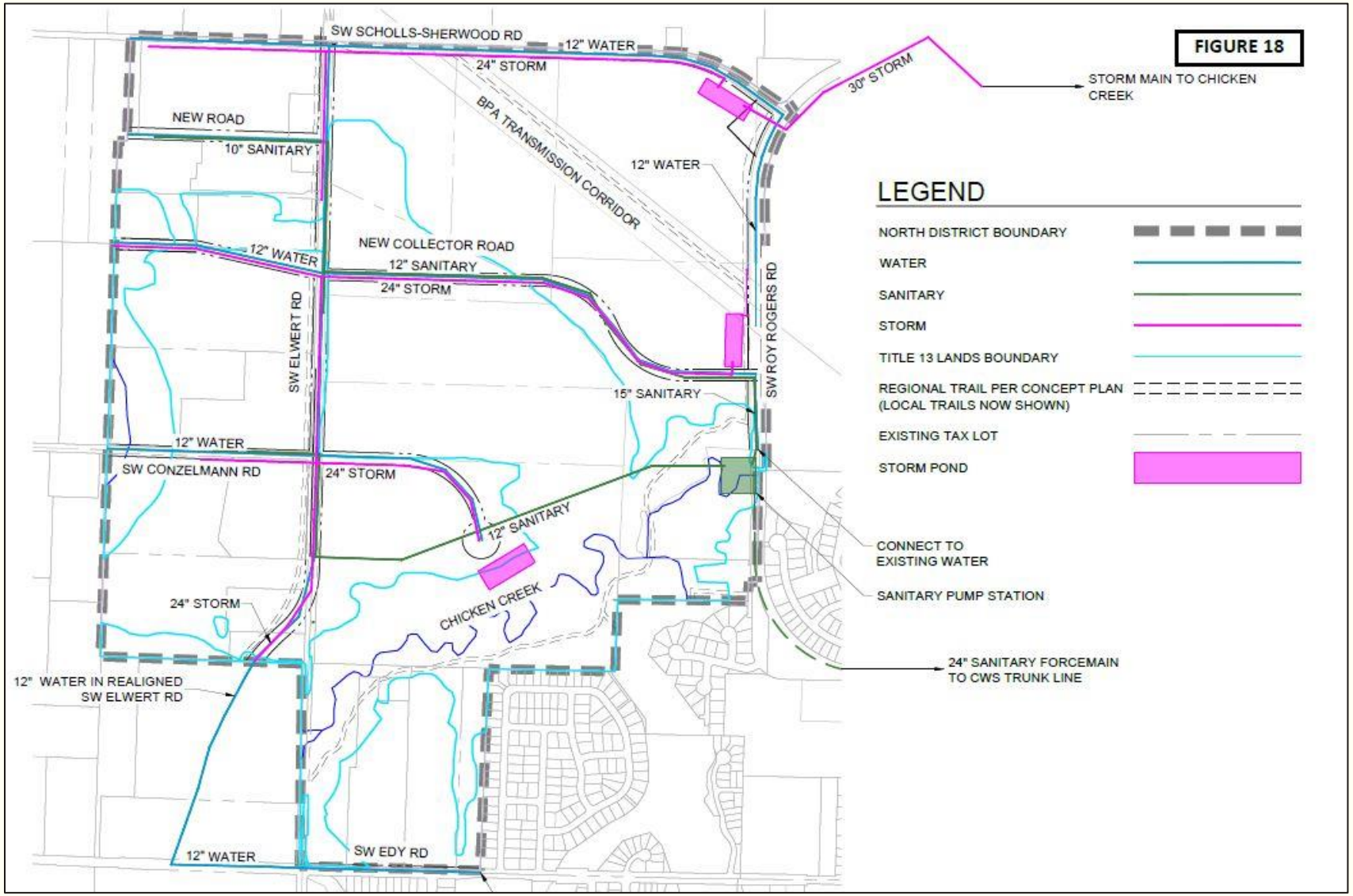

## Scenario B Street Plan

- New collector between Elwert and Roy Rogers
- Avoids Upland Habitat

## Parcel Size

- 95 AC site east of Elwert Rd.
- 12 AC – 35 AC sites west of Elwert Rd.

# PRELIMINARY UTILITY LAYOUT



# KEY INFRASTRUCTURE IMPROVEMENTS

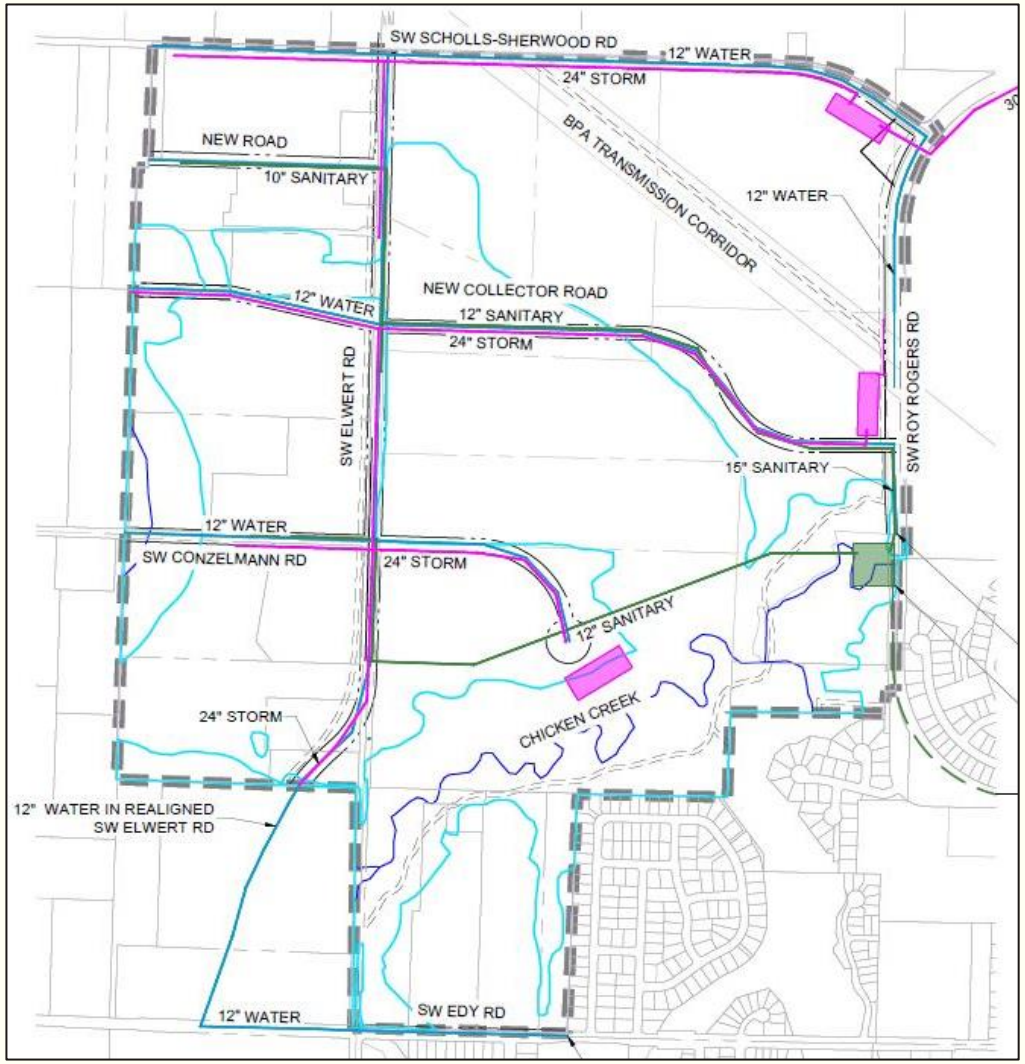
Key infrastructure improvements

Transportation
- Roy Rogers / Scholls Sherwood, Elwert / Scholls Sherwood, Elwert widening, new collector

Water
- Looped 12” system

Sewer
- Pump station, force main within Roy Rogers and Highway 99W

Storm
- Regional system with development



# TARGET INDUSTRY ASSESSMENT

**Manufacturing –** technology and advanced manufacturing, machinery, clean technology

**Professional and Business Services –** software and media, clean technology, athletics and outdoors

- Site sizes range from 12 – 95 AC which is appropriate for target industries, no sites over 100 AC
- Generally flat land, some slopes over 10% on west side of Elwert Rd.

**Recommendations to attract targeted industries**

- Implement strategies for creating and protecting large sites
- Complete Economic, Social, Environmental, and Energy (ESEE) analysis to determine value of upland habitat
- Engage with PGE and NW Natural to address energy needs
- Coordinate with Sherwood Broadband and other communication providers for communication needs

# NEXT STEPS

| | |
|---|---|
| March 5 | City Council Hearing – resolution accepting the refinement study, updated Concept Plan, and IGA with Washington County for transportation |

# SHERWOOD WEST REFINEMENT STUDY UPDATE WORK SESSION

February 20, 2024

Eric Rutledge, Community Development Director

## Katie Corgan

**From:** Sylvia Murphy
**Sent:** Monday, February 19, 2024 10:29 AM
**To:** Katie Corgan
**Subject:** FW: Sherwood West Refinement Study Work Session - 2/20/2024 Council Mtg. Materials
**Attachments:** Sherwood West Presentation 2-20-24v2.pdf

Kayie, see attached and below email for the 2/20/24 Council meeting record.

*Sylvia Murphy, MMC, City Recorder*
*Murphys@Sherwoodoregon.gov*
*Ph: 503-625-4246*

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**From:** Eric Rutledge <RutledgeE@SherwoodOregon.gov>
**Sent:** Friday, February 16, 2024 3:53 PM
**To:** City Council <CityCouncilDistribution@sherwoodoregon.gov>
**Cc:** Joy Chang <ChangJ@SherwoodOregon.gov>; Bruce Coleman <ColemanB@SherwoodOregon.gov>
**Subject:** RE: Sherwood West Refinement Study Work Session

Hi Councilors,

Here's an updated presentation on this topic with a few slides on SB 1573 currently being considered by the state legislature. We'll discuss how the mandatory adjustments section of the bill may impact housing development in Sherwood West.

Link to latest version of SB 1537 – see adjustments section that starts on page 38:
https://olis.oregonlegislature.gov/liz/2024R1/Downloads/ProposedAmendment/25809

Thank you,

Eric Rutledge
City of Sherwood
Community Development Director
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Work Cell 971.979.2315

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**From:** Eric Rutledge
**Sent:** Friday, February 16, 2024 9:01 AM
**To:** City Council <CityCouncilDistribution@sherwoodoregon.gov>
**Cc:** Joy Chang <ChangJ@SherwoodOregon.gov>; Bruce Coleman <ColemanB@SherwoodOregon.gov>
**Subject:** Sherwood West Refinement Study Work Session

Hi City Council,

Please see attached material for our Sherwood West Refinement Study work session on Tuesday. Looking forward to the meeting.

Thank you,

Eric Rutledge
City of Sherwood

2/20/2024 Date | City Council Gov. Body
WS Agenda Item | E Exhibit #

Community Development Director
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Work Cell 971.979.2315

# SHERWOOD WEST REFINEMENT STUDY UPDATE WORK SESSION

February 20, 2024

Eric Rutledge, Community Development Director

# SHERWOOD WEST SCHEDULE

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# PROPOSED SB 1573 (2024 SHORT SESSION)

Section 38 – Mandatory adjustments to housing development standards for:

- Net new housing units (i.e. not a remodel)
- Single family, mixed-use residential, manufactured dwellings parks, accessory dwellings units, middle housing
- 17 units per acre (net)

Application must state that one of the following criteria apply:

- Adjustment will enable housing that is not otherwise feasible due to cost or delay
- Adjustment will enable housing that reduces the sale or rental price per unit
- Adjustment will increase the number of units within the application

# PROPOSED SB 1573 (2024 SHORT SESSION)

Allowed adjustments:

- Side or rear setback of 10%
- Open space / common area of up to 25%
- Parking minimums
- Minimum lot sizes up to 10%
- Building height maximums of one story or 20%, whichever is greater
- Unit density maximums, to account for other adjustments
- Prohibition of residential uses on the ground floor of a mixed-use building, with the exception of one face of the building that faces the street and is within 20 ft. of the street

# PROPOSED SB 1573 (2024 SHORT SESSION)

Allowed adjustments continued:

- Façade materials
- Façade articulation
- Roof forms and materials
- Entry and garage door materials
- Window materials
- Total window area up to 30%
- Building orientation
- Requirements for balconies and porches
- Requirements for recesses and offsets

# PROPOSED SB 1573 (2024 SHORT SESSION)

Exemption for local governments that can demonstrate:

- Local code allows adjustments for all housing types contained in adjustments section of bill AND
- Local code allows adjustments for all standards in adjustments section of bill AND
- City has approved has approved 90% of adjustment requests for housing in last 5 years OR
- City has adjustment process that is flexible and accommodates housing project needs as demonstrated by testimonials of housing developers who have used the process in the last 5 years

- Exemption status can be revoked upon complaint from developer and review by state of compliance status

# PROPOSED SB 1573 (2024 SHORT SESSION)

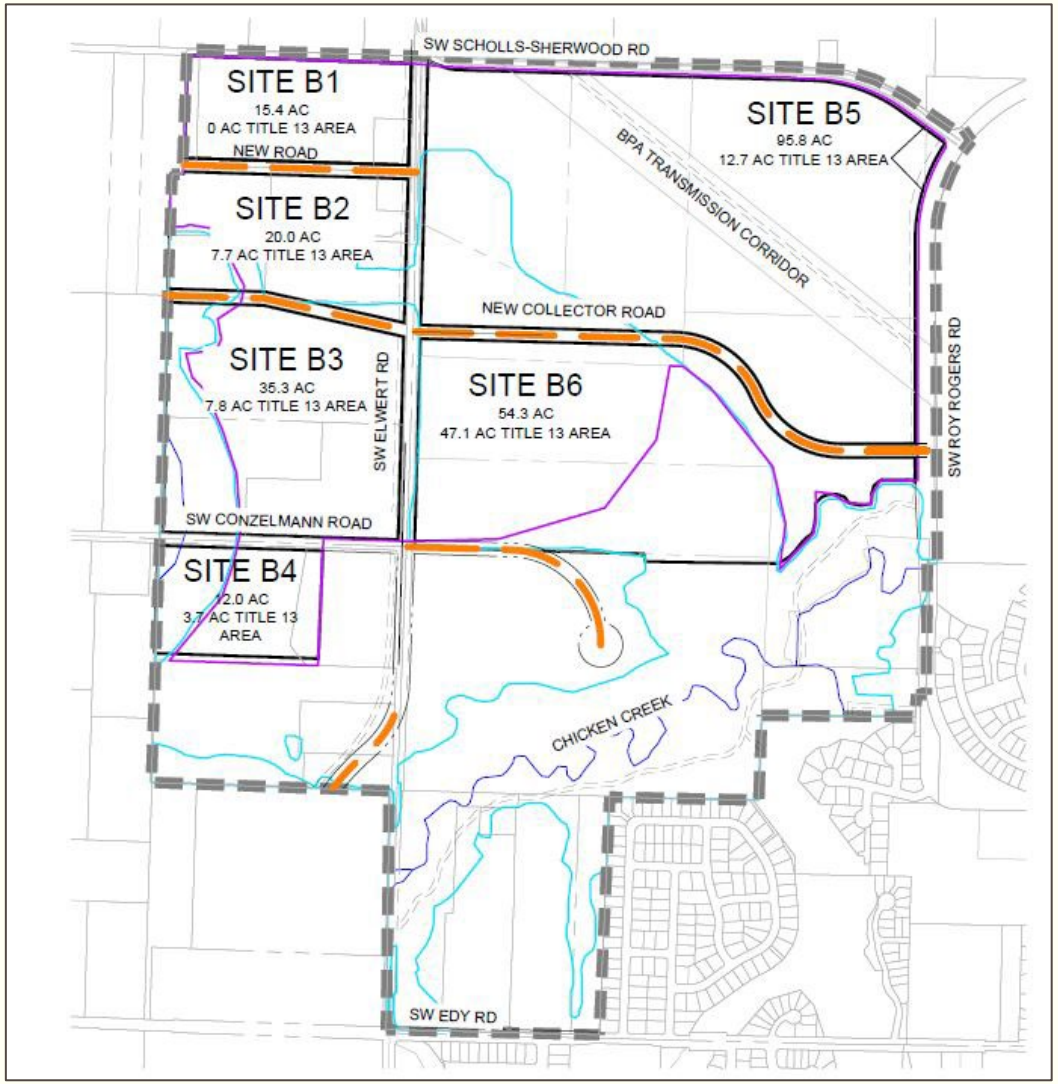
Table 4. Sherwood West Housing Estimates

| | Density Range (Net) | Total Acres (Net) | *% of Residential Acres* | Total Housing Units (with % of Middle Housing in Neighborhood areas) 0% MH | 10% MH | 20% MH | 50% MH |
|---|---|---|---|---|---|---|---|
| Multi-Family | 16.8 to 24 | 33 | *10%* | 798 | 798 | 798 | 798 |
| Middle Housing | 5.5 to 11 | 16 | *5%* | 173 | 173 | 173 | 173 |
| Cottage Cluster | 12.8 to 16 | 23 | *7%* | 362 | 362 | 362 | 362 |
| Med/High Density Nbhd | 5.5 to 11 | 23 | *7%* | 248 | 279 | 311 | 406 |
| Medium-Density Nbhd | 5.6 to 8 | 102 | *30%* | 816 | 990 | 1,163 | 1,683 |
| Low-Density Nbhd | 3.5 to 5 | 144 | *42%* | 720 | 1,008 | 1,296 | 2,160 |
| **TOTAL** | | **340** | ***100%*** | **3,117** | **3,610** | **4,103** | **5,582** |
| *Total Average Density* | | | | *9.2* | *10.6* | *12.1* | *16.4* |
| *Total Average Density with Open Space* | | | | *7.8* | *9.0* | *10.3* | *13.9* |

# SHERWOOD WEST REFINEMENT STUDY

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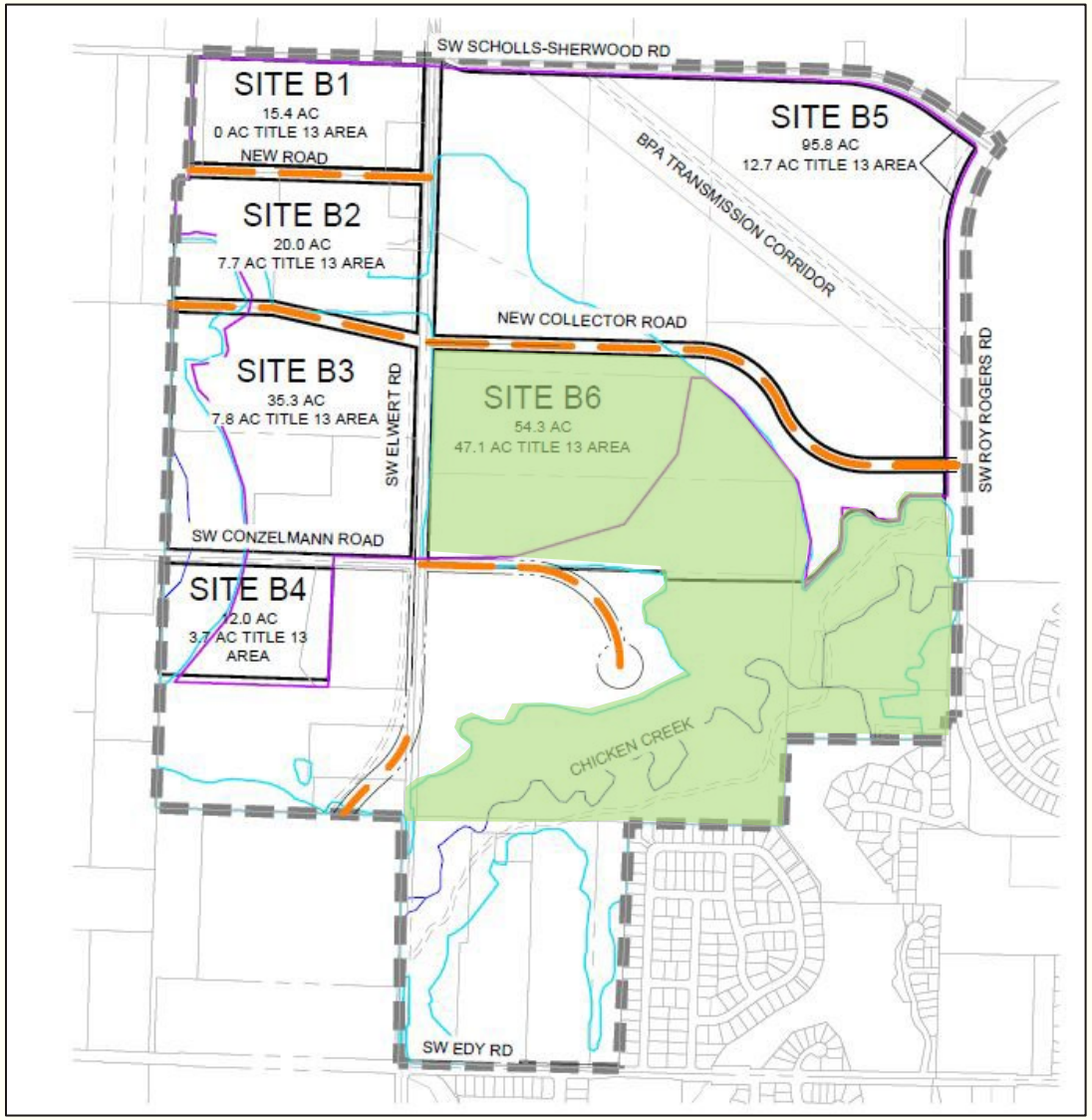
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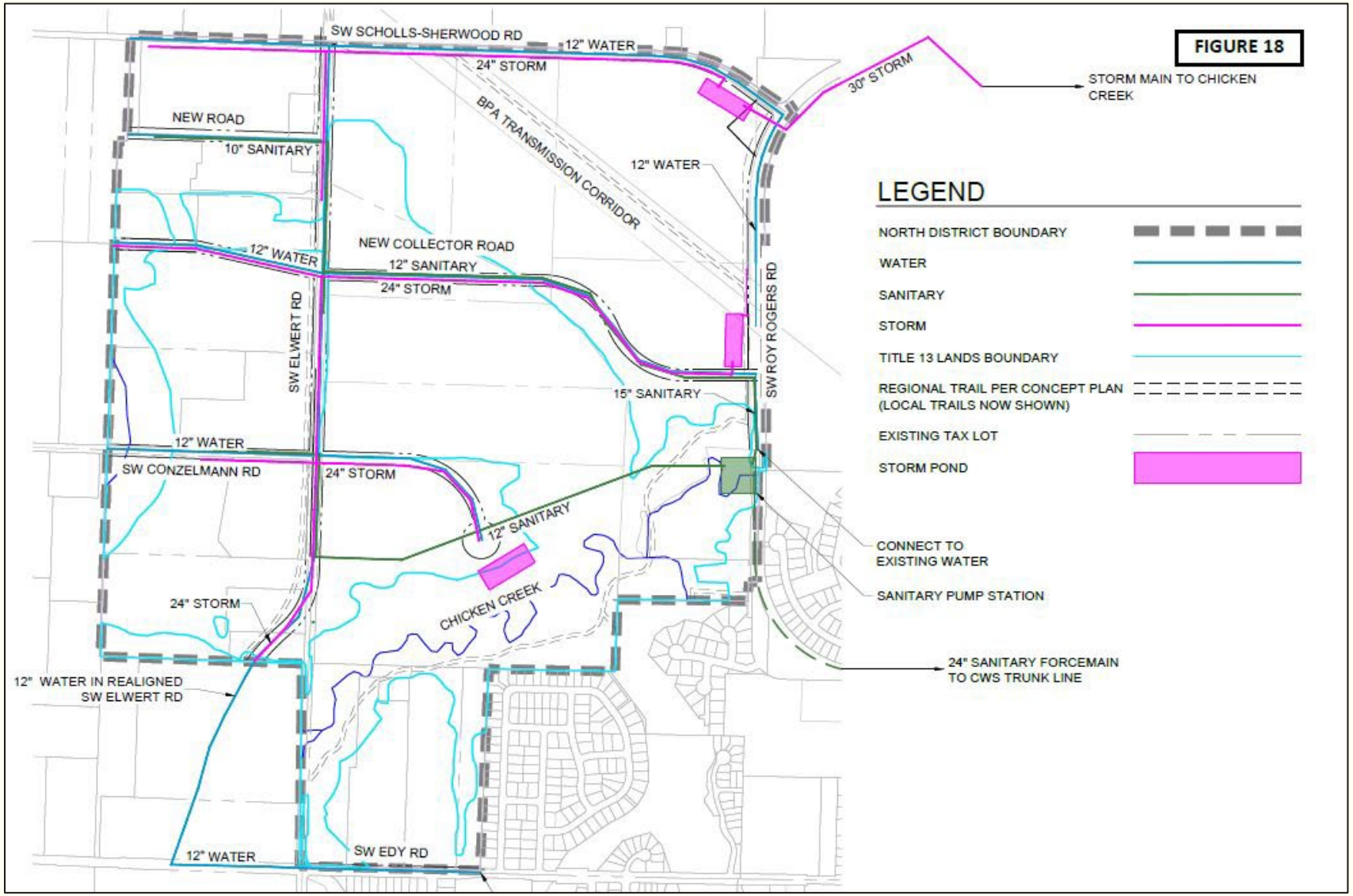

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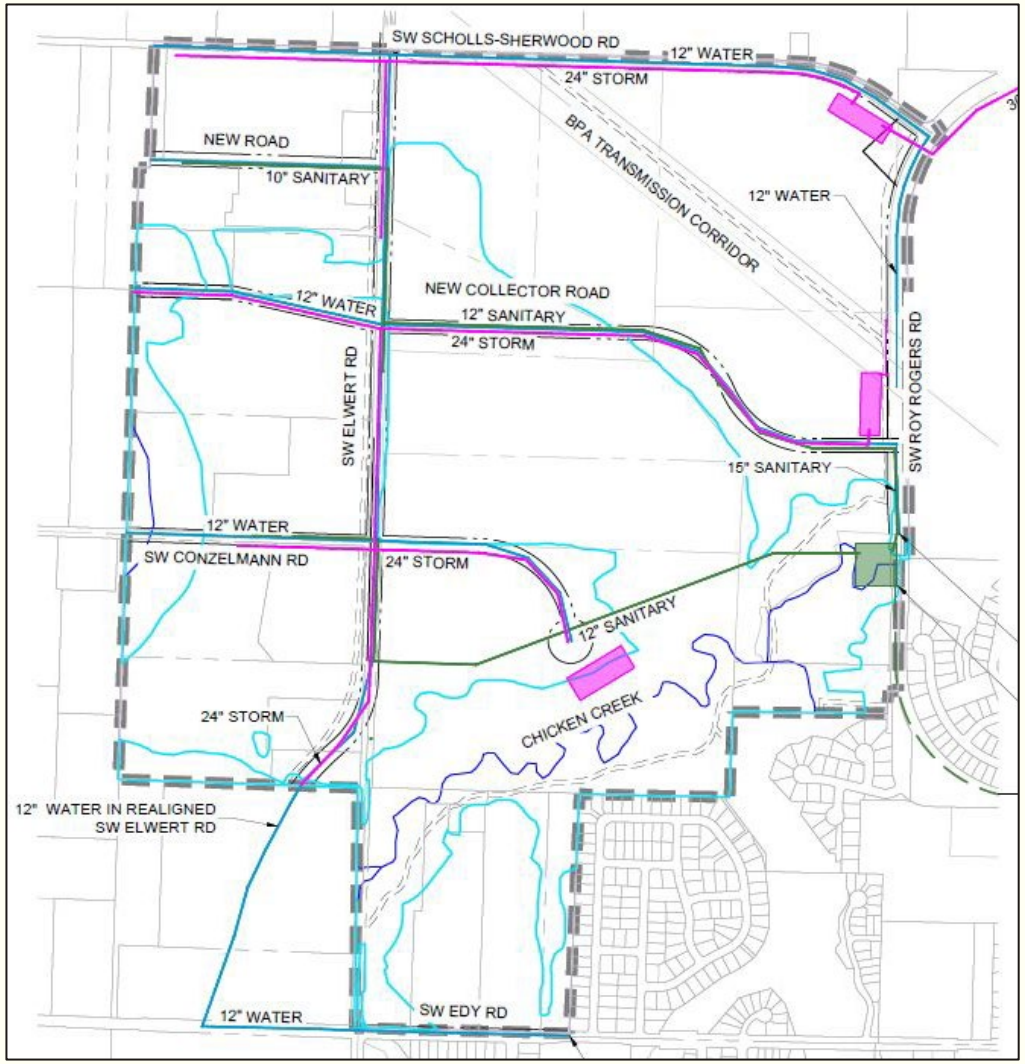
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# SHERWOOD WEST REFINEMENT STUDY UPDATE WORK SESSION

February 20, 2024

Eric Rutledge, Community Development Director

# Approved Minutes

City of Sherwood Oregon

*Home of the Tualatin River National Wildlife Refuge*

**SHERWOOD CITY COUNCIL MEETING MINUTES**
**22560 SW Pine St., Sherwood, Or**
**February 20, 2024**

## WORK SESSION

1. **CALL TO ORDER:** Council President Young called the meeting to order at 6:10 pm.

2. **COUNCIL PRESENT:** Council President Kim Young, Councilors Keith Mays, Dan Standke, Doug Scott, Taylor Giles, and Renee Brouse. Mayor Tim Rosener attended remotely.

3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Economic Development Manager Bruce Coleman, IT Director Brad Crawford, Senior Planner Joy Chang, City Engineer Jason Waters, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

4. **TOPICS:**

### A. Brookman Sanitary Trunkline Reimbursement Districts Presentation

City Engineer Jason Waters introduced Clean Water Services (CWS) representatives Andy Braun and Doug Gresham and presented the "Brookman Trunk Sewer Extension – Financing" PowerPoint presentation (see record, Exhibit A). He explained that CWS was moving forward and was ready to bid the project. He outlined that based on the size of the project, the Brookman Trunk Sewer Extension project should have been managed by the city, but because it was a new line that passed through wetlands and multiple rights-of-way, CWS would be handling the project. He stated that the city would deliver Phases 1 and 2 of the Rock Creek Trunk Capacity Upgrade project. Council President Young stated that the Brookman Sanitary Sewer Project informational documents Clean Water Services had provided prior to the meeting had been very helpful (see record, Exhibit B). CWS representative Andy Braun explained that the project encompassed over two miles of sewer extension, much of it located in a sensitive corridor, and the project would provide service to Sherwood High School, Sherwood West, and the Brookman Annexation Area. He reported that CWS was responsible for project management, project implementation, and project financing. He provided an overview of the project and reported that the Brookman Trunk Sewer was 10,000 linear feet of 12"-21" pipe and would traverse 15 properties, the Union Pacific Railroad, Highway 99W, sections of Brookman Road, Oberst Road, and Old Pacific Highway. He addressed the project schedule on page 4 of the presentation and reported that bid opening was scheduled for February 29th and a reimbursement district open house would be held on March 20th. He noted that CWS had held several other open house events and Council President Young asked if there was good attendance at the events. Mr. Braun replied that attendance had ranged from 2-30 people. He reported that the reimbursement district would be administered by CWS and noted that most of the properties were currently outside Sherwood city limits. He stated that the CWS reimbursement district public hearings would likely be held in June 2024, with an IGA between the city and CWS scheduled for July

2024, and construction would likely last from May 2024 through October 2026. He explained that after construction was complete, the restoration maintenance and monitoring phase would last from October 2025 through October 2029. Mr. Braun reported that the project was estimated to cost $12.9 million. He provided an overview of the estimated funding distribution on page 6 of the presentation and reported that 37% of the project costs would be covered by CWS via regional SDCs, 50% of the project costs would be covered by property owners via reimbursement districts, and 13% of the project costs would be covered by the City of Sherwood. He referred to the reimbursement district and stated that this would occur at the time the property owner recognized the benefit either by connection or development occurring. He noted that the percentages may change, but the IGA would lay out the costs in more detail. He outlined that in the IGA, CWS would be responsible for: the management of design and implementation of the project; acquisition of easements; regional financial obligation (collection/use of SDCs); service for unincorporated areas; adherence to principles of UPAA (Urban Planning Area Agreement); and the administration of the reimbursement district. Councilor Mays clarified that the IGA would state that CWS could not connect customers outside city limits and Mr. Braun replied that the IGA may or may not state that, but that stipulation was in the land use permit. He outlined Sherwood's obligations as: partnering in project development, review, and approval; partnering in public involvement; financial share payable at segment completion; collection of CWS reimbursement charges and forward to CWS when permitted locally; and assume local maintenance responsibilities upon ownership. Councilor Mays asked regarding the ownership of the portion of line located south of the Brookman area. Mr. Braun replied that CWS would likely retain ownership of that portion until it came into the city limits and spoke on distances between district lines and "efficiency of operations." Mayor Rosener asked for more information on CWS's pipe and build-out calculations. Mr. Braun explained that CWS used the area's full potential build-out numbers to determine appropriate pipe size. He stated they factored in urban reserve and undesignated areas and provided an overview of the service area and benefitting properties map. He referred to Basins 5, 11, and 9 and explained that those areas were tributary to the Brookman Sewer Line and were therefore factored into the sizing calculations. He clarified that the line would not be extended to those areas at this time, but it would be in the future. Mayor Rosener referred to the force main line along Roy Rogers and asked if the full build-out of the area had been factored in, and Mr. Braun replied that it had. Councilor Standke asked for clarification on what the restoration maintenance and monitory phase entailed. Mr. Gresham explained that the project traversed many sensitive areas, and those areas would need to be restored upon project completion, which CWS would manage and oversee.

**B. Sherwood West Update**

Community Development Director Eric Rutledge presented the "Sherwood West Refinement Study Update" PowerPoint presentation (see record, Exhibit C). He reported city staff would attend the Washington County Board of Commissioners work session on February 27th and provide them with an update on Sherwood West and the Sherwood West Refinement Study (see record, Exhibit D). He reported the resolution for an IGA would be presented at the March 5th City Council meeting and city staff would present the IGA and Letter of Support at the April 2nd Washington County Board of Commissioners meeting. He reported that April 5th was the deadline to submit a UGB expansion request to Metro. Councilor Scott asked if the application could be amended or rescinded after it was submitted and Mr. Rutledge replied that based on what Metro had said, that was an option. Councilor Scott referred to SB 1537 and commented that he did not know if he would be ready to move forward with the application. He stated he wanted to know the absolute deadline and Mr. Rutledge replied that he would reach out to Metro. Councilor Giles referred to SB 1537 and commented that submitting a UGB expansion request was either the right move or not, and the city needed to be ready to adapt and adjust as laws were created or amended. Councilor Scott asked regarding the option of changing the boundaries of the expansion request and Community Development Director Rutledge replied that staff had completed the majority of the application, and changing the application at this stage would make it difficult to submit the application on time. Mayor Rosener requested that staff ask Metro about being able to modify

the application if SB 1537 passed. Director Rutledge provided an overview of proposed SB 1537 and explained that Section 38 of the bill would take away the city's ability to deny housing variances. He explained that currently, the city had a great deal of discretion for being able to adjust the code. He outlined the stipulations of Section 38 as: it had to be net new housing units (i.e. not a remodel); single family, mixed-use residential, manufactured dwellings parks, accessory dwellings units, middle housing; and 17 units per acre (net). He continued that the application must state that one of the following criteria applied: adjustment would enable housing that was not otherwise feasible due to cost or delay; adjustment would enable housing that reduced the sale or rental price per unit; or adjustment would increase the number of units within the application. He commented that applicants would not need to demonstrate, only state that one of the state criteria applied. Mr. Rutledge listed the proposed allowed adjustments on page 4 of the presentation. He referred to the permitted adjustment of, "prohibition of residential uses on the ground floor of a mixed-use building, with the exception of one face of the building that faces the street and is within 20 feet of the street" and explained that while it currently stated, "mixed-use building," it was fair to interpret "mixed-use zone" instead. Director Rutledge stated that currently, all of Sherwood's Commercial Zones were mixed-use and SB 1537 would take away some of the city's ability to enforce that code section. Mayor Rosener referred to Sherwood West and clarified that SB 1537 would take away the city's ability to use mixed-use retail zones. Mr. Rutledge replied that it would apply to any zone or building that allowed mixed-use. He continued the list of the allowed adjustments on page 5 of the presentation and clarified that the city's Building Code still applied (e.g. insulation requirements, electrical code, etc.), but the exterior design standards would not be enforceable. He outlined the local government exemption stipulations on page 6 of the presentation and explained that exemptions were possible for local governments that could demonstrate: local code allowed adjustments for all housing types contained in adjustments section of bill and; local code allowed adjustments for all standards in adjustments section of bill and; the city had approved 90% of adjustment requests for housing in the last five years or; the city had adjustment process that was flexible and accommodated housing project needs as demonstrated by testimonials of housing developers who had used the process in the last five years. Mayor Rosener explained that the city and LOC had asked the Governor's office for a process for cities to be exempted from the rule if they could demonstrate that they had not denied a variance in a certain amount of time. Mr. Rutledge referred to the exemption for local governments and explained that originally, a city only had to demonstrate that it had approved 90% of adjustment requests for housing in the last five years, or a city had an adjustment process that was flexible and accommodated housing project needs as demonstrated by testimonials of housing developers who had used the process in the last five years and noted that Sherwood was eligible under this provision. He explained the impacts of the proposed bill on Sherwood West and stated this would impact the net density range for Multi-Family and Cottage Clusters. Council President Young commented that this would eliminate the city's ability to implement Cottage Cluster zoning. Mr. Rutledge clarified that the bill stipulated that developers were not permitted the height bonus for cottage clusters, which helped maintain the "age-in-place" approach to cottage clusters. Discussion occurred regarding the 17 units per acre condition and Planning Commission Chair Jean Simson commented that SB 1537 would make it fairly easy for every zone in Sherwood to hit the 17 units per acre threshold if every single unit was a middle housing unit. Director Rutledge added that if the city utilized the master planning approach, then the city could restrict middle housing within Sherwood West, but not the rest of the community. Council President Young asked if a city's master plan would supersede SB 1537 and Mr. Rutledge replied that he had not received a response for that question as yet. He clarified that the city would still need to allow for duplexes in every zone, even if master planning was used. He summarized that over half of the city's housing zones would be impacted by SB 1537. Mayor Rosener provided background on SB 1537 and explained that previous versions had money for infrastructure and other programs. He commented that what they were discussing was the worst-case scenario and some developers may not want to build the 17 unit per acre density to get the variances, since it may not be a profitable project for them. He referred to HB 2001 and CFEC (Climate-Friendly and Equitable Communities) and commented that rule making had not gone well for the city. Councilor Mays stated that his support for submitting the Sherwood West UGB

expansion request was at risk because of SB 1537. Director Rutledge addressed the Sherwood West Refinement Study and outlined that the purpose of the study was to evaluate the opportunity for large site creation within the mixed-employment zone; evaluate opportunities for target industries; refine infrastructure design and cost estimates for the North District; and update cost and revenue projects for the entire Sherwood West study area. He outlined the regional infrastructure cost and revenue funding gap analysis table on page 9 of the presentation. He reported that for the entire Sherwood West area, there was an $18 million deficit for Water, a $32 million surplus for Sanitary Sewer, a $14 million deficit for Storm, an $8 million surplus for Parks, and an $18 million deficit for transportation. Mr. Rutledge addressed the preliminary street layout on page 10 of the presentation and reported that a new collector road between Elwert and Roy Rogers was the preferred alignment as it avoided upland habitat. He explained that the preferred alignment created a 95-acre site east of Elwert Road that would be available for development. Councilor Scott asked if it was determined that the upland habitat area could be developed, could the two sites be combined into one site. Economic Development Manager Bruce Coleman replied that that was the ideal scenario. Mr. Rutledge reported that transportation improvements would be needed on Roy Rogers Road, SW Scholls-Sherwood Road, SW Elwert Road, and a new collector road would be needed. He reported that a 12" looped water system was likely suitable for the area. He addressed sewer infrastructure and reported that CWS was planning a force main within Roy Rogers and Highway 99W and commented that a pump station was needed. He addressed storm infrastructure improvements and reported that a regional system with development would be needed. Mr. Coleman provided an overview of the target industry assessment and reported that this site was a strong candidate for mixed employment development, including tech clusters. He stated it was important to preserve the largest parcels on the east side for mixed employment development as developers were most interested in sites between 20-100 acres in size. He reported that technology and advanced manufacturing, machinery manufacturing, and clean technology were the target industries for Sherwood West. He reported that the mixed employment designation in the 2023 Sherwood West Concept Plan was appropriate for the long-term development of the city's target employment types and the necessary infrastructure to support the area could be constructed in an orderly manner. Councilor Scott asked if annexation agreements could require that the larger parcels bundle with neighboring lots to create a larger parcel. Mr. Rutledge replied that that was likely possible to include in the annexation agreement. Economic Development Manager Coleman cautioned that some of the parcels were located in Washington County, which meant that the county could receive applications to divide up properties and discussion occurred. Councilor Mays asked that the city send the county a letter asking them not to approve dividing up any Sherwood West parcels.

*Record note: Prior to the meeting, the "Sherwood West Refinement Study Update" PowerPoint presentation was sent to Council which incorrectly cited SB 1537 as SB 1573 (see record, Exhibit E).*

**5. ADJOURN:**

Council President Young adjourned the work session at 7:09 pm and convened a regular session.

**REGULAR SESSION**

1. **CALL TO ORDER:** Council President Young called the meeting to order at 7:10 pm.

2. **COUNCIL PRESENT:** Council President Kim Young, Councilors Keith Mays, Dan Standke, Doug Scott, Taylor Giles, and Renee Brouse. Mayor Tim Rosener was absent.

3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, IT Director Brad Crawford, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Chief Ty Hanlon, HR Director Lydia McEvoy, Senior Planner Joy Chang, City Engineer Jason Waters, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

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

Council President Young addressed the next agenda item.

5. **CONSENT AGENDA:**

A. **Approval of February 3, 2024 City Council Meeting Minutes**
B. **Approval of February 6, 2024 City Council Meeting Minutes**
C. **Resolution 2024-006, Authorizing Workback Policy for the City of Sherwood**
D. **Resolution 2024-007, Authorizing Leave Donation Policy for the City of Sherwood**
E. **Resolution 2024-008, Authorizing the City Manager Pro Tem to sign a contract amendment with WSP USA Environmental & Infrastructure, Inc. for the Tannery Site Cleanup Project**
F. **Resolution 2024-009 Declaring Support for a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis**

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

Council President Young addressed the next agenda item.

6. **CITIZEN COMMENT:**

Sherwood resident Jim Claus came forward and asked for clarification on the allotted time for a citizen to provide public comment. Council President Young replied that as she understood it, each resident was allocated four minutes to provide their comments under the Citizen Comment agenda item. Mr. Claus provided documents to the City Recorder (see record). He stated that he had leased out a portion of a property to a company and stated that the city had allowed for that company to be located there, but the city had changed their mind. He referred to the documents he had provided and spoke on perjury and unlawful practice of law and referred to city staff. He spoke on Walmart, Langer, and Councilor Mays. He referred to properties with over twenty years of non-conforming use and stated that the city did not have the authority to alter that without a public hearing. He spoke on exhausting administrative rights, the 14th Amendment, the Oregon Constitution, the Tucker Act, and Title 42 USC 1983.

Sherwood resident Peter Foster came forward and stated that he was the future owner of a single-farm restaurant and invited Council to the restaurant once it was complete. He stated that he had provided consultation services to the city for the Pine Street brew pub. He stated that a Market of Choice near Safeway would be a benefit to the city. He spoke on land use specialist John Rankin and commented that Mr. Rankin had recommended that Council submit a UGB expansion request for the entirety of Sherwood West in order to allow the city to retain control over the development of the area.

Council President Young addressed the next agenda item.

## 7. CITY MANAGER REPORT:

City Manager Pro Tem Craig Sheldon reported that he had nothing new to report. City Attorney Ryan Adams announced that the new Deputy City Attorney would start on February 26th and would attend the March 5th City Council meeting.

Council President Young addressed the next agenda item.

## 8. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported that the Planning Commission did not meet last week but would meet next week where they would hold two public hearings. He reported that the Sherwood Foundation for the Arts was hosting the 10th annual Jigsaw Puzzle Competition at the Countryside Community Church on February 24th.

Councilor Scott reported that he attended the Police awards banquet and gave his kudos to the Sherwood Police Department. He gave his kudos to City Manager Pro Tem Sheldon, Assistant City Manager Switzer, and city staff for their work. He reported that he was unable to attend the most recent Parks and Recreation Advisory Board meeting.

Councilor Mays echoed Councilor Scott's comments regarding city staff. He reported that he attended the Cultural Arts Commission meeting on February 19th where they reviewed the Lunar New Year celebration and discussed ideas for 2025. He referred to public comments and perjury and stated that no one was under oath.

Councilor Brouse announced that the soft launch of the Sherwood Senior Shuttle would be held on March 4th and reported that they hoped to have the shuttle service fully operational by April. She reported that the shuttle would run Tuesdays, Wednesdays, and Thursdays from 9:30 am to 4:00 pm and they were seeking more volunteer drivers.

Councilor Giles echoed Councilor Scott's comments regarding city staff. He reported that he would attend the next Library Advisory Board meeting. He spoke on TVF&R's camp program and reported that they had revised the program to include more programs to encourage women to pursue a career with TVF&R. He stated more information could be found on their website.

Council President Young reported she attended the most recent Police Advisory Board meeting where they reviewed policy updates and heard an update from the Traffic Safety Committee. She reported she attended the Sherwood Chamber of Commerce meeting at TVF&R where they heard a presentation from TVF&R on an upcoming operating levy renewal. She reported that she would be volunteering at the Jigsaw Puzzle Competition. She reported that she had recently met with Sherwood's lobbying firm where they discussed SB 1537 and Measure 110 issues.

## 9. ADJOURN:

Council President Young adjourned the regular session at 7:37 pm and convened an executive session.

## EXECUTIVE SESSION

1. **CALL TO ORDER:** The meeting was called to order at 7:47 pm.

2. **COUNCIL PRESENT:** Council President Kim Young, Councilors Keith Mays, Dan Standke, Doug Scott, Taylor Giles, and Renee Brouse. Mayor Tim Rosener was absent.

3. **STAFF PRESENT:** City Attorney Ryan Adams, City Manager Pro Tem Craig Sheldon, Finance Director David Bodway, and HR Director Lydia McEvoy.

4. **TOPICS:**

   **A. ORS 192.660(2)(d), Labor Negotiator Consultations.**

5. **ADJOURN:**

   The executive session was adjourned at 9:07 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor