



*Home of the Tualatin River National Wildlife Refuge*

# **Planning Commission Meeting Packet**

**FOR**

**July 24, 2018**

**at 7 PM**

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



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall Community Room  
22560 SW Pine Street,  
Sherwood, OR 97140  
July 24, 2018  
**\*\*Updated\*\*****

**Regular Meeting – 7:00 PM**

- 1. Call to Order**
- 2. Consent Agenda**
  - a. June 5, 2018, Planning Commission Meeting Minutes approval
  - b. June 12, 2018, Planning Commission Meeting Minutes approval
- 3. Council Liaison Announcements (Sean Garland)**
- 4. Staff Announcements (Erika Palmer)**
- 5. New Business**
  - a. Appoint a Planning Commissioner to the city's Charter Review Committee
- 6. Planning Commissioner Announcements**
- 7. Adjourn**

**Work Session Following Regular Planning Commission Meeting**

- 1. Proposed Sherwood Zoning and Community Development Code Amendments**
  - Accessory Dwelling Units
  - Temporary Uses – Model Homes
  - FEMA Flood Insurance Rate Maps (FIRM)
  - Medical Marijuana Dispensaries
  - General Code Amendment Clean-Up

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**City of Sherwood, Oregon**  
**Planning Commission**  
**June 5, 2018**

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**Planning Commissioners Present:**

Chair Jean Simson  
Vice Chair Christopher Flores  
Commissioner Mark Cottle  
Commissioner Laurie Holm  
Commissioner Justin Kai  
Commissioner Doug Scott

**Staff Present:**

Julia Hajduk, Community Development Director  
Bob Galati, City Engineer  
Erika Palmer, Planning Manager  
Josh Soper, City Attorney  
Matt Straite, Contract Planner  
Michelle Babcock, Admin. Assistant

**Planning Commission Members Absent:**

Commissioner Daniel Matzinger

**Council Members Present:**

Council President Sean Garland

**1. Call to Order/Roll Call**

Chair Jean Simson convened the meeting at 7:02 pm.

**2. Consent Agenda**

- a. April 10, 2018 Planning Commission Meeting Minutes approval
- b. April 24, 2018 Planning Commission Meeting Minutes approval

Chair Simson gave scrivener errors to staff.

**Motion: From Commissioner Mark Cottle to approve the consent agenda, seconded by Commissioner Justin Kai.**

**3. Council Liaison Announcements**

Council President Sean Garland welcomed the new planning commissioners. He announce Cruisin' Sherwood on Saturday June 9, 2018 and thanked all who attended.

**4. Staff Announcements**

Erika Palmer, Planning Manager stated the Comprehensive Plan Visioning had begun and encouraged everyone to visit [www.Sherwood2040.org](http://www.Sherwood2040.org) to learn about the project and take the community survey. Staff would be out in the community over the summer gathering input starting with Cruisin' Sherwood. The next Comprehensive Plan Community Advisory Committee meeting was scheduled for June 27, 2018 at 6:30 pm in the City Hall Community Room regarding the Economic Opportunities Analysis.

Julia Hajduk, Community Development Director invited Planning Commission members to a tour of the water treatment plant in Wilsonville, date and time to be determined. She said there might be a conditional use permit application for a project in the Tonquin Employment Area and thought information about the plant would be helpful.

**5. Community Comments**

No comments were received.

**6. New Business**

**a. Public Hearing – SP 18-03/CUP 18-02/VAR 18-01 Sherwood High School**

Chair Simson read the public hearing statement and said the Planning Commission was the final hearing authority, with appeals going to City Council. She asked the commissioners for ex parte contact, conflict of interest or bias. Commissioner Scott disclosed that he was a member of the New Sherwood High School Community Design Review Committee. He did not think it would give him bias and he intended to participate. Commissioner Cottle said he had driven by the site and read an article in the Sherwood Gazette. Chair Simson disclosed that prior to the last City Council meeting Councilor Griffin approached her with concerns regarding the roundabout, sidewalks, and safe routes to the school. She said it would not affect her ability to participate. She asked if anyone in the audience wished to challenge a Planning Commission member's ability to participate. None was received.

Matt Straite, Contract Planner gave a presentation of the staff report (see record, Exhibit 1) and said the project was located west of Elwert Road and Hwy 99W on the west side of the city. The project was four parcels with a total of 82 acres, zoned Institutional and Public (IP). He gave the history of the project from the UGB Expansion (mid 2017), Comprehensive Plan zoning and Title 11 (late 2017), annexation (early 2018), and the current Site Plan approval with a Conditional Use Permit. Mr. Straite said the site plan included a 342,131 square foot high school building, four parking lots, a stadium, and sports fields with associated out buildings. He said the school itself was building the core facilities for a total capacity for 2400 students with the potential for growth in the future, however the classrooms were designed to accommodate 2000 students. The application was for a maximum capacity of 2000 students. Future expansion would mean an additional site plan review at that time. Mr. Straite said the Conditional Use Permit was for a high school use, the variance was a Class B variance for the height and a Class A variance for bike parking. For the height, one of the structures (theater) exceeded the height limit for the IP zone by three feet.

Mr. Straite stated he would discuss the larger issues of the required criteria. For the site plan review the code required adequate services be available such as water, sanitary sewer, storm sewer, and public safety. Those were all addressed in the Title 11 Metro Concept plan already approved by the commission. The site plan approval would implement that plan consistent with those provisions. The code required that natural features on the site be protected. The site was previously a Christmas tree farm and there were eight identified wetlands on the property, which the applicant proposed to fill. Appropriate conditions of approval to obtain the required state permits for filling the wetlands were added to ensure compliance.

Mr. Straite said a Transportation Impact Analysis (TIA) was provided was provided in the packet. All the proposed mitigation measures from that study were included in the conditions of approval. The applicant elected to come before the Planning Commission to be used as a design review board as allowed by code rather than adhere to a list of prescriptive items. The conditional use criteria also required services to be available, required zoning standards for the IP zone be met, that the project meet a need for the community and to meet the requirements for the Comprehensive Plan. These have all been met. The code also required that there be no adverse impacts to the surrounding community. This was generally traffic. With mitigation from the TIA and through the basic design of the school this criterion was met.

The Class B and Class A variances had different criteria. A Class B variance must be based on an issue brought on by the property itself. The Class B variance was for the height. In other sections of the code, the design of the structure was to hug the site and contour of the land. Mr. Straite said breaking the height by three feet was consistent with the code. A condition of approval was added to require the four parcels to be consolidated, because the variance could only to apply to three or fewer parcels. Additionally, the variance could only have minimal impacts. Where the structure exceeded the height limit was located in the middle of the project so there would not be any adverse impacts to surrounding sites. Staff said the Class B variance criteria was met.

For the Class A variance requesting a 70% reduction in the required bike parking staff did not support the reduction, because the proposed change could not meet the required criteria. Conditions of approval were added to require all 268 bike spaces, including 80 covered spaces. Staff's interpretation of the code was to ensure there were transportation options besides cars; reducing the amount of bike spaces would diminish the intent of the code. The variance must also be based on a hardship brought on by the property or land topography. In this case, the applicant indicated that the location of the site was the hardship. Staff interpreted that location was not a feature of the land and could not be used to satisfy the criteria for a variance. Mr. Straite stated the applicant's narrative argued that the code requirement was excessive and said the appropriate remedy was to amend the code, not to request a variance. Lastly, the circumstance requiring the variance could not be self-imposed, because the applicant selected the property staff felt the criteria could not be met.

Mr. Straite referred to code section 16.96.030A which required two access points for parking lots and said the staff parking lot did not meet this standard. The applicants proposed that if the project had more than 50 parking spaces, more than one point of access was required. The site had several points of access; however, staff interpreted the code section to mean that each parking lot over 50 spaces required two points of access. A condition of approval was added to require the staff parking lot to be redesigned to include a secondary point of access. If the Planning Commission agreed with the applicant, the condition of approval could be removed and the criteria would be met.

Code Section 16.106.20 for transportation requirements was addressed in the TIA and the applicant's team had a presentation regarding transportation and traffic. He noted that in staff's opinion the project met all the standards. Mr. Straite said the project would be constructed through an elaborate structure of intergovernmental agreements and the applicant, Washington County, and the City would all be building street improvements. He clarified in a condition of approval that it was still the applicant's responsibility to ensure all the required street trees were planted before the school was open.

Mr. Straite said staff recommended approval of the project except for the Class A variance and indicated staff continued to work with the applicant after the packet was published resulting in a memo provided to the Commission regarding the timing of the project specifically related to grading (see record, Exhibit 2). The memo proposed small additions to some of the conditions of approval to address some the timing needs as well as comments from DKS regarding the traffic study and from Clean Water Services with their requirements broken down into phases.

Chair Simson asked for questions from the commission for staff.

Commissioner Cottle asked concerning staff's interpretation that the site location was not part of the characteristic of the property. He said bicycles were a transportation issue and the transportation improvements were based on the property location. Mr. Straite explained that a variance was generally driven by criteria of the land and there was nothing on the property driving the need for the variance and suggested regardless of where they put the school the applicant would want to use a variance. Commissioner Cottle said it seemed the location was a characteristic of the plat and gave the example of the location of Snyder Park being a characteristic of the park. He felt the school on the rural end of Sherwood so there was no possibility of bike usage from one end of the city because of the location and commented on the difficulty to walk or ride across 99W to get to the new site. Ms. Hajduk commented that for the variance, Metro Urban Reserve surrounded the property and there would likely be neighborhoods developed over the life of Sherwood. She stated that the Sherwood West Preliminary Concept Plan was a valid plan and stated City Council had decided not to ask Metro to add a portion of the plan area into the Urban Growth Boundary in this current round of boundary expansion.

Regarding the secondary access to a parking lot Commissioner Cottle asked if the City Code conflicted

with the County, because on county roads they do not allow ingress/egress twice. He asked if there were additional issues with spacing standards because of the proximity of the parking lots. Mr. Straite said the second access point did not have to be to a street and suggested the parking lots could connect together internally. Commissioner Cottle asked if an emergency access would be allowed, assuming the need was for emergency vehicles to cut across. Mr. Straite the code was not that specific and required a second point of access for over 50 spaces; the burden was placed on the applicant to design how to meet that requirement. Chair Simson suggested the secondary access for the staff parking lot could be limited to an emergency access using the bus turn around if the condition would allow that.

Chair Simson asked for applicant testimony.

Heather Cordie Sherwood School District Superintendent came forward and introduced Brad Kilby from HHPR, and Karina Ruiz from BRIC Architect. They came forward and gave a presentation (see record, Exhibit 3). Mr. Kilby said the school project was about two years old, the location of the school was identified during the Sherwood West Preliminary Concept Plan process and was selected based on community programming needs and land availability. The school district went through the Metro to expand the UGB in August 2017, amendments Sherwood West Preliminary Concept Plan and to the refinements to the area through concept plan passed in Jan 2018 with the annexation completed two months ago.

Ms. Ruiz gave an overview of the project including public involvement for the last two years both prior to and after the passage of the school bond in 2016. She said the design of the school was a reflection of the input received from the community.

Mr. Kilby said the four parcels for the site would be consolidated to a single lot. He noted that the school district had met regularly with city staff. He acknowledged the hard work requested from staff, because the school had to open by a certain date. The urgency being the rise in costs of materials continuing and a delay would cost the district, and in turn, the community money.

Ms. Ruiz stated one of the biggest features for the high school site plan was the grade differences on the site. From the corner of Haide and Elwert at 285' above sea level with a rise to 360' in the southwest corner. The design tried to make the building hug the sight in the building design. The onsite circulation was intended to separate the buses from the vehicular circulation. The buses enter on Kruger Road and take their own dedicated lane around the front of the school for a bus drop off; isolated from a staff parking lot to the north and a student parking lot east with parent pick up and drop off and two separate student and visitor parking lots on the west side of the site.

The school would be a four-story building, entering the main lobby on the second floor. The first floor housed athletics and career technical education spaces. The commons and theater space take the third floor. The only portion on the fourth floor was the classroom wing on the northeast corner of the building. She showed pictures of main entry drop off location as the applicant was seeking to receive design review approval for the building they thought was keeping with the character of the Sherwood community. One of the comments heard early on was an interest in making the school feel as residential in scale as a building of 342,000 square feet could be. In contrast to more urban experiences where the building was right up against the property, line the building was moved back. Materials indicative of the Pacific Northwest were used; masonry and wood with an abundance of glazing to allow the natural light into the building. Rendering of front entrance showed those materials and moving to the east the grade began to change with another entrance on the lowest part of the site on the first floor. She showed a view of the school for those driving along Elwert Road with the Library on the left and the classroom wing on the right. She showed the courtyard with the skybridge connecting the two wings from the third

floor and said different building materials were used to try to break up the massing the same material was not on all four stories. She showed the south elevation from the track at the stadium showing the performing arts center and the gymnasium.

Regarding the Class B height variance. Ms. Ruiz showed the east and north elevation with the areas that exceeded the height requirement and discussed the impacts to neighbors across the street. Given the complicated geometry of the building, the nearest portion of the building was 600 feet the street on Haide Road and on the other side of the building there was a stadium and fields between the tallest portion of the building and the street was 900 feet away. Where the building was closest was at Elwert Road was 360 feet away. Acknowledging that while a building of this scale was difficult to mask, she commented by allowing it to step up the hill the design was as a good job as the site would allow.

Scott Mansur from DKS Associates walked through the Transportation Impact Study (TIA) disclosing it was the third study prepared for the site, one for the UGB expansion, one for the zone change, and one for the site development. He said 19 intersections under the jurisdictions of Sherwood, Washington County and Oregon Department of Transportation (ODOT) were analyzed. Those three public agencies that had reviewed the traffic analysis and provided feedback throughout the process. The site development traffic study included planned improvements, background traffic, trip generation and distribution. Traffic findings were presented, feedback was received, and revisions were made resulting in a set of transportation solutions that all agencies and the Sherwood School District were able to agree upon. Mr. Mansur reminded the Commission of the intent to move the existing Sherwood high School and to relocate students at Laurel Ridge Middle School and the Sherwood middle school to the existing high school location. The traffic study evaluated the new traffic generated at the new high school as well as the changes in travel throughout the entire city for all of the planned bond improvements. While Transportation Planning Rule (TPR) and zone change analysis focused on the short term and the improvements needed on day of opening, several intersections failed to meet Sherwood's operating standards and improvements were recommended for failing intersections. The intersections of Kruger/Elwert and Sunset/Elwert showed as meeting the standards based on expensive projects to be done as part of the conditions of approval and were assumed as part of the analysis. A Safe Routes to Schools plan was performed at the City's request and the new school's walking boundary in residential areas was evaluated. Students who would be walking to, and from, the high school and what would be needed to ensure safe walking and biking to school were identified and a series of improvements were recommended as part of the Safe Routes to School plan. This included filling a gap in the sidewalk on Edy Road, bike facilities along Elwert Road between Handley Street and Haide Road, and a twelve foot multi-use path along Elwert and Kruger Road at the project frontage. A temporary traffic signal at Haide Road (will look permanent), but when future development occurs on the west side of Elwert Road, the intent was for Handley Street to be the main long term intersection. Commissioner Cottle suggested the temporary light be a condition of approval so the temporary light could be removed in the future.

Mr. Mansur gave the recommended transportation improvements as a traffic signal at the Edy/Elwert intersection, to add turn lanes and intersection widening at the Elwert/Handley intersection, and Elwert/Haide to have a traffic signal with dual northbound left turn lanes and a southbound right turn lane. The Sherwood School District would also pay a proportionate share for a future signal at 99W and Brookman Road. He showed improvements widening Elwert Road to five lanes, building a multi-lane roundabout at Kruger Road and noted the City was planning to mirror the five lanes at 99W and Sunset Blvd. There would be pedestrian improvements with pedestrian medians and dual left turn lanes on the highway coming southbound. Mr. Mansur showed all of the improvements would cost about \$12.5 million in transportation improvements by day of opening except for the traffic signal at Brookman Road.

Mr. Kilby noted the transportation improvements would be paid for from the bond money. He pointed to the staff memo date June 5, 2018 and said the applicant was in general agreement with the conditions with a few exceptions. He turned to page 29 of the packet and the requirement to provide 268 bicycle parking spaces and said the applicant was proposing to provide 80 spaces strategically placed around the campus. He said there was substantial evidence from the District that their existing bicycle parking at the high school that was not utilized. He agreed with Commissioner Cottle that the location could be a characteristic in the application, because there was a well thought out study about locating the high school based on community needs. There was no place in the existing city limits that could accommodate the programming needs the high school had identified. He said they were not discouraging the use of bicycles by providing less bicycle parking. The district was willing to accommodate more bike parking, if ever needed, such as when the school population was at 2400 and Sherwood West was built. He argued that Policy 5 in the transportation chapter of the Comprehensive Plan did not speak specifically to Institutional and Public (IP) uses. He said this conditional use was studied differently than a regular commercial, industrial, or residential use standards and stated the site was on the edge of the urban center and in his experience, there were not a lot of students biking to school, specifically to the high school, because they were rural kids or had jobs and drove to school. He said the applicant was responding to the local character and the variance request would not eliminate parking, but provide 80 spaces, some of them covered. The request was based on the existing amount of spaces the current high school had, contended the location was a character of the site and the standard was excessive. He did not think it was up to school district to ask for the code to be amended and asked that the condition to provide the parking be stricken. He suggested if the Commission was still uncomfortable with the variance they could approve the variance with a timeline to have bicycle parking reevaluated, in the three years, to see if more parking was needed.

Mr. Kilby stated the secondary access requirement was being applied differently than in the past, as the intent was to ensure there was enough access to serve the site. There were five access locations proposed. The staff parking lot only had one driveway and it was not necessary to have a second one. He asked the Planning Commission to consider the applicant's interpretation of access.

Mr. Kilby turned to Condition C.1 regarding wetland mitigation through state and federal permits. He clarified the applicant was asking for approval to fill the wetlands, but for the City to honor the Clean Water Services letter to allow the fencing of wetland areas until permits are obtained. He said it was a redundant condition he would like removed; the applicant was already conditioned to obtain those permits.

*Note: the applicant exceeded their allotted time, but was granted permission by the Commission to finish the presentation.*

Mr. Kilby said the commission did not have to impose the condition to comply with the Washington County Land Use and Transportation memo requiring a twelve foot wide multi-modal path along Haide Road. He said Haide Road would be a local road under both the Washington County and the Sherwood Transportation Plans. The County requirement for multi-modal pathways was five feet minimum, not twelve and requiring the twelve foot wide would impact proposed storm water facilities. Mr. Mansur added the multi-use path was identified for Kruger Road and Elwert Road in the traffic and report did mention Haide Road.

Ms. Ruiz spoke to the parking lot secondary access and said the parking lot adjacent to the staff parking lot had a grade difference that would make it difficult to connect the two. She said it could be connected to the bus lane, but the biggest concern would be drivers circumventing the emergency nature of the



secondary access and vehicles using the bus circulation route. The lot was a staff only parking lot during the day and would be available after hours. There would continue to be buses relative to sporting events. She reminded the Commission of Mr. Kilby's assertion that the secondary access was for the site itself and not each individual parking lot. Ms. Ruiz confirmed and said it would be card access for buses and delivery vehicles.

Ms. Ruiz offered to questions and asked to reserve five minutes for rebuttal.

Chair Simson asked for community comments.

**Jack Scipinski**, former student body president at Sherwood High School came forward and advocated for a speedy approval of the project. He noted issues due to the existing high school overcrowding such as crowded classrooms, students sitting on the floors at sporting events, shortage of theater production tickets and band concerts in the gymnasium instead of the auditorium. He commented on the need to begin construction to meet the deadline for opening the school and encouraged the Planning Commission to approve the application.

**Nicole Brutosky** Sherwood resident with her two boys in Sherwood schools commented on the long term solution to build a new high school and said she was on the bond committee to help educate the community on what the bond would cover. Ms. Brutosky noted the widespread community support and a desire to complete the high school on time and on budget. She said a delay of the project could mean a yearlong delay for opening the school and asked for the Planning Commission's support for the project.

**Adam Mitchell** Sherwood resident and assistant principal at Sherwood High School encouraged the Planning Commission to approve the application due to overcrowding, giving several examples of how overcrowding effects the school building and the students. He commented on the difficulty to teachers having to move to different classrooms to teach the larger class sizes and the lack of field time on the ball fields. Mr. Mitchell commented on the bicycle parking and stated of the 114 bicycle parking spaces he counted 21 being used that day. The day was sunny and this was the most bikes he had counted throughout the school year. He noted the current high school was in the middle of town and the proposed was at the southernmost end of town and would be farther distance for bikers. He said the 80 parking spaces the school district was proposing was more than adequate.

**Jim Rose** Sherwood resident and COO for the Sherwood School District said the current high school was not adequate and the school district had worked hard with city staff to get to this point. He stated a delay would require the school to open a full year later, which would cost the school district approximately \$8.7 million and the waterfall effect of moving the middle schools and elementary school would have a similar effect. He asked the Planning Commission to approve the Conditional Use Permit the same night.

**Heather Cordie** Sherwood School District Superintendent said the community went through a community involvement process that ended with a bond passing and the decision to build a new high school. She recognized the rigorous timeline and talked about how the timing would impact the two middle schools combining at the current high school and the two middle schools transforming into elementary schools to add capacity. She asked the Commission to approve the Conditional Use Permit to help meet the timelines and expectations of the community.

**Sue Hekker** Sherwood resident expressed gratitude for the collaborative efforts of everyone involved and asked commission members to consider that there was a reason for the parking lot design for the new high school. She reminded the Commission that it was not just the building of a high school, but shifting at least 5300 students when it was complete.

**Steve Enger** Sherwood resident on Orchard Hill Lane said he was excited about the new high school, but expressed concern about the intersection at Orchard Hill and Elwert Road in terms of safety, increased activity and traffic flow. He said the proposed traffic light at Haide Road was close to Orchard Hill Lane and he had concerns that the proximity of the Elks Lodge northern driveway, Orchard Hill Lane and Haide Road had not been adequately addressed. He noted the Elks Lodge intended to make the north driveway the primary access point and said discussions with the City Engineer and the applicant's traffic engineer at an open house held by Washington County for the Elwert-Kruger Intersection Project resulted into a solution for the Planning Commission to consider. The proposal was to make Orchard Hill Lane a right in/right out intersection with the northbound through lane of Elwert Road separated by a curb from the left turn lanes for Haide Road preventing Orchard Hill Lane traffic from entering the left turn lanes. The solution increase the safety of the intersection by preventing turns onto Orchard Hill Lane. He thought it would also prevent right turning traffic from Orchard Hill from crossing over the northbound through lane of Elwert Road in order to enter the left turn lanes on Haide Road. He believed it was in the best interest of the community to require the safety improvement in the traffic design and noted there were several people from the neighborhood who submitted comments to the County regarding the intersection. Mr. Enger confirmed with Commission members that he was trying to circumvent cut-through traffic and help direct traffic through the Handley Street intersection where the traffic study indicated the main traffic would go.

**John Rowland** Sherwood resident on Orchard Hill Lane said he had similar concerns for drivers trying to turn left onto Orchard Hill Lane after school. He said there would be a lot of traffic in a short area. Responding to Commissioner Scott questions he explained the Elk Lodge would be selling their property and using the northern access. The new roundabout would become the entrance to a neighborhood. He commented that Elwert was the "bypass" for people to get to Newberg from Beaverton and said it would only get worse. He noted there was also a tree farm at the end of Haide Road and between Thanksgiving and Christmas, it could add an estimated 2000 more cars.

**Phillip Maynard** Sherwood resident on Fisk Terrace agreed ingress/egress from Orchard Hill Lane should be limited to right turn only and offered that he had a background in collision reconstruction and said Haide Road was a mid-block crossing and he thought any visual deterrent would be beneficial. He had two children that would be attending the new high school.

**Robert Kimmell** Sherwood resident on Fisk Terrace also had traffic concerns for the intersection mentioned and said he had small children attending the grade school who would get home about the same time the high school students would be driving in the area and he had concerns about letting his kids play outside if the access was not addressed.

**Kevin Barton** Sherwood resident on Fisk Terrace added concerns for increased traffic throughout the entire neighborhood based on his experience of the traffic increases from Edy Ridge Elementary school opening. He said he had three children who would attend the new high school and expressed concerns for walking to school due to the amount and speed of traffic along Elwert Road. Mr. Barton commented on access to the site for passenger cars and thought anything that put more cars on Elwert seemed like a bad idea. Commissioner Scott disclosed based on his experience of the new Sherwood High School design committee the topography and the existing gas line easement were factors for access to the site.

**Eugene Stewart** resident off Chapman Road commented traffic was getting worse and the City had ignored the Comprehensive Plan that sought to have enough jobs for people who wanted to could live and work in Sherwood, which would take people off the road. He commented the cost for residential to

the city was higher for every dollar collected in taxes and the cost for commercial was much less. He thought there should be a hold on residential until the commercial could catch up and support the growth in Sherwood. He thought the study for a bypass around Sherwood should have taken place ten years ago. Commissioner Cottle commented that was ODOT's failure. Mr. Stewart said the City should be banging on doors to push it through and putting away funds towards the project. He suggested bringing in more commercial and saving those funds towards road improvements. He commented on adding a traffic light on 99W at Chapman/Brookman and said it would slow traffic from Newberg. Mr. Stewart suggested a condition of approval could be to resolve unforeseen traffic issues by the school district and the city at a future date. He commented on the traffic from parents dropping off their kids at Hopkins elementary school then at the middle school and said those problems should be fixed.

Chair Simson called for a recess at 8:57 and reconvened at 9:10 pm. She called for rebuttal from the applicant.

Scott Mansur, stated SW Orchard Hill Lane was not overlooked in the traffic study, but was evaluated and discussed with the other agencies. He said it was uncommon to have neighborhoods request restricted access. He reminded the Commission it would be a school zone and they would be building a roundabout, so if left turns were a challenge they would use the roundabout to turn around and take a right turn into the neighborhood. The applicant was opposed to a condition to add the triangle, because it was a city, county and neighborhood issue. Commissioner Cottle pointed out the school district was adding 3000 cars to Elwert Road.

Mr. Kilby proposed language for the bicycle parking variance. "The school district shall continually monitor bike usage and in the instance that additional bicycle parking in warranted the district shall provide additional parking to meet that need. Bicycle parking shall be re-evaluated for the site in the event of any major modification." He said it did not tie the condition to a finite timeline and if the school had kids lacking bicycle parking, it would be an issue they would want to resolve. Commissioner Cottle thought the trigger should be at the City's discretion. Commissioner Scott thought that if the Commission allowed the variance of 25% of the calculated amount, then it was reasonable that the City could require it. Chair Simson polled the commission to see if there was consensus to approve the variance. Staff maintained the case for a variance was not made, but proposed the following condition "prior to the issuance of occupancy permits, at least 80 bicycle parking spaces shall be shown on the site plan to be constructed with the understanding that, with an agreement with the City, additional spaces will be provided for bike parking as demand increases". Mr. Straite clarified that the variance should be denied, but a condition of approval added for the site plan to show the the location where all 268 spaces would fit, but only 80 spaces would be required to be constructed prior to occupancy. There would be an agreement between the City and the school to trigger a need to revisit the lack of parking. Commissioners Cottle and Scott wanted to know how the number of bicycle parking spaces was calculated. Mr. Straite responded four bicycle spaces required for every classroom. The proposed revised condition met the intent of the code and would eliminate the need for the variance request. He said it was similar to providing phasing and the second phase would be built when needed. Mr. Kilby indicated the 80 spaces would be located throughout the site, by the sports fields, tennis courts and the primary entrances a majority of which would be covered by the awnings from the school. The final site plan would show the potential locations on the site. Ms. Ruiz added that there would be wall mounted skateboard spaces so there were more alternative ways to get to the site. The code only addressed bicycles. The applicant concurred with the revised condition of approval.

Commissioner Cottle asked about the parking lot requirement for two access points and asked if the

purpose was for first responders or traffic flow. Ms. Hajduk clarified that there was a difference in interpretation and the Planning Commission would need to decide which to abide by. The question for the Planning Commission was whether the code required two access per individual parking lot or two accesses per parking lot within a site. Ms. Ruiz pointed out the code section for site access indicated on-site circulation for non-residential areas specified total number of driveways for the number of parking spaces. There were five driveways for 800 parking spaces. Commissioner Cottle suggested staff's interpretation was unique for the metropolitan area. Commissioner Scott commented a gated access to the bus route might have a future benefit. Bob Galati, City Engineer cautioned about making changes that would affect the TIA; changing the loading of the direction of traffic would have an impact. Mr. Kilby maintained that the applicant's interpretation was that parking lots over 50 parking spaces were required, then two access points were needed, and the proposal was for five 24 foot access. The TIA was based on those accesses to the street and not internally, but it would affect the internal circulation to have staff exiting a second direction.

Chair Simson referred to Oregon Department of Transportation (ODOT) Exhibit I, referencing a transportation demand management (TDM) plan and asked if the school district had considered staggered start times. Mr. Kilby stated it took a year and a half to agree on a methodology for a traffic study and a TDM did not fit a school because of the structured start and release time. Mr. Mansur gave the AM peak time was between 7-9 am and the PM peak was 4-6 pm even though it was not the highest for the school, but because it was the highest volume on the adjacent street.

Chair Simson confirmed the applicant was done with rebuttal.

Commissioner Cottle commented on the light on Tualatin Sherwood Road that was supposed to be temporary, but was not removed because it was not made a condition of approval. Mr. Kilby stated the applicant was not opposed a condition that the temporary signal could be removed once it was no longer warranted. He clarified that the City would remove it as the area developed.

Chair Simson said the tree plantings have to occur prior to final occupancy, but August was not the best time to plant a tree. She asked if the tree planting could be delayed to ensure the viability of the trees. Ms. Ruiz assured the Commission there were landscape requirements about the viability of plantings and the right time of year. A landscape architect had written specifications around when those plantings would go in. She did not think a condition was necessary.

Chair Simson asked the commission for questions regarding the design review or the height variance of the high school building.

Commissioner Cottle asked where the addition for the extra 400 students would be added. Ms. Ruiz showed a third story classroom addition that would accommodate 400 students and it would be a major modification to add those classrooms where the school district would come back to the Planning Commission for approval of the addition and would review parking and traffic.

Commissioner Cottle asked what happened if the school was over capacity by just a few students. Ms. Ruiz explained the conditional use approval was for the built conditions to accommodate 2000 students in the same way that the capacity for the existing high school was for 1550. Currently there were well over that number of students. The design was to accommodate 2000 students, but it was not a capacity. There was a difference between capacity and enrollment and the school could operate over capacity without violating the development code.

Mr. Kilby confirmed the applicant was in agreement with the conditions as written and as modified with

exception to the ones addressed; C.1 regarding state lands permit requirements for wetlands and allowing the applicant to follow CWS standards. Mr. Galati said the assumption was CWS would follow through and the City was fine removing the condition.

Chair Simson asked about the twelve foot wide sidewalk requirement for Haide Road. Mr. Galati said the neighbor street had an eight foot wide sidewalk standard and his conversations with the County was that they would follow city standards for Haide Road. Condition 8.f was amended to remove Haide Road from the twelve foot multi-use path and to apply regular city standards on Haide Road.

Commissioner Scott asked to view the proposed roundabout for Kruger Road. He asked if it would be completed before the school opening. Mr. Mansur confirmed and stated the school district had paid funds for the project and Washington County was administering the project. Commissioner Scott asked about the City improving SW Sunset Blvd side before the school opened and how many lanes would go access 99W from sunset to Elwert. Mr. Galati clarified it would be a City project at Sunset Blvd. and 99W where the south side of the intersection would mirror what was needed on the Elwert road; five lanes, left turn, two through lanes on both side. He reminded that ODOT determined any changes to 99W and said it would be done at the same time in order for the intersection to work; funds were already in the budget. Mr. Galati stated no studies had been done regarding a pedestrian overpass.

Chair Simson asked about the Orchard Hill Lane request. She expressed concern that if it was unaddressed it may become a cut-through street and a problem that would plague the city over time. Mr. Galati cautioned placing a condition of approval on the project that could not be supported/justified with technical information. He acknowledged there were locations in Sherwood that had traffic flow problems. The process was to see if the study warranted the change, if it did not, I was unwilling to condition the school district to pay for something that was not necessary. Commissioner Cottle thought the solution was inexpensive and asked if traffic would queue back onto Orchard Hill Lane. Mr. Mansur replied the model showed a length of around 200 feet, not to exceed the 250 ft. was identified as the storage need between the two intersections so the turn lanes were extended by 50 feet for overflow. He confirmed Elwert Road in front of Orchard Hill Lane would be four lanes; one traveling each direction, plus duel left turn lanes.

Commissioner Cottle asked for the queueing time for drivers exiting Orchard Hill Lane left onto Elwert and stated the code required that development not adversely affect the neighbors and a neighborhood came forward expressing concern that it would. Chair Simson asked about the site distance at that location. Commissioner Scott added that traffic studies were imperfect and there were recent examples where the studies were insufficient. He asked if enough was being done to ensure those situations were not being duplicated. He wanted the school to be completed on time too, but the Commission should not bear the burden of rushing through the review to meet a timeline that was already delayed for other reasons.

Mr. Mansur said the City asked that the traffic impacts through the neighborhood be studied and the delay in the morning during the peak hour on Orchard Hill Lane would be an average of 30 seconds per vehicle. The potential cut through traffic was evaluated and did not find substantial cut through traffic expected on Orchard Hill Lane. Commissioner Cottle argued the solution was simple; a triangle median with a sign that said no left turns. Mr. Mansur stated safety studies showed they were not very effective and the safer and cheaper option would be a twelve inch curb between the left turn lane and the through lane to stop traffic from turning left. Commissioner Cottle was unwilling to vote for approval without addressing the neighborhood's concern. Ms. Hajduk expressed concern that a right in /right out

configuration at Orchard Hill Lane had not been studied and it was unknown how that would affect traffic. She asked that if a majority of the Commission wanted a condition there should be a caveat to remove the condition if a study showed it was unsafe. Mr. Galati reiterated his caution for the Commission to make technical decisions it was not qualified to make. Instead, the Commission could have the traffic engineer for the applicant look at the situation and come up with acceptable solutions to the concerns, but not dictate a solution. A condition could be written to follow it.

Commissioner Scott asked for cueing time from Handley Street to turn left onto Elwert Road. He said if the cue time was long, drivers would circumnavigate to Orchard Hill Lane. Mr. Mansur said with the additional turn lanes the improvements at Handley Street would make it about two seconds faster for a left turn from Handley (28 seconds per vehicle) and it would be perceived to be faster to make a left turn from Handley Street. The average delay might take 1½ minute, for others it might be 5 -10 seconds to make the left hand turn.

Staff suggested the following condition. “Prior to acceptance of public improvements, the applicant, the City and the County shall study the intersection at Orchard Hill, Elwert Road and develop safety improvements if warranted.” Mr. Galati said if it did not come up technically as necessary, he did not feel he had the authority to condition that type of public requirement. Commissioner Cottle asked if the City had the ability to make traffic changes if a neighborhood requested it. Mr. Galati said a change to Orchard Hill Lane would impact a County road and the school district may have issues through the intergovernmental agreement. Mr. Galati said there had been a couple of times neighborhoods had asked City Council to make a directive. Mr. Cottle brought up the traffic study near the Walmart that had resulted in a fatality and suggested a practical approach was better than a technical approach. Chair Simson remarked that the Planning Commission did not have the authority to override the technical data; there needed to be evidence from the traffic engineer. She advocated for adding the condition proposed by staff to study the intersection.

Vice Chair Flores voiced concern with studying the intersection again and felt the findings would remain the same. He was opposed to adding the condition unless another company did the study.

Commissioner Holm felt addressing the neighborhood’s concerns had value.

Mr. Straite added the public had proposed solution to a potential problem and a study regarding the impacts of the proposed change could be done to see if it created any traffic impacts. Commissioner Cottle agreed and said if the improvement did not negatively impact the traffic, it should go in. Ms. Hajduk added the County would also have to agree. Mr. Galati reminded the Commission that the County had reviewed the TIA and accepted it. He was in favor of doing the study, but had issues with putting the responsibility on the developer. He said he battered the applicant on the TIA and he could support the solution if additional information worked with the accepted data.

Vice Chair Flores received confirmation from the applicant, that if the intersection at Orchard Hill Lane had shown a problem there would have already been mitigation proposed. Mr. Kilby stated the intersection could be studied, but if the findings did not change and no improvements were made, the neighborhood would still have issue.

Commissioner Cottle thought the condition was to add the improvement unless it negatively impacted the traffic analysis. He did not think the traffic study took into account the 200-400 kids crossing the road. Mr. Mansur said a Safe Routes to Schools study did consider those and that was why a signal was being provided for safe crossing. Mr. Kilby said it was human behavior to cross the road outside of a

crossing, but the development code was intended to regulate human behavior.

Commissioner Scott suggested the high school students would want to cross the road at Orchard Hill Lane to get to the twelve foot wide sidewalk on the school grounds and not use the crosswalk at Haide Road. He asked if a crosswalk at that location was considered.

Ms. Ruiz responded traffic was being directed onto Haide Road was because there was significant grading along Elwert Road where all of the stormwater features would be built. Students who crossed there would have to walk along Elwert Road to go back onto Haide Road. The Safe Routes to School Plan was to keep students on the eastern side of Elwert Road where there was a safe crossing at Haide Road. As a pedestrian, she would choose to take the crossing at the light. Mr. Mansur said a crossing at Orchard Hill Lane would create more safety issues than trying to direct pedestrians to the traffic signal.

Note: Commissioner Cottle encouraged concerned neighbors to go to City Council. An audience member responded regarding his efforts to stay informed but the Planning Commission was unable to receive additional testimony.

Chair Simson asked if the applicant had any additional comments. Ms. Ruiz expressed appreciation to the Planning Commission and staff in recognizing the urgency of getting the project expedited.

Mr. Straite proposed the following condition. "The applicant shall study a potential right in, right out improvement on Orchard Hill Lane onto Elwert Road. If the citizen identified improvement does not hinder traffic or present safety issues, the improvement shall be constructed pending County acceptance".

Chair Simson asked if the condition was acceptable to the applicant. Ms. Ruiz commented that the study had taken place over 18 months, where \$12.4 million dollars' worth of improvements were identified. She acknowledged Commissioner Cottle's remarks that it would be a meager amount, but \$12.4 million was already considerably more than was budgeted and it was more than any other school that she had ever worked on. She was reluctant to burden the school district and the local taxpayers further beyond what was already identified. After conferring with Sherwood School District officials, the applicant reluctantly agreed to the condition. She asked to amend the condition to be "prior to acceptance of public improvements". Mr. Galati said he would advocate on behalf of the school district with Washington County.

Chair Simson asked for Commission members' thoughts.

Commissioner Scott was concerned the condition was precedent setting. He was sympathetic to the concern, which he thought valid, but his struggle was the need for data.

Chair Simson's concern was conditioning the improvements without the rest of the neighborhood being notified. Commissioner Cottle stated that was the nature of public hearings. Mr. Kilby said even though the school district had accepted the condition the citizens should be going to City Council about these issues too. He said the applicant had already provided a study that indicated the intersection was not being affected, but was being asked to fix something on the testimony of the few people that showed up of an entire neighborhood.

Mr. Galati said the Planning Commission had a lot of discretion, but he did not think the Commission had the standing to overrule technical and safety requirements. That was what the professionals were paid for and they hold that liability. He said he knew the person Commissioner Cottle was talking about, because he dealt with the family, and there were people who would cross the intersection without pressing the button. With that said, we try to control people's behavioral attitudes the best we can by providing

the facilities to cross safely. We do so knowing we are trying to meet established national warrants, which everybody else uses; as Commissioner Scott said, if we start dictating improvements based on unsupported data it would be setting a precedence. The Commission was proposing to place a condition on a developer that has no choice about it.

Josh Soper, City Attorney, shared Commissioner Scott's concern about setting a precedent. Just because an applicant conceded during a hearing to accept a condition did not preclude them from filing an appeal or having a takings claim. He was concerned that the data from a technical expert said something was not warranted but we are going to require it anyway, based on public testimony. The way the condition was worded it did not require that the improvement be warranted based on the additional study, but that it not have an adverse impact.

Vice Chair Flores and Commissioners Holm, Kai, and Scott said they were not in favor of the condition. The condition was not added and Chair Simson admonished the neighborhood to go through a City Council process. She was frustrated that it looked like a solution that would facilitate change.

Ms. Hajduk believed it was correct not to place an unwarranted condition on an applicant. If problems did arise, or were identified, there might be other mechanisms to fix it through the Capital Improvement Project list or a County Road Improvement Process. It does not mean there are not solutions in the future; it was just not the responsibility of the school district as the applicant.

Chair Simson closed the public hearing and moved to deliberation. She noted changes to the conditions of approval included in the June 5, 2018 memo to the Planning Commission and the modification to Condition 8.F removing the twelve foot sidewalk requirement from Haide Road (H.8.f). She began the discussion to determine how the Planning Commission would interpret the code regarding the two points of access for the parking lots. The applicant's statement was that the development was the entire site and had provided at least two driveways to the development. Staff's interpretation that the standard was per parking lot. All commission members agreed with the applicant. Staff was directed to revise the findings and remove condition B.6.

Staff needed clarification for the condition regarding the temporary light at SW Elwert Road and Handley Street. Commissioner Cottle did not propose to put the condition on the applicant, but noted a light on Tualatin Sherwood Road that was supposed to be temporary without that understanding from the applicant and they threatened to sue the City if the light was removed years later. Ms. Hajduk said that was not entirely accurate and even though she did not think the condition necessary she understood the desire. She suggested a general condition (A.21) that said, "the light at Haide Road was understood to be temporary until such time as a traffic signal on Handley Street was installed at which point the signal at Haide Road would be removed and Haide Road would be a right in, right out". The City could even specify that it was a County, City or public improvement project.

Chair Simson reminded the Commission the bicycle parking variance would be denied resulting in amendments to condition B.3 and H.4 to provide 80 parking spaces subject to an agreement between the City and the school district for when the phasing would take place for additional spaces if needed.

Mr. Galati asked to move condition H.8 regarding mitigation projects from "prior to occupancy" to G.8, "prior to acceptance of public improvements".

The following motion was received.



**Motion: From Vice Chair Christopher Flores to approve the application for SP 18-03/CUP 18-02/VAR 18-01 and deny a portion of the variance for Sherwood High School based on the applicant testimony, public testimony received, the analysis, findings and conditions in the staff report, and the modifications listed by staff. Seconded by Commissioner Laurie Holm.**

Chair Simson asked about denying the variance when the recommendation was for an approval. Staff responded that the distinction would be covered in the staff report and it was listed by staff that a portion of the variance was denied.

**All Commissioners voted in favor.**

#### **7. Planning Commissioner Announcements**

Chair Simson announced the next Planning Commission meeting would take place June 12, 2018 at the Sherwood Police Station at 7 pm.

Vice Chair Flores reminded all that the Sherwood Foundation for the Arts, *Hello Dolly*, would take place at the end of month. Tickets would go on sale June 15<sup>th</sup>.

Commissioner Scott commented the Planning Commission had discussed the Housing Needs Analysis done by EcoNorthwest earlier in the year. He said after those Planning Commission and City Council deliberations, EcoNorthwest published a politically motivated opinion piece that gave him concern. He said the City was using a company that purported to provide neutral data, but he felt it was pushing a public agenda. He hoped staff and council would look at it going forward. Mr. Soper responded that contractors with public entities still had first amendment rights to make political speech and there had been a number of cases including the U.S Supreme Court stating there could be no retaliation against the contractor based on that speech. Even though a number of the company's principals wrote an op-ed in the Oregonian, the City could not take that into consideration when deciding whether to contract with them.

#### **8. Adjourn**

Chair Simson adjourned the meeting at 10:51 pm.

Submitted by:

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Kirsten Allen, Community Development Department staff

Approval Date: \_\_\_\_\_

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**City of Sherwood, Oregon**  
**Planning Commission**  
**June 12, 2018**

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**Planning Commissioners Present:**

Chair Jean Simson  
Vice Chair Christopher Flores  
Commissioner Justin Kai  
Commissioner Mark Cottle  
Commissioner Doug Scott  
Commissioner Laurie Holm

**Staff Present:**

Joy Chang, Associate Planner  
Bob Galati, City Engineer  
Josh Soper, City Attorney  
Michelle Babcock Dept. Program Coordinator,  
Craig Christensen, Engineering Associate II  
Mark Swanson, Systems Admin/Info Tech

**Planning Commission Members Absent:**

Commissioner Daniel Matzinger

**Council Members Present:**

None

**1. Call to Order/Roll Call**

Chair Jean Simson convened the meeting at 7:00 pm.

**2. Council Liaison Announcements**

None.

**3. Staff Announcements**

None.

**4. Community Comments**

No comments were received.

**5. New Business**

**a. Public Hearing – Public Hearing – PUD 17-01/SUB 17-01 Final Development Plan**

Chair Simson read the public hearing statement and said the Planning Commission has the final hearing authority, with appeals going to City Council. She asked for ex parte, bias, or conflict of interest from commission members. Chair Simson disclosed she had a brief conversation with Commissioner Cottle this afternoon regarding the view corridor and the SE Sherwood Master Plan. She replied to Commissioner Cottle that the City Council adopted parts of the SE Sherwood Master Plan, but not in its entirety. She said there were also questions about process with Commissioners Kai and Holm regarding the Planning Commission having the final authority and it is a site plan review. She said it would not affect her ability to participate. Commissioner Cottle echoed Chair Simson's statement.

Joy Chang, Associate Planner, gave a presentation of the staff report for the Denali Lane Final Development Plan and Final Subdivision Plat Reviews (see record, Exhibit 1). The Plan Unit Development (PUD) process has two steps and the first step is the Preliminary Development Plan approval where the Planning Commission makes a recommendation to City Council and the City Council renders a decision. On March 6, 2018, the City Council adopted Ordinance 2018-004 approving the 7-lot subdivision with conditions of approval. Once a Preliminary Development Plan is approved, the applicant submits a detailed Final Development Plan and a Final Subdivision Plat for review and approval by the Planning Commission.

Ms. Chang said the site is located in southeast Sherwood off SW Murdock Road and north of Sherwood

View Estates and south of Ironwood. The parcel is zoned Very Low Density Residential Planned Unit Development (VLDR-PUD). She identified the required approval criteria and stated Section 16.40.030 states that upon approval of the PUD overlay zoning district and Preliminary Development, the applicant shall prepare a detailed Final Development Plan for review and approval by the Planning Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. Since the PUD involves a subdivision of land, a final plat must be prepared and submitted for final approval, pursuant to Chapter 16.120, which is the subdivision section. The specific conditions applicable during the Final Development Plan phase are those listed under Prior to Approval of PUD Final Development Plan and Subdivision Plat in the presentation. Conditions of approval are items B1 through B13 and she stated all 13 conditions are satisfied or can be met as reflected in the Staff Report.

Ms. Chang referred to an overview of the subdivision and said there is a connection to SW Murdock Road to SW Ironwood Lane and extending SW Denali Lane to the south. She referred to the proposal details and said the net difference of the tax lots is 85 square feet from the approved Preliminary Development Plan and one of the requirements is that it has to be consistent with what was preliminarily approved and she stated this is consistent. She provided a view of the approved Preliminary Development plan versus the proposed Final Development Plan and the number of lots and lot patterns are consistent.

Ms. Chang said the City's Engineering Department has finalized their review of the Final Subdivision Plat and determined that it is consistent with the proposed Public Improvement Plans. Planning staff also reviewed the subdivision plat and determined that it is consistent with the approved Preliminary Development Plans. The Final Subdivision Plat required a minor word revision and the corrected Final Subdivision Plat will be dated June 11, 2018 and the revised document was distributed (see record, Exhibit 2). The revision removed the word "water" and inserted "sewer" on item 5 of the Plat Notes.

Ms. Chang said the required public notices were completed and staff received written testimony from Roger & Lisa Walker (Exhibit E in the packet) and the applicant Tim Roth that was distributed (see record, Exhibit 3). The testimony from the Walkers identified concerns regarding General Condition A.13, which is not part of the subdivision review and the Final Development Plan but is a general condition. General Condition A.13 reads, "No part of any structure on Lot 2 shall exceed the finished floor elevation of the existing structure to the west." They also requested clarification on the definition of finished floor elevation and staff agrees that finished floor elevation is the lowest habitable/livable space. In regards to the view corridor, the SE Sherwood Master Plan in part states, "the height and specific location of buildings along the Denali Lane extension will be important. The further east, and the lower in height, these homes are constructed, the less they will block eastward views from the adjacent home to the west." The view corridor is identified within the SE Sherwood Master Plan, however it has not been delineated. As previously mentioned, there are no significant changes to lot patterns between Lots 1 and 2 and modification to the CC&R for tree height restriction on Lot 1 are not necessary. The last request from the Walkers concerns oral testimony as far as process and the Planning Commission can address the request. The second written testimony is from Tim Roth, the applicant, in reply to the Walkers written testimony. His concerns relate to proposed changes to existing Conditions of Approval.

Ms. Chang said based on the review of the applicant's submittal, the Sherwood Zoning and Community Development Code, agency comments, and findings of fact in the staff report, staff recommends approval of the Denali Lane PUD /SUB Final Development Plan and Final Plat subject to on-going Conditions of Approval.

Chair Simson asked for Planning Commission questions for staff.

Commissioner Cottle asked what the height limit on a single family home is. Ms. Chang said it varies

depending on the zoning and said for VLDR-PUD the height limit is 30 feet or two stories and the maximum height is the lesser of the two.

Commissioner Cottle asked if height is measured from the lowest point of habitable space up. Ms. Chang said by definition under 16.10 Building Height, “The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by the following criteria, whichever yields the greater height: A. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above lowest grade or B. An elevation ten feet higher than the lowest grade, when the sidewalk or ground surface described in this section is more than ten feet above lowest grade”.

Commissioner Cottle referred to the CC&Rs and asked if the City is allowed to enforce the CC&Rs. City Attorney Josh Soper stated that putting it in the CC&Rs is what satisfied the two interested parties.

Commissioner Cottle asked if Lot 2 is the only lot with a view corridor through it. Ms. Chang said it was determined during the first initial preliminary review, through testimony from the Walkers, that it was Lot 2 and staff catered to the request and specifically conditioned it to Lot 2. Commissioner Cottle stated Lot 2 increased by 41 square feet and asked if the view corridor is over the additional 41 square feet portion that was added to Lot 2. Ms. Chang said the condition is specifically written and is a general condition that will be implemented at the time the applicant submits building plans. It is difficult to identify the start point when it is not accompanied by an engineering study. The applicant will be required to provide proof that they can meet the standard at the time of building permitting and plot review.

Chair Simson said regular site plans usually include full building elevations and more details and asked why this proposal does not have building elevations. Ms. Chang said with any given subdivision, the City does not typically ask for elevations and design elements are not required. She noted this is a PUD and staff did implement the architectural pattern book and that is going to be part of implementing the design and there are specific requirements in the pattern book that will also be considered upon building review. Chair Simson clarified that with residential developments, staff reviews the building elevations at the building permit phase. Ms. Chang said staff is aware of the specific building elevation requirements for this subdivision and will not approve the permits unless the conditions are met.

Chair Simson asked Ms. Chang to restate what the Planning Commission is under mandate to review at this meeting. Ms. Chang said in terms of Land Use applications there are general conditions in subsection A and specific conditions in subsection B, which are currently being reviewed, and must be met prior to approval of PUD Final Development Plan and Subdivision Plat. The Commission must make sure the CC&Rs, plat and everything required is still consistent. She said the applicant has proven that the changes are minor and the conditions of approval in subsection B are satisfied.

Commissioner Scott said previously the Planning Commission considered an architectural pattern book and said that is not include in this packet and asked if that is now part of the approved PUD and not germane to this hearing. Ms. Chang stated that is correct and it will be applied with the conditions of approval at the time of building permits.

Chair Simson asked for applicant testimony.

**Steve Miller**, Emerio Design came forward and iterated that they have spent a significant amount of time with the Planning Commission, City Council, and the Walkers on this process. He noted when they went

before the City Council they took the SE Sherwood Master Plan and imposed it on top of their plat to show the view corridor and per that SE Sherwood Master Plan it was clearly over Lot 1. He said they were ready to have some conditions placed on Lot 1 to protect the view corridor. He said at the meeting the Walkers were adamant that the view corridor was not over Lot 1 and was directly to the east and over Lot 2. He said the City Council recessed and they debated the issue and settled with the Walkers that the view corridor was over Lot 2. He stated specific conditions were crafted, which included tree heights and roof heights for Lot 2, and not Lot 1. He said it is discouraging to see a letter from the Walkers saying that the view corridor is both Lot 2 and Lot 1. This is the final plat review and the limited conditions that they are required to comply with are the ones under section B. He stated they are in compliance with all conditions that all parties agreed to during the land use process and the City Council made a final land use decision that was not appealed. He noted they did their best to comply with the view corridor and yielded to the neighbors on the west, based on their information, stating the view corridor is over Lot 2. The elevation has been surveyed and they are prepared to build accordingly, and should be subject only to the conditions that are applicable for this particular application review.

The applicant saved the remaining 25 minutes for rebuttal.

Commissioner Cottle asked staff if the Planning Commission has the authority to change conditions that the City Council has already approved. Mr. Soper said that is not what this hearing is about and stated the final land use decision refers to Lot 2.

Chair Simson referred to the added 41 square feet to Lot 2 and asked if the designation line was moved to make the lot larger. Mr. Miller said they did a boundary survey and squared the property based on the physical location of the property. When they did the initial plat they relied on old data and did not have time to verify. Moving into the final plat the surveyors reconfirmed the point for the property and it squared up a few lot lines and that is not an uncommon practice in land development.

Commissioner Scott clarified that the line between Lot 1 and Lot 2 may have moved a small amount and asked which direction and by how much. Mr. Miller said it moved to the south and said it is less than 1 foot over the distance between the east side and the west side.

Commissioner Cottle asked if the increase in the Lot 2 size is now included in the view corridor. Mr. Miller stated the view corridor was agreed to be over Lot 2. Commissioner Cottle clarified that whatever land was added to Lot 2 is now encumbered by the view corridor and asked if that is the applicants understanding. Mr. Miller said it was agreed to that the view corridor is over Lot 2. He said this is the final plat and it complies with the decision of City Council.

Commissioner Scott said he did not get an answer on his question. Chair Simson clarified with the applicant that he does not know the amount of the property line shift to the south. Mr. Miller said he does not have a specific answer but assured the Planning Commission that it is fractional. Discussion followed.

Chair Simson asked Mr. Soper if the PUD recognizes the original Lot 2 delineation versus a revised Lot 2 delineation and will this line change before the applicant submits building permits. Mr. Soper said the way the conditions of approval are written they are tied to the lot numbers, so on Lot 2 the building and tree heights are limited. He said wherever the lines are on Lot 2 the building on that lot will have those height restrictions.

Commissioner Kai clarified that the view corridor is not a fixed geographic point. Mr. Soper said the view corridor is tied to a specific lot number.

Commissioner Scott said there is no amount of property line shift that would trigger a reevaluation of the

intent. Mr. Soper said it would not be compliant with the preliminary plan if the alignment was totally different.

Mr. Miller referred to the approved preliminary plan and said the curve was too tight for the street and the biggest change is adjusting Denali Lane to get it to function at the standard it was supposed to operate at. He said he stands corrected and said it was not really a shift from north to south but more east to west to straighten the road so that it operated to the standards that are required for this level of street.

Mr. Miller referred to page 4 of the staff report that includes comments from Tualatin Valley Fire & Rescue (TVR&F) and said the last sentence refers to Lots 2, 3, and 4 and said it should be Lots 1, 2, and 3. Chair Simson said this refers to the new condition G7, page 14 of the packet, and said the condition of approval is accurate but the statement from TVF&R is inaccurate.

Chair Simson said before calling for public testimony she addressed the request from Roger and Lisa Walker to have extended time. She said the request requires a majority vote of the Commission if we choose to extend time beyond 4 minutes per person.

Commissioner Cottle suggested if the public testimony involves extending the conditions to Lot 1 it is beyond our jurisdiction.

The Commission agreed to 8 minutes total.

Chair Simson called for public testimony.

**Lisa and Roger Walker**, Sherwood residents came forward in support of keeping the view corridor over Lot 2. She said the intent was to have an area of land designated as the view corridor and not tied to Lot 2 specifically. She stated if the lot line does not change significantly, they support the proposed final development plan. She asked staff what is considered significant or substantial. Ms. Chang said the applicant is using professional certified surveyors and she is not projecting significant changes. She agreed with Mr. Soper that the way the conditions are written, it is tied to Lot 2 versus an area of land. Mr. Walker asked Mr. Soper if there is any threshold of movement on the property lines that would amount to substantial. Mr. Soper said there is not a clear answer and substantial can be argued but noted that at some point the City will say it is substantial and deem the project as non-compliant. Ms. Walker referred to the definition of finished floor elevation as lowest habitable level of flooring and requested a clarification be written into the conditions.

Mr. Soper stated the Commission does not have the authority, at this point in the process, to change a condition. He said the Commission could add that this is how City staff interprets the condition and how they plan to enforce it. Chair Simson said that is already in the staff report. Mr. Soper said the Commission is applying conditions, not changing conditions.

Commissioner Doug Scott asked if the finished floor language is universally accepted. Mr. Soper said according the City Building Official it is the lowest habitable level.

With no other comments, Chair Simson asked for applicant rebuttal. Mr. Miller said he has no rebuttal.

Chair Simson closed the public hearing for deliberation.

Commissioner Cottle asked why the code has the Planning Commission review this if we cannot interpret the code and apply it to the specifics of the condition. It appears we are just here to say that staff is right and the applicant met the conditions or staff is wrong and they did not meet the conditions. That could be something staff could do. Ms. Chang said staff does typically do that but since this is a PUD there is an extra process as written in the code.

The following motion was received.

**Motion: From Vice Chair Christopher Flores to approve the application for PUD 17-01 and SUB 17-01 Final Development Plan based on the applicant testimony, public testimony received, and the analysis, findings, and conditions in the staff report. Seconded by Commissioner Mark Cottle. All Commissioners voted in favor.**

#### **6. Planning Commissioner Announcements**

Chair Simson reminded the Commissioners to respond to the email regarding the tour of the Wilsonville Water Treatment Plant and their availability.

Chair Simson commented on the rules relating to emails and said if the Commissioners receive City related emails in their personal accounts, they are required to maintain a record. Commissioners are also required to keep, or turn over to staff, any notes from the meetings. Commissioners may request a City email address that is archived by the staff or can create their own separate email address that is only used for Planning Commission correspondence and archive it themselves. Chair Simson asked Commissioners to inform Community Development Director Julia Hajduk of their preference.

Commissioner Cottle said if he creates his own email could he grant City IT Department access to remove the emails once a month and store them on the City server. Mr. Soper said the option is to have a City email account that the City archives or have a personal account that the Commissioners archive. He said the issue is not only retention but access and he prefers that Commissioners have a City email account. All present Commissioners agreed to have City email accounts. Chair Simson asked staff to contact Commissioner Matzinger regarding his preference.

Commissioner Flores said “Hello Dolly” tickets are available.

Commissioner Cottle stated he asked Mr. Soper to provide a brief memo on what the standard is when placing conditions on things. Mr. Soper said there might be a work session on this topic in the future. The Supreme Court has ruled that it does not have to be mathematically precise and subsequently other lower courts have gradually inched toward mathematically precise. Discussion followed.

Chair Simson said Planning Manager Erika Palmer is drafting a memo that will explain takings, exactions, and rough proportionality. Another request would be to have a framework by which the Commission can understand when a condition is subject to review by the Planning Commission and if we do not agree with the condition, which findings need to be changed.

#### **7. Adjourn**

Chair Simson adjourned the meeting at 8:19 pm.

Submitted by:

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Colleen Resch, Records Technician 1

Approval Date: \_\_\_\_\_

# PLANNING COMMISSION

WORK SESSION PACKET

JULY 24, 2018





TO: City of Sherwood Planning Commission  
FROM: Erika Palmer, Planning Manager  
RE: Amendments to the Sherwood Zoning Community Development Code (SZCDC)

Date: July 24, 2018

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Planning staff is recommending amendments to the SZCDC. These amendments are planned to be adopted through a series of ordinances with the first public hearings held with the Planning Commission in late August.

**Summary of Proposals:**

PA 18-03 – The proposal modifies the City’s Development Code to ensure conformance with new state statutes adopted in 2017 to remove barriers to Accessory Dwelling units (ADU) development. The city currently allows ADU’s. The proposed amendment seeks to create “reasonable” clear and objective standards for ADU development and make it a Type 1 application.

PA 18-04 – The proposal adds standards for Model Home approval under Temporary Use Permits.

PA 18-05 – The proposal incorporates by reference and adopts the most current FEMA Flood Insurance Rate Maps dated October 18, 2018.

PA 18-06 – The proposal provides clarity under the definition of Medical Marijuana Dispensary and allows approval of a medical marijuana dispensary registered with Oregon Health Authority and Oregon Liquor Control Commission. The proposal ensures that the Sherwood Development Code is consistent with state laws.

PA 18-07 – The majority of amendments seek to correct errors, increase consistency between sections, and clarify code language and intent. Proposed amendments affect the following Chapters: §16.10 Definitions; §16.58 Clear Vision and Fence; §16.70 General Provisions; §16.100 Permanent Signs; §16.106 Transportation Facilities; §16.118 Public and Private Utilities.

These amendments are being processed through a series of ordinances for clarity, efficiency during the public hearings process, and because of public noticing requirements.

A half page public notice flyer will be incorporated into the upcoming water utility billing statements. Public notice for PA 18-05 will be mailed to affected property owners whose land has been identified as having any portion thereof located in a floodplain or floodplain management area. In addition, public notices will be posted in either the Sherwood Gazette or Tigard Times.

Why are these amendments to the SZCDC being proposed?

Some of the amendments are being proposed because of new state laws and FEMA map updates. The Temporary Use Permit amendment allowing the use for model homes was developed to provide a clear and objective review process for this type of use within an approved subdivision.

Other general amendments are proposed for general housekeeping to make sure the code is clear and consistent throughout sections.

***Proposed SZCDC Amendments:***

**Strikeout** = deleted text

**Bold Italicized** = proposed new text

**PA-18-03: Accessory Dwelling Units**

Senate Bill 1051 requires cities and counties of a certain population to allow accessory dwelling units (ADUs). The bill also focuses on reducing barriers for ADU development which includes siting and design standards.

Sherwood's development code already allows for Accessory Dwelling Units. In the spring of 2018, planning staff attended an ADU code audit workshop. The workshop's primary focus was how local jurisdictions can reduce barriers to ADU development by creating clear and objective standards for siting and design that allows for compliance with SB 1051.

**Siting:** It is recommended that cities/counties applying the same or less restrictive development standards to ADUs as those for other accessory buildings. One of the proposed amendments reduces the rear yard setback from 20 feet to 10 feet. This reduction in the rear yard setback is in alignment with the city's accessory structure requirements. Accessory structures over 10 feet in height must be at least 10 ft. from the property line (SZCDC §16.50)

**Design:** SB 1051 requires all design standards to be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like "compatible" or "character." Sherwood planning staff developed design standards for detached ADU's over 15 ft. in height that describes exterior finish materials, roof pitch, trim and eaves.

In addition, staff is proposing to increase the floor area to 50% of the gross habitable floor area to allow for a full floor to be converted in an existing home to be an ADU. The existing code limitation of 40% without a square footage minimum is not considered a 'reasonable local regulation' per SB 1051.

Sherwood planning staff provided the draft amendments to Department of Land Conservation and Development (DLCD) staff for cursory review and received the following comments:

1. We support the recommendation to consider removing the owner occupancy requirement.

Staff Comment: Many jurisdictions have removed an owner occupancy requirement for ADU's. Ultimately, this becomes an enforcement issue. Sherwood staff doesn't have a preferred alternative, but if there is a complaint that a property owner is not living on-site it is difficult to prove and enforce.

2. The proposal notes that parking requirements are in conformance with single family dwelling requirements. We recommend the city allow driveway spaces to be counted for off-street parking and to remove any requirement for an additional off-street parking space if the abutting streets allow on-street parking. Minimizing parking requirements reduces the cost of an ADU and could be considered a benefit to the City as it can potentially reduce storm water runoff by preventing the creation of more impervious surface.

Staff Comment: The parking requirement for an ADU would require one off-street parking space, which does not include the garage. This is the same as a single-family home. A home with an ADU would need a driveway to accommodate two vehicles, or they would need to expand a parking on their lot, which as DLCD staff indicates above increases impervious surface area. Another alternative would be add a standard that an on-street parking space within "X" ft. of the lot can be counted towards the ADU parking requirement. This is only a recommendation from DLCD staff.

3. We recommend the city remove the requirement for the ADU entrance to not be visible from the street, particularly if this is a more restrictive requirement than other types of permitted accessory structures. It also may limit the development of ADU's within an existing single family dwelling or accessory structure.

Staff Comment: This requirement is more restrictive than the city's accessory structure requirements which does not provide for an entrance/door requirements. This is only a recommendation from DLCD staff.

4. We encourage the city to not limit ADUs to 50% of the primary dwelling gross habitable floor area, particularly if other accessory buildings are not similarly limited. This size limit could make an ADU impractical to build or to construct within an existing single family dwelling or accessory structure. We recommend

what many cities have done which is to have a maximum size of 800 sf or 75% of the primary dwelling size, whichever is greater. Or the city might consider continuing with the 50% of the primary dwelling and add, or 800 sf, whichever is greater. Also suggest, for simplicity, that the entire building be considered the building size rather than distinguish gross habitable floor area. If the size is based on gross habitable floor area it could make one wonder what the purpose of the size restriction is and may encourage applicants to be less than straightforward about their building plans.

Staff Comment: This is a recommendation from DLCD staff. Planning staff does not have not have a recommended option. However, planning staff agrees with DLCD suggesting to not base the size on the gross habitable floor area and rather the entire building size.

5. We are pleased to see a proposed clear and objective route for the ADU design and appearance criteria. However, we encourage the City to consider removing standards that are more restrictive than those other types of accessory structures.

Staff Comment: The proposed ADU design criteria is only for ADU's over 15 ft. in height, an accessory structure less than that height would not be required to meet the design guidelines. Also, an internal ADU wouldn't have to meet the design guidelines. DLCD is encouraging the city to remove design standards, but the proposed standards are in fact clear and objective meeting the intent of SB 1051.

Question to Planning Commission: Would you like staff to prepare additional amendments for PC review based upon DLCD staff comments? If so, please direct staff.

See Exhibit 1: Proposed Amendment to Chapter 16.52, Accessory Dwelling Units

#### **PA 18-04: Temporary Uses to allow Model Homes**

The SZCDC does not specify model homes in the Temporary Use chapter. Staff has received inquiries about Model Homes. The proposed amendments would provide clear standards for the approval of Model Homes under a Temporary Use Permit and would create a Type I staff level review process.

Many cities throughout the region (Hillsboro, Tigard, Happy Valley, Washington County) allow for model homes either through Special Use Standards in their development codes or through Temporary Use Permits. Staff has coordinated with Sherwood Building, Engineering departments and Tualatin Valley Fire and Rescue to develop standards for allowing such in an approved subdivision.

See Exhibit 2: Proposed Amendment to Chapter 16.86, Temporary Uses

**PA 18-05: Amendment to the Floodplain Overlay, adopting new FEMA Flood FIRM maps**

FEMA has updated its Flood Insurance Rates Maps (FIRM). The purpose of the amendment is to update the regulations to remain consistent with the requirements of the National Flood Insurance Program (NFIP). Specifically, the update will involve adopting the revised Flood Insurance Rate Maps. The city needs to adopt by reference the new updated maps by October 18, 2018. The new maps are NOT significantly different from the existing FIRMs.

Public notice of the proposed amendment will be sent to affected property owners including the property owners whose land has been identified as having any portion thereof located in a floodplain or floodplain management area.

Proposed amendment language:

§16.134.010, Floodplain Overlay

Generally

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The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," (flood insurance study) dated **October 19, 2018** ~~November 4, 2016~~, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file with the Sherwood City Engineer at Sherwood City Hall.

**PA 18-06 – Medical Marijuana Dispensary Code Amendments**

Staff is proposing the following amendments to be in compliance with new state laws. State law previously provided that recreational marijuana facilities were regulated by OLCC and medical marijuana facilities were regulated by OHA. The City's code was drafted accordingly and differentiated between recreational and medical marijuana facilities on the basis of which agency regulated them. However, state law has since changed to allow OLCC to regulate medical marijuana facilities. This code amendment would therefore serve to continue to permit medical marijuana facilities and prohibit recreational marijuana facilities, but would no longer distinguish between them based on the licensing agency.

See Exhibit 3: Proposed Amendment to Chapter 16.38, Special Uses

**PA 18-07 – General Code Amendments**

These are general code housekeeping amendments. Most of the proposed amendments are changes for consistency between text and other sections of code, and text and diagrams/tables, and general state statutes.

## PA 18-07 Housekeeping Amendments

### 1. Chapter 16.118, Public and Private Utilities

This is a text amendment that would strikeout reference to Chapter 7 of the SZCDC in section §16.118.020

#### *Proposed Amendment*

#### §16.118.020 - Standard

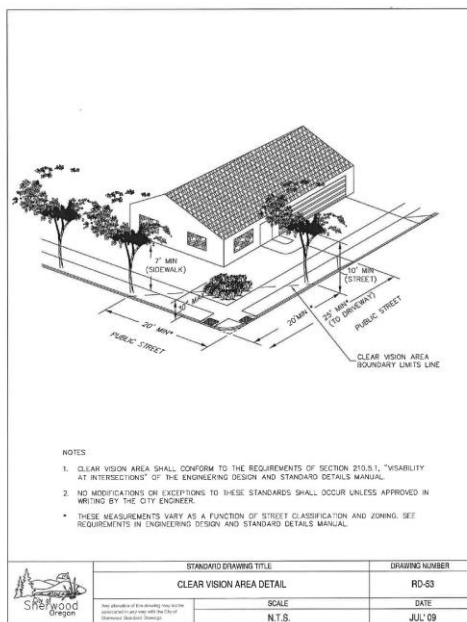
A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, **Chapter 7 of the Community Development Code**, and applicable utility company and City standards.

### 2. Chapter §16.58: Clear Vision Diagram is inconsistent with code language. The text describing the clear vision area is correct.

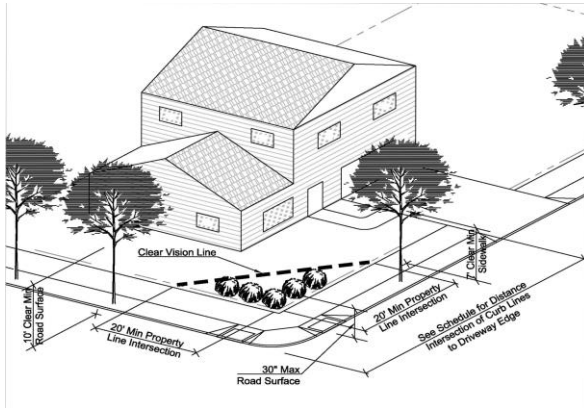
#### §16.58.010 - Clear Vision Areas

B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides. This amendment will provide a diagram that matches the text description

Existing Clear Vision Diagram:



## Amended Clear Vision Diagram



3. Section §16.70.030.C.1.j: Remove reference to the Capacity Allocation Program. The CAP was repealed under Sherwood ORD 2014-12.

### C. Content

\*\*\*\*

~~j. A trip analysis verifying compliance with the Capacity Allocation Program, if required per 16.108.070.~~

k. j. A traffic study, if required by other sections of this code,

l. k. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:

- 1) Wetland assessment and delineation
- 2) Geotechnical report
- 3) Traffic study
- 4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.

m. l. Plan sets must have:.....

4. Section §16.106.060B: Modify sidewalk widths for consistency with the Transportation System Plan (TSP)

### B. Design Standards

#### 1. Arterial and Collector Streets

Arterial and collector streets shall have minimum **six (6) or** eight (8) foot wide sidewalks/multi-use path, located as required by this Code. **Eight (8) feet for residential streets and six (6) feet for commercial/industrial areas.**

5. Section §16.10.020, Definitions: Modify this section to be consistent with ORS 329A.280 which now states that family child care homes can care for up to 16 children.

ORS 329A.280 When certification required; rules.

(1) A person may not operate a child care facility, except a facility subject to the registration requirements of ORS 329A.330, without a certification for the facility from the Office of Child Care.

(2) *The Early Learning Council shall adopt rules for the certification of a family child care home caring for not more than 16 children.* The rules shall be specifically adopted for the regulation of certified child care facilities operated in a facility constructed as a single-family dwelling. Notwithstanding fire and other safety regulations, the rules that the council adopts for certified child care facilities shall set standards that can be met without significant architectural modification of a typical home. In adopting the rules, the council may consider and set limits according to factors including the age of children in care, the ambulatory ability of children in care, the number of the provider's children present, the length of time a particular child is continuously cared for and the total amount of time a particular child is cared for within a given unit of time.

(3) In addition to rules adopted for and applied to a certified family child care home providing child care for not more than 16 children, the council shall adopt and apply separate rules appropriate for any child care facility that is a child care center.

(4) Any person seeking to operate a child care facility may apply for a certification for the facility from the Office of Child Care and receive a certification upon meeting certification requirements. [Formerly 657A.280]

Family Day Care Provider: A day care provider which accommodates fewer than **sixteen (16)** ~~thirteen (13)~~ children in the provider's home.

6. Section §16.12.030 Residential Land Use Development Standards. Provide for an Irregular Lot footnote in the table below for reference.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at building line <a href="#">11</a> : (in feet)						

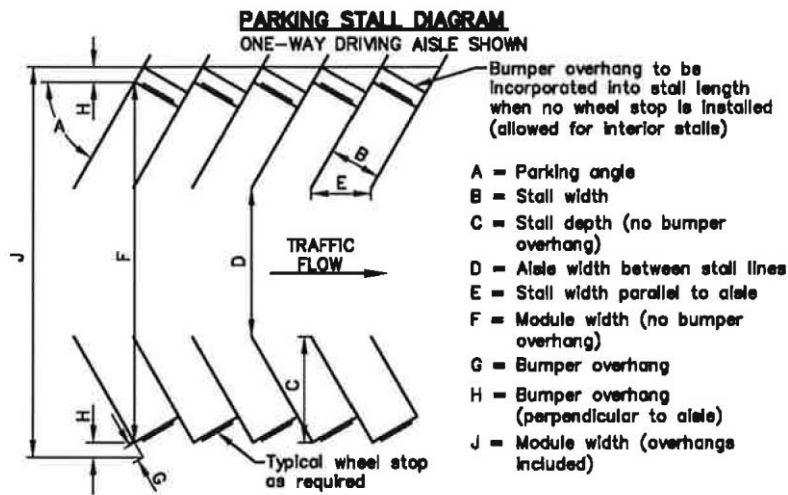


• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height <sup>[2]</sup> (in feet)	30 or 2 stories	30 or 2 stories	30 or 2 stories	30 or 2 stories	35 or 2.5 stories	40 or 3 stories
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials <sup>[3]</sup>	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard <sup>[4]</sup>	20	20	20	14	14	14
• Face of garage	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	20	20	20	10	5	5
• Two Family	X	X	X	5	5	5
• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single Family or Two Family	20	20	20	15	15	15
• Multi-Family	X	X	X	X	20	30
• Rear yard*	20	20	20	20	20	20

**Footnote: If the lot is an irregular shape see definition for Lot Line, Rear, Section 16.10 Definitions**

7. §Section 16.94.020 Off-Street Parking Standards. Modify Table 2. Minimum Parking Dimension Requirements to match the text in §16.94.020B.1 which states:

B. Dimensional and General Configuration Standards 1. Dimensions For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.



**Table 2: Minimum Parking Dimension Requirements**  
One-Way Driving Aisle (Dimensions in Feet)

A	B	C	D	E	F	G	H	J / I
45°	8.0	16.5	13.0	11.3	46.0	3.0	2.5	51.0
	9.0	18.5	12.0	12.7	49.0	3.0	2.5	54.0
60°	8.0	17.0	18.0	9.2	52.0	3.0	2.5	57.0
	9.0	19.5	16.0	10.4	55.0	3.0	2.5	60.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	23.0	9.3	61.0	3.0	3.0	67.0
90°	8.0	<del>15.0</del> <b>18.0</b>	26.0	8.0	56.0	3.0	3.0	62.0

A	B	C	D	E	F	G	H	J / I
	9.0	<del>17.0</del> 20.0	24.0	9.0	58.0	3.0	3.0	64.0

**Table 3: Two-Way Driving Aisle**  
(Dimensions in Feet)

A	B	C	D	E	F	G	H	J / I
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
90°	8.0	<del>15.0</del> 18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	<del>17.0</del> 20.0	24.0	9.0	58.0	3.0	3.0	64.0

8. **§16.50.070 – In-Ground Pools** – Add this section to Chapter 16.50, Accessory Structures, Architectural Features and Decks.

***A. In-ground pools/spas less than 3 feet in height that are not temporary or seasonal may be sited 5 feet from the side and rear property line. In-ground pools shall not be placed within the required front or street side setback.***

9. §16.102.030.A, Temporary Sign Regulations Chapter 16.102, Temporary and Portable Signs.

§ 16.102.030 - Temporary Sign Regulations

A. The following regulations apply to all temporary signs as defined in Section ~~16.100.1.21~~ **16.100.015**

10. §16.100.030.C.1.a, Permanent Sign Regulations Chapter 16.100 – fix cross-reference

1. Free Standing Signs a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section ~~16.102.030.B.1-5.~~ **16.100.030.B.1-4.**

EXHIBIT 1: AMENDMENTS TO CHAPTER 16.72, PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

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***§16.72.010 - Generally***

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

- a. Signs
- b. Property Line Adjustments
- c. Interpretation of Similar Uses
- d. Temporary Uses
- e. Final subdivision and partition plats
- f. Final Site Plan Review
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010
- h. Class A Home Occupation Permits
- i. Interpretive Decisions by the City Manager or his/her designee
- j. Tree Removal Permit - a street trees over five (5) inches DBH, per Section 16.142.050.B.2 and 3.
- k. Adjustments
- l. Re-platting, Lot Consolidations and Vacations of Plats
- m. Minor Modifications to Approved Site Plans

***n. Accessory Dwelling Units***

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EXHIBIT 1: AMENDMENTS TO CHAPTER 16.52, ACCESSORY DWELLING UNITS

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§16.52.010 - Purpose

An Accessory Dwelling Unit (ADU) is a habitable living unit that provides the basic requirements for shelter, heating, cooking and sanitation. The purpose of an ADU is to provide homeowners with a means of obtaining rental income, companionship and security. ADU's provide Sherwood residents another affordable housing option and a means to live independently with relatives.

(Ord. 2000-1108, § 3)

16.52.020 - Requirements for all Accessory Dwelling Units

All Accessory Dwelling Units must meet the following standards:

A. Creation: One Accessory Dwelling Unit per residence may only be created through the following methods:

1. Converting existing living area, attic, basement or garage;
2. Adding floor area;
3. Constructing a detached ADU on a site with an existing house;
4. Constructing a new house with an internal or detached ADU.

B. Owner Occupancy: The property owner, which shall include the holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, ~~but not both~~, for at least six months out of the year, and at no time receive rent for the owner-occupied unit.

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~~C. Number of Residents: The total number of individuals that reside in both units may not exceed the number that is allowed for a household.~~

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~~C.D. Location of Entrances: The primary entrance to the ADU shall *not be visible from the street facing facade* be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.~~

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~~D.E. Parking: Additional parking shall be in conformance with the off-street parking provisions for single-family dwellings.~~

~~E.F. Floor Area: The maximum gross habitable floor area (GHFA) of the ADU shall not exceed *50%* ~~40%~~ of the GHFA of the primary residence on the lot.~~

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~~F.G. —Setbacks and Dimensional Requirements: The ADU shall comply with the setback and dimensional requirements of the underlying zone *for accessory structures*. ~~In addition, there shall be a minimum ten (10) foot separation between the primary residence and the ADU.~~~~

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~~G.H. Design and Appearance: *The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building conforms to the original design characteristics and style of the building, and appears to be a single*~~

~~family residence. The ADU shall meet the following standards for design and appearance:~~

**Structures Over 15 Feet In Height Must Meet One Option From Each Row Below**

<b><u>Exterior Finish Materials</u></b>	Must be the same or visually match in type, size and placement, the exterior finish material of the primary structure	OR	Siding made from wood, composite boards, vinyl or aluminum products. Siding must be a shingle pattern or in a horizontal clapboard or shiplap pattern ≤ 6 inches in width
<b><u>Roof Pitch</u></b>	Predominant roof pitch must be the same as the predominant roof pitch of the primary structure	OR	Roof pitch must be at least 6/12
<b><u>Trim</u></b>	Must be the same in type, size, and location as the trim used on the primary structure	OR	All windows and door trim must be at least 3.5 inches wide
<b><u>Eaves</u></b>	Same projection distance as primary structure	OR	All eaves project at least 1 foot from the building walls

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~~**Partitioning: An ADU shall not be partitioned or divided off from the parent parcel.**~~

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~~(Ord. 2000-1108, § 3)~~

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## EXHIBIT 2: AMENDMENTS TO CHAPTER 16.86, TEMPORARY USES

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### 16.86.010 - Purpose

This section recognizes that temporary uses serve a useful purpose in the life of the community. Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent changes are not made to the site. Such activities have a potential to have adverse impacts on surrounding property created by the temporary activity therefore specific requirements are necessary as discussed herein.

(Ord. No. 2012-001, § 2, 1-3-2012)

### 16.86.020. - Temporary Uses - No Permits Required

#### A. Applicability

1. Short-term events with an approved City of Sherwood Special Event Permit such as festivals, farmers markets and local events.
2. Short-term events, two (2) weeks in duration or less, including but not limited to fireworks sales, tent sales, sidewalk sales, book sales, craft sales, tree sales or rummage sales.
3. Tree and plant sales are limited to four (4) weeks in duration.

#### B. Criteria

1. No permit or review is required for short-term events that receive approval through the City of Sherwood Special Event Permit.
2. No permit or review is required for short-term events described in section A.2 and A.3 above, however, they must meet the following criteria;
  - a. The operations take place on private property for which the applicant has permission to use. No part of the site or use shall be located in the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.
  - b. The event must take place on an improved site that has received site plan approval per Chapter 16.90.
  - c. The use shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.
  - d. Pedestrian pathways such as sidewalks, bike path, walkways and breezeways shall not be blocked.
  - e. Wheelchair paths and handicapped parking spaces shall not be blocked.
  - f. The use shall not eliminate required off street parking.
  - g. Temporary uses shall obtain TVF&R approval, if applicable.



- h. Temporary uses permitted by these criteria are not exempt from any other required permits such as temporary portable sign permits, City business license, sanitation facility permits, electrical permits, or any other required city, county or state permit.
- i. The use shall comply with applicable noise, odor, nuisance, fire code and comply with other provisions of this Code.
- j. Food vendors are only permitted when associated with an approved special event permit or permitted as permanent outdoor sales and subject to 16.98.040.A.1.

C. Enforcement

If a short-term event described in section A.2 and A.3 above is found to be out of compliance with the above criteria, the City shall enforce compliance or require the removal of the event in accordance with the City's code compliance procedures and 16.02.040.

(Ord. No. 2012-001, § 2, 1-3-2012)

16.86.030 - Temporary Uses - Requiring Permits

A. Applicability

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary ~~sales real-estate~~ offices, ~~(non-Model Home)~~, construction trailers and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.

B. Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Chapter 16.72-and shall be evaluated pursuant to a Type I procedure.

C. Permit Approval

1. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Chapter 16.72 provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

- a. Generally conforms to the standards and limitations of the zoning district in which it is located.
- b. Meets all applicable City and County health and sanitation requirements.
- c. Meets all applicable Uniform Building Code requirements.
- d. On-site real-estate offices, Construction offices and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.
- e. Complies with temporary outdoor sales standards, if applicable.

2. Time Limits

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The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee.

- a. Temporary ~~sale offices~~, construction offices, ~~and~~ construction trailers ~~and real estate offices~~ shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.
- b. Other temporary uses, not otherwise exempt per 16.86.020.B, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.
  - (1) Renewals may be provided as follows:
    - (a) A renewal permit may be obtained for a period of one (1) year after providing a narrative discussing how the use will remain temporary and how the use is not and will not become permanent.
    - (b) A temporary use permit shall not be renewed for more than three consecutive years; however a renewal may be obtained annually for uses that do not exceed a four month period of time per year.

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3. Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following:

- a. increased yard dimensions;
- b. fencing, screening or landscaping to protect adjacent or nearby property;
- c. limiting the number, size, location or lighting of signs;
- d. restricting certain activities to specific times of day; and
- e. reducing the duration of the temporary use permit to less than one (1) year.

4. Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

**D. Model Homes**

**This sections permits the construction of model homes in conjunction with preliminary approval of a residential subdivision pursuant to Chapter 16.120 of this title. In residential subdivisions, model homes are sometimes built to show examples of available floor plans, materials and finishes and to facilitate early sales. Model homes are generally constructed prior to completion of all the streets and utilities within the development. When the model home is discontinued the structure converts to the intended use as dwelling units.**

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1. Approval Criteria. A model home may be constructed and occupied only for the purposes set forth in this section and consistent with its definition prior to final plat recording and subject to the following approval criteria:

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a. The lot and home foundation for the proposed model home(s) must be surveyed by a person who is registered in Oregon as a land surveyor and holds a valid certificate consistent State Law. The surveys must establish the location of the model home structure consistent with the dimensional requirements of a lot on the approved preliminary residential subdivision.

b. The proposed model home shall be in compliance with residential development standards in Chapter 16.12 including applicable dimensional requirements including, but not limited to, maximum height, minimum setbacks and minimum lot size of the approved preliminary residential subdivision.

c. Adequate parking shall be available to serve the model home site. No model home may be occupied where on-street parking is not available on a public right-of-way or private street that is immediately adjacent to the lot. Where adjacent on-street parking is inadequate, additional temporary off-street parking may be required. Temporary off-street parking must be removed and adequate landscaping installed consistent with this title prior to any sale of the model home or lot. At least four parking spaces shall be provided for each model home.

d. Adequate emergency vehicle access shall be available to model home(s) during both construction and temporary occupancy, as approved by the City.

e. Adequate water supply for firefighting, as approved by the City, shall be provided to each model home lot prior to installation of combustible materials.

f. All required public and private utilities within the public right-of-way or private street shall be installed prior to the approved use of the model home. All utility installation must be inspected and approved by the City consistent with this title. This provision is in addition to any other requirements for public utility improvements as may be provided in this title or other applicable law.

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g. The number of model homes in a residential subdivision may be allowed as follows:

i. Between eleven (11) and fifty (50) residential lots, two model homes;

ii. Between fifty-one (51) and one hundred (100) residential lots, three model homes;

iii. More than one hundred one (101) residential lots, five model homes;

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*h. If more than one model home is proposed, the lots on which the model homes are to be located shall be contiguous to one another and within the first phase of development.*

*i. No variances under Chapter 16.84 shall be permitted to accommodate the model home.*

*2. Remedial Action. In the event that the City determines the model home has encroached on a property line or has violated any applicable standards, the following steps shall be taken to correct the violation:*

*a. The City shall provide notice to the applicant identifying the violation and requesting correction of the violation within sixty (60) days of the date of the notice. The City may require more or less time on a case-by-case basis. The time required to cure the encroachment does not extend or modify the timeline for submitting a final plat subject to section 16.120.050 or the termination of the model home approval as set forth below.*

*b. The applicant shall correct the violation within the time provided in the notice unless otherwise agreed to by the City in writing.*

*c. The City will not accept an application for a final plat until such time as the violation is corrected. In the event an application is already filed before the violation is detected, the City shall deny the final plat as not consistent with the preliminary approval unless the violation is corrected.*

*3. Termination of Model Home Approval. The model home use shall be discontinued no later than two years from the date of the recording of the final plat of the entire subdivision. Approval may be extended for a maximum of one additional year by the Planning Official or designee with the concurrence of the building official.*

(Ord. No. 2012-001, § 2, 1-3-2012)

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EXHIBIT 3: AMENDMENTS TO CHAPTER 16.10 DEFINITIONS & CHAPTER 16.38, SPECIAL USES

~~Strikeout~~ = deleted text

***Bold italicized*** = proposed text

§16.10.020 - Specifically

The following terms shall have specific meaning when used in this Code:

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Medical Marijuana Dispensary: A retail facility ***that is either (1)*** registered by the Oregon Health Authority or ***(2) designated as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475.B.131,*** and that is allowed ***under state law*** to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable project to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's caregiver). ***A medical marijuana dispensary is not a "recreational retailer" as defined in Sections 3.25.010 or 5.30.010.*** A ***medical marijuana*** dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

\*\*\*

§16.38.020 - Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority ***and Oregon Liquor License Control Commission*** Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ***ORS 475B.858 or a current valid designation as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475B.131.*** Failure to comply with Oregon Health Authority ***and Oregon Liquor Control Commission*** regulations, ***as applicable,*** is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process. ***A medical marijuana dispensary which has already obtained such approval and which is converting from Oregon Health Authority registration to Oregon Liquor Control Commission licensure with an exclusively medical designation, or vice versa, is not to obtain land use approval from the City under this section solely as a result of such license conversion.***

C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.
2. Security Measures Required

- a. Landscaping must be continuously maintained to provide clear lines of sight from a public right of way to all building entrances.
- b. Exterior lighting must be provided and continuously maintained.
- c. Any security bars installed on doors or windows visible from a public right of way must be installed interior to the door or window, in a manner that they are not visible from the public right of way.

### 3. Co-location Prohibited

- a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.
- b. A medical marijuana dispensary may not be located at the same address with any facility or business at which ~~medical~~ marijuana is inhaled or consumed. ~~by cardholders.~~

### 4. Mobile and Delivery Businesses Prohibited

- a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
- b. A dispensary may not operate to deliver ~~medical~~ marijuana.

5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.

### 6. Proximity Restrictions

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

- a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.
- b. Another medical marijuana dispensary.
- c. A public park or plaza.



# **APPROVED MINUTES**



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**City of Sherwood, Oregon**  
**Planning Commission**  
**July 24, 2018**

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**Planning Commissioners Present:**

Chair Jean Simson  
Commissioner Daniel Matzinger  
Commissioner Justin Kai  
Commissioner Doug Scott

**Staff Present:**

Julia Hajduk, Community Development Director  
Erika Palmer, Planning Manager  
Colleen Resch, Records Technician

**Planning Commission Members Absent:**

Vice Chair Christopher Flores  
Commissioner Mark Cottle  
Commissioner Laurie Holm

**Council Members Present:**

Council President Sean Garland

**1. Call to Order/Roll Call**

Chair Jean Simson convened the meeting at 7:00 pm.

**2. Consent Agenda**

- a. June 5, 2018 Planning Commission Meeting Minutes approval
- b. June 12, 2018 Planning Commission Meeting Minutes approval

**Motion: From Commissioner Justin Kai to approve the consent agenda, seconded by Commissioner Doug Scott. Motion passed 4:0. All present Planning Commissioners voted in favor.**

**3. Council Liaison Announcements**

Council President Sean Garland stated the City Council's next meeting is August 21 and there will be a work session regarding the Comprehensive Plan visioning process. On July 17, the Council recognized Sherwood High School students that received a 4.0 GPA for the 2017-18 school year. The students that were unable to attend are invited to the August 21 meeting. The Council adopted a new mission statement and goals and Community Development Director Julia Hajduk said she would provide the Commissioners with the new information.

Council President Garland said the Council will be engaging the Police Advisory Board (PAB) on police staffing and asking them to review the recommendations in the matrix study and engage citizens on their vision of the Sherwood Police Department. He said the PAB will be at the August 7 National Night Out.

Chair Simson suggested that one of the Council goals for citizen engagement be engagement with the Boards and Commissions in joint sessions. She said the Planning Commission is able to be more successful in their recommendations for legislative actions when there has been a work session with the Council ahead of time. Discussion followed and Council President Garland agreed.

Commissioner Scott referred to the Comprehensive Plan Citizen Advisory Committee (CAC) and asked when the Planning Commissioners get to provide their input and be involved in the process. Ms. Palmer said she will provide an update on the Comprehensive Plan visioning process to the Commission on August 14 and the City Council on August 21. Commissioner Scott asked when the Commissioners can provide input. Ms. Palmer said the CAC is currently focusing on the vision statement for the Comprehensive Plan and as soon as they start to draft goals and policies, they will be seeking the Planning Commissions input

and having more work sessions relating to the Comprehensive Plan. Ms. Hajduk said there is an upcoming Vision Summit that is open to the public.

Chair Simson commented on the City Council forecast agenda for September 4, which includes a discussion on small cell regulations, and states it is an opportunity to present the results from an earlier Planning Commission work session on the subject. Ms. Hajduk said the planning staff will be discussing small cell regulations with the Commission in August. Ms. Palmer stated this topic involves upgrading our current cellular network from 4G to 5G and putting small compact transmitters within neighborhoods. Ms. Hajduk said the issue is the cellular carriers want to move forward with this upgrade but the City does not have any regulations in place.

Chair Simson referred to the need for a work program for the Planning Commission. Ms. Palmer said staff would work on that.

#### **4. Staff Announcements**

Erika Palmer, Planning Manager introduced Colleen Resch, Records Technician in the City Council office and said she will be attending meetings and transcribing the minutes while the department is recruiting an Administrative Assistant II. Ms. Hajduk commented on Ms. Resch's experience and announced that she recently received her Certified Municipal Clerk certification.

Ms. Palmer commented on the Comprehensive Plan Visioning and explained their outreach efforts. She stated they have reached out to all the Boards and Commissions, the Sherwood High School leadership class, the Sherwood Rotary, the Sherwood Main Street Association, Music on the Green and the Robin Hood Festival. The Vision Summit is Monday, July 30 from 6-8 pm at the Center for the Arts.

Chair Simson asked about the status of the Brookman Concept Plan update grant application. Ms. Palmer said Metro is scheduled to consider this soon.

Chair Simson announced that the Wilsonville Treatment Facility tour is tomorrow at 6 pm with the City Council.

Chair Simson commented on the League of Oregon Cities Planning Commission training sessions in September. Ms. Palmer said if Commissioners are interested in attending she will provide further information. Ms. Hajduk stated these training are valuable and provide networking opportunities.

Chair Simson inquired about the status of the Planning Commissioners City email accounts. Ms. Palmer stated they will be coming soon.

#### **5. New Business**

##### **a. Appoint a Planning Commissioner to the City's Charter Review Committee**

Ms. Hajduk informed the Commission that the City Council adopted a resolution creating a Charter Review Committee. The Planning Commission, along with the other City Boards and Commissions, will appoint a member to the committee. The Committee will also have three citizen volunteers for a total of nine members. The Charter was last comprehensively reviewed in 2013-14 and the Charter requires a review at least every six years. The specific time commitment is unknown at this time but the resolution states that the Committee shall terminate at the time Charter amendments are voted on by the voters of Sherwood, unless the Committee determines changes are not warranted, in which case the Committee shall terminate when it makes such report to the City Council. Commissioner Scott volunteered to serve.

##### **Motion: From Commissioner Justin Kai to Appoint Commissioner Doug Scott to the City's**

**Charter Review Committee, seconded by Commissioner Daniel Matzinger. Motion passed 3:0 (Commissioner Scott abstained).**

**6. Planning Commissioner Announcements**

No announcements were received.

**7. Adjourn**

Chair Simson adjourned the meeting at 7:35 pm and convened into a work session.

Submitted by:



Colleen Resch, Records Technician

Approval Date: 08-14-18

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**City of Sherwood, Oregon**  
**Planning Commission Work Session**  
**July 24, 2018**

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**Planning Commissioners Present:**

Chair Jean Simson  
Commissioner Daniel Matzinger  
Commissioner Justin Kai  
Commissioner Doug Scott

**Staff Present:**

Julia Hajduk, Community Development Director  
Erika Palmer, Planning Manager  
Colleen Resch, Records Technician

**Planning Commission Members Absent:**

Vice Chair Christopher Flores  
Commissioner Mark Cottle  
Commissioner Laurie Holm

**Council Members Present:**

Council President Sean Garland

**WORK SESSION**

Chair Simson called the meeting to order at 7:36 pm.

**1. Proposed Sherwood Zoning and Community Development Code Amendments**

Senior Manager Erika Palmer referred to the memorandum in the packet regarding possible amendments to the Sherwood Zoning Community Development Code (SZCDC). This is a Type 5 process and the proposed amendments go through a Planning Commission public hearing, which is tentatively scheduled for August 28 and there is another work session scheduled for August 14 if needed. The approved amendments will go before the City Council in September. The amendments are being proposed because of new state law and FEMA map updates. The Temporary Use Permit amendment allowing the use for model homes was developed to provide a clear and objective process for this type of use within an approved subdivision. Other general amendments are proposed for general housekeeping to make sure the code is clear and consistent throughout sections.

Chair Simson recommended discussing the proposed amendments in terms of whether is it a scrivener error and no discussion is required, complying with the law, or a discretionary statement and there is future opportunity for input. She stated PA-18-07 should be broken out and separated into separate approvals.

- Accessory Dwelling Units (ADUs)

Ms. Palmer referred to PA18-03 regarding Accessory Dwelling Units (ADUs) and said the proposed amendments comply with new state law. Senate Bill 1051 requires cities and counties of a certain population to allow ADUs and focuses on reducing barriers which include siting and design standards. The new law requires cities to review their development codes and develop clear and objective standards for ADUs. Sherwood's code allows for ADUs and staff had the code audited externally to determine what criteria in the code does not meet the clear and objective standards. Staff provided the draft amendments to the Department of Land Conservation and Development (DLCD) staff for cursory review and they provided comments for the Planning Commission to consider.

The Commission reviewed the proposed changes to Chapter 16.52 Accessory Dwelling Unit in Exhibit 1 to the memorandum in the packet.

Chair Simson referred to the proposed removal of 16.52.020.C *Number of Residents: The total number of individuals that reside in both units may not exceed the number that is allowed for a household* and asked why staff is recommending deleting this language. Discussion followed and Ms. Hajduk asked Ms. Palmer to review this recommendation and provide the Commission with more information at the next work session.

The Commission reviewed 16.52.020.B regarding owner occupancy and the proposed amendment to strike *but not both*. Ms. Palmer stated many jurisdictions have removed all owner occupancy requirements for ADUs because it is hard to enforce. Discussion followed regarding enforcement and the Planning Commission agreed that having some owner occupancy language provides a safety gap.

The Commission reviewed the 16.52.020.C and recommended changing the word *façade* in Chapter 16.52.020.C, as it is confusing. Ms. Hajduk suggested language *not visible from the street that the primary residence entrance is located*. Discussion followed regarding corner lots and using physical addresses. Staff agreed to develop better language.

The Commission reviewed 16.52.020.E regarding floor area and the proposed amendment to strike 40% and replace it with 50%. Ms. Hajduk stated this needs further clarification. Chair Simson suggested looking at other cities code language concerning floor area. Ms. Hajduk asked Ms. Palmer if the ADU language is subject to a time line. Ms. Palmer said no. Discussion followed and the Commission agreed to the proposed 50% and suggested adding maximum area language of *not to exceed 800 sf*. Ms. Palmer said she would develop additional language.

The Commission reviewed 16.52.020.D regarding parking requirements and the DLCDs recommendation that the City allow driveway spaces to be counted for off-street parking and to remove any requirements for an additional off-street parking space if the abutting streets allow on-street parking. Discussion followed. Ms. Hajduk recommended not taking the DLCDs recommendation and the Commission agreed.

The Commission reviewed 16.52.020.F regarding setbacks and dimensional requirements that proposes to strike: *In addition, there shall be a minimum ten (10) foot separation between the primary residence and the ADU*. Chair Simson said the rear and side setbacks have to be preserved and said we need to keep the intent of the code. Ms. Palmer reminded the Commission that SB 1051 focuses on reducing barriers for ADU development that includes siting and design standards. Discussion followed and the Commission agreed that rear and side setbacks need to be preserved.

The Commission reviewed 16.52.020.G regarding design and appearance and Ms. Palmer said the proposed ADU design criteria in only for ADUs over 15 feet in height, an accessory structure less than that height would not be required to meet the design guidelines. Discussion followed and the Commission agreed that the design criteria should be applied to all detached ADUs regardless of the height.

Ms. Palmer said the Commission will have an additional work session on proposed code amendments regarding ADUs on August 14.

- Floodplain Overlay

Ms. Palmer stated FEMA has updated its Flood Insurance Rates Maps (FIRM) and the City needs to adopt by reference the new updated maps by October 18, 2018. The Commission agreed to the proposed amendment.

- Temporary Uses – Model Homes

Ms. Palmer said the City has had several requests regarding model homes and the SZCDC does not specify model homes in the Temporary Use chapter. Staff has an internal policy of allowing model homes within a subdivision to be built before the entire subdivision is complete with public improvements in place. The Commission reviewed proposed amendments to 16.86.030 and Chair Simson asked Ms. Palmer to provide code language from other cities specifically relating to phase developments. Ms. Palmer agreed to send the Commissioners examples. Commissioner Scott suggested adding phasing language. Ms. Palmer said she understands the Commissioners intent and will wordsmith this section.

- Medical Marijuana Dispensaries

Ms. Palmer said the proposed amendments to Chapter 16.10 and Chapter 16.38 ensures that the code is consistent with new state laws. Initially recreational marijuana facilities were regulated by OLCC and medical marijuana facilities were regulated by OHA. State law has since changed to allow OLCC to regulate medical marijuana facilities. The Commission reviewed the proposed language and Ms. Hajduk stated the language was drafted by City Attorney Josh Soper. The Commission noted the proposed amendment language in Chapter 16.38.020.A.2 is incorrect and should read *or Oregon Liquor Control Commission*.

- General Code Amendment Clean-Up

Ms. Palmer referred to the general code housekeeping amendments and said most are changes for consistency between text and other sections of code and general state statutes. The Commission reviewed the proposed language to amend sidewalk widths for consistency with the Transportation System Plan (TSP) and said the language is confusing. Staff agreed.

Chair Simson referred to the proposed language to amend the family day care provider language and asked if the state law requires the City to increase the number from thirteen to sixteen. Ms. Hajduk said state law requires the City to allow family day cares in residential zones and state law says a family day care is sixteen and our code needs to be consistent.

The Commission reviewed the proposed language to add an irregular lot footnote to the Development Standards per Residential Zone table and suggested adding a diagram for further clarification. Staff agreed.

Ms. Palmer referred to in-ground pools and said there is an internal policy and this is proposing to

incorporate it into the code. Chair Simson asked why the 20 feet rear setback is not being maintained. Ms. Palmer said the policy has been a 5 feet setback. Chair Simson said accessory structures have a 10 feet rear setback requirement. Ms. Palmer said accessory structure setbacks are based on square footage and height. Commissioner Scott suggested adding language that in-ground pools are being treated as an accessory structure and relevant code applies. Ms. Palmer said she would look into that.

Chair Simson commented on the ADU discussion and asked why staff is proposing to amend the code now when we the City is in the process of updating the Comprehensive Plan. Ms. Hajduk asked Ms. Palmer to provide the Commissioners with more information regarding the external audit. Chair Simson suggested only making the required amendments at this time and until the community visioning process is complete. Discussion followed regarding the Sherwood 2040 Comprehensive Plan Vision. Ms. Palmer said the information is on the website and citizens can sign up for the interested party mailing list.

Ms. Palmer said she will make changes to the proposed code amendments and said there will be a second work session on this topic.

The work session ended at 9:24 pm.

Submitted by:

Colleen Resch

Colleen Resch, Records Technician

Approval Date: 08-14-18