



Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

August 28, 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
August 28, 2018**

Regular Meeting – 7:00 PM

1. Call to Order
2. Consent Agenda
 - a. August 14, 2018 Planning Commission Meeting Minutes Approval
 - b. August 14, 2018, Planning Commission Work Session Minutes Approval

3. Council Liaison Announcements (Sean Garland)

4. Staff Announcements (Erika Palmer)

5. Community Comments

6. New Business

a. **Public Hearing PA 18-05 Sherwood Floodplain Overlay Update**

Proposal: The City of Sherwood proposes to amend the Floodplain Overlay Chapter of the Community Development Code, §16.134. 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 updated Flood Insurance Rate Maps associated with the community.

b. **Public Hearing PA 18-06 Sherwood Medical Marijuana Dispensary Amendments**

Proposal: The City of Sherwood proposes to amend Chapters, §16.10, Definitions and §16.38, Special Uses of the Sherwood Zoning and Community Development Code. The proposed text amendments 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.

c. **Public Hearing PA 18-07 General Housekeeping Amendments to the Sherwood Zoning and Community Development Code**

Proposal: The City of Sherwood proposes text amendments to Chapters, 16.118, Public and Private Utilities; 16.58, Clear Vision and Fence Standards; 16.70, General Provisions; Chapter 16.106, Transportation Facilities; Chapter 16.10, Definitions; Chapter 16.12, Residential Land Use Districts; Chapter 19.64, Off-Street Parking and Loading; Chapter 16.50 Accessory Structures, Architectural Features and Decks; Chapter 16.102, Temporary, Portable, and Banner Signs; Chapter 16.100, Permanent Signs.

The majority of amendments seek to correct scrivener errors, clarify code language and intent between sections, and to make the code consistent with updated state laws.

7. Planning Commissioner Announcements

8. Adjourn

Work Session Following Regular Planning Commission Meeting

1. Review of Code Amendments (ADU, Model Homes)

City of Sherwood, Oregon
Planning Commission
August 14, 2018

Planning Commissioners Present:

Chair Jean Simson
Vice Chair Christopher Flores
Commissioner Daniel Matzinger
Commissioner Justin Kai
Commissioner Doug Scott
Commissioner Mark Cottle

Staff Present:

Julia Hajduk, Community Development Director
Josh Soper, City Attorney
Erika Palmer, Planning Manager
Colleen Resch, Records Technician

Planning Commission Members Absent:

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.

Chair Simson stated the agenda does not include Citizen Comments and suggested amending the agenda to include Citizen Comments after Staff Announcements.

Motion: From Commissioner Mark Cottle to amend the agenda, seconded by Commissioner Doug Scott. Motion passed 6:0. All present Planning Commissioners voted in favor. (Commissioner Laurie Holm was absent).

2. Consent Agenda

- a. July 24, 2018 Planning Commission Meeting Minutes approval
- b. July 24, 2018 Planning Commission Work Session Minutes approval

Motion: From Commissioner Mark Cottle to approve the consent agenda, seconded by Commissioner Doug Scott. Motion passed 6:0. All present Planning Commissioners voted in favor. (Commissioner Laurie Holm was absent).

3. Council Liaison Announcements

Council President Garland said several Councilors and Planning Commissioners toured the Willamette Water Intake facility in Wilsonville. The Council will meet on Tuesday, August 21 with a work session at 5:30 pm and the topics include Metro Affordable Housing Bond Measure, Comprehensive Plan visioning update and the omnibus development code update. He encouraged the public to attend. The Council will recognize the second half of the Sherwood High School students that received a 4.0 GPA, an Eagle Scout award will be presented, the new Center for the Arts Manager will be introduced, and the new Charter Review committee members will also be appointed.

Chair Simson asked when the Housing Needs Analysis (HNA) and the Economic Opportunities Analysis (EOA) will be discussed. Planning Manager Erika Palmer said a joint Planning Commission and City Council work session to discuss the EOA is scheduled for October 2.

4. Staff Announcements

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Ms. Palmer announced that the next Planning Commission meeting is August 28 and there are three public hearings scheduled regarding flood plain overlay, medical marijuana dispensary amendments, and general code updates. She noted Planning Commissioner's City email accounts should be set up this week or next week.

Commissioner Kai asked if the joint work session on October 2 will cover both the EOA and the HNA. Ms. Palmer said the meeting will cover just the EOA and said there will be an additional work session with the Planning Commission regarding the HNA on September 25. Commissioner Kai asked if there is going to be a joint work session with the City Council regarding HNA. Ms. Palmer said yes and it will be separate from the September 25 work session.

5. Citizen Comments

Eugene Stewart, PO Box 534, Sherwood, Oregon came forward and discussed traffic and parking concerns associated with the new High School. He said the City needs to look ahead and figure out how to solve the problems. He commented on the need for an employment center in Sherwood. He commented on the need for citizen involvement in the visioning process.

Chair Simson recommended Mr. Stewart contact Senior Planner Carrie Brennecke with his ideas regarding citizen involvement and outreach.

6. New Business

a. Public Hearing: LA-18-01 Old Town Dental Landmark Alteration

Prior to opening the public hearing, Chair Simson stated the applicant has requested a continuance and if there is no public testimony the Commission will move forward with the continuance. Ms. Hajduk noted the applicant is not present and staff did not prepare a staff report. Chair Simson asked Mr. Stewart if he would like to withdraw his request to testify. Mr. Stewart agreed. Chair Simson said at the request of the applicant and due to noticing issues with the Tigard Times the public hearing for LA-18-01 Old Town Dental Landmark Alteration has been requested to be continued to the date certain of September 11. She asked for a motion.

Motion: From Commissioner Mark Cottle to continue the public hearing for LA-18-01 to September 11, seconded by Commissioner Justin Kai. Motion passed 6:0. All present Planning Commissioners voted in favor. (Commissioner Laurie Holm was absent).

b. Sherwood 2040 Vision Update

Ms. Palmer provided a presentation (see record, Exhibit 1) and an update on the visioning process in Sherwood. She said there was a Vision Summit on July 30 with approximately 50 participants from the community. She discussed the Comprehensive Plan timeline and commented on their outreach efforts and said over 1,000 citizens have been engaged in the vision process. Engagement efforts include online engagement, community conversations, community events, and the Vision Summit. The Sherwood2040.org project website has community surveys and information and a Facebook page has been created.

Commissioner Cottle asked if staff has met with YMCA Board or the School Board. Ms. Palmer said they are setting up a meeting with the School Board and the Chamber of Commerce next month. She said she will ask Senior Planner Carrie Brennecke if the YMCA has been contacted.

Ms. Palmer commented on the Vision Summit and said they focused on all the comments that have been received over the past four months and information from the Citizen Advisory Committee (CAC). The Vision Summit organized the feedback into eight centralized themes and developed a preliminary draft vision statement that reads *In the year 2040, residents of Sherwood appreciate their safe, connected, family-oriented and friendly community. Those who grew up in Sherwood stay for family wage jobs and a high quality of life, and those who raised their families here can retire in the place they proudly call home. Sherwood is renowned for its excellent schools, parks, thriving local businesses, small town feel and access to metropolitan amenities, jobs and natural areas.*

The preliminary draft vision statement for the strong community, culture, and heritage theme reads *In 2040, Sherwood successfully retains its treasured small-town character and strong sense of community while welcoming new businesses and residents. Old Town preserves its historic atmosphere as an attractive place to shop, dine and gather. The library and performing arts center play a vital role as place of learning and sharing, and art and creativity are woven into the fabric of the city. A variety of community events uphold a legacy of bringing the community together and giving Sherwood a sense of place.* Commissioner Cottle recommended removing the language directed to specific buildings and suggested adding *the function of the library and the performing arts.*

The preliminary draft vision statement for the attractive and attainable housing theme reads *In 2040, Sherwood has a range of housing choices for a diversity of ages and income levels, providing community members the ability to live in Sherwood throughout all stages of life.*

The preliminary draft vision statement for the thriving and diversified economy theme reads *In 2040, the Sherwood economy has grown to include a variety of businesses big and small that offer stable employment opportunities and family-wage jobs. Sherwood is a gateway to wine country and capitalizes on a robust tourism industry.* Commissioner Cottle said the City has talked about Sherwood being the gateway to wine country for years and it has never been realized. Ms. Palmer said it will be discussed under the EOA as well.

The preliminary draft vision statement for coordinated and connected infrastructure theme reads *In 2040, the city's transportation system is efficient, safe and provides transportation options. The town has an active and connected transportation network where residents enjoy walking and bicycle paths between neighborhoods, parks, schools, the Tualatin National Wildlife Refuge and Old Town. Quality public facilities, services, and utilities contribute to a high quality of life. Sherwood has an excellent school system, an asset that draws families to community. Sherwood residents of all ages enjoy the city's robust park system, community centers and state-of-the-art athletic and recreation facilities.* Commissioner Mark Cottle asked what our community center is now. Ms. Hajduk said Sherwood has multiple community centers such as the YMCA, the Senior Center, the Center for the Arts, and the Library.

The preliminary draft vision statement for healthy and valued ecosystem theme reads *In 2040, Sherwood is a leader as a steward of its natural environment. Vegetated corridors are protected and weave through the city providing habitat, safe passage for wildlife, clean water, and a place for people to connect with nature. The city actively preserves mature trees and natural areas.*

The preliminary draft vision statement for strategic and collaborative governance theme reads *In 2040, residents enjoy well-funded police, fire and emergency response services that keep Sherwood safe. The city is governed in a fiscally responsible and responsive manner that allows for strategic, well-planned growth and the adequate provision of services.*

Commissioner Scott noted that only one theme references specific buildings. Commissioner Cottle

referred to zoning code changes. Ms. Palmer said the vision will change policies and inform the future zoning map.

Commissioner Scott commented on how the information was gathered and said the mechanisms that have been used so far are open ended. He asked if any information gathering has been quantitative. Ms. Palmer said the next community survey will focus on specific ideas, issues and tradeoffs. Staff will be working with the consultant to develop the survey and their specialty is public outreach and public input. Commissioner Cottle commended the staff for getting the community engaged in this effort.

Chair Simson commented on the process and suggested providing the Planning Commission and City Council an opportunity to help direct or edit the questions that are being asked so that it is Sherwood centric and not Metro centric. The vision should not be driven by Metro's goals and desires. Commissioner Cottle recommended adding language to the vision statement regarding being independently heard and recognized in our own local decisions.

Commissioner Kai commented on the gateway to wine country issue, said other communities beyond Sherwood have been able to establish that, and asked if it is achievable and if not what other opportunities should we focus on. Commissioner Scott said end roads have been made with the Sherwood Wine Festival and wine related businesses in Old Town. Ms. Hajduk said that is part of the EOA and economic development strategies and said there are things that can be done to enhance and support the effort.

Chair Simson thanked staff for the update.

7. Planning Commissioner Announcements

Chair Simson announced the Oregon Street eastbound lane will be closed the last week of August.

Commissioner Scott announced that on Saturday, August 25 at 6:30 pm the first annual Sherwood's Got Talent show will be at Stella Olsen Park.

Commissioner Flores announced that Sherwood Main Street is organizing a Front Porch Celebration commemorating Sherwood's 125 years with a farm to table dinner. The event is at 6 pm on September 13 and tickets are \$60. June Bugs will be performing in Cannery Square at 7 pm and there will be free cake.

Council President Garland announced that applications for the November election are due August 28 at 5 pm. The information is on the City website.

8. Adjourn

Chair Simson adjourned the meeting at 7:54 pm and convened to a work session.

Submitted by:

Colleen Resch, Records Technician

Approval Date: _____

City of Sherwood, Oregon
Planning Commission Work Session
August 14, 2018

Planning Commissioners Present:

Chair Jean Simson
Vice Chair Christopher Flores
Commissioner Daniel Matzinger
Commissioner Justin Kai
Commissioner Doug Scott
Commissioner Mark Cottle

Staff Present:

Julia Hajduk, Community Development Director
Josh Soper, City Attorney
Erika Palmer, Planning Manager
Colleen Resch, Records Technician

Planning Commission Members Absent:

Commissioner Laurie Holm

Council Members Present:

Council President Sean Garland

WORK SESSION

Chair Simson called the meeting to order at 7:54 pm.

1. Small Cell Tower Technology

Community Development Director Julia Hajduk stated industry representatives are in the audience and understand that this is a work session but noted if questions arise, they will be available to answer.

City Attorney Josh Soper provided an overview and background of small cell tower technology (see record, Exhibit 1). He stated staff is seeking input as they develop regulations. He explained small cell towers are small in comparison to traditional macro cell towers in terms of their power, range, and size. Small cell towers are generally deployed where customers are experiencing connectivity issues, in heavily populated areas, and areas that cannot be effectively served by a traditional macro cell. Small cell tower antennas need to be approximately 30 feet off the ground. He discussed 4G versus 5G and said in the short term 4G small cells will be deployed to deal with the capacity issue and in the near future 5G small cells will be deployed. Carriers are already beginning to roll out small cells with 4G technology and several carriers have approached the City regarding deployment in Sherwood. City code currently does not have a process in place to permit and regulate small cells. On August 2, the FCC declared that “de facto moratoria” on deployment of small cells violates federal law and stated the decision may be appealed or reconsidered. He noted there is a lack of clarity in the decision but essentially a city cannot say they do not have regulations or a permitting process in place and refuse to process the applications.

Mr. Soper referred to the aesthetics of small cell towers and said the height above the ground is 30 to 60 feet and the coverage area is 500-1200 feet wide for 4G and 250-750 feet wide for 5G. The locations being considered are streetlights, utility poles, standalone poles and other options. Mr. Soper said small cell towers will have an antenna component near the top and separate hardware which is generally being strapped to the side of the pole, attached to the ground, or built into the base. The streetlight types in Sherwood include acorn, box, cobra, flood, town & country, and Westbrook. Carriers can conform to each type of streetlight and stated the most challenging is the town & country and acorn because the

lights are on the top of the pole. He noted the cobra and box streetlights are generally in commercial and high traffic areas. The town & country and Westbrook style are more commonly found in residential areas.

Mr. Soper provided the Commission with a Sherwood street light map (see record, Exhibit 2) and said the City currently has a long-term vision of switching streetlights to the Westbrook style. In a number of cases when installing the equipment they are having to replace the pole in order to support the weight of the additional equipment. He said this is an opportunity to install Westbrook poles. Ms. Hajduk commented on the need for a comprehensive lighting plan.

Mr. Soper referred to the photo simulation of two options for the Westbrook provided by AT&T. He said option 1 has the equipment box strapped to the side of the pole and option 2 has the equipment hidden inside the pole resulting in a wider pole. Chair Simson said she prefers option 2. Mr. Soper commented on the estimated number of sites needed for one carrier to cover Woodhaven is 22 poles and if there are three carriers that equates to 66 poles. For reference, Woodhaven is approximately 1/5 of the total area of the City.

Mr. Soper commented on fees and said the carrier will pay for the poles and equipment and there will be a fee for the use of the light poles and right of way. Currently there is a \$5,000 fee per structure in the right of way. Industry acknowledges that the fee is high and staff is looking at neighboring jurisdictions for comparisons. He stated there will also be an annual franchise component and a cost for processing the permit. Discussion followed regarding the review and permitting process. Chair Simson envisions a staff level review process.

Mr. Soper referred to the process for developing these regulations that includes this work session, a City Council work session on September 4, drafting regulations and returning to Planning Commission for further review. He said he needs the Planning Commission to identify major areas of concern, identify issues they want staff to address in the regulations, and preferences regarding aesthetics. Commissioner Cottle recommended making the regulations specific enough that the Planning Commission does not need to approve each request and there is uniformity throughout the City. He said this might be the time to start to transition toward what the City wants. Mr. Soper said the side effect is there will be inconsistencies in neighborhoods for a period.

Ms. Hajduk asked if there are other elements the Commission wants to consider. Discussion followed regarding option 1 and 2. Commissioner Scott asked if there are maintenance issues with either option. Chair Simson asked if any industry representative would like to come forward comment.

A representative from Verizon approached the Commission and said option 1 and 2 are both viable options for the carriers. He noted that for maintenance purposes it is easier to attach the box to an existing light pole. He said the boxes are hung at about 12 feet, which prevents vandalism and keeps the cost down. He said there is also a pedestal base option where the diameter of the pole stays the same and the equipment is in the base.

In directing staff, Commissioner Kai said he prefers the option 2. Commissioner Cottle said he supports a program that starts the modification of all the light poles to Westbrook. Mr. Soper said a Westbrook future is an easier set of regulations to develop. Commissioner Scott referred to the independent poles

and suggested using them sparingly. Commissioner Cottle recommended that staff bring this information to the Council and note that the Planning Commission prefers option 2 and if there is a need for an independent pole, they should be used sparingly. Chair Simson requested that staff inform the Commission of the direction they receive from Council in order to develop code that is in alignment with the Council.

Commissioner Scott asked if the City needs code for small cell towers on private property. Mr. Soper said staff will look at the code to see if additional regulations are needed.

2. Review of Code Amendments (ADU, Model Homes)

Ms. Palmer referred to page 19 of the packet and said these proposed code amendments will not be considered at the August 28 meeting and the ADU public hearing information will be included in the September utility mail billing, for additional outreach.

Ms. Palmer commented on row 4 of the matrix on page 19 regarding number of residents and said staff recommends removing the language from the code because it is difficult to quantify and not enforceable. The code currently reads *the total number of individuals that reside in both units may not exceed the number that is allowed for a household*. She said household size is not defined in the code. Commissioner Scott said at the previous work session the Planning Commissioners agreed to remove the language and said adding household limitations to the code is not part of the ADU code discussion. Commissioner Cottle stated the code needs to include a definition of household. Chair Simson asked staff to look at the code regarding households and provide the Commission with the information before the public hearing. She said this was questioned at the previous work session and she understands the concern. Ms. Palmer said she will provide the answer.

Commissioner Scott said he does not see the need to remove the language from the code. He stated if a limit is defined in the future this will already be in the ADU code. The Commission agreed.

Ms. Palmer referred to row 5 regarding location of entrances and said the new language reads *the primary entrance to the ADU shall not be visible from the street that the primary residence is addressed from*. The Commission agreed with the change.

Ms. Palmer referred to row 6 regarding parking which states *additional parking shall be in conformance with the off-street parking provision for single-family dwelling*, which means a parking space has to be provided on site. The Commission agreed.

Ms. Palmer referred to row 7 regarding floor area standards and size of the ADUs and provided three alternatives. The first reads *the maximum gross habitable floor area (GHFA) of the ADU shall not exceed 50% of the GHFA of the primary residence on the lot*. The second alternative reads *the maximum floor area of the ADU shall not exceed 800 square feet or 40% of the primary residence whichever is greater*. The third alternative reads *the maximum floor area of the ADU shall not exceed 800 square feet or up to 50% of the square footage of the primary residence whichever is greater*. Commissioner Scott commented on the difference between lesser and greater and discussion followed. Ms. Palmer referred to the second alternative and suggested the following language: *the maximum floor area of the ADU shall not exceed 800 square feet or 40% of the primary residence whichever is less*. Chair Simson suggested striking 40% and adding 50%. Commissioner Scott suggested 50%

of the primary residence at the time of the application so it is clear the calculation is based on the original total and not the revised total of the primary residence.

Commissioner Cottle returned to the parking issue and said if the ADU is detached, they need to provide two parking spots. Commissioner Kai asked if we can assume that a detached ADU will have more residents. Commissioner Cottle said it may be more likely that a detached ADU will have two drivers. Ms. Palmer said this suggestion may limit ADU development. Commissioner Cottle suggested that our code focus on what is best for Sherwood. Chair Simson asked Ms. Palmer to clarify that the State passed a law that mandates cities revisit their ADU code. Ms. Palmer the intent of SB 1051 is to reduce barriers to ADU development. She asked if the Planning Commission wanted to revisit the parking standards.

Commissioner Scott said the Commission discussed the parking standards at the previous work session and those in attendance agreed with the proposed language. Commissioner Cottle said the streets in Sherwood are narrow and currently overcrowded. Commissioner Matzinger reminded the Commission that this issue is being discussed because the State passed legislation that required cities to make their ADU codes clear and objective and to remove barriers and said the parking standards being discussed will do the opposite. Commissioner Cottle disagreed and said providing clear language in the code will remove barriers. Ms. Hajduk reminded the Commission that the City had the ADU code language audited and the Commission considered the audit suggestions at the previous work session. She said if the City amends the ADU code to make parking standards stricter it is not removing a barrier. Commissioner Cottle disagreed. Ms. Hajduk asked for direction from the Planning Commissioners. Commissioner Kai said without clear data that demonstrates that a detached ADU will consistently produce an extra driver versus an attached ADU he supports the proposed language. Commissioner Cottle suggested requiring all ADUs, whether attached or detached, provide two off street parking spots and noted that is what the code requires now for homes. Chair Simson referred to the current code language for parking standards that reads, *additional parking shall be in conformance with the off-street parking provision for single-family dwelling*, and stated that equates to one off-street and one on-street space. Commissioner Cottle noted his objection.

Ms. Palmer referred to row 8 regarding setbacks and dimension requirements and Chair Simson stated that she has serious concerns. Ms. Palmer said the current ADU code requires a 10 feet separation between the primary residence and the ADU and staff is proposing to remove that language. Chair Simson said she is concerned with reducing the rear setbacks. Ms. Palmer clarified that the current rear setback requirement is 20 feet. Chair Simson said she approves of the 20 feet setback. Ms. Palmer said she discussed the issue with staff at the State of Oregon and they said a 20 feet setback could ultimately be a barrier to ADU development, depending on the lot size. She considered the Sherwood neighborhoods and the 20 feet setback requirement and said about 60% of the homes are not suitable for a detached ADU and said this could be tested in court. Chair Simson said it is unreasonable to allow ADUs to encroach into rear setbacks. Discussion followed. Chair Simson stated that the proposed alternatives regarding setbacks are not acceptable to the Planning Commission. Ms. Palmer agreed to not reduce the 20 feet rear setback requirement. Chair Simson stated the Planning Commission does not object to reducing the 10 feet separation requirement to 3 feet. Ms. Hajduk referred to Ms. Palmer's conversation with the State staff and asked if they would appeal this language. Ms. Palmer said staff stated the code could be tested in the court system. Chair Simson commented on the Comprehensive Plan update which is underway and said reducing the 20 feet setbacks would change the character of the community. Commissioner Cottle said the Commission should focus on what is best for Sherwood.

Commissioner Scott referred to the setback and dimensional requirements in the code and suggested striking the last sentence that reads: *In addition, there will be a minimum ten (10) foot separation between the primary residence and the ADU.* The Commission agreed.

Ms. Palmer referred to row 10 regarding partitioning and said staff is recommending removing the following language: *an ADU shall not be partitioned or divided off from the parent parcel.* Discussion followed and the Commission agreed.

Ms. Palmer referred to page 22 of the packet addressing model homes. Chair Simson commented on the last sentence of 16.10.020 that defines a model home as, *a temporary nonresidential use and may not be used as a real estate sales,* and said the word *office* is missing. Commissioner Scott asked why staff is proposing to prevent a model home from being used as a sales office. Ms. Palmer said because of ADA requirements and limiting water. Chair Simson said preventing a model home from being used as a sales office is unrealistic and unenforceable. Commissioner Scott suggested adding that if SDCs are paid and utilities are hooked up the model home may be used for this purpose temporarily.

Chair Simson referred to page 26 of the packet item h which states, *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 same phase of development,* and asked how staff is defining a phase of development. Ms. Palmer said it is the platted phase and proposed to add the word *platted*.

Commissioner Cottle asked why staff is proposing to limit the number of model homes. Discussion followed. Commissioner Scott said the proposed number of model homes allowed is too low and Commissioner Cottle recommended doubling the numbers. Ms. Palmer asked the Planning Commission if they all agreed to increase the number of model homes allowed. The Commission agreed with Commissioner Scott's recommendation to increase the number of model homes allowed to reflect the following:

- i. *Between one (1) and ten (10) residential lots, one model home;*
- ii. *Between eleven (11) and fifty (50) residential lots, ~~two~~ three model homes;*
- iii. *Between fifty-one (51) and one hundred (100) residential lots, ~~three~~ five model homes;*
- iv. *More than one hundred one (101) residential lots, ~~five~~ seven model homes;*

Chair Simson referred to page 26 of the packet item j regarding not allowing water connection for a model home and said bathrooms need to be available. Ms. Hajduk said that is the issue and the water may not be in place and there may not be a water meter. Chair Simson suggested staff clearly define that if all SDCs are paid and all engineering has been approved then none of this code applies. Ms. Palmer agreed to make the definition clearer.

Ms. Palmer referred to page 33 of the packet regarding housekeeping amendments and proposed language relating to in-ground pools that states, *may be sited 5-10 feet from the side and rear property line,* and Chair Simson said the language is confusing. Chair Simson suggested language *a minimum of 5 feet from the side and 10 feet from the rear.*

With no further discussion, Chair Simson adjourned the work session.

The work session ended at 9:45 pm.

Submitted by:

Colleen Resch, Records Technician

Approval Date: _____

TO: Planning Commission

FROM:



Erika Palmer, Planning Manager

Proposal: The purpose of the amendment is to update flood regulations to remain consistent with the requirements of the National Flood Insurance Program (NFIP). Specifically, the update involves adopting the revised Flood Insurance Rate Maps (FIRMs) and the The Flood Insurance Study for Washington County, Oregon and Incorporated Areas. The proposal seeks to amend Chapter 16.134 Floodplain (FP) Overlay of the Sherwood Zoning and Community Development Code (Exhibit A).

I. BACKGROUND

- A. Applicant:** This is a City initiated text amendment
- B. Location:** The proposed amendment is to the text of the development code and applies citywide, particularly to properties in the Floodplain Overlay (FP) zone (Exhibit A).
- C. Review Type:** The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on August 28, 2018. At the close of their hearing, they will forward a recommendation to the City Council who will consider the proposal and make the final decision whether to approve, modify, or deny the proposed language on September 18, 2018 (tentative). Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing:** Notice of the August 28, 2018 Planning Commission and September 18, 2018 (tentative) City Council hearings on the proposed amendment was published in The Times on August 16th and the 24th, 2018. Notice was also posted in five public locations around town and on the web site on August 8th, 2018.

Public notice was mailed to affected property owners on August 8, 2018. Affected property owners include those property owners whose land has been identified as having any portion thereof located in a floodplain or floodplain management area.

Oregon Department of Land Conservation and Development (DLCD) notice was submitted on July 19, 2018.

E. Review Criteria: The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

F. Background:

The National Flood Insurance Program (NFIP) is a federal program created in 1968 through the passage of the National Flood Insurance Act and administered by the Federal Emergency Management Agency (FEMA). The program allows affected property owners in jurisdictions that have adopted land use regulations for development in the floodplain to obtain federally-backed flood insurance.

The Flood Insurance Rate Map (FIRM) is the official map prepared by FEMA which delineates the Special Flood Hazard Area (SFHA) and shows a community's Base Flood Elevations (BFEs), flood zones, and floodplain boundaries. The SFHA is the area where floodplain management regulations of the NFIP must be enforced and where mandatory purchase of flood insurance applies. BFEs inform local insurance rates and set the benchmark for regulating development in the floodplain.

Section 16.134, Floodplain (FP) Overlay, of the SZCDC regulates development within special resource zones, including the flood hazard areas defined by FEMA based on the FIRMs. The FIRMs for Sherwood were last adopted in 2016.

The latest FEMA Flood Insurance Rate Maps have been issued. The City is now required to update its' city code to reflect these updated map prior to October 19, 2018. The City is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the updated FIRMs dated by October 19, 2018.

Communities that fail to enact the necessary floodplain management regulations and adoption of the updated FIRMs will be suspended from participation in the NFIP and the following sanctions could apply:

- Property owners will not be able to purchase NFIP flood insurance policies and existing policies will not be renewed.
- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as HUD, EPA and SBA.
- Federal disaster assistance will not be provided to repair insurable buildings located in identified flood hazard areas from damage caused by a flood.
- Federal mortgage insurance or loan guarantees will not be provided in identified flood hazard areas such as those written by FHA and DVA.
- Federally insured or regulated lending institutions, such as banks and credit unions, are allowed to make conventional loans for insurable buildings in flood-hazard areas of non-participating communities. However, the lender must notify applicants that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance. Some lenders may not voluntarily choose to make these loans.

II. PUBLIC COMMENTS

Public notice was published in The Times on August 16 and 24, 2018. Notice was posted in five locations around town and mailed to affected property owners on August 8, 2018. To date, staff has not fielded any inquiries property owners about the proposal.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on August 13, 2018. To date, staff has not received any agency comments.

IV. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

Chapter 16.80 – Plan Amendments

The applicable Plan Text Amendment review criteria are 16.80.030.A and C

16.80.030.A - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

The proposal seeks to amend Chapter 16.130, Floodplain Overlay, of the Sherwood Zoning and Community Development Code. While this specific proposal does not include changes to the goals and policies of the Comprehensive Plan, it would amend language of the Zoning and Community Development Code. There are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations.

The proposed code amendments are necessary to be in compliance with FEMA floodplain management requirements and ensure continued participation in the National Flood Insurance Program (NFIP) and include adoption of “The Flood Insurance Study for Washington County, Oregon and Incorporated Areas,” dated October 19, 2018, with accompanying Flood Insurance Maps and minor amendments to Section 16.134 (Floodplain (FP) Overlay). The amendment is to clarify the purpose of the section and codify existing practices consistent with FEMA regulations by adopting the revised FIRMs.

There do not appear to be any Comprehensive Plan requirements that would conflict with the proposed code language. Adoption of the proposed amendments is consistent with the following Comprehensive Plan policy goals:

Environmental Resources, Natural Resources and Hazards Goal 4: Limit land development in areas with known natural hazards, specific topographic soil, or drainage characteristics according to the kind and degree of hazard or characteristic present.

Environmental Resources, Recreational Resources Goal 11: Open Space and recreational facility planning will be coordinated with adjacent communities for maximum benefit. Examples of coordinated planning may include the preservation and acquisition of the Rock Creek floodplain

(also known as the Onion Flats) which separates Sherwood from Tualatin, and the preservation of floodplains and natural areas north to the Tualatin River. Also the preservation of the Tonquin Natural Area will be coordinated with the City of Tualatin and Washington County.

Natural Resources and Hazards Policy 1: Floodplains shall be prohibited from development in order to reduce the risk of flooding, prevent or reduce risk of human life and property, and maintain function and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

Environmental Quality Policy 1, Strategy: Floodplain and wetlands will be protected and preserved by greenway, floodplain and wetlands ordinances.

Recreational Resources Policy 1, Strategy: Floodplain and wetlands ordinances and dedication and acquisition programs will focus on protection of Rock and Cedar Creek greenways.

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed amendments. Adoption of “The Flood Insurance Study for Washington County, Oregon and Incorporated Areas,” dated October 19, 2018, with accompanying Flood Insurance Maps, is consistent with Title 3, “Water Quality and Flood Management” of the Urban Growth Management Functional Plan which seeks to “protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.”

Consistency with Statewide Planning Goals

Statewide Planning Goal 7 Areas Subject to Natural Hazards is “To protect people and property from natural hazards.” Local governments are deemed to have complied with Goal 7 for riverine flood hazards by adopting and implementing local floodplain management regulations that meet the minimum NFIP requirements. With the adoption of the proposed ordinance, Sherwood would be in compliance with NFIP requirements and thus Statewide Planning Goal 7. Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no known conflicts with the proposed amendments.

FINDING: As discussed above in the analysis, there is a need for the proposed amendments. The proposed amendment is consistent with the Comprehensive Plan and applicable City, regional, State and Federal regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The proposed amendment is not tied to any one development application and will not affect the functional classification of any street. The proposed amendment will have not measurable impacts on the amount of traffic on the existing transportation system; therefore this criterion is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 18-05 to the City Council.

V. EXHIBITS

Exhibits C and D listed below, are available online at this link-

<https://www.sherwoodoregon.gov/planning/project/floodplain-overlay>

- A. Proposed Code Amendments: PA 18-05 (Track Change Copy)
- B. Proposed Code Amendments; PA 18-05 (Clean Copy)
- C. Flood Insurance Rates Maps
- D. Flood Insurance Study Volume

AMENDMENTS TO CHAPTER §16.134, FLOODPLAIN OVERLY – TRACK CHANGE

Strikeout = deleted text

Bold italicized = proposed text

Section §16.134.010

Generally

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

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 ~~November 4, 2016~~ ***October 19, 2018***, 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.

AMENDMENTS TO CHAPTER 16.134, FLOODPLAIN OVERLY

Section §16.134.010

Generally

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

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, 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.

TO: Planning Commission

Hearing Date:

August 28, 2018

FROM:



Erika Palmer
Planning Manager

Proposal: The City of Sherwood proposes to amend Chapters, §16.10, Definitions and §16.38, Special Uses of the Sherwood Zoning and Community Development Code. The proposed text amendments 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.

- A. **Applicant:** This is a city initiated text amendment
- B. **Location:** The proposed amendment is to the text of the development code and applies citywide
- C. **Review Type:** The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on August 28, 2018. At the close of this hearing, the Planning Commission will forward a recommendation to the City Council who will consider the proposal and make the final recommendation to the City Council who will consider the proposal and make the final decision whether to approve, modify, or deny the proposed language tentatively scheduled for September 18, 2018. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. **Public Notice and Hearing:** Notice of the August 28, 2018 Planning Commission and tentative September 18, 2018 hearings on the proposed amendment was published in *The Times* on August 16, 2018 and August 24, 2018. Notice was also posted in five public locations around town and on the website on August 8, 2018. Oregon Department of Land Conservation and Development (DLCDC) notice was submitted on July 19, 2018.
- E. **Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code.
- F. **Background:**
The Planning Commission has held two work sessions to discuss potential code updates on July 24th and August 14th. During the session staff identified the need to update typographical errors, erroneous references, and to update code language to make it consistent with new state requirements.

II. PUBLIC COMMENTS

As of this writing, no public comments have been received.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on August 13, 2018. Staff sent notice to DLCD and Metro on July 28, 2018. As of this writing, no agency comments have been received.

IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are SZCDC §16.80.030.A and §16.80.030.C

16.80.030 - Review Criteria

A. Text Amendment: An amendment to the text of the Comprehensive Plan or the Zoning and Community Development Code must be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment must be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.

The proposal seeks to amend chapters of the Sherwood Zoning and Community Development Code Volume III, of the Comprehensive Plan. The specific text amendments do not include changes to the goals and policies of the Comprehensive Plan, it would amend language of the Development Code specifically to §16.10 (Definitions), and §16.38 (Special Uses).

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. This amendment will make the code consistent with state regulatory requirements.

Compliance with Metro Urban Growth Functional Plan/ State Land Use Goals

There are no known Metro standards in the Urban Growth Management Functional Plan that would conflict with the proposed amendments.

The Sherwood Comprehensive Plan and Development Code addresses and implements State Land use Goal 1, "Citizen Involvement." The Planning Commission has held two work sessions on the proposed amendments and formal notice was published in the newspaper two weeks prior to the hearing and has been posted around town in five conspicuous places and provided on the City's website.

The Sherwood Comprehensive Plan addresses State Land Use Goal 2, “Land Use Planning”, which addresses local land use planning policies and the Sherwood Plan and Zone Map. There does not appear to be any Comprehensive Plan requirements that would conflict with the proposed code language. No comprehensive plan goals and/or policies are changing and because the plan has been acknowledged by the State, there are no known conflicts with the proposed text changes. Staff is not aware of any other state or local regulations that the amendments would conflict with.

FINDING: As discussed above, there is a need for the proposed amendments in order to be consistent with state regulations licensing medical marijuana dispensaries. The proposed amendments are consistent with the Comprehensive Plan, applicable city, regional and state regulations.

16.80.030.3 – Transportation Planning Rule Consistency

FINDING: The proposed amendments do not affect the functional classification of any streets and are not tied a specific development application. The proposed amendment will clarify language and will make the city’s development code consistent with state regulatory requirements. The proposal would not present any impacts to the existing City transportation system, the Transportation System Plan, or how the City analyzes future transportation impacts.

V. RECOMMENDATION

Based on the above findings based on applicable code criteria, staff recommends the Planning Commission forward a recommendation of approval of PA 18-06 to the City Council.

VI. EXHIBITS

- A.** PA 18-06 Proposed Code Amendments Track Change Copy
- B.** PA 18-06 Proposed Code Amendments Clean Copy

AMENDMENTS CHAPTERS §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:

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 required to obtain additional 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.

AMENDMENTS TO SZCDC CHAPTERS §16.10 (DEFINITIONS) & CHAPTER 16.38, (SPECIAL USES)

§16.10.020 - Specifically

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

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 required to obtain additional 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 marijuana is inhaled or consumed.

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 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.

Staff Report

General Housekeeping Amendments to the
Sherwood Zoning and Community Development Code
File No: PA 18-07

TO: Planning Commission

Hearing Date:

August 28, 2018

FROM:



Erika Palmer
Planning Manager

Proposal: The City of Sherwood proposes amendments to Chapters 16.118, Public and Private Utilities; 16.58, Clear Vision and Fence Standards; 16.70, General Provisions; Chapter 16.106, Transportation Facilities; Chapter 16.10, Definitions; Chapter 16.12, Residential Land Use Districts; Chapter 19.64, Off-Street Parking and Loading; Chapter 16.50 Accessory Structures, Architectural Features and Decks; Chapter 16.102, Temporary, Portable, and Banner Signs; Chapter 16.100, Permanent Signs.

The majority of amendments seek to correct scrivener errors, clarify code language and intent between sections, and to make the code consistent with updated state laws.

- A. **Applicant:** This is a city initiated text amendment
- B. **Location:** The proposed amendments are to the text of the development code and applies citywide
- C. **Review Type:** The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on August 28, 2018. At the close of this hearing, the Planning Commission will forward a recommendation to the City Council who will consider the proposal and make the final recommendation to the City Council who will consider the proposal and make the final decision whether to approve, modify, or deny the proposed language tentatively scheduled for September 18, 2018. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. **Public Notice and Hearing:** Notice of the August 28, 2018 Planning Commission and tentative September 18, 2018 hearings on the proposed amendment was published in *The Times* on August 16, 2018 and August 24, 2018. Notice was also posted in five public locations around town and on the website on August 8, 2018. Oregon Department of Land Conservation and Development (DLCD) notice was submitted on July 19, 2018.
- E. **Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code.

F. Background:

The Planning Commission has held two work sessions to discuss potential code updates on July 24th and August 14th. The public work sessions included discussion of general housekeeping amendments. During the session staff identified the need to update typographical errors, erroneous references and answered questions from Planning Commission.

II. PUBLIC COMMENTS

As of this writing, no public comments have been received.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on August 13, 2018. Staff sent notice to DLCD and Metro on July 28, 2018. As of this writing, no agency comments have been received.

IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are SZCDC §16.80.030.A and §16.80.030.C

16.80.030 - Review Criteria

A. Text Amendment: An amendment to the text of the Comprehensive Plan or the Zoning and Community Development Code must be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment must be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.

The proposal seeks to amend chapters of the Sherwood Zoning and Community Development Code Volume III, of the Comprehensive Plan. The specific text amendments do not include changes to the goals and policies of the Comprehensive Plan, it would amend language of the Development Code. There are no standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State and City statutes and regulations.

A table of the proposed text amendments is included as Exhibit A, to this staff report. In total 10 items are proposed. The table lists each proposed amendment as well as an explanation for why it has been proposed.

For example, the 'vision clearance detail' is not consistent with the text of the code language of where it should be measured. Tables 2 and Table 3 in §16.94, Off-Street Parking and Loading, are not consistent with the text in §16.94.020.B that states the minimum dimensions standards for compact parking stalls. The Oregon Department of Education the state agency that registers in-home day care providers allows for a Family Day Care Provider to accommodate up to 16 children.

The remaining amendments are administrative in nature and are intended to correct citation errors, correct images and tables to match text language, scrivener errors, and provide additional clarity to the code.

Compliance with Metro Urban Growth Functional Plan/ State Land Use Goals

There are no known Metro standards in the Urban Growth Management Functional Plan that would conflict with the proposed amendments.

The Sherwood Comprehensive Plan and Development Code addresses and implements State Land use Goal 1, “Citizen Involvement.” The Planning Commission has held two work sessions on the proposed amendments and formal notice was published in the newspaper two weeks prior to the hearing and has been posted around town in five conspicuous places and provided on the City’s website.

The Sherwood Comprehensive Plan addresses State Land Use Goal 2, “Land Use Planning”, which addresses local land use planning policies and the Sherwood Plan and Zone Map. There does not appear to be any Comprehensive Plan requirements that would conflict with the proposed code language or any conflicts with the city’s Plan and Zone Map. No comprehensive plan goals and/or policies are changing and because the Comprehensive Plan has been acknowledged by the State, there are no known conflicts with the proposed text changes. Staff is not aware of any other state or local regulations that the amendments would conflict with the proposed amendments.

FINDING: As discussed above, there is a need for the proposed amendments in order to provide consistency and clarity within the code and with state definitions. As proposed the amendments are consistent with the Comprehensive Plan, applicable city, regional and state regulations.

16.80.030.3 – Transportation Planning Rule Consistency

There is a proposed amendment to §106.060.B.1. This amendment updates and clarifies the code so that it is consistent with the city’s Transportation System Plan in regards to widths of sidewalks. This amendment does not impact the state Transportation Planning Rule.

FINDING: The proposed amendments do not affect the functional classification of any streets and are not tied a specific development application. The proposed amendments are provided to clarify language and intent within the existing development code. The proposal would not present any impacts to the existing City transportation system, the Transportation System Plan, or how the City analyzes future transportation impacts.

V. RECOMMENDATION

Based on the above findings based on applicable code criteria, staff recommends the Planning Commission forward a recommendation of approval of PA 18-07 to the City Council.

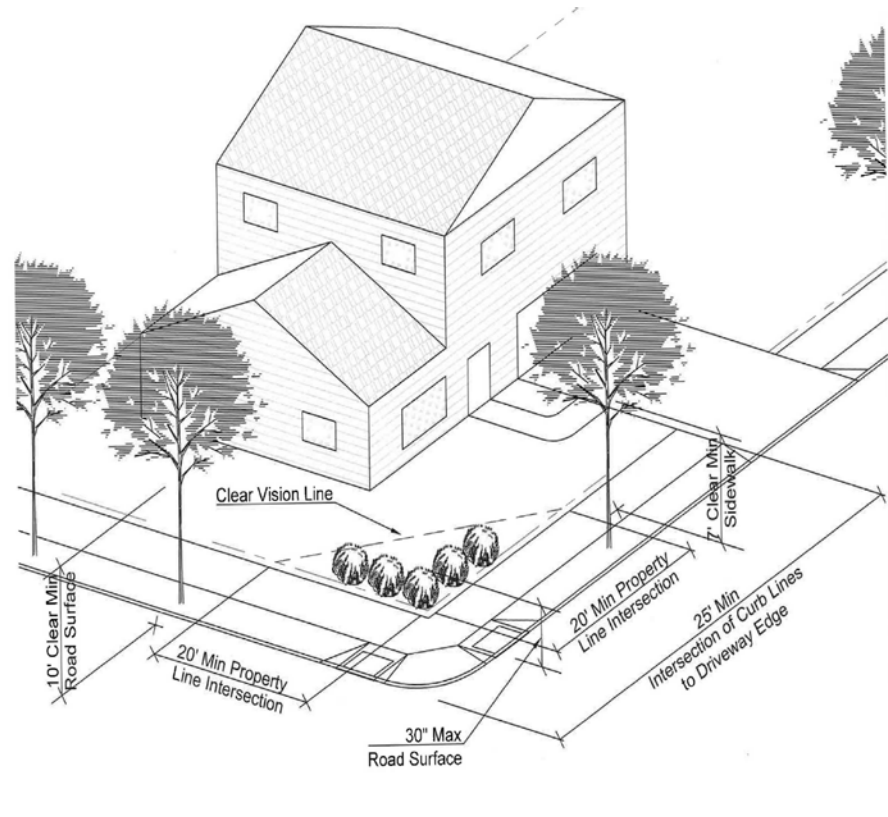
VI. EXHIBITS

A. PA 18-07 Proposed Code Amendments Table

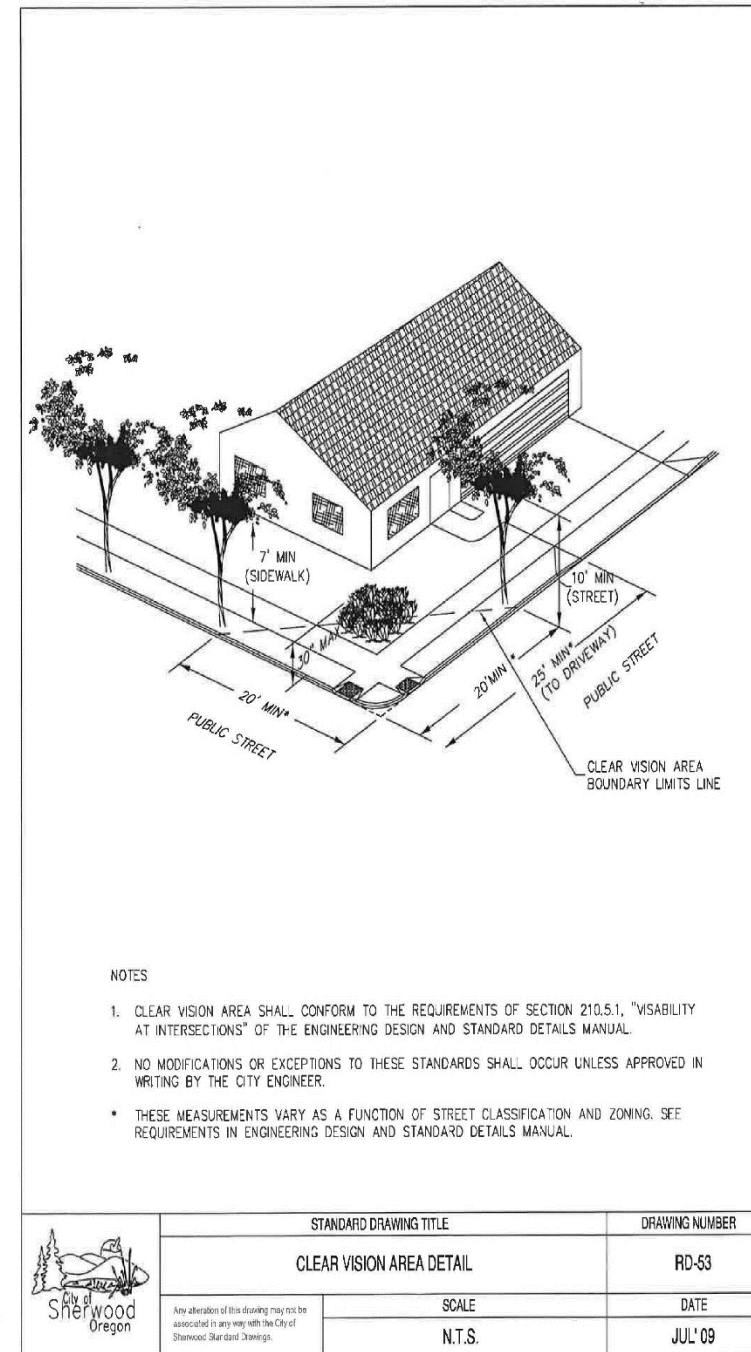
#	Code Section	Existing Code Language	Issue/Rational	Recommended Amendment
1	16.118.020.A	A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.	This would strikeout reference to Chapter 7 of the SZCDC – there is no chapter 7.	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	16.58.010.B	See page 2. Existing Clear Vision Diagram	The Clear Vision Diagram is inconsistent with code language. The text describing the clear vision area is correct in how it measured.	See page 3. Amended Clear Vision Diagram
3	16.70.030.C.1.j	C. Content **** j. A trip analysis verifying compliance with the Capacity Allocation Program, if required per 16.108.070. k. A traffic study, if required by other sections of this code, l. 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. Plan sets must have:.....	This 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	16.106.060.B	B. Design Standards 1. Arterial and Collector Streets Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi- use path, located as required by this Code.	This clarifies sidewalk widths for residential and commercial/industrial consistent 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. Residential areas shall have a minimum of an eight (8) foot wide sidewalk and commercial industrial areas shall have a minimum of six (6) foot wide sidewalk.
5	16.10.020	Family Day Care Provider: A day care provider which accommodates fewer than thirteen (13) children in the provider's home.	This updates the definition of Family Day Care Provider consistent with ORS 329A.280 which now states that family child care homes can care for up to 16 children.	Family Day Care Provider: A day care provider which accommodates fewer than sixteen (16) thirteen (13) children in the provider's home.
6	16.12.030.C	See page 5	This provide for an Irregular Lot footnote in the table for reference.	See page 5
7	16.94.020. B. Table 2 and Table 3	See page 6	This modifies Table 2 and Table 3, Minimum Parking Dimension Requirements, to match the text in §16.94.020.B.1 which states: 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	See page 6

#	Code Section	Existing Code Language	Issue/Rational	Recommended Amendment
			length so long as they are signed as compact car stalls.	
8	16.50	None	This provides clarity for setbacks for in ground pools and treats in ground pools/spas less than 3 ft. in height as accessory structures.	16.50.070 In Ground Pools 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 10 feet from the rear property lines. In-ground pools shall not be placed within the required front or street side setback.
9	16.102.030.A	16.102.030 - Temporary Sign Regulations A. The following regulations apply to all temporary signs as defined in Section 16.100.1.21	This corrects a scrivener's error and uses the correct section number	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	16.1 00.030.C 1. Free Standing Signs a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.8.1 5.	This corrects a scrivener's error and uses the correct section number	16.1 00.030.C 1. Free Standing Signs a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.8.1 5. 16.100.030.8.1-4.

SZCDC 16.58 Proposed Clear Vision Diagram



SZCDC 16.58 Existing Clear Vision Diagram



Proposed Section §16.12.030.C (see footnote)

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 ^[1] : (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 ^[2] (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 ^[3]	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard ^[4]	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

Exhibit A: Proposed Amendments Table
 PA 18-07 Planning Commission Staff Report
 August 28, 2018

	• 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							

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

A	B	C	D	E	F	G	H	J
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	15.0 18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0 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
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	15.0	26.0	8.0	56.0	3.0	3.0	62.0

Exhibit A: Proposed Amendments Table
 PA 18-07 Planning Commission Staff Report
 August 28, 2018

		18.0						
	9.0	47.0 20.0	24.0	9.0	58.0	3.0	3.0	64.0

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 18-8-28 Agenda Item: G.. B PA 18-06 (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: _____ Proponent: [Signature] Opponent: _____ Other: _____

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: AW STUART LAW LLC - ANTHONY STUART
Address: 11450 NE KUEHNE RD
City/State/Zip: CARLTON, OR 97111
Email Address: AW STUART LAW @ GMAIL.COM

I represent: **Myself** _____ Other [Signature] WESTON OREGON DISPENSARY, LLC.

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

FLOODPLAIN OVERLAY
PLAN AMENDMENT PA 18-05
AUGUST 28, 2018



Hearing Authority: Planning Commission & City Council
Public Hearings: Planning Commission 8/28/2018
City Council 9/18/2018 (tentative)

08.28.18
Date

PC
Gov. Body

6a.
Agenda Item

A
Exhibit #

Sherwood Floodplain Overlay Update

AMENDMENTS TO CHAPTER 16.134, FLOODPLAIN OVERLY – TRACK CHANGE

Strikeout = deleted text

Bold = proposed new text

Section §16.134.010

Generally

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 ~~November 4, 2016~~ **October 19, 2018**, 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.

Sherwood Floodplain Overlay Update

Proposed Findings

- Necessary for FEMA compliance
- Consistent with Comprehensive Goals and Policies
 - ✓ Environmental Resources, Natural Resources and Hazards Goal 4
 - ✓ Environmental Resources, Recreational Resources Goal 11
 - ✓ Natural Resources and Hazards Policy 1
 - ✓ Environmental Quality Policy 1
 - ✓ Recreational Resources Policy 1
- Does not conflict with Metro and Statewide Planning Goals
- Does not conflict with the Transportation Planning Rule

MEDICAL MARIJUANA DISPENSARY CODE UPDATE
PLAN AMENDMENT PA 18-06

AUGUST 28, 2018

Hearing Authority:
Public Hearings:

Planning Commission & City Council
Planning Commission 8/28/2018
City Council 9/18/2018 (tentative)



08.28.18
Date

PC
Gov. Body

66
Agenda Item

B
Exhibit #

Sherwood Medical Marijuana Dispensary Update

Review Criteria

16.80.030.A - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

16.80.030.3. – Transportation Planning Rule Consistency

Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

Sherwood Medical Marijuana Dispensary Update

Work Sessions

- Planning Commission 7/24/2018
- City Council 8/21/2018

Public Notice

- DLCD, Metro, Agency Partners
- Advertised in the Tigard Times
- Notice posted in 5 conspicuous places within the City

QUESTIONS?



GENERAL HOUSEKEEPING
PLAN AMENDMENT PA 18-07
AUGUST 28, 2018



Hearing Authority:
Public Hearings:

Planning Commission & City Council
Planning Commission 8/28/2018
City Council 9/18/2018 (tentative)

08.28.18
Date

PC
Gov. Body

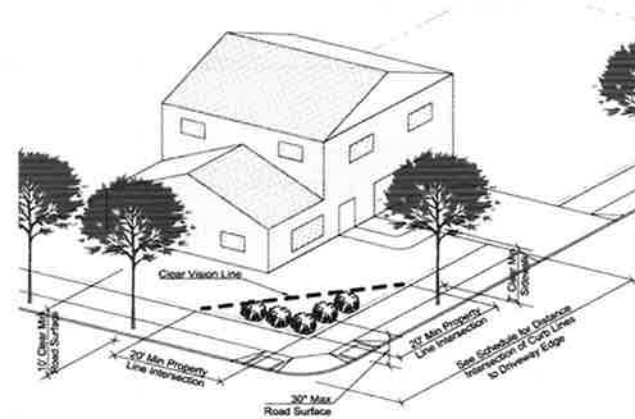
6.C
Agenda Item

C
Exhibit #

Examples

1. The text of the clear vision area does not currently match the diagram in §16.58
2. Fixing cross reference citations
3. Updating a definition to align with the state of Oregon's definition
4. Updating tables to match text language

Amended diagram



Sherwood General Housing Update

8	16.50	None	This provides clarity for setbacks for in ground pools and treats in ground pools/spas less than 3 ft. in height as accessory structures.	16.50.070 In Ground Pools 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 10 feet from the rear property lines. In-ground pools shall not be placed within the required front or street side setback.
9	16.102.030 A	16.102.030 - Temporary Sign Regulations A. The following regulations apply to all temporary signs as defined in Section 16.100.1.21	This corrects a scrivener's error and uses the correct section number	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	16.100.030.C 1. Free Standing Signs a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.8.1.5.	This corrects a scrivener's error and uses the correct section number	16.100.030.C 1. Free Standing Signs a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.8.1.5. 16.100.030.8.1.4.

Sherwood General Housekeeping Update

Proposed Findings

- Consistent with Comprehensive Goals and Policies
- Does not conflict with Metro and Statewide Planning Goals
- Does not conflict with the Transportation Planning Rule

Sherwood General Housekeeping Updates

Recommendation

Staff recommends that the Planning Commission forward a recommendation of **Approval** of the proposed amendments to the City Council.

#	Code Section	Existing Code Language	Issue/Rational	Recommended Amendment
1	16.118.020.A	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.	This would strikeout reference to Chapter 7 of the SZCDC – there is no chapter 7.	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	16.58.010.B	See page 2. Existing Clear Vision Diagram	The Clear Vision Diagram is inconsistent with code language. The text describing the clear vision area is correct in how it measured.	See page 3. Amended Clear Vision Diagram
3	16.70.030.C.1.j	C. Content **** j. A trip analysis verifying compliance with the Capacity Allocation Program, if required per 16.108.070. k. A traffic study, if required by other sections of this code, l. 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. Plan sets must have:.....	This 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	16.106.060.B	B. Design Standards 1. Arterial and Collector Streets Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi- use path, located as required by this Code.	This clarifies sidewalk widths for residential and commercial/industrial consistent 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

Exhibit A: Proposed Amendments Table
 PA 18-07 Planning Commission Staff Report
 UPDATED August 28, 2018

#	Code Section	Existing Code Language	Issue/Rational	Recommended Amendment
		16.100.1.21		16.100.1.21 16.100.015
10	16.100.030.C.1.a	16.1 00.030.C 1. Free Standing Signs a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.8.1 5.	This corrects a scrivener's error and uses the correct section number	16.1 00.030.C 1. Free Standing Signs a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.8.1 5. 16.100.030.8.1-4.

Exhibit A: Proposed Amendments Table
 PA 18-07 Planning Commission Staff Report
 UPDATED August 28, 2018

Proposed Section §16.12.030.C (see footnote)

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 ⁽¹⁾ : (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 ⁽²⁾ (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 ⁽³⁾	50	50	50	50	55	60

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

A	B	C	D	E	F	G	H	J
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	15.0	26.0	8.0	56.0	3.0	3.0	62.0
		18.0						
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission
August 28, 2018

Planning Commissioners Present:

Chair Jean Simson
Commissioner Doug Scott
Commissioner Mark Cottle
Commissioner Laurie Holm

Staff Present:

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

Planning Commission Members Absent:

Vice Chair Christopher Flores
Commissioner Justin Kai
Commissioner Daniel Matzinger

Council Members Present:

Council President Sean Garland

1. Call to Order/Roll Call

Chair Jean Simson convened the meeting at 7:03 pm.

2. Consent Agenda

- a. August 14, 2018 Planning Commission Meeting Minutes approval
- b. August 14, 2018 Planning Commission Work Session Minutes approval

Motion: From Commissioner Mark Cottle to approve the consent agenda, seconded by Commissioner Doug Scott. Motion passed 4:0. All present Planning Commissioners voted in favor. (Commissioners Flores, Kai, and Matzinger were absent).

3. Council Liaison Announcements

Council President Sean Garland said the City Council will meet on September 4. He reminded residents that school starts next week and to drive safe in school zones.

4. Staff Announcements

Planning Manager Erika Palmer said the Comprehensive Plan Community Advisory Committee (CAC) will meet tomorrow at 6:30 pm to consider the Economic Opportunity Analysis (EOA). The next Planning Commission meeting is September 11 and there is one public hearing scheduled for a landmark alteration at Sherwood Dental. She said the meeting will also include a work session regarding the EOA. A joint Planning Commission/CAC meeting has been scheduled for Wednesday, September 26 at 6:30 pm to review the Housing Needs Analysis (HNA). She said the Planning Commission is not scheduled to meet on Tuesday, September 25.

Chair Simson announced the Planning Commission emails have been created. She asked the Commissioners if they received the CAC meeting announcement and attachments of the EOA from Senior Planner Carrie Brennecke. The Commissioners said they received the information.

5. Citizen Comments

None were received.

6. New Business

Chair Simson read the public hearing statement for all three public hearings and said the Planning Commission would make recommendations to the City Council, the final hearing authority in the city.

a. Public Hearing PA 18-05 Sherwood Floodplain Overlay Update

Chair Simson opened the public hearing. Planning Manager Erika Palmer provided a presentation and said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council (see record, Exhibit A). A City Council public hearing has tentatively been scheduled for September 18 to consider the proposed amendment. She said the City is served by the National Floodplain Insurance Program (NFIP) that allows affected property owners in jurisdictions that have adopted land use regulations for development in floodplains to obtain federally-backed flood insurance. The Federal Emergency Management Agency (FEMA) administers the program and provides communities with the technical information that is relied upon to regulate development in the floodplain. She said the last Flood Insurance Rate Maps (FIRMs) were adopted in 2016 and since that time there have been no significant changes identified within the flood zone boundaries.

Ms. Palmer said the proposed amendment replaces the date for the insurance study and flood insurance maps with the new date of October 19, 2018, which is when the maps and study go into effect. FEMA requires that jurisdictions adopt the study and map by date. She stated that is the only change.

Chair Simson asked what the process for citizens to protest the maps is. Ms. Palmer said that it is a FEMA process referred to as a Letter of Map Amendment (LOMA). Ms. Hajduk noted that City Engineer Bob Galati is the floodplain administrator and if citizens have questions or problems they should contact him in order to identify what path they should follow. Chair Simson said the Planning Commission's purpose at this point is to make a recommendation to City Council to adopt the new date maps and maps itself by reference.

Ms. Palmer said there are two review criteria in the code for a text amendment and stated the amendment needs to be consistent with the Comprehensive Plan and Development Code, and any other State or regional regulations. It also needs to be consistent with the Transportation Planning Rule, if applicable. Ms. Palmer referred to the proposed findings and said the proposed amendment is necessary for FEMA compliance, is consistent with the Comprehensive Goals and Policies, and does not conflict with Metro, Statewide Planning Goals or the Transportation Rule.

Ms. Palmer commented on public notice and stated notice was given to DLCD, Metro, and agency partners. The public hearing was noticed in the Tigard Times and individual notices were sent to the effected property owners. No formal comments were received and noted one property owner inquired, but after additional explanation did not feel as though they needed to submit comments on this

proposal. Ms. Palmer said staff recommends that the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council.

With no questions from the Commission, Chair Simson asked for public testimony. None were received.

Chair Simson closed the public hearing and the following motion was received.

Motion: From Commission Doug Scott to forward a recommendation of approval to the City Council for PA 18-05 Sherwood Floodplain Overlay Update based on the applicant testimony, public testimony received, and the analysis findings and conditions of the staff report. Seconded by Commissioner Mark Cottle. Motion passed 4:0. All present Planning Commissioners voted in favor. (Commissioners Flores, Kai, and Matzinger were absent).

b. Public Hearing PA 18-06 Sherwood Medical Marijuana Dispensary Amendments

Chair Simson opened the public hearing. Planning Manager Erika Palmer provided a presentation and said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council (see record, Exhibit B). A City Council public hearing has tentatively been scheduled for September 18 to consider the proposed amendment. She said the proposal is to amend Chapters 16.10 Definitions and 16.38 Special Uses of the Sherwood Zoning and Community Development Code (SZCDC). The amendments are being proposed because of new state licensing regulations of Medical Marijuana Dispensaries. She said 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 based on which agency regulated them. She noted 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.

Ms. Palmer referred to the proposed changes and said the definition of medical marijuana dispensary is more clearly defined with the change of the state law. In section 16.38, the code language has been updated to provide clarity on new state regulatory licensing agency for medical marijuana.

Ms. Palmer said there are two review criteria in the code for a text amendment and stated the amendment needs to be consistent with the Comprehensive Plan and Development Code, and any other State or regional regulations. It also needs to be consistent with the Transportation Planning Rule, if applicable. She referred to the proposed findings and said the proposed text amendment is consistent with current state law, the Comprehensive Plan, Metro, and state land use goals. She stated this does not have any impact on the existing City transportation system. She emphasized that the City does not allow recreational marijuana and that will remain the same.

Ms. Palmer said there was a work session July 24 and a City Council work session August 21. She staff provided public notice regarding this hearing and no public comments have been received as of this date. Ms. Palmer said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council.

Chair Simson asked for public testimony.

Anthony Stewart, Attorney representing Western Oregon Dispensary, informed the Commission of the benefits of the new state law and the proposed text amendment. He said OLCC is a well resourced regulatory body inclusive of enforcement and updates. He commented on the OLCCs cannabis tracking system and said it is seed to sale.

Chair Simson closed the public hearing and the following motion was received.

Motion: From Commissioner Doug Scott to forward a recommendation of approval to the City Council for PA 18-06 Sherwood Medical Marijuana Dispensary Amendments based on the applicant testimony, public testimony received, and the analysis findings and conditions in the staff report. Seconded by Commissioner Mark Cottle. Motion passed 4:0. All present Planning Commissioners voted in favor. (Commissioners Flores, Kai, and Matzinger were absent).

c. Public Hearing PA 18-07 General Housekeeping Amendments to the Sherwood Zoning and Community Development Code

Chair Simson opened the public hearing. Planning Manager Erika Palmer provided a presentation and said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council (see record, Exhibit C). She said there are ten proposed code amendments and she provided an updated Exhibit A: Proposed Amendments Table (see record, Exhibit D). She referred to item 4 and said the numbers were reversed and the updated table states *Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial and industrial areas shall have a minimum of eight (8) foot wide sidewalk.* She referred to item 6 and said it should state *see page 5 and 6.* She referred to item 7 and said it should state *see page 7 and 8.*

Ms. Palmer referred to the ten proposed amendments and said the majority of the amendments are correcting scrivener's errors, clarifying the language and intent between sections of the code, and making the code consistent with updated state laws. Chair Simson stated that the Planning Commission had two complete work sessions and reviewed all the proposed amendments in detail.

Ms. Palmer said there are two review criteria in the code for a text amendment and stated the amendment needs to be consistent with the Comprehensive Plan and Development Code, and any other State or regional regulations. It also needs to be consistent with the Transportation Planning Rule, if applicable. She referred to the proposed findings and said the proposed text amendments are consistent with current state law, the Comprehensive Plan, Metro, and state land use goals. She stated

this does not have any impact on the existing City transportation system. All of the proposed text amendments are consistent with the review criteria and they are housekeeping amendments minor in nature.

Chair Simson referred to item 6 that states, *provide for an Irregular Lot footnote in the table for reference*, and suggested adding that the irregular lot footnote references is a definition already existing in the code. She said this would provide further clarification.

Ms. Palmer said the Planning Commission had a work session on July 24 and the City Council had a work session on August 14 to review the proposed amendment. She said public notice was given to DLCD, Metro, and agency partners. The public hearing was noticed in the Tigard Times and no public comments have been received. Ms. Palmer said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council.

Chair Simson asked for public testimony. None were received.

Chair Simson closed the public hearing and the following motion was received.

Motion: From Commissioner Doug Scott to forward a recommendation of approval to the City Council for PA 18-07 General Housekeeping Amendments to the Sherwood Zoning and Community Development Code based on the public testimony received, and the analysis findings and conditions in the staff report as amended. Seconded by Commissioner Mark Cottle. Motion passed 4:0. All present Planning Commissioners voted in favor. (Commissioners Flores, Kai, and Matzinger were absent).

7. Planning Commissioner Announcements

Chair Simson reminded the Commissioners that they are appointed officials and need to be aware of their role during the political season.

8. Adjourn

Chair Simson adjourned the meeting at 7:37 pm.

Submitted by:



Colleen Resch, Records Technician

Approval Date: 10.09.18