



Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

**November 24, 2015
At 7 PM**

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



City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
November 24, 2015 at 7:00 PM

Agenda

- 1. Call to Order/ Roll Call**
- 2. Consent Agenda**
 - a. October 13, 2015 Planning Commission Minutes
 - b. October 27, 2015 Planning Commission Minutes
- 3. Council Liaison Announcements** (Council President Robinson)
- 4. Staff Announcements** (Brad Kilby)
- 5. Community Comments**
- 6. Old business**
 - a. Continued Public Hearing – PA15-04 Mandel Property Plan Amendment and Zone Change** (Connie Randall)

The applicant is proposing an amendment to the Sherwood General Plan Map and a zone change for a three-acre portion of Tax Lot 2S130CB00250 (located at the southeast corner of Elwert and Edy roads at 21340 SW Elwert Road) from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL).

- 7. Planning Commissioner Announcements**
- 8. Adjourn**

City of Sherwood, Oregon
Planning Commission
October 13, 2015

Planning Commissioners Present:

Chair Jean Simson
Vice Chair Russell Griffin
Commissioner Chris Flores
Commissioner Michael Meyer
Commissioner Alan Pearson
Commissioner Rob Rettig

Staff Present:

Brad Kilby, Planning Manager
Michelle Miller, Senior Planner
Kirsten Allen, Planning Dept. Program Coordinator

Planning Commission Members Absent:

Commissioner Lisa Walker

Council Members Present:

Councilor Sally Robinson

Legal Counsel:

None

1. Call to Order/Roll Call

Chair Jean Simson called the meeting to order at 7:02 pm.

2. Consent Agenda

- a. June 23, 2015 Planning Commission Minutes
- b. July 14, 2015 Planning Commission Minutes
- c. July 28, 2015 Planning Commission Minutes
- d. September 8, 2015 Planning Commission Minutes

Motion: From Commissioner Alan Pearson to approve the Consent Agenda, Seconded by Vice Chair Russell Griffin. All present Planning Commissioners voted in favor (Commissioner Lisa Walker was absent).

3. Council Liaison Announcements

Council President Sally Robinson informed the Commission that City Council had asked the City Attorney to make revisions to the chicken ordinance and a second public hearing would be held on October 20, 2015.

4. Staff Announcements

Brad Kilby, Planning Manager, announced that Commissioners Pearson and Flores attended Planning Commissioner training in Bend. He said that the Draft Hybrid Alternative for the Sherwood West Preliminary Concept Plan project, a culmination of the previous three alternative plans, had been released. He encouraged the commission members to share and collect surveys regarding the draft plan and said

there was a drop box for completed surveys in the library. The survey will be open until October 30th and can also be taken online at sherwoodoregon.gov/sherwoodwest. Mr. Kilby announced an Open House for the Sherwood West Pre-Concept Plan project at 6:00 pm on October 22, 2015 at the Sherwood Center for the Arts.

Mr. Kilby informed the Commission that there would be a Public Open House for the Cedar Creek Trail on October 29, 2015. Michelle Miller, is the Project Manager, for the \$5.6m federal grant that the City received for a regional trail. The Open House would be about the design and construction for the trail within the Cedar Creek corridor and the City needed feedback for the trail and developing a preferred alignment for the area northwest of 99W. She said Chris Flores was the Planning Commission liaison for the Local Trail Advisory Committee (LTAC)

Mr. Kilby reminded the Planning Commission about the Annual Boards & Commissions Appreciation Dinner on Tuesday, December 15th and asked members to consider strengths, weaknesses and opportunities that may exist in the City regarding a land use or general planning prospective.

In answer to Chair Simson's questions, Mr. Kilby reported that there was no news regarding the tannery site and confirmed that the fencing for the site had been identified as a safety concern. He informed that recreational marijuana could not be purchased legally in the City as the City Council decided not to allow early sales. Ms. Miller added that the Oregon Liquor Control Commission (OLCC) was accepting public comment about regulation processes and the City was tracking the issue at this time.

5. Community Comments

None were received

6. New business

a. Public Hearing – LA 15-01 Bowman House 3

Chair Simson read the public hearing statement and asked the Commission for any ex parte, bias or conflicts of interest.

Vice Chair Russell Griffin indicated that he lived a block away from the site, but did not expect it to influence his ability to make a decision.

Michelle Miller, Senior Planner gave a staff report with a presentation (see record, Exhibit 1). She said the proposal was to construct a single family home in Old Town on the vacant lot located at 15824 SW 1st Street where the Sherwood School District had purchased two adjacent properties from the City. The City purchased the property as part of the Downtown Street project. She said permission to demolish the house was received in 2008 and some of the trees had been removed in order to site the house. Ms. Miller explained that a Temporary Use Permit had been granted on the site for an accessory structure, pending final approval from the Planning Commission. Because the site is located within the Old Town Overlay a review is required for all structures on the site (see planning record, TUP 15-05)

Ms. Miller explained that the Sherwood School District purchased the property for the high school construction class and the plan was to design, construct and do the interior work on the house as part of an educational component. The project would end with the sale of the house to a private party. Ms. Miller said it would take about two years to complete the house; this was the Bowman House 3 so they have

already completed a couple similar projects. Ms. Miller explained that the school district also purchased the property to the northeast, but it was not part of the proposal.

Ms. Miller indicated that the site was zoned Medium Density Residential Low and required 14' front yard setback, with 20' setback for the garage. She said something unique in the Old Town Overlay was that off street parking and street trees were not required, but a Planning Commission review was required because it was in Old Town and had special design standards.

There are nine criteria to review for residential design standards.

1. Volume and Mass
2. Roof Forms
3. Siding and Exterior Cladding
4. Trim and Architectural Detailing
5. Opening and Windows
6. Porches and Entrances
7. Landscape, Fencing and Perimeter Definition
8. Additions
9. Front Facing Presentations

Ms. Miller directed the Commission to the front elevation facing 1st Street, and said the first of the criteria were to enhance the vertical character. She pointed out the vertical siding and the verticality of the three roof forms relating that the proposed height was 28.2 feet. She said the applicant met the minimum roof pitch and there were a variety of materials with the different types of siding.

Ms. Miller recounted that a porch, as shown in the front, was a component of the Old Town standards. Other important details to an Old Town review were the inclusion of corner boards, barge boards, shake trim and gable ends. She said the bellyband between floors added interest to the design of the house. Ms. Miller specified that the windows were required to be vertical at a 2:1 ratio (shown on the proposed), and all except the one above the porch in the corner complied. This window will not be able to open and was for letting light in to the stairwell. Ms. Miller indicated that the front door was required to have glazing and the proposed front entryway door had 29% glazing. She said she did not include the amount of glazing in the staff report and asked that it be corrected on page 28.11 of the packet.

Ms. Miller showed examples of the left, right and rear elevations. She said the rear elevation would face Oregon Street, also known as the pedestrian walkway. She said on the rear elevation the thing to note was the skylights that faced the walkway. She asked the Commission to consider whether they met the standard that says they are to be placed on the side of the structure, not to be visible from the public right of way, and of a low profile design. Ms. Miller pointed out that the applicant had right of way on the front with 1st Street, at the parabour and the pedestrian walkway. She said it was up to the Commission to decide if they were low profile and met the standard.

Ms. Miller showed an illustrated picture (see record, Exhibit 1) of the house and directed the Commission to the color scheme. Note: The illustration had the garage on the right. Ms. Miller explained that the garage would be on left in order to share the driveway with the second house on the property to the northeast because the proximity to the parabour.

Ms. Miller requested adding Exhibit C to the Planning Record; a plot plan showing the location of the house and the shed on the site. She said the applicant proposed the same color palette and for the shed to match the design of the house.

Ms. Miller recommended approval with the conditions to design and construct a curb-tight sidewalk along the frontage and to provide a shared driveway with property to northeast.

Commissioner Rettig asked about the label on the site plan regarding the storm. Ms. Miller responded that it was the plot plan review that was submitted to the Building Department for review. Mr. Kilby added that because it was a building permit on private property that location could shift. Ms. Miller suggested that the applicant could offer an explanation.

Chair Simson asked if the Planning Commission was reviewing the shed as part of the application and if it was required as part of the Old Town Overlay review. Ms. Miller responded that the level of review was up to the Commission's discretion. The Development Code says that any structure in Old Town requires a Planning Commission review and there was precedence with the demolition of a shed in Old Town. Chair Simson asked for elevations for the shed. Ms. Miller reported that the requirements for an accessory structure had been met and the description indicated it would follow the same color scheme.

Commissioner Pearson asked if sheds were common in this area and stated they would be keeping with the character of the neighborhood. Not having a shed could be a liability for the sale of the house, because a shed would be used for storage and the potential owner would want a shed. Michelle affirmed.

Chair Simson stated that the review of the accessory structure had two criteria to be considered: if a building permit was required and setback rules. Ms. Miller stated the shed did not need a building permit. Chair Simson stated that when a building permit is not required and the structure is not less than 100 square feet and less than six feet tall, no rear or side yard setbacks are required and the structure may abut the property line.

Ms. Miller clarified that the structure was over six feet tall and needed to be three feet from the property line. Chair Simson said part of the Old Town design criteria required that the shed match the main house and the setbacks were based on the size of the shed. Ms. Miller confirmed.

Chair Simson asked for testimony from the applicant.

Jon Dickover, Construction teacher at Sherwood High School, 16956 SW Meinecke Road addressed the question of the storm water line by responding that the city engineer did not want weep holes in the curb so the storm line would connect in the middle of 1st Street. He said he wanted to put the storm line in that location near the property line in order to trench for two lines at one time.

Mr. Dickover said the shed was a ten feet tall structure with horizontal lap siding that would match the proposed house with shingles on the gable ends.

Chair Simson asked about the pitch of the roof that cannot exceed 6/12.

Mr. Dickover responded that the pitch of the shed roof was at 4/12; the walls are eight foot tall and it was twelve feet wide making the shed ten feet tall.

Chair Simson commented that staff had provided a copy of the elevations of the shed provided in TUP 15-05 (see record, Exhibit D).

Mr. Dickover explained that the Sherwood School District purchased the property with a difficult timeline because of the start of the school year in September. He said the class was designed to teach students how to frame and do residential construction and he thought it was a win, win, win to teach the students how to build the shed first would benefit the house. Mr. Dickover explained that it was a great opportunity to

be able to teach the kids how to pour concrete, to practice framing, and to hand-cut the roof. The house roofs are usually truss built and the students do not work on the roof for safety reasons.

Chair Simson commented that the Civics class should be present to help Mr. Dickover present the application. She asked if the applicant was in agreement with the conditions of approval as written by staff. Mr. Dickover confirmed.

Chair Simson asked for questions from commission members.

Commissioner Pearson commented that the contractor for this house would not disappear once the house was built.

With no other questions for the applicant and no public comment, Chair Simson closed the public hearing for deliberation and asked for final comments from staff.

Ms. Miller added that the pitch of the roof on the shed was in compliance because the maximum pitch was 6/12.

Chair Simson commented that the applicant had done a good job matching materials between the house and the shed and it may be the best-looking shed with the materials proposed. She asked for comments or concerns from the Commission

Vice Chair Griffin asked where students would park during construction and commented that there had been a near miss on the parabour in September. He said he hoped there would be no parking on the roundabout. Mr. Griffin also asked about deliveries to the site as there was a night delivery earlier in the week also blocked the roundabout.

Chair Simson commented on the proposed skylights and said the house had two frontages. She said the 1st Street frontage was the primary frontage and she believed the skylights at the rear side had been minimized, of a low profile, and meeting the intent of the Code.

Vice Chair Griffin asked if the roof overhang for the shed would drip on the property and not outside the property on to the planting beds that skirt the walkway. Mr. Kilby indicated that the water must drip onto the property and the gables did not hang over the property line.

Vice Chair Griffin pointed out that landscaping was not required so the illustrated picture of the house did not represent what the house would look like. He asked if there was landscaping planned or if it was up to the prospective homeowner. Chair Simson said it was not required and therefore not under the purview of the Planning Commission to direct one way or the other. Ms. Miller noted that the applicant had proposed garden beds and grass.

Chair Simson asked about the proposed fence. Ms. Miller stated that the applicant proposed a wood fence at forty-two inches in the front and a six foot fence along the side and rear. If the fence in the rear was less than three feet from the walkway it would need to be forty-two inches, but because of the existing landscape buffer the code allows for a fence to be six feet high. She said the applicant indicated verbally that he planned to plant arborvitae as well to give more privacy to the property owner. Chair Simson thanked Ms. Miller for the clarification and commented that the property had double frontage, because a public space was on both sides and needed clarification on how they would address the rear fence.

With no other questions or comments, the following motion was received.

Motion: From Commissioner Chris Flores to approve the application for the Bowman House 3, LA 15-01, based on applicant testimony, public testimony received and the analysis, findings, and

conditions in the staff report. Seconded by Vice Chair Russell Griffin. All present Planning Commissioners voted in favor (Commissioner Lisa Walker was absent).

7. Planning Commissioner Announcements

Vice Chair Griffin announced the *Peter Pan* play to be held at the Sherwood Center for the Arts, October 15 through October 17, 2015. He said they had two casts and 95 participants, an amazing pirate ship and beautiful backdrops.

Commissioner Pearson commented that the Planning Commissioner Training Conference he attended was excellent and he appreciated the opportunity to interact with other commissioners from other jurisdictions of all sizes who shared the same goals to improve the community they live in. We don't get paid for it, but we do it because we want to make our towns and cities the best they can be. He recommended that other commissioners take advantage of future opportunities as it was worth the time.

8. Adjourn

Chair Simson adjourned the meeting at 7:46 pm.

Submitted by:

Kirsten Allen, Planning Department Program Coordinator

Approval Date: _____

**City of Sherwood, Oregon
Planning Commission
Public Work Session Meeting Minutes
October 27, 2015**

Planning Commission Members Present: Chair Jean Simson
Commissioner Chris Flores
Commissioner Alan Pearson
Commissioner Rob Rettig
Commissioner Lisa Walker

Staff Present:
Tom Pessemier, Assistant City Manager
Julia Hajduk, Community Development Director
Brad Kilby, Planning Manager
Kirsten Allen, Planning Dept. Program Coordinator

Planning Commission Members Absent: Vice Chair Russell Griffin
Commissioner Michael Myers

Legal Counsel:
None

Council Members Present:
Councilor Sally Robinson

Work Session

Chair Simson started the meeting at 6:00pm.

1. Sherwood Zoning and Community Development Code Discussion – Industrial Land Use Districts

Julia Hajduk, Community Development Director, gave a presentation (see record, Exhibit 1) that gave the background on the Tonquin Employment Area (TEA) as well as the code language in the Sherwood Zoning and Community Development Code for the Industrial Zones. She reminded the Planning Commission of the Tonquin Employment Area Implementation Plan and said the Plan identified some constraints that may prevent development of the area.

Tom Pessemier, Assistant City Manager speaking about Economic Development walked the Commission through a presentation that had been given to City Council in June 2015 (see record, Exhibit 2). He explained an imbalance between those who live and work in Sherwood compared to other local communities and described the need for adding jobs to Sherwood; making the TEA an important part of the economic development of Sherwood.

Ms. Hajduk provided the Commission with the existing code language, portions of Ordinance 2010-014, and Chapter 16.31 Employment Industrial (see record, Exhibits 3, 4, 5) and informed that staff would propose updates to the Code regarding the Industrial Uses in the coming months with a target of having language in effect by June 2016.

Discussion followed. Chair Simson directed staff to send a postcard notice to industrially zoned properties in the city with a timeline and meeting dates. She inquired about a project page on the website and an online survey.

Chair Simson gave an opportunity for interested parties at the meeting to comment. Comments received included suggestions to review the allowed uses in the employment industrial zone and explained that each of the properties in the TEA had hurdles, however in order to attract companies to Sherwood the land needed to be ready to build.

The Planning Commission gave a general consensus for staff to proceed.

2. Annual Boards and Commissions Report and Discussion

Brad Kilby, Planning Manager, explained that the Commission would be asked to report to the Council at the annual dinner in December. He asked what they felt were accomplishments, goals, lessons learned or items they would like to discuss with the Council. Discussion followed including the following:

<u>Accomplishments</u>	<u>Goals</u>	<u>Items for Council Discussion</u>
<ul style="list-style-type: none">• Water System Master Plan• Transportation System Master Plan• Sherwood West Pre-Concept Planning• Center for the Arts• Medical Marijuana Legislation• Tannery outreach• General Outreach – small group work sessions	<ul style="list-style-type: none">• Comp Plan• Industrial Uses• Brookman Re-concept• Training for new Planning Commission members• Affordable Housing• Residential Design Standards• Citizen Awareness, Town Hall, Citizen’s Academy• Televised meetings	<ul style="list-style-type: none">• Tannery• Recreational Marijuana• TEA economic strategy• Council’s concerns

Adjourn

Chair Simson adjourned the meeting at 8:08 pm.

Submitted by:

Kirsten Allen
Planning Department Program Coordinator

Approval Date: _____

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: 11/24/15 Agenda Item: #6 - PA 15-04 (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: 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: Mimi Doukas
Address: 12965 SW Herman Road #100
City/State/Zip: Tualatin OR 97062
Email Address: Mimi.D@AKS-ENG.COM

I represent: **Myself** **Other** Venture Properties

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

PA 15-04

MANDEL PROPERTY
COMPREHENSIVE PLAN AND
ZONING MAP AMENDMENT

PLANNING COMMISSION PUBLIC HEARING
NOVEMBER 24, 2015

Nov. 24, 2015 PC
Date Gov. Body
6a 1
Agenda Item Exhibit #

EXISTING

General Plan & Zoning Designation



PROPOSED

General Plan & Zoning Designation



LEGEND

- Low Density Residential-LDR
- LDR-PUD
- Medium Density Residential-MDRL
- MDRL-PUD
- Medium Density Residential High-MDRH
- Institutional and Public
- Neighborhood Commercial
- Open Space
- Urban Growth Boundary/City Limits
- Subject Property





Required Findings (18.60.030)

- ▶ Demonstrated need for the proposed uses and zoning
- ▶ The proposed amendment is timely
- ▶ Other MDRL-zoned properties are unavailable or unsuitable for immediate development
- ▶ Does not significantly affect the functional classification of a local, county, regional or state transportation facility
- ▶ Consistent with Comprehensive Plan and the Transportation System Plan policies
- ▶ Consistent with Metro and State Standards

Recommendation

Based on findings of fact in the staff report and presented in the Public Hearing, and the conclusion of law based on the applicable criteria, staff recommends the Planning Commission forward a recommendation of **APPROVAL** of **PA 15-04** to the City Council.

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission
November 24, 2015

Planning Commissioners Present:

Chair Jean Simson
Vice Chair Russell Griffin
Commissioner Chris Flores
Commissioner Alan Pearson

Staff Present:

Julia Hajduk, Community Development Director
Josh Soper, City Attorney
Brad Kilby, Planning Manager
Connie Randall, Associate Planner
Kirsten Allen, Planning Dept. Program Coordinator

Planning Commission Members Absent:

Commissioner Michael Meyer
Commissioner Rob Rettig
Commissioner Lisa Walker

Council Members Present:

None

1. Call to Order/Roll Call

Chair Jean Simson called the meeting to order at 7:00 pm.

2. Consent Agenda

- a. October 13, 2015 Planning Commission Minutes
- b. October 27, 2015 Planning Commission Minutes

Motion: From Commissioner Alan Pearson to approve the Consent Agenda, Seconded by Vice Chair Russell Griffin. All present Planning Commissioners voted in favor (Commissioners Michael Meyer, Rob Rettig, and Lisa Walker were absent).

3. Council Liaison Announcements

There were not Council Liaison Announcements

4. Staff Announcements

Brad Kilby, Planning Manager, announced the Cedar Creek Trail project open house, December 3

- Planning Commission Work Session and Meeting, December 8
 - Sherwood West Preliminary Concept Plan (work session),
 - Sherwood Industrial Zone Uses (work session),
 - Parkway Court Plan Amendment and Zone Change,
 - Major Modification on SW Galbreath Drive for Endurance Products, 15,500 sq. ft. expansion
- Boards and Commissions Appreciation Dinner, December 15

Julia Hajduk, Community Development Director informed the Commission that field investigation for the Tannery site had taken place and the samples would be in process at the laboratory.

5. Community Comments

None were received

6. Old business

a. Public Hearing – PA 15-04 Mandel Property Plan Amendment and Zone Change (continued from November 10, 2015)

Chair Simson read the public hearing statement stating the Planning Commission would make a recommendation to City Council for the final decision. She indicated the applicant had twenty five minutes of testimony time remaining, stated that ex parte and bias did not apply and asked for any conflicts of interest. Commissioner Chris Flores was not present at the previous public hearing, but confirmed that he had watched the video of the meeting.

Connie Randall, Associate Planner, gave an overview for PA 15-05 Mandel Property Plan Amendment and Zone Change with a presentation (see record, Exhibit 1). She reminded the commission that the public hearing was continued from November 10, 2015 and the record was left open for seven days to allow for an additional written testimony. She said that Robert James Claus had submitted additional testimony on November 17th which was distributed to the Planning Commission and posted online on November 18th (see planning record, Exhibit F) Ms. Randall stated that Mr. Claus' testimony appeared to be generally supportive of the applicant's request.

Ms. Randall said the applicant was requesting a Comprehensive Plan and Zoning Map Amendment for a 3-acre parcel of land located at the southeast corner of Edy and Elwert Roads from Neighborhood Commercial to Medium Density Residential Low and the subject site was in active farming with an existing single-family residence and an associated outbuilding. She explained that it was part of a larger 21.28 acre parent parcel with an odd cut out area near the property containing a city-owned stormwater facility.

Ms. Randall said the site was bisected from north to south in an arching manner by a tributary to Chicken Creek, creating a pocket of developable land adjacent to Elwert Road. The site was brought into the Urban Growth Boundary in 2002 as part of Area 59 and the Area 59 Concept Plan was adopted by City Council in 2007 which applied the current land use and zoning designations.

Ms. Randall described that Section 16.80.030 of the Zoning and Community Development Code outlined five required findings that must be made to amend the City's Comprehensive Plan and Zoning Map. One was a demonstrated need for Medium Density Residential Low development in light of the proposed use and its importance to the City's economic health, current market demand, and the availability and location of other residential land in the area as well as the general public good.

Ms. Randall noted that this was discussed in the staff report and the last hearing where data from the Housing Needs Analysis, completed with the Sherwood West Preliminary Concept Plan, and the applicant's narrative demonstrated that there were currently 96 acres of buildable land zoned for residential use inside the current City limits; fourteen of those are zoned MDRL. Ms. Randall said an additional 79 buildable acres were located outside the City limits, within the UGB, in the Brookman area, but there was not a lot of available land in the City zoned for Medium Density Residential Low

development. She added that the proposal would create a cohesive residentially zoned pocket of land west of the Chicken Creek tributary that would allow for better site planning and neighborhood design, which is a public good.

Ms. Randall stated the next finding required that the proposal be timely considering available utilities, the development pattern in the area, and changes in the community. She said the staff report demonstrated that water, sewer and stormwater utilities were available and expected to be extended at the time of development. She commented that there was an existing residential development pattern in the immediate area and a substantial change to the community with respect to the transportation network.

Ms. Randall explained that when Area 59 was planned, a local street connection across the Chicken Creek tributary was envisioned which would connect the neighborhood commercial area with the adjacent residential development, but crossing the tributary proved to be very expensive, both financially and environmentally and during the review of the adjacent Daybreak development, the proposed connection between Elwert Road and Copper Terrace was relocated south to avoid the expensive crossing. She mentioned that the cost of making the crossing was estimated at approximately two million dollars which would be borne mostly by the citizens of Sherwood. Ms. Randall said without the vehicular connection, the site would be left isolated from the very neighborhood it was intended to serve. She said the proposal was a timely response to the changed transportation condition.

Ms. Randall indicated that the next finding sought that other Medium Density Residential Low properties were either unavailable or unsuitable for development. She said the lack of land zoned Medium Density Residential Low properties within the City was previously discussed and the only other similarly zoned land was unavailable for immediate development given the three failed attempts to annex property in the Brookman area.

Ms. Randall explained regarding traffic that the proposed residential uses were anticipated to generate 1,860 fewer weekday, peak hour vehicle trips than what could be expected if the site developed with Neighborhood Commercial uses and would not negatively impact any adjacent transportation facilities.

Ms. Randall summarized that the changes to the planned transportation system, as described in the staff report and discussed at the last hearing, had left the site isolated and detached from the very neighborhood it was intended to serve. She said the sole point of access would be on Elwert Road and the site would be oriented in a manner conducive to strip commercial retail development which was not consistent with the intent of the Neighborhood Commercial designation. Ms. Randall stated the proposed amendment would allow for better site planning for a residential neighborhood that could take advantage of the adjacent Chicken Creek tributary, consistent with the goals of the Comprehensive Plan and Transportation System Plan policies.

Based on findings of fact in the staff report, presentation in the Public Hearing, and the conclusion of law based on the applicable criteria, staff recommended the Planning Commission forward a recommendation of approval of PA 15-04 to the City Council.

Chair Simson asked if any commission members had questions. Receiving none, she asked for applicant testimony.

Mimi Doukas, AKS Engineering, representing the applicant, Venture Properties, stated they would wait for rebuttal.

Chair Simson asked for any testimony in favor of or against the application. None were received. She called the applicant for rebuttal.

Ms. Doukas went over comments received at the public hearing the two weeks previous as well as the written testimony. She said that Mr. Claus appeared to be in favor of the zone change and had some other concerns regarding public policy that were a broader subject to be discussed at a different time. Ms. Doukas said Mr. Bevel had concerns about traffic, but as staff had pointed out, traffic would decrease with the proposed zone change as the traffic impacts of Neighborhood Commercial were significantly less with Medium Density Residential Low. She added that this was supported by the Lancaster traffic report. Ms. Doukas noted that Mr. Bevel probably had valid concerns regarding the impact of a large subdivision which was expected for the larger Mandel property. Ms. Doukas explained that the traffic would then be fully analyzed and a full traffic study submitted with the subdivision application which would discuss impacts and any required mitigation and Mr. Bevel would have an opportunity to review the impact of the subdivision at that time.

Ms. Doukas said that aside from transportation the issue goes back to the overall criteria and whether the site makes sense for neighborhood commercial or for medium density residential and as staff pointed out, there was a demonstrated need for Medium Density Residential Low supported by the PNW economic report showing the overall capacity within the city and the demonstrated need. Ms. Doukas said the site was appropriate for residential in terms of topography and urban services and as stated in the last hearing the primary objective of the application now for timeliness was to incorporate the subject site into the larger Mandel subdivision which would be heard by the Planning Commission shortly following the zone change application.

Ms. Doukas pointed out the other side of the question was whether the property was appropriate for Neighborhood Commercial. She noted staff's outlined challenges of Neighborhood Commercial and said the fundamental challenge was that the roadway connection turned out to not be appropriate resulting in no connection for the Neighborhood Commercial to an actual neighborhood; limiting the functionality of what neighborhood commercial really means. Ms. Doukas commented that as a stand-alone site it was challenging; too large for Neighborhood Commercial; not enough demand for that amount of Neighborhood Commercial; beyond what was envisioned in the definition of Neighborhood Commercial within Sherwood's code. She said Neighborhood Commercial was supposed to be closer to one acre sites as opposed to three acre sites, but even so the location was at the edge of the city, and the edge of the Urban Growth Boundary, that access was challenging, and it did not have a neighborhood to serve.

Ms. Doukas stated from that standpoint the applicant thought it was an appropriate site for a zone change and requested a positive recommendation from the Planning Commission on to the City Council. Ms. Doukas thanked staff for their detailed findings, presentation, and teamwork that was appreciated. She offered to answer questions.

Chair Simson closed the public hearing and moved to deliberation. She asked for questions from the commission or a motion to discuss.

Motion: From Vice Chair Russell Griffin to forward a recommendation of approval to the city council for Mandel property plan amendment and zone change (PA 15-04) based on applicant testimony, public testimony received, and the analysis, finding, and conditions in the staff report. Seconded by Commissioner Pearson.

Chair Simson asked for any discussion.

Commissioner Pearson said he normally was apprehensive to make changes Comprehensive Plans. However, things had changed from what was fine in [2007] when the plan was enacted and having the site as commercial was inappropriate. He stated the reason he was reluctant to make changes to master plans was that chipping away at them soon rendered the master plan a weak suggestion. He said there was a reason for master plans, they held goals and ideas. Commissioner Pearson stated the problem in Sherwood was that it was a growing town that was running out of space to grow and one of the reasons the commission was reviewing the application was the fact that Sherwood needed the space and the housing. He said Sherwood needed to make the change to accommodate reality.

Commissioner Pearson said he would view with jaundiced eye changes to certain areas that were totally inappropriate to convert to residential, because the City could not start chipping away at [zoning]. He said Sherwood needed to expand and stop pirating or stealing from designated areas to accommodate growth when it was quite simple. He stated this was an exception to his rule and he would vote in favor of it as it was clearly justified and needed. Commissioner Pearson said he agreed with Mr. Claus however, and had discussed with him in terms of more affordable housing, which unfortunately, this might not accommodate. He said he was not going to let the perfect get in the way of the good, this was the good, and he would vote in favor.

Vice Chair Griffin added that he was a planning commissioner when Area 59 was planned. He said they positioned the school on the property and then tried to figure out the zoning around it. He said it was a broad stroke and he remembered thinking that commercial strip was not only on the edge of the city, but on the edge of the Urban Growth Boundary and he had thought Sherwood would have to grow quite a bit to accommodate it. Vice Chair Griffin said he had wondered how it would progress and agreed with Commissioner Pearson in that this particular case it made sense to make the change, because Sherwood needed more housing and not necessarily three mini commercial plots.

Chair Simson agreed and commented on the planning of the Area 59 Concept Plan where the intent was to connect the commercial land to the neighborhood and said the change in the transportation plan set that particular parcel up for failure as a commercial property. She said it was a significant change that set a bar and a zone change needed thoughtful consideration for the Planning Commission to recommend it. Chair Simson commented that the city had a way to expand residential when including the Brookman or the Sherwood West areas and should not rob all of the industrial and commercial land. She said in this case the piece of property was setup for failure with no connecting transportation.

Commissioner Flores noted possible changes to Elwert Road as part of the Sherwood West Preliminary Concept planning project and the effect it could have on commercial in the area.

Chair Simson noted that the Sherwood West Preliminary Concept planning project was a fifty year plan and said that the Area 59 concept plan was seven years old. She commented that with such a change it seven years was difficult to tell what would happen in fifty years.

Brad Kilby, Planning Manager, noted that one of the earlier versions of the concept plans in the Sherwood West Preliminary Concept planning project showed commercial in the area, but the preferred alternative did not show commercial in the area. He said any commercial outside of the southern portion of Sherwood west would be neighborhood scale commercial.

Chair Simson called for a vote.

All present Planning Commissioners voted in favor (Commissioners Meyer, Rettig, and Walker were absent).

7. Planning Commissioner Announcements

Chair Simson spoke of the planning commission work session on December 8 and the Council and Board Appreciation Dinner on the December 15.

Vice Chair Griffin said there were no plays until the summer.

8. Adjourn

Chair Simson adjourned the meeting at 7:29 pm.

Submitted by:

Kirsten Allen

Kirsten Allen, Planning Department Program Coordinator

Approval Date:

Dec. 8, 2015