



**City of Sherwood  
PLANNING COMMISSION  
WORK SESSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
March 11, 2014  
7:00- 8:30 PM**

## **WORK SESSION AGENDA**

### **1. Call to Order**

### **2. Preparation for Public Workshop**

The Planning Commission will hold a Public Workshop on April 8<sup>th</sup>. The intent of this work session is to prepare the topics of discussion and format of the workshop.

### **3. Adjourn**

Sherwood Planning Commission Meeting

Date: March 11, 2014

Meeting Packet

Approved Minutes

Date Approved: May 27, 2014

Request to Speak Forms - none

Documents submitted at meeting:

Ex 1 - Public Outreach Worksheet

Ex 2 - "X is for X-rated" article  
- Planners Web

Ex 3 - Transportation Plans: An overview  
- PC Journal

Ex 4 - Code Clean up Items and staff  
proposed amendments.

# PUBLIC OUTREACH

- GAZETTE NOTICE (APRIL 2014)

## City of Sherwood Notice

Public Work Session	Staff Contact
<p>The Sherwood Planning Commission will be hosting a public work session to discuss issues related to future planning efforts within the City. This is your opportunity to discuss your thoughts on:</p> <ul style="list-style-type: none"><li>• The Sherwood Transportation System Plan Update</li><li>• Regulation of Medical Marijuana dispensaries</li><li>• Parks and Open Space Zoning</li><li>• Development Code Issues</li></ul> <p>The Public Work Session will begin at 7PM on Tuesday, April 8, 2014 at Sherwood City Hall in the Community Room. Anyone may attend, and light refreshments will be served.</p>	<p>Brad Kilby, AICP 503-625-4206</p>

- ARCHER ARTICLE
- OLD TOWN MONUMENTS
- ROBIN HOOD THEATER SIGN
- (5) LOCATIONS
- CITY WEBSITE
- POST CARDS
- TIGARD TIMES
- OREGONIAN

OTHER:

3-11-14  
Date

Planning Comm. Work Session  
Gov. Body

2  
Agenda Item

1  
Exhibit #

## PUBLIC WORKSHOP FORMAT

- TABLE SET UP 4 Tables
- ROOM SET UP
- REFRESHMENTS
- EASELS/BOARDS
- POWERPOINT
- SPEAKERS

### OTHER:

Comment opp for public - PostIt notes.

TSP - Bike Ped / Vehicle  
Map w/ Projects

No power point  
info to PC prior

Planning / Zoning map.

## **DISCUSSION TOPICS**

- MEDICAL MARIJUANA
- SHERWOOD TRANSPORTATION SYSTEM PLAN
- DEVELOPMENT CODE ISSUES

OTHER:

**QUESTIONS/INFORMATION WE WANT TO ASK OF THE PUBLIC**



# X is for X-Rated Land Uses

by Laurence C. Gerckens, FAICP

May 20th, 2007

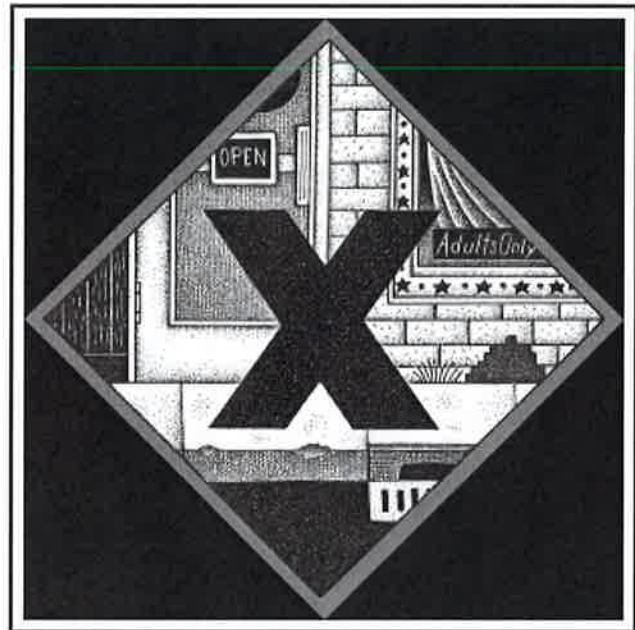
There are a number of land uses that, although legal, are almost universally considered to be poor neighbors. These include sex-related businesses (such as “adult” book stores, “exotic” dance studios, and “strip tease” theaters), as well as uses ranging from sewage treatment plants and garbage dumps to feed lots and poultry farms. In recent years the acronym “LULUs” has caught on to describe these “Locally Unwanted Land Uses.”

Local governments have been especially active in combating sex businesses. While the U.S. Supreme Court has held that sex businesses, such as adult book stores, cannot be totally excluded from a community, the Court has left municipalities free to tightly regulate their location. Most communities have responded by providing a limited number of zoning districts within which adult businesses can be sited (though almost always as conditional uses).

Adult businesses are invariably prohibited from locating within specified distances of schools, churches, parks, and other places of public assembly. In addition, zoning ordinances often include conditions such as screening the use and its parking facility from view from surrounding properties and public thoroughfares.

Early American land use controls often focused on what might be considered the “X-rated” land uses of their day: fat trying plants, tar boiling facilities, dead animal disposal lots, slaughter houses, garbage dumps, and industrial production facilities. The principal issue was the location of these uses in relation to residential areas and places of public congregation. The most common local government response was to isolate all such uses, allowing them only in limited geographic areas, identified as “industrial” zones.

Interestingly, however, early 20th century as “model” zoning ordinances did not prohibit offices, retail sales, or even residential uses, from locating within industrial zones. The justification for this, in theory, was that if the owners and occupants didn’t mind having “X-rated” uses for neighbors, they should not be barred from locating in such zones. As the 20th century wore on, however, zoning codes increasingly came to prohibit business and residence uses in industrial zones.



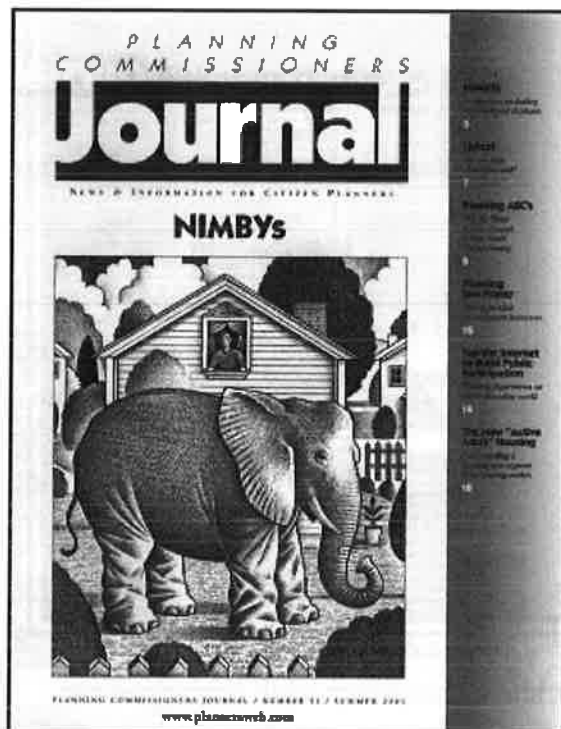
3-11-14  
Date

Planning Comm. Work Session  
Gov. Body

2  
Agenda Item

2  
Exhibit #

In lieu of zoned isolation, protection from the negative effects of such uses can be accomplished through use of “performance” controls (or standards). Such controls involve setting measurable maximum standards for perimeter impacts, such as light, sound, smell, sight, vibration, and traffic. Many uses now allowed only in industrial zones have virtually no negative impacts on surrounding uses (or have impacts that could well be addressed through good site design and buffers). Yet most communities still adhere to the principle of zoned isolation formulated almost a century ago.



Public discussion of where LULUs are to be located inevitably brings out hordes of NIMBYs espousing “Not In My Back Yard!” Yet, many of the uses generating NIMBY opposition are essential to the community. These include garbage and trash disposal, as well as sewage treatment facilities. NIMBYism is most commonly followed by PIOTism, “Put It Over There” (in HIS yard), the “there” commonly being in other communities or in or near lower-income neighborhoods.

Some have suggested (undoubtedly as a hypothetical fantasy!) that if each residential neighborhood had to treat and dispose its own waste within its own geographic confines, we would very quickly have effective recycling and resource conservation programs.

*Editor’s note:* See these articles, for more on dealing with NIMBYs.

Tags: [Planning ABC’s](#), [Zoning & Land Use Regulations](#)

Printed From: <http://plannersweb.com/2007/05/x-is-for-x-rated-land-uses/>



# Transportation Plans: An Overview

by C. Gregory Dale

Traffic impact studies for any site development are an important part of the land use review process. As a planning commissioner, the odds are good that you'll need to deal with them from time to time. But before talking about traffic impact studies (which will be the focus of my next column), it's important to understand how these studies "fit" into the broader transportation planning picture. Because of this, I want to take a few minutes to provide you with an overview of transportation plans.

There are four levels of concern involving traffic and transportation issues:

**Level 1:** A long-range 25 year horizon for strategic planning of major transportation corridors, land use patterns, and other elements of the urban environment.

**Level 2:** An intermediate 10 - 20 year horizon for the planning of significant changes in transportation facilities, and other major infrastructure elements and land use patterns.

**Level 3:** A short-range 5 - 10 year horizon for planning and programming major and minor transportation developments.

**Level 4:** Design and implementation of individual public works projects and private developments.

## Level 1 -

### *Comprehensive, Continuous, and Coordinated ("3-C") Transportation Plan*

The traditional comprehensive area-wide transportation planning process was first developed in the 1960s to evaluate alternative land use and transportation plans. The process is designed to:

- Identify major travel corridors and provide projections of the approximate volume of traffic within these corridors;
- Identify major potential problem areas in the proposed network; and
- Provide a basis for planning and programming major network improvements.

The 3-C process also provides information by which the compatibility of future land use and transportation assumptions can be evaluated. It is used to gauge changes in accessibility that would result with different transportation systems, and to see if proposed commercial or industrial concentrations are situated at locations which have, or will have, a high level of capacity for traffic flow.

Generally, any region with a population greater than 50,000 will have a 3-C transportation plan. Preparing such a plan is the responsibility of the Metropolitan Planning Organization ("MPO") and should consider all modes of travel (automobiles, transit, bicycles, and walking). Planning commissioners should be aware that because MPOs draw heavily on local government priorities in developing the 3-C plan, local planning boards can play a major role in determining the mix of transportation mode improvements contained in that plan.

## Level 2 -

### *Transportation and Thoroughfare Plan*

A specific thoroughfare plan is usually adopted as part of a community or municipal comprehensive land use plan. The thoroughfare plan defines the functional classification of the existing and future roadway system. It classifies each roadway depending on its use, traffic flow, and relationship to adjacent land uses. Functional classifications include expressway, arterial, collector, and local streets. It is important to remember that the interaction of land use (or land use change) is directly related to the operating characteristics of the roadway, its safety, and its future capacity to carry traffic. The MPO or local planning commission is responsible for the preparation of a thoroughfare plan.

## Level 3 - Action Plan

An action plan further details elements of Level 1 and Level 2 plans by defining how goals and objectives will be met. For

example, private developers may be required to dedicate certain right-of-way width for future roadways depending upon the functional classification shown in the thoroughfare plan — or, site-specific land use and zoning design criteria will be applied depending upon traffic characteristics such as trip generation, density, utilization of public transit, or bicycle/pedestrian provisions. The action plan typically contains a five-year work program setting annual funding and construction priorities for each mode of transportation.

## Level 4 - The Traffic Impact Study ("TIS")

The TIS is prepared, in detail, for a specific site with a known development mix. It defines the total amount of traffic generated by the future land use, the distribution or orientation of such traffic, and its effect on the roadway system. A complete TIS takes into account capability of the existing roadways to absorb traffic growth, safety of the public and operational characteristics such as signage and traffic signals. On-site parking and circulation are also included. Most importantly, the TIS Report must provide a reasonable and technically correct program to fully mitigate the impact of the traffic generated by the future land uses.

In the next installment of Talking Transportation, I'll discuss how traffic impact studies are prepared and what — as a planning commissioner — you should know about them.

C. Gregory Dale, AICP, is a planner with the planning and engineering firm of Pflum, Klausmeier & Gehrum, and works in their Cincinnati, Ohio office. Greg is also a past president of the Ohio Chapter of the American Planning Association, and frequent speaker at planning and zoning workshops. His column appears regularly in the Journal.



3-11-14  
Date  
Agenda Item

PC Work Session  
Gov. Body  
3  
Exhibit #

## CODE CLEAN UP ITEMS

- **ANNUAL CODE EDITS** – Edits identified by staff, Planning Commission, and the Council to further clarify/simplify/corrections in the code. This occurs annually

---

- **COMPLETED CODE EDITS**

- Public notice
- Application Submittal Requirements
- Open Space Requirements
- Variances and Adjustments
- Use classifications
- Street tree standards
- Public Improvements
- Land Divisions
- Site Plan Modifications
- Temporary signs
- Temporary uses
- Parking lot landscaping and configuration
- Commercial mixed-use density calculation

---

- **OUTSTANDING CODE EDITS**

**PRIORITY**

- Minimum lot size clarification
- Design standards for multi-family projects
- Capacity Allocation Program
- PUD's
- Definitions
- Old Town Standards
- Non-conforming uses
- Conditional Use
- Town Center Implementation

3-11-14  
Date

2  
Agenda Item

Planning Comm. Work Session  
Gov. Body

4  
Exhibit #

## 2014 Sherwood Zoning And Community Development Code Proposed Staff Amendments

Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment	Legal Review Required	Ballot Measure 56 Required
16.90.020.A	411	Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use, and prior to the issuance of a sign permit for the erection or construction of a sign	Should Site Plan review be required for a sign?	Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use., and prior to the issuance of a sign permit for the erection or construction of a sign	No	No
16.10.020	274	None	No definition for Diameter at Breast Height (DBH), a term commonly used for administration of tree regulations.	<u>A standard method of expressing the diameter of the trunk of a standing tree. DBH for the purposes of this code means the diameter of the trunk of the tree at 4.5 feet from the surface of the native grade.</u>	No	No
16.106.040.C	459	...A durable sign shall be installed at the applicant's expense. The sign shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."	Referring to the future extension of stubbed streets, staff would recommend that concerned citizens contact the City of Sherwood Engineering Department as opposed to a general phone number.	...A durable sign shall be installed at the applicant's expense. The sign shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood Engineering Department." at 503-625-4202	No	No
16.106.040.H	460	Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.	The reference to 16.142.030 should be amended to refer to 16.142.040 Visual Corridors	Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.	No	No

16.120.060.B	470.14	The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.	The cost of realizing and administering financial securities always exceeds the cost of the improvement. By increasing the amount of the security to 125% of the estimated cost, the City would be ensuring that the cost for inflation and administration costs are covered. It should be noted that the City does not typically have to pull a bond or other type of financial security on construction projects, but it does happen.	The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (12500%) of the estimated cost of the improvements.	No	No
16.72.010.2.d	388	"Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.4.G.4.	The reference to 16.90.020.4.G.4 should be amended to refer to 16.90.020.D.7 the Commercial Design Review Matrix.	"Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.74-G.4.	No	No
16.72.020.B.2	390	Signage shall be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the hearing before the Hearing Authority for Type III, IV and V applications.	Staff recommends adding the term "initial" in front of hearing to formalize the fact that the 20 day notice is only required prior to the initial hearing.	Signage shall be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the <u>initial</u> hearing before the Hearing Authority for Type III, IV and V applications.	No	No
16.72.010.2.e	388	Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.4.H.1.	The reference to 16.90.020.4.H.1 should be amended to refer to 16.90.020.D.8 the Industrial Design Review Matrix.	Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.D.84-H.1.	No	No
16.90.020	412	N/A	The publisher inserted Section 16.90.030, Site Plan Modifications and Revocation within Section 16.90.020 between 16.90.020.B and 16.90.020.C	Recommend that the code be amended to remedy the issue so that the review criteria for Site Plan approvals is listed under the appropriate section.	No	No
16.40.020.B.5	341	If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Chapter 16.122. The preliminary subdivision shall be processed concurrently with the PUD.	The reference to 16.122 should be amended to refer to 16.120 Subdivisions.	If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Chapter 16.120. The preliminary subdivision shall be processed concurrently with the PUD.	No	No
16.120.040.I	470.12	A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome- Standards) or §16.142.020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.	The reference to Section 16.142.020 should be 16.142.030	A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome- Standards) or §16.142.030020 (Parks, Open Spaces and Trees-Single-Family <u>or Duplex</u> Residential Subdivisions), if applicable.	No	No

16.84.030.A.1.D	406	A 5% reduction in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.	This standard would not necessarily limit a 5% increase in height, or some other dimension that could be affected by an action other than a reduction. The language could be modified by changing the word "reduction" to "variance" to cover that scenario	A 5% <u>variance reduction</u> in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.	Yes	No
16.84.030.B.1.e	406	A 20% or less reduction in other Code standards or dimensions not otherwise specifically identified in this section.	Again, the current language only applies to reductions, when in fact, it should be a "variance."	A 20% or less <u>variance reduction</u> in other Code standards or dimensions not otherwise specifically identified in this section.	Yes	No
16.70.020.B	383	Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for with adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.	Scribners error, the "with" in the first sentence is not needed.	Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for with adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.	No	No
16.70.020.B	383	Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020	Whether or not to prescribe notice requirements for neighborhood meetings (i.e. 2 week notice)	Policy discussion with Planning Commission	Yes	No
16.40.060.6	346	Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.142.040.	Section 16.142.040 is not the correct citation. STAFF		No	No
16.06.020.C	269	A majority of members of the Commission shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an open meeting of the Commission shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.	Whether the existing language states clearly that a majority vote of a quorum is necessary to legally act on a matter before the Commission.	A majority of members of the Commission shall constitute a quorum. A majority vote of <del>those members, not less than</del> a quorum, present at an open meeting of the Commission, shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.	Yes	No
16.40.040.A.1	343	A. 1. Phasing	Numbering is inconsistent	A. 1. Phasing	No	No
16.46.010	354.1	One (1) manufactured home may be located on an individual lot zoned MDRL or MDRH, provided that the manufactured home meets the standards contained in Chapter 16.16 or 16.18, and subsection B of this section.	The language is inconsistent with the language in Chapter 16.12 Use table, which permits manufactured homes in all residential zones.	One (1) manufactured home may be located on an individual lot <del>zoned MDRL or MDRH in any residential zone,</del> provided that the manufactured home meets the standards contained in Chapter <del>16.16 or 16.18,</del> <u>16.12</u> and subsection B of this section.	Yes	No

16.72.020.C.1

390.1

For Type II, III, IV, and V actions specific to a property or group of properties, the City shall send written notice...

An amendment would make it clear that amendments to a zone classification does not require the City to provide notice to the properties within that zone (Measure 56) And those within 1,000 feet of the properties in the zoned being affected.

~~For Type II, III, IV, and V actions to a specific property or group of properties~~ quasi-judicial actions, the city shall send written notice...

Yes

No

# **APPROVED MINUTES**

---

**City of Sherwood, Oregon  
Planning Commission  
Work Session Meeting Minutes  
March 11, 2014**

---

**Planning Commission Members Present:**

Chair Jean Simson  
Vice Chair James Copfer  
Commissioner John Clifford  
Commissioner Lisa Walker

**Staff Present:**

Julia Hajduk, Community Development Director  
Brad Kilby, Planning Manager  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Commissioner Michael Cary  
Commissioner Beth Cooke  
Commissioner Russell Griffin

**Council Members Present:**

Mayor Bill Middleton

**Legal Counsel:**

None

**1. Call to Order**

Chair Simson called the meeting to order at 7:03 pm.

Brad Kilby, Planning Manager informed the Commission that there were two Planning Commission terms expiring at the end of April 2014 and applications were currently being accepted.

Brad explained that there was a hearing with the Hearings Officer on Monday, March 17, 2014 for Threat Dynamics a firearms training facility. He said it was a permitted use in the zone, but was a Conditional Use Permit because of the retail space requested.

Brad said there were two meetings for the Southwest Corridor Project: March 19, 2014 at the Tigard Town Hall beginning at 6:30 pm and March 20, 2014 at the Tualatin Police Department at 6:00 pm.

Brad passed on that there was a Land Use Board of Appeals (LUBA) decision regarding Washington County's decision the removal of a signal on Tualatin Sherwood Road. LUBA remanded the decision indicating that it was a Land Use action. Discussion followed.

**2. Preparation for Public Workshop**

Brad began the preparation about the workshop by giving out a worksheet for the discussion (see record, Exhibit 1) and went over some of the options for public outreach. Discussion followed.

There was a dialog about how to set up the room to accomplish the purpose of allowing the Planning Commission members to engage with the public to get their views about the subject matter. Brad gave out an example of some of the material that is available to the Commissioners on Plannersweb.com (see record, Exhibit 2) and opened the conversation about the discussion topics for the Public Work Session on April 8, 2014.



**Discussion Topics:**

**Medical Marijuana** – Planning Commission members were aware that this may be a hot topic and wanted to provide rules already placed on dispensaries by the state to the public. A representative from the Police Department will be available at the meeting.

**Sherwood Transportation System Plan Update** – Brad gave an article about Transportation Plans to the Commission (see record, Exhibit 3) and said Engineering staff will be present to give an overview of the project to the public. Planning Commission members expressed an interest in knowing more about the update before discussing it with the public and a work session with DKS (consultant on the TSP Update) will take place prior to the public meeting.

**Development Code Issues** (Code Clean up) – Brad provided a list of proposed staff amendments for the development code clean up (see record, Exhibit 4).

Staff secured a list of questions the Commission would like to ask the public and gave direction regarding how a handout or questionnaire might look.

Before adjourning, Chair Simson asked if the public present at the work session had any additional comments. Gene Stewart asked regarding any changes for a Citizen Involvement Plan. Discussion followed that included the possibility of forming sub-advisory groups for code or Comprehensive Plan Updates.

**3. Adjourn**

Chair Simson adjourned the meeting at 8:12 pm.

Submitted by:

Kirsten Allen

Kirsten Allen  
Planning Department Program Coordinator

Approval Date: May 27, 2014