



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
February 23, 2010 – 7 PM**

Business Meeting – 7:00 PM

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda** Meeting minutes from November 24, 2009 and January 26, 2010.
- 4. Staff Announcements**
- 5. Council Announcements** (Mayor Keith Mays, Planning Commission Liaison)
- 6. Community Comments** (*The public may provide comments on any non-agenda item*)
- 8. Old Business:**
 - a. Public Hearing Industrial Design Standards (PA 09-01): The Planning Commission will consider proposed revisions to the Sherwood Zoning and Community Development Code. The proposed changes insert industrial design standards into the "Site Plan" section of the code (16.90). It also includes changes to the review process for industrial developments to allow for staff-level review if specific design standards are met. Finally, the proposal includes changes to the Light Industrial (LI) standards in chapter 16.32 and the General Industrial (GI) zoning district in chapter 16.34 to comply with Title 4 of the Metro Urban Growth Management Functional Plan (UGMFP). Specifically, these changes limit the amount of space dedicated to certain uses including: business and professional offices; farm and garden supply stores and retail plant nurseries; building material sales; and restaurants. The Planning Commission will make a recommendation to the City Council who will make the ultimate decision.

Applicable Criteria: Sherwood Zoning and Community Development Code Sections 16.32, 16.34, 16.72, 16.90 and 16.98, Chapter 4 of the Sherwood Comprehensive Plan, and Statewide Land Use Planning Goals 1- Citizen Involvement and 9- Economic Development.
- 9. New Business:**
 - a. Selection of a Planning Commission member to serve on the Cultural Arts Community Center Steering Committee.
- 10. Comments from Commission**
- 11. Adjourn the Business Meeting**
- 12. Next Meeting: March 9, 2010**

Work Session (After close of Business meeting)

Code Update Discussion

Work sessions are informal meetings where the Commission and staff can discuss topics but no formal action is taken from these meetings. Work sessions are open to the public in accordance with public meeting laws.

City of Sherwood, Oregon
Draft Planning Commission Minutes
November 24, 2009

Commission Members Present:

Julia Hajduk, Planning Manager
Jean Lafayette
Matt Nolan
Raina Volkmer
Lisa Walker

Staff:

Heather Austin, Senior Planner
Karen Brown, Recording Secretary
Tom Pessemier, Community Development Director

Commission Members Absent: Adrian Emery, Todd Skelton, Patrick Allen

Council Liaison – not present

1. **Call to Order/Roll Call** – Vice Chair Lafayette called the meeting to order. Karen Brown called roll.
2. **Agenda Review** – Julia stated that the appeal of the Hearing Officer’s decision on SUB 09-01 had been withdrawn.
3. **Consent Agenda** – no items
4. **Staff Announcements** – Julia began by announcing that the City is ready to launch its new web site and she invited everyone to take a look. The feature she is most excited about is that the departments are able to make changes and updates without needing to go through the City’s IT department which means updates can happen more quickly. She also announced that there will be a Tonquin Trail Open House here in City Hall December 10, from 5:30 to 7:30. There will be additional open houses December 8th at the Tualatin Council Chambers and December 9th at Wilsonville City Hall.
5. **City Council Comments** – none given
6. **Community Comments** –

James R Claus 22211 SW Pacific Hwy, Sherwood OR spoke about his property on Hwy 99 and stated that in Washington County, property that is general commercial has gone down 9%, and that there is a shortage of that type of property. He stated that his property has gone down approximately 60%. He feels that is due to a plan drawn by the City Planning Staff. He has had conversations with Walt Hitchcock (a former Sherwood Mayor) and has shown him the plan he is referring to. He stated that Mr. Hitchcock said this is not what they intended when they revamped Meineke Road and that he wants to go to a Federal Attorney as Tom Brian recommended they open up a file with several

attorneys in Oregon. Mr. Claus stated that he feels this has been a deliberate plan to destroy his property and its value. "Our SDCs are gone, our TIFs are gone and the only reason this staff can exist is because they are taking money out of other places and putting it in the budget as they are trying to do on the Cannery site. Now I hope you understand what I'm telling you. They're manipulating the Land Use Planning in this town and stealing zoning from people and putting it where they can benefit. Look at this map, it's ridiculous, this was never talked about and Schultz knows better and the Mayor that was with Schultz and Patterson is going to come down and go to some Attorneys with us. Federal attorneys, not civil attorneys. We can't develop our property. If they were honest and simply came to us and said we screwed up and stole the TIFs and the SDCs and we burned through money we didn't have any right to and well, we've got home rule, I forgot, I guess we can do it, you could work with them. You could say give me a secondary use, but I came here with a secondary use and after this woman had committed in writing to the secondary use you blocked me from using it. You wouldn't even let us use our property to generate any income. Because you had to make it look like we were bad people. We're not the bad people here. Now we're going to make one more effort to use that property. We're going to follow it through. We're going to spend probably another twenty-thirty thousand; we already spent about three hundred and fifty. We don't get it, I'm going to do everything I can to see to it that these people are accountable the way they should be held accountable. These are pure civil rights violations and they're a conspiracy to violate them. Look at what they're doing to our property. They are telling us unless we submit to blackmail Ken Shannon and Broadhurst can't develop. Don't you get it? Unless we devalue our property, move out of our house and destroy our buildings they can't develop. That was never part of what Hitchcock and Schultz and ODOT agreed to, and believe it or not ODOT's finally come to that realization and they are opening a file on it. The minute they saw this they said this is ridiculous; they're trying to stop you from developing your property. The whole reason is because they have to have the money to go on running this bloated staff. That's fine if they come to us and say we made a mistake, we need it, but don't drive us in the ground and destroy us and use Commissions like this and make me look like a bad guy, when the fact of the matter is, it's these people. Now just look at the map and then tell me I'm wrong."

Susan Claus 22211 SW Pacific Hwy., Sherwood OR began by stating she believes part of the problem is that she feels there was deliberate ambiguity in the TSP and a lot of the staffs positions are conclusionary regarding that road when it was supposed to be a connection. It could have been through parking lots, there were a lot of different things that were stated at the time as options so when it was all open there was nothing to object to because it wasn't specified, and now after the fact it is a very concrete with a road, with specific distance and other criteria. She feels that when the deal was done in 2000 it was a much different idea than it is now. They have 3 deeded accesses to their property and understand those are trying to be consolidated into 1 access and then not even on their property, but rather between properties owned by Joe Broadhurst and Ken Shannon. She feels it is very difficult when conclusions are drawn at a staff level and anyone interested in the property has to get permission from both of the adjoining property owners and that there are so many crazy hurdles in place. As she sees the proposed plan it goes right through the middle of their property, with buildings being taken down, but no one wants to buy this property, but the road has to go through it, and her home place

and business are supposed to pay for that. Another issue is that the road or connection point was going to be paid for when the conversations began. She does not know what the solution is, but doesn't feel like there is a process in the town to question decisions that are being made, nor has there been for over 10 years. There is a lot of history on projects then when new staff comes in they make their own interpretations. She believes this is not an open process and asks that it be dealt with, to help eliminate the dramatic impact that new decisions have on property owners. She also mentioned as a housekeeping item, and she had talked with Julia about earlier in the day; there was a check written by Susan that was inadvertently attached to the Planning Commissioner's packets and she would like to get those back. She is also talking with Tom Pessemier about the refund policy.

7. **Old Business** – there is no old business carried forward
8. **New business** – SWOT, Strength, Weaknesses, Opportunities and Threats. Julia handed out a copy of last year's SWOT analysis and the Council goals for review. It is her understanding that this year the City Council wants the SWOT analysis to reflect the Council goals. So she asked while the Commission identifies what they think their strengths, weaknesses, opportunities and threats are that they consider how those relate to the Council's goals.

Returning for a moment to the Public Comment period;

Vice Chair Lafayette asked if Staff felt that they wanted a chance to respond to questions raised during public testimony. Julia did respond to the issue regarding the check being attached to the packet. As soon as what happened was pointed out, every effort was made to retract any copies of the check that had been distributed and measures were put into place to insure this would not happen in the future.

Vice Chair Lafayette also asked about the proposed map that Mr. Claus had distributed to the Commissioners prior to his testimony and what its origins were.

Commissioner Nolan expressed concerns regarding response to public testimony when the people that made the statements are no longer present.

Tom Pessemier felt he could address the questions generally enough in nature that it would not impact the speakers.

Regarding the plan that was referred to during public testimony; there is an active developer trying to develop property in the area addressed in public comments. The plan given is what they have come up with as one plan or idea of what could be possible. While Tom had not seen these plans before it is his understanding that they may have gone as far as making tentative offers to put options on the property but those plans have not been shared with any City Staff.

Commissioner Walker was still concerned that a significant response may not have been given after public testimony. After listening to the public testimony she feels that maybe she has missed a discussion along the way. Often the information brought up in public

testimony is out of context. She is questioning if the Commission should do something more in response to testimony.

Vice Chair Lafayette commented that what she has seen the Council do, and what she will do herself in this case is take the information and take no action, because there is no action to take.

Tom offered to the Commission that if they did want to continue discussion on the comments made, Staff could come and talk about what very little they know about the proposed plan they could certainly do that. However information provided would be so speculative that it would likely not help in anyway. Rather he suggests waiting until a real proposal comes forward. He imagines that there are quite a few proposed plans out there now, and that until a real site plan comes in, spending time speculating would not be efficient.

One question that Vice Chair Lafayette would have liked to ask would be: what process does a citizen have if they come to Staff and don't agree with the answer given.

Julia's response to that was that a citizen can submit an application at anytime. Staff then makes interpretations and decisions and any decision made by Staff is appealable to the Commission. She wanted to be sure to clarify that Staff does not dictate how things are and they don't say "this is how it will be". There are options available and shared with the developers through the process. If then someone really believes that Staff has made a decision they don't agree with there are options for appeals.

Tom added that there are basically two types of decisions made: Land Use decisions that are made and can be appealed to the Planning Commission and then if Staff makes a decision that is not Land Use oriented that the developer does not agree with then they can take that decision up with either the City Manager or the City Council, which people do regularly.

Further conversation followed regarding the costs for appealing decisions as mandated by State Law.

Wanting further clarification Vice Chair Lafayette asked if Staff believes that Mrs. Claus fully understands the process if there is a decision that she does not agree with through the Land Use Application Process and there is a question on whether the answer Staff provided is adequate or if the party asking the question disagrees.

Tom confirmed that he believes she is fully aware of the process as it has been explained to them several times, however at the request of the Commission, he will send something to her outlining the processes just discussed.

Back to the SWOT Analysis:

Tom began by providing a quick review on the process. Council has made a shift in the way they set goals and strategies. The goals are now set as "over arching" goals that may change every 10 years, with strategies under that and progressive levels of detail as

needed. The Council is asking that the Boards and Commission adopt that type of terminology to promote consistency within the City.

Julia began by reiterating what the identified strengths were for the Planning Commission last year.

Commissioner Nolan agreed with most of the items listed as strengths, but does have a concern regarding the amount of public involvement especially with the sign issue.

Julia spoke on behalf of Chair Allen who was not able to attend this meeting by sharing his concern of the lack of public engagement and public notice on projects within the City.

Commissioner Lafayette concurred that in just the way Chair Allen runs the meetings there is an air of inclusion and engaging the public.

Commissioner Nolan wants to add the Master Planning work that the Commission has done over the past year as a strength.

Another opportunity that Vice Chair Lafayette can see would be continued work on updating the code.

Julia summarizing the strengths: full experienced Commission, public engagement, err on the side of inclusion rather than a strict process and master planning work and good communication with other boards.

Moving on, Vice Chair Lafayette suggested phrasing to say: during this construction down time, there is an opportunity for Staff time to be allotted to long range planning rather than short term site plan reviews.

Regarding the Area 48 concept plan development; it provides the Planning Commission an opportunity to support the Council goals on economic development.

Vice Chair Lafayette wanted to add to the list of opportunities and strengths that she believes that as a Commission they take the opportunity in most of what they do to support the Council goals of live-ability, resident well being, economic development and a well planned infrastructure. She believes that every Commissioner comes to the meetings trying to make sure Sherwood is a better place to live.

After discussion among the Commissioners about how they support all of the goals of the Council Julia suggested that maybe this year or future years it being more of a SWOT analysis on the ability of the Commission to meet those goals.

Julia asked if the I-5/99W Corridor project should still be considered an opportunity. The Commission agreed it is still an opportunity as it increases the prospects to increase economic development.

Tom provided a detailed update on the status of the project and believes it could be seen as an opportunity and a threat.

Vice Chair Lafayette noted that the potential outcome of opportunities and threats center around the code language and whether or not the Commission is prepared to incorporate them in well done economic driving projects rather than trying to piecemeal together an old code that is not adaptive to development.

Conversation continued among the Commissioners about ways to grow and still keep a livable feeling.

Other opportunities identified include e-communication, web-casts and simpler steps for informing the public. Vice Chair Lafayette believes steps have already been taken in this direction and suggested people visit the newly formatted web-site, which she feels is very well done.

Commissioner Nolan remembers identifying an opportunity last year as explaining the development process and asked if something like that could be included in the web-site. Julia agreed that there are currently several hand outs on the web-site now explaining some processes and that it will likely be a "work in progress" being continually updated and current information added.

Commissioner Nolan requested looking back at the areas of weaknesses. Regarding last year's opportunities he hoped that they could complete the updates to the Industrial Design Standards and make that a priority.

Julia agreed and stated that this would be coming to a meeting for discussion in January.

He also proposed talking about how to deal with difficult situations with citizens. Vice Chair Lafayette added that there are times that information is brought to the Commission under community comments and the Commission is not sure it is even relevant and questions how to respond to those situations.

Tom discussed the many options available for allowing or disallowing public comments and what if any response is required. After which he suggested having Staff take that idea back and come up with a first draft statement. He knows that Jim Patterson is working on similar questions with all of the Boards and Commissions.

Julia suggested scheduling a work session to address several of these issues, like meeting structure and dealing with citizen comments.

Another weakness brought up is the fact that the Commission has lost their communication link to the Council and feels very disjointed making decisions without input from the Council. As well as sending Commissioners to accompany decisions given to Council to answer questions and give support for decisions made.

As there has been quite a list of items of concern discussed Julia plans to put together a clean list to discuss and approve at the next meeting.

Next Meeting: December 8, 2009

Vice Chair Lafayette closed the meeting.

End of minutes.

City of Sherwood, Oregon
Draft Planning Commission Minutes
January 26, 2010

Commission Members Present:

Jean Lafayette
Todd Skelton
Matt Nolan
Raina Volkmer
Lisa Walker

Staff:

Julia Hajduk, Planning Manager
Heather Austin, Senior Planner
Karen Brown, Recording Secretary

Commission Members Absent: Chair Allen, Commissioner Emery

Council Liaison – Mayor Mays

1. **Call to Order/Roll Call** – Vice Chair Lafayette called the meeting to order. Karen Brown called roll.
2. **Agenda Review** – Consisted of two items; continuation of Sherwood Cannery Square and new business, a review of the Industrial Design Standards.
3. **Consent Agenda** – the consent agenda consisted of minutes from the January 12, 2010 meeting. Commissioner Nolan made a motion to accept the minutes. Vice Chair Lafayette seconded the motion. A vote was taken and all were in favor. Motion passed.
4. **Staff Announcements** – Julia talked about the Reserves Open House that was held on the 20th. It was very well attended. Approximately 150 people were in attendance and over 70 people signed up to testify in front of the Metro Council. Six of the Metro Councilors were in attendance as well.

The City Zoning Map has been updated and passed out to the Commissioners and is now available on line.

An early notice was given for the City's Arbor Day Celebration which is scheduled for April 16. This year's celebration will again include a fairly large tree planting project including help from children in the community.

Heather Austin gave an update on the Area 48 project. Currently work is being done on the traffic analysis. Staff is coordinating with the South West Tualatin Concept Plan since there is a shared boundary at 124th street. There is a tentative technical advisory committee and stakeholder group meeting at the end of March, and she hopes to be able to bring the project to a Commission work session in early June.

Julia continued with an update; Staff is currently exploring potential time extensions of Land Use approvals. Other jurisdictions throughout the state have also been looking into this. Generally land use approvals are valid for 1 to 2 years with a possibility of a year extension. Due to the current economic situation Julia has received several calls from developers that have been given approval, but have not been able to move forward with their projects. She will keep the Commission updated as information is obtained.

5. **City Council Comments** – Mayor Mays began by first saying that after a couple years away, he is again acting as the Council Liaison with Councilor Linda Henderson acting as alternate.

Tuesday, February 2nd, 2010 will be the date for the Council's public hearing on the Cannery Site.

The Budget Committee and Staff will be looking at costs and options for videotaping and showing more meetings and community events on the public access channel.

6. **Community Comments** –

Robert James Claus 22211 SW Pacific Hwy., Sherwood, Oregon. Dr. Claus began by saying that at several of the past Commission Meetings, Chair Allen has made reference to things he has done and projects he has worked on. He then passed out a copy of a resume of Chair Patrick Allen's from 2003. He commented that he would hope that Chair Allen would go over items he has discussed that are not shown on the resume' that has been passed out, such as his experience with Urban Renewal. His reason for asking for this is that he believes there are two ways to assert yourself. One is through work experience and credits and the second being through academic affiliation through publications. He is troubled as he feels the Commission is often directed and led by Chair Allen. His point is that he has lived in this town for years and has watched people take the city down various avenues. He would like to have confidence in people that they either have experience, education or knowledge of this city. As Chair Allen was not present at this meeting Dr. Claus asked that Chair Allen be given a copy of the document provided and fill out the Urban Renewal projects he has worked on and any papers he has published. With this he stated that he would feel confident in knowing that the direction being followed by the Commission is not following a political lead to enhance a resume. He continued to state his concerns about Chair Allen's experience outside of the Planning Commission.

7. **Old Business** –
 - a. **Sherwood Cannery Square PUD (deliberation).**

Vice Chair Lafayette asked for any exparte contact or bias from the Commission. None was given.

Julia pointed out the memo she had prepared bulleting items she understood to be findings and recommended condition changes from the last meeting and is hoping to hear if there are changes to that list.

Discussion regarding the pattern book took place with Julia pointing out the changes that have been made in earlier versions of the staff report.

Questions regarding off-site mitigation were asked as far as timing. Julia explained that the street improvements that are required will have to be done as part of the public improvement plans for the subdivision and the traffic impacts will be tied to the final development plans for each phase.

Regarding the reduction to 75 units as opposed to 101 there were concerns that the ratio of bedrooms to parking spaces remain as originally proposed. Julia suggested addressing that by adding to condition E-25 stating “the total number of units permitted on east and west residential units combined shall not exceed 75 units with the parking space ratio to be no less than 1.9 parking spaces per unit and the ratio of bedrooms per unit being consistent with the applicants’ original proposal.” After some conversation there was a general consensus among the Commissioners regarding this change.

After reading the minutes from the last meeting, Commissioner Walker (who had not been able to attend) asked if she is correct in her understanding that the other Commissioners agreed at the January 12th meeting, that if the conditions that are being discussed at this meeting are met, that the project could be approvable. She also asked about how the percentage of public space in the Machine Works building was derived.

Dialogue among the Commissioners confirmed her observation about the approvability of the plan. She was informed that the percentage of square footage being designated in the Machine Works Building was obtained from information originally submitted by a representative of the applicant that showed a proposed drawing of the building. Vice Chair Lafayette acknowledged the challenge of determining the space allocation as the Cultural Arts Building will remain under the control of the City, so the City Council will have input as to what they would like to see happen with the building. The Commission wanted to be certain that some percentage of the building be designated as cultural arts.

Seeing no other issues to be discussed Commissioner Nolan made a motion that the Planning Commission recommend to the City Council, approval based upon the adoption of the Staff Report, findings of fact, staff recommendation, agency comments and conditions as revised of PUD 09-06, PA 09-05, SUB 099-02.

Commissioner Skelton seconded the motion.

A vote was taken, 4 Commissioners were in favor and one Commission abstained from voting. The motion passed.

8. New business –
a. Industrial Design Standards (PA 09-01)

Vice Chair Lafayette opened the public hearing for the Industrial Design Standards PA 09-01 and read the public hearing statement.

Heather Austin provided the Staff Report by explaining that the review of the Industrial Design Standards started at the same time as the review of the Commercial Design Standards. It was determined at that time by the Planning Commission that it would be easier to separate those standards into two; Industrial Design and Commercial Design Standards. The Commercial Design Standards were adopted last summer. In addition to the Industrial Design Standards, Staff has also included regulations that Metro had adopted in 2004 for the protection of industrial lands which required certain thresholds of site sizes, building sizes and square footage percentages for mainly retail and service type uses.

Section 16.72 of the code relates to processes. There is a proposed Staff Level review that states if all 6 of the design review standards are met, then any project between 15,000 and 60,000 square feet could be a Staff Level, objective review. If a minimum of 4 standards cannot be met, but the project can demonstrate how it otherwise enhances or meets the Industrial Design Standard goals then it would be eligible for a Planning Commission review.

Heather noted that not included in the packet but distributed to the Commission (as well as being available in the room during this meeting) are exhibit C, a letter from Sherry Oesser from Metro and exhibit D is a letter from Tom Wright from Group Mackenzie representing an industrial property owner in Sherwood.

Heather discussed the letter from Sherry and pointed out that it requests the date of applicability be changed from January 1, 2010 to July 22, 2007 which was the latest date that Cities were required to come into compliance with these Metro standards. The City of Sherwood had applied for and was granted an extension to comply with those standards.

A discussion followed between Heather and the Commission regarding the request for "back dating" the code change. Heather restated that it would make these standards apply to buildings that have received Land Use Approval but have not yet been built. There are 6 businesses that had proposed something other than straight industrial use. Of those 6, one has expired and 4 of the remaining businesses have conditions limiting non-industrial uses. Specific use was not determined at the time of approval. The biggest issue would be parking. Most of these uses were granted with Industrial parking standards. If any were to come back now and propose an office use they would have to increase the number of parking spaces on the site. They all have conditions imposed that say if they are going to propose an office use then they must return to Staff and show what is proposed and allow for assessment of adequate parking. The one project that does not have these conditions is Olds Business Park. They have a total 24,000 sq ft, in three different buildings. 20,000 sq ft is the maximum allowed on a site, so if all 24,000 sq ft of their space were to develop as office uses they would be over the limit. However, they have already developed two of the bays with large roll up doors to accommodate warehouse type facilities, so it is unlikely they would ever devote the entire site to office uses without a major site plan modification being submitted.

It was clarified that the issue is not just office space, rather offices that cater to daily walk in customers. An office that supports industrial use, and that does not bring customers to the site is allowed.

Heather stated that in reviewing the projects that would fall into the gap between July 22, 2007 and January 1, 2010 Staff feels reasonably assured that the change will not be an issue for any of those developments and is comfortable that the date could be set to July 22, 2007 which would be acceptable to Metro.

Concerns were expressed among the Commission about approving the standards and making them retroactive. Commissioner Walker suggested making a notation that explains that the change was extended due to extensions granted by Metro.

Julia agreed that they can try to push the issue with Metro and see what the response will be.

A question was posed about the Langer PUD which is light industrial and how it fits into the mix. Would they fall within the 2007 criteria?

Heather responded by saying that the Langer's PUD approval was granted in 1995. Their PUD approval would apply since they received Land Use Approval for the PUD prior to 2007. The first Title 4 regulations were in 1998, so the Langer PUD pre-dated the first restrictions on big box development.

Vice Chair Lafayette asked for clarification if the code has to be changed or if it is a recommendation.

Heather's response was that the City does need to come into compliance with Title 4, and there is a chance of being appealed by Metro and suggested Staff communicate with Metro.

Vice Chair Lafayette agreed to take Metro's recommendation under consideration.

Heather discussed issues she heard from the community since the public notice went out. One is the question of applicability. There are two properties within the City limits, on Sunset Blvd. that are zoned Light Industrial that are not designated on the Metro Title 4 map as employment or industrial. Also with the Brookman Road plan there are some light industrial parcels that are not on the map. The way the code language is currently proposed it would apply to everything zoned light industrial or general industrial, so Staff suggested the need for discussion regarding the potential of an overlay of the properties that would be immediately impacted by Title 4 or keeping it applicable to all light industrial areas with the intent that protection of industrial lands is a Sherwood goal as well.

Heather discussed the public notice provided. This is a legislative amendment, not a site specific zone change, so, as required by law, measure 56 notice was sent to every property owner of an industrially zoned parcel..

Heather noted that at a previous Commission meeting it was asked if examples could be given of existing developments to get an idea of the proposed 15,000 to 60,000 sq ft staff review process. Heather gave examples of the Safeway site, which is 55,000 that does

not include the buildings attached to the store, the entire Safeway site including the bank and other buildings is 88,000 sq. ft., Olds Business Park is 24,000 sq. ft., in three different buildings, the Home Depot plus the garden center is 135,000, Wildrose Mini storage is 95,000 sq. ft. in two buildings.

A 5 min. recess was taken to read information provided to the Commission, and then the discussion was opened for public testimony.

Robert James Claus, 22211 SW Pacific Hwy, Sherwood, OR. Mr. Claus began by requesting that the record be left open for two weeks to allow additional testimony to be submitted. His first comments were that the notice given by Staff violates "50". He stated that the maps prove that notice was not given to certain property owners that are impacted by this decision. He wants the Commission to understand what he believes they are doing. He believes the Langer property is directly competitive with the General Commercial area. "This is what this Title 4 is starting to be over, is to see to it that we stop the zoning games that we played on Home Depot. It is an ironic that you mentioned Home Depot here, and the statements about Home Depot are also false. Home Depot is not completely developed. We stopped them with a legal action so they didn't put in a Wendy's out front in that light industrial." What he feels has happened repeatedly is that elected or appointed officials don't like the zoning, so they don't pay attention to it. He believes the transportation requirements are not being met. "You've said in the Cannery, we're not going to build it and yet you turned right around and said Langer's 57 acres is exempt from this. Make your mind up. Because either you are putting General Commercial, Wal-Mart, WinCo, Kohls out there or you're not and if you're not then you don't need to do your transportation plan."

The second item he is concerned about is that he feels that non-conforming uses are being created and asked if there is going to be anything done about that. "You are creating a prohibited; therefore it is an illegal use. It's not the place and it's not your role to do that. You're not elected, you're appointed, you make a recommendation. Now, the reason I'm taking the time to tell you this, you're going to mention National Wildlife Refuge here which is a significant resource under at least forest land, if not agricultural land, if not water and land resource qualities. You've ignored everything in this report, and this is done because you're trying to get around taking Langer's 57 acres out." He then handed a copy of exhibit C from this meetings packet, to the Commission, stating Metro was told there are not 50 acres of industrial land in the City. He also stated he would be submitting some IRS papers, (but did not submit anything at this time.) He concluded by saying that he was going to be reviewing the documents as he feels it is false from the start. "it misses everything and is deliberately meant to mask the fact that our Mayor and others are manipulating zoning in this town and you don't even know what's happening. But this time, we will, because we're going to take it to LUBA, the Staff is going to have to take a position, they're going to have to say oh, no, no, no, we've always exempted that and that goes back to your notice requirement. If Wal-Mart looked at Shannon and Broadhurst and wanted to go there and then were induced over to your light industrial, why didn't they get notice? It is competitive ground. It's competitive by legislative fiat not by what we did in this town, but finally what's nice is we're getting a record of the Staff pushing projects one place over and over and then saying another thing and another and a tax court saying another. So I want the record kept open. I'm going to give you full

deal comments including the tax court records, including some other things and I recommend you read them because you may want to ask (inaudible comments) our Staff where they stand on telling the IRS one value exists when another does.”

Susan Claus, 22211 SW Pacific Hwy, Sherwood, OR. Her first item was a general objection of form. Since there are 7 members of City Council and with as many Land Use decisions that are made in this town, she doesn't feel that it is appropriate for the Mayor to be the primary liaison to the Planning Commission. She hopes that can be reconsidered.

She also had questions regarding Title 4. The only standards she sees being worked are the industrial. The current Title 4 map that Staff is using has additional land that has an employment designation not an industrial designation. She would like some clarification. If this hearing is about implementing Title 4 into Sherwood's code she believes a section has been missed. She sees that what is being proposed for implementation is not only Metro but also code issues. She commented that part of what has recently been discussed in goal setting meetings with Council is that the code is inherently inconsistent and what could be done, what rules apply and what takes priority. As she heard it, in this project Staff has made an interpretation about 57 acres of industrial land that is in the City of Sherwood, specifically zoned industrial by a PUD, that the Staff is saying it is a 1995 exemption and she believes that is not true or accurate. Her concern is that if Metro is giving an okay, it is based on incorrect information. She asked how information regarding the Langer PUD was presented to Metro staff. She believes that if information is presented to the Commission saying, this is the way it is and Metro has already given their okay, it does not do honor to the Commission or Council to pretend it is a simple plan and that new information and inconsistency is not being presented and introduced into the code. She also asked that the record be held open and that until the code gets revamped that there is as much internal consistency as possible.

Stu Peterson, 1800 SW 1st Street, Suite 100, Portland, OR 97201 began by explaining that he is a commercial real estate Broker, developer and investor. Through his experience in working with committees doing architectural reviews and discussing zoning issues; glazing requirements continue to be a major issue. In his opinion the 25% glazing requirements in industrial zones is impractical. Many customers don't want that much fenestration on buildings due to the proprietary nature of the processes being carried out in the buildings or the valuable inventory being stored. They would rather people not be able to see through the windows.

Vice Chair Lafayette asked that if 25% was too much, would he make a recommendation.

Mr. Peterson gave an example that a typical office component of an industrial building is 10%. He has a complex on Tualatin/Sherwood road that several of the Commissioner's were familiar with and liked the appearance of and he stated that building has 14% windows across the front.

Conversation continued regarding attractive percentages of windows and the desirability and practicality to industrial tenants.

With no one else signed up to testify, Vice Chair Lafayette closed the public hearing but agreed to hold the written record open as requested for two weeks.

She then asked if what is being proposed is an overlay that addresses the Title 4 employments and industrial lands.

Heather acknowledged that Jean's question relates to a question asked by Susan Claus as well. As proposed it would apply to light industrial and general industrial properties. The map in the packet would not be adopted as a city map. The City's zoning map would be used and it would apply to light industrial and general industrial zones shown on that map. Staff's recommendation would be to have a City map that is not relying on a Metro map with a certain date.

Commissioner Nolan asked if the overlay map would include the employment lands.

Heather expanded her comments by saying another question that had come up was regarding the general commercial properties shown on the map, specifically along Hwy 99 and Tualatin-Sherwood Road including the Langer parcel. They are designated as employment lands not industrial. She realized where some confusion has come up. Sherry Oeser's letter from Metro says "it is my understanding the City does not currently have a 50 acre or larger parcel zoned as industrial land." According to the Metro Title 4 designation, the Langer parcel is employment not industrial. So the requirements to keep a 50 acre parcel protected apply to the industrial properties and not the employment properties. She will speak to Sherry and ask her to clarify her letter. The confusion is arising from Metro saying we don't have that parcel "zoned" industrial and as pointed out correctly by the Claus's it is city-zoned industrial, but it is not "designated" industrial by Metro. Similarly, the City zoning map identifies the Steel Tek development on Sunset as industrial, but Metro shows this property with no designation on their Title 4 map.

As proposed, the standards are being applied to every industrially zoned property that does not have a prior land use approval. If it is decided that the City only wants to impose Title 4 restrictions/protections of industrial lands on only the properties designated "industrial" by Metro, then the Steel-Tek parcel and the Brookman Road areas zoned Light Industrial, and any future industrial parcels not designated industrial by Metro, could be exempt.

Also, the Staff Report discusses the Retail Commercial uses with more than 60,000 sq. ft. of gross leasable area in an employment area, if they were authorized to use those uses before January 1, 2003 (which all of the general commercial properties were authorized prior to that date) they can continue to obtain approval to maintain their uses in excess of 60,000 sq. ft., so the City is not required to change the General Commercial code in any way.

Vice Chair Lafayette asked Heather to share comments she had compiled in response to a letter written by Group Mackenzie.

Heather began by addressing the first item on page one of the that letter that talks about the floor area limitations for farm and garden supply stores and building material sales

and that limiting those areas to 5,000 would not permit those types of uses. She agrees the intent is to limit the sales portion of those types of uses, however in a case like a nursery or building material warehouse where a small sales area is needed to support the warehouse area that would be allowed.

Item #2 the term “development project” is also a Metro definition that needs to be clarified. Staff’s intentions are that it means the site or total project. So, the 20,000 sq. ft. limit would apply to the entire site.

Item #3 she believes is most related to the definition of the site plan being floor area parking and seating capacity. That is the current standard, however when the code changes are reviewed that is one that will be brought up to the Commission. For now floor area, parking or seating capacity are to be contiguous with what is already in the code.

Item #4 refers to section 16.72.010 and how the definitions differ from Industrial Site Plan and Industrial Design Upgrade Projects. Heather referred to page 12 of the Industrial Design Standards. She explained that exhibit A basically says that Industrial Design Upgrade Projects are those projects that meet all of the criteria. The intent is to define those as “perfect” industrial projects that fall within the squared footages, opposed to Industrial Site Plans that are subject to review before the Planning Commission.

Regarding Item #5, Mr. Peterson testimony seems to have addressed this question and that based on that testimony a project that is identified as acceptable would be at minimum 14% glazing so perhaps 15% may be a more reasonable standard.

Regarding letter C, under item #5 relates to setbacks. She suggested considering a 35’ setback as a standard.

Letter D relates to parking and ADA accessibility. Heather believes that if ADA parking is allowed to the side and there was an entrance on the same side of the building that the ADA Standards could easily be met. Vice Chair Lafayette added concerns about building with double frontages and how the standards would apply. Heather agreed to look into that as well.

Letter F refers to screening the roof mounted equipment. The intent is that the equipment is screened from all views. She added that it could be changed to say for example, “from the public view”.

Commissioner Walker added that having testimony from someone like Mr. Peterson that has first-hand experience was appreciated and asked if more of that could be provided.

Heather agreed and stated that Staff had conducted interviews with Industrial property owners, developers and builders prior to writing the code language and offered to try to re-connect with them and ask them for feedback on the proposed language.

Seeing no further questions for staff, a motion was made by Commissioner Nolan to keep the written record open for 14 days and continue the hearing until the February 23, 2010

meeting for deliberation. The motion was seconded by Commissioner Walker. A vote was taken. All were in favor, the motion passed.

9. Comments from Commission

Mayor Mays addressed the Commission and reminded them that in the coming year there will be training opportunities and encouraged them to attend, specifically the annual Planning Conference in Eugene. If they are interested in attending they should speak to staff regarding budgeting for those opportunities.

10. Next Meeting: February 9, 2010.

Vice Chair Lafayette closed the meeting at 8:45.

End of minutes

Note: If any Project related items have been submitted during this meeting they will be attached to the project file and available for review in the Planning Department inside City Hall.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
22560 SW Pine St
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.ci.sherwood.or.us

Mayor
Keith Mays

Council President
Dave Heironimus

Councilors
Dave Grant
Linda Henderson
Lee Weislogel
Del Clark
Robyn Folsom

City Manager
Jim Patterson

DATE: February 16, 2010
TO: Planning Commission
FROM: Heather Austin, AICP, Senior Planner
SUBJECT: Industrial Design Standards (PA 09-01)

At the Planning Commission meeting on January 26, 2010, the Commission accepted public testimony regarding the proposed Industrial Design Standards. The Planning Commission also asked questions of staff and discussed the proposed Code changes.

Exhibit C, distributed at the hearing on the 26th, was a letter from Metro requesting that the Effective Date for these standards be July 22, 2007, the date all jurisdictions were originally required to comply with Metro's Title 4- Protection of Industrial Lands. However, because several projects have been approved between July 22, 2007 and now, the Planning Commission was concerned that non-conformities could be created. Staff analyzed all land use approvals on industrially-zoned properties between July 22, 2007 and January 1, 2010 and found that all projects are generally compliant with the Title 4 standards (Exhibit E). Staff provided Exhibit E to Sherry Oeser at Metro. After reviewing this document, Ms. Oeser concluded that "Metro will not object to the January 1, 2010 effective date" (Exhibit F).

At the hearing on the 26th, public comments included questions about public notice, the Langer property on SW Tualatin-Sherwood Road and the recommended option of a window glazing standard of 25% (proposed Section 16.90.020.4.H.1.a, page 20 of Exhibit A).

- Public Notice: The city provided notice to every property owner of an industrially-zoned property as these are the only properties potentially affected by the proposed legislation. Public notice was also posted at 5 conspicuous locations in the City and published in *The Times* the two consecutive weeks prior to the hearing, consistent with the development code.
- Langer Property on SW Tualatin-Sherwood Road: Sherry Oeser's original letter dated January 22, 2010 (Exhibit C) stated "that the City does not currently have a 50 acre or larger parcel zoned as industrial land." Ms. Oeser clarified this point in her

letter dated February 9, 2010 (Exhibit F), stating that the City "does have a 50 acre or larger parcel zoned as industrial land; however, on the Title 4 Industrial and Employment Land map, that area is designated as employment and not as industrial land". In addition, Ms. Oeser identified that the Planned Unit Development (PUD) approval granted on the Langer property was done in 1995, prior to and superseding the Title 4 standards.

- **Window Glazing Standard:** One of the proposed options for industrial design is "a minimum 25% window glazing for all frontages facing an arterial or collector". At the public hearing, testimony was given that this is quite high for an industrial development and 10-15% would be more appropriate. Examples were given of existing developments along Tualatin-Sherwood Road, such as the Arlington Commons building, which has approximately 14% glazing. In response to the letter submitted into the record by Tom Wright of Group Mackenzie, Inc., staff recommends the 25% minimum be reduced to a 15% minimum. In addition, based on the information regarding setbacks in Mr. Wright's letter, staff also recommends changing the minimum setback in proposed Section 16.90.020.4.H.1.c from twenty-five (25) feet to thirty-five (35) feet.

The public record was left open for written testimony until 5 PM on Tuesday, February 9, 2010. Two items were submitted- the letter from Sherry Oeser of Metro discussed above (Exhibit F) and a letter from Tim Voorhies of Steel Tek Industries Inc (Exhibit G). Mr. Voorhies owns industrially zoned property that is not designated for industrial or employment protection by Metro and would prefer the Title 4 use and size limitations not apply to his property.

Exhibit H is a map of all properties in the City of Sherwood that are designated "industrial" by Metro's 2008 Title 4 map. Exhibit I is updated code language that would exempt properties *not* designated "industrial" by Metro from complying with the Title 4 standards. The updated code language also changes the glazing standard from 25% to 15% and the setback standard from 25 feet to 35 feet.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval of the updated proposed code language (Exhibit I) to City Council.

Exhibits:

- E. List of industrially-zoned properties with land use approval granted between July 22, 2007 and January 1, 2010

- F. Letter from Sherry Oeser of Metro dated February 9, 2010
- G. Letter from Tim Voorhies of Steel Tek Industries dated February 9, 2010
- H. Map of Title 4 industrially-designated properties in Sherwood
- I. Updated Proposed Code Language

**Sherwood industrially-zoned properties that received site plan approval
between July 22, 2007 and January 1, 2010:**

1. **SP 07-06 Olds Business Park:** This site has three constructed buildings. According to several emails, the size eventually breaks down to 6585 square feet of office on the site. One building approx. 4220 is proposed as all office. Since both numbers fall within the range for office in the new language there should be no problem. But since the entire site has over 20,000 of sf., it could not all transfer to office in the future. The likelihood of this causing problems is slim as two of the buildings were designed with bays, like a warehouse facility. (Light Industrial)
2. **SP 07-08 Oregon Street Industrial Park:** This site has received land use approval for a wood pallet business, storage yard and office building. This site plan does allow for "industrial office" or flex space. However, because the proposed "office" use was unknown, a condition was imposed to review during final site plan to make sure it complies with parking and transportation issues. (Light Industrial)

CONDITION: Prior to final site plan approval, submit documentation on the proposed uses to be allowed in the 3 flex-space buildings. If the use proposed results in additional parking, a site plan modification would be necessary to provide for the additional parking required.

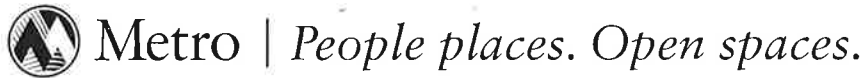
CONDITION: Prior to occupancy permits, submit detailed documentation on the type of use to be located within each tenant improvement. If inconsistent with the final site plan approval and requiring additional parking, a site plan modification would be necessary to provide the required parking to accommodate the proposed tenant.

3. **SP 07-12 Galbreath-Collamette:** EXPIRED (General Industrial)
4. **SP 08-01 Wildrose Mini-Storage:** Constructed and in operation. Office use is very small part of site. (General Industrial)
5. **SP 08-05 Jim Fisher Roofing:** 4,000 square foot office approved in conjunction with warehouse facility and storage yard. Office is for roofing company- does not cater to daily walk-in customers. (General Industrial)
6. **SP 08-08 Winslow:** The approval was for general industrial purposes for the 31,974 square foot building, not office. (General Industrial)
7. **SP 08-09 OR-WA Lumber:** The specific use of the buildings has not yet been determined; however, the applicant proposes a mix of approximately seventy percent (70%) light industrial and thirty percent (30%) warehousing. The new Code language would limit the applicant to the 5000 square foot building as it is a single outlet at nearly 60000 square foot building. (Light Industrial)
8. **SP 08-12 Olds Lot 3:** The applicant proposed and received approval for both office and industrial uses and no tenants were given. One 1,790 square foot office space was designated. A condition was in place to provide that during final site plan approval, get sign off on the proposed use. (Light Industrial)

CONDITION: Prior to occupancy submit verification that the proposed tenants fall within the industrial use, and not office categories permitted in the general industrial zone.

600 NE Grand Ave.
Portland, OR 97232-2736
503-797-1700
503-797-1804 TDD
503-797-1797 fax

www.oregonmetro.gov



RECEIVED

FEB 09 2010

BY ha
PLANNING DEPT

February 9, 2010

Heather Austin, AICP
Senior Planner
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Dear Ms. Austin:

Since the hearing on the proposed zoning and development code changes in PA 09-01 Industrial Design Standards has been continued to later in February, I wanted to take the opportunity to expand and clarify some points I made in my January 22, 2010 letter to the Sherwood Planning Commission.

In the January letter, I suggested the City consider changing the effective date of the code changes to July 22, 2007, the original deadline for local governments to be in compliance with Title 4 of the Urban Growth Management Functional Plan, rather than January 1, 2010. Even though the City did not change its code to come into compliance in 2007, it is required to apply Title 4 protections until the code is amended to comply with Title 4. I have reviewed a summary of the eight properties that have received site plan approval between July 22, 2007 and January 1, 2010, and find that all of the plan approvals either comply with Title 4 or that conditions have been set to insure compliance with Title 4. Metro will not object to the January 1, 2010 effective date.

Since the January 22 letter was sent, the City has clarified that it does have a 50 acre or larger parcel zoned as industrial land; however, on the Title 4 Industrial and Employment Land map, that area is designated as employment land and not as industrial land. That area includes the Langer parcel which was adopted as a Planned Unit Development by the City of Sherwood in 1995 prior to Title 4 being adopted; therefore, Title 4 does not apply to the Langer property.

Please let me know if you have any questions.

Sincerely,

Sherry Oeser
Principal Regional Planner

c: Councilor Carl Hosticka, District No. 3
John Williams, Land Use Planning Manager

Exhibit F

STEEL TEK INDUSTRIES, INC.

OR CCB#63639

WA CCB#STEELTI121JO

Custom Design, Manufacturing and Installation of Stainless Steel and Other Metal Products

2/9/2010
City of Sherwood
Sherwood, Oregon 97140

Regarding: Hearing on PA 09-01 Industrial Design Standards

To Sherwood Planning Commission

I am the owner of the 5.75 acre property located at 17070 SW Sunset Blvd. It is zoned Light Industrial in the City of Sherwood. It is not currently designated on the Metro Title 4 map. It was brought to my attention by City staff Julia Hajduk Planning Manager and Tom Pessimeir Community Development Director, that my property is not obligated by any Title 4 requirements or guidelines because it is not part of the Metro Title 4 inventory.

It is also my understanding according to Julia Hajduk Planning Manager and Tom Pessimeir Community Development Director that if I request through the City of Sherwood that my property remains off of the Title 4 Metro inventory maps that my request will be granted and my property will not fall under Metro's Title 4. And the old 16.32 Light industrial designation will remain in place. I hereby formally make that request with the submission of this letter.

Please countersign below and place a copy of this in the property file of 17070 SW Sunset Blvd. Please also make this part of the PA 09-01 Industrial Design Standards record.

Please contact me if you have any questions.

Sincerely,


Tim Voorhies
Steel Tek Industries Inc.

RECEIVED

FEB 09 2010

BY ha
PLANNING DEPT

Exhibit G



Properties within Sherwood designated for Industrial Protection by Metro

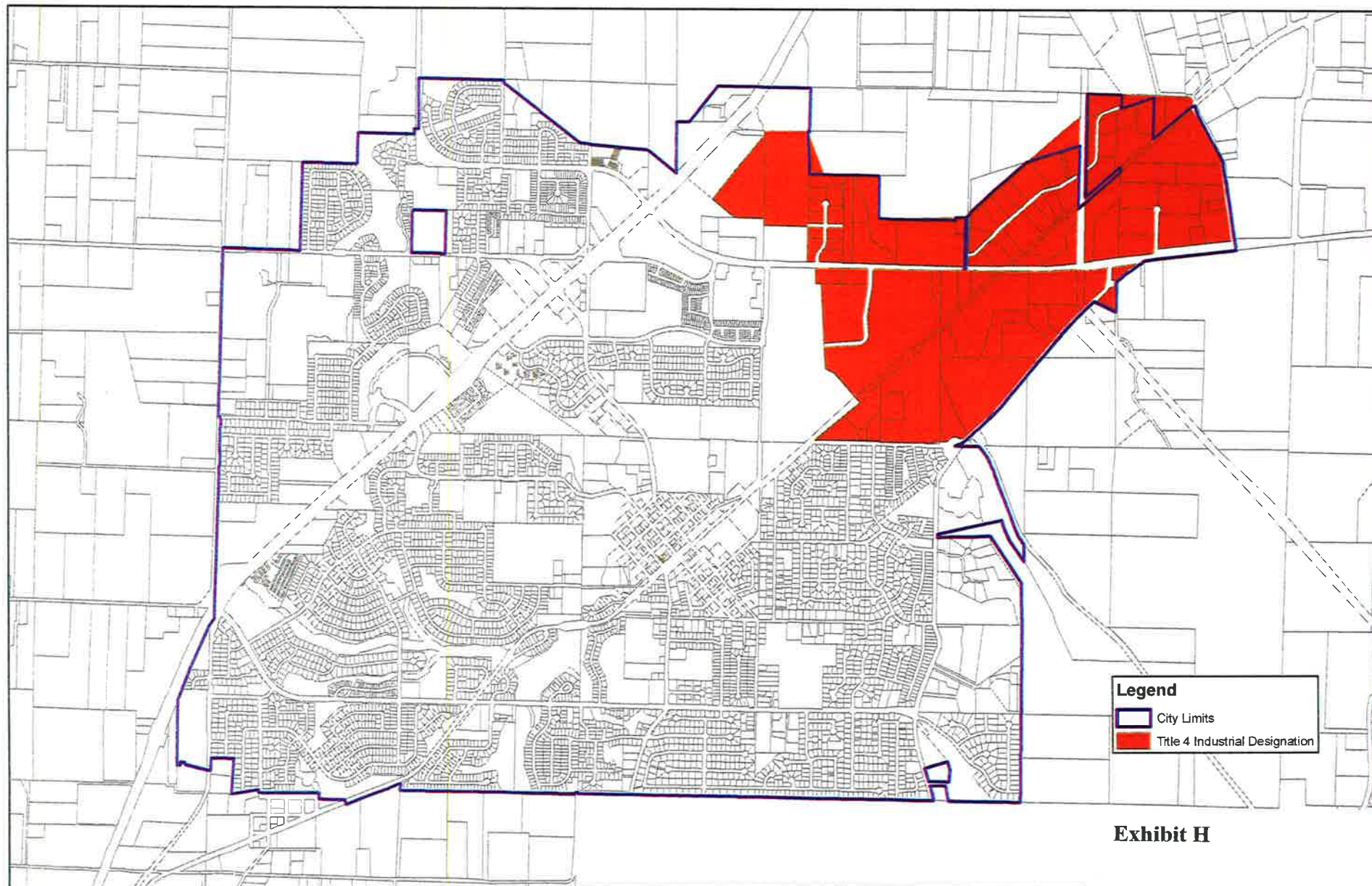


Exhibit H

Chapter 16.32

LIGHT INDUSTRIAL (LI)*

Sections:

- 16.32.010 Purpose**
- 16.32.020 Permitted Uses**
- 16.32.030 Conditional Uses**
- 16.32.040 Prohibited Uses**
- 16.32.050 Dimensional Standards**
- 16.32.060 Community Design**
- 16.32.070 Flood Plain**

* Editor's Note: Some sections may not contain a history.

16.32.010 Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission. (Ord. 93-964 § 3; 86-851)

16.32.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII. Incidental retail sales, limited to 10% of the total floor area of a business, may be permitted as a secondary function of a permitted or conditional use, subject to the review and approval of the Hearing Authority. (Ord. 2001-1119 § 1; 93-964)

- A. Contractor's offices and other offices associated with a use permitted in the LI zone.
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, sewage treatment plants, water wells and public work yards.
- C. Glass installation and sales.
- D. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.32.040(E).
- E. Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.
- F. Other similar light industrial uses subject to Chapter 16.88.
- G. Dwelling unit for one (1) security person employed on the premises, and their immediate family.
- H. PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted within the boundaries of the PUD. Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD. (Ord. 98-1051 § 1; 86-851)

Exhibit I- Proposed Development Code Amendments

- I. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86.
- J. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.(Ord. 97-1019 § 1)
- K. Business and professional offices associated directly with another permitted use in this zone and do not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).
- L. Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated “industrial” on Metro’s 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).
- M. Business and professional offices in buildings that received land use approval after January 1, 2010 that are designated “industrial” on Metro’s 2008 Title 4 Map and that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.
- N. Training facilities whose primary purpose is to provide training to meet industrial needs.
- ~~LO.~~ Tool and equipment rental
- MP. Blueprinting, printing, publishing, or other reproduction services.
- NQ. Farm and garden supply stores and retail plant nurseries (limited in size similar to M. above), but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.
- ~~OR.~~ Medical, dental and similar laboratories.
- PS. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:
 - 1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 16.32.040.
 - 2. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electronic motors and generators, heating and cooling equipment, lawn mowers, rototillers, and chain saws, vending machines, and similar products and associated small parts.
 - 3. Cosmetics, drugs, pharmaceuticals, toiletries, chemicals and similar products, except as prohibited by Section 16.32.040.
 - 4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.
 - 5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.
 - 6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and associated small parts, but excluding motorized equipment unless otherwise permitted by Section 16.32.020 or 16.32.030.

Exhibit I- Proposed Development Code Amendments

7. Musical instruments, toys and novelties.
 8. Pottery and ceramics, limited to products using previously pulverized clay.
 9. Textiles and fiber products.
 10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.
- (Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964; 91-922; 86-851)

16.32.030 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Division VIII and are approved in accordance with Chapter 16.82:

- A. Laundry, dry cleaning, dyeing or rug cleaning plants.
- B. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.
- C. Offices associated with a use conditionally permitted in the LI zone.
- D. Sawmills.
- E. Radio, television and similar communication stations, including transmitters and wireless communication towers, except for towers located within 1,000 feet of the Old Town District which are prohibited.
- F. Restaurants without drive-thru limited in size similar to 16.32.020.M.
- G. Hospitals and emergency care facilities.
- H. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service.
- I. Commercial trade schools.
- J. Wholesale building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- K. Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leaseable area per building or business. The retail area shall be physically separated by a wall or other barrier from the manufacturing or warehousing operation. Warehousing and storage areas shall not be used as showrooms. (Ord. 2000-1092 § 3)
- L. Power generation plants and associated facilities.
- M. Veterinarians offices and animal hospitals.
- N. Automobile, boat, trailer and recreational vehicle storage. (Ord. 93-964 § 3)
- O. Daycares and pre-schools, if fully integrated with and secondary to a use elsewhere permitted in Section 16.32.020 or 16.32.030.
- P. Government facilities, including police, fire and vehicle testing stations.
- Q. Public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property or under power line easements. (Ord. No. 2009-009, 7-21-2009; Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964)

16.32.040 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses. (Ord. 86-851 § 3)

Exhibit I- Proposed Development Code Amendments

- B. Any use permitted or conditionally permitted under this Chapter that is not specifically listed in this Section, and any use listed in this Section.
- C. Auto wrecking and junk or salvage yards.
- D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.
- E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products or substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:
 1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.
 2. Ammonia, chlorine, sodium compounds, toxins, and similar chemicals.
 3. Celluloid or pyroxylin.
 4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.
 5. Explosives and radioactive materials.
 6. Fertilizer, herbicides and insect poison.
 7. Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.
- F. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.
- G. Pulp mills and paper mills.
- H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.
- I. Leather tanneries.
- J. General purpose solid waste landfills, incinerators, and other solid waste facilities. (Ord. 93-964 § 3)
- K. Restaurants with drive-thru facilities.
- L. Business and professional offices in buildings that received land use approval after January 1, 2010 and are designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) that occupy more than 5,000 square feet of sales or service area in a single outlet or more than 20,000 square feet of sales or service area in multiple outlets in the same development project.
- LM. Retail trade, except as permitted by Section 16.32.020 above. (Ord. 2001-1119 § 1)

16.32.050 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Ord. 91-922 § 3)

A. Lot Dimensions

Except as otherwise provided, required minimum lot areas and dimensions shall be:

1.	Lot area:	10,000 sq ft
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Exhibit I- Proposed Development Code Amendments

2.	Lot width at front property line:	100 feet
3.	Lot width at building line:	100 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	Twenty (20) feet, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.
2.	Side yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
3.	Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
4.	Corner lots:	Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

C. Height

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone. (Ord. 86-851 § 3)

16.32.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX. (Ord. 91-922 § 3; 86-851)

16.32.070 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply. (Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Chapter 16.34

GENERAL INDUSTRIAL (GI)*

Sections:

- 16.34.010 Purpose**
- 16.34.020 Permitted Uses**
- 16.34.030 Conditional Uses**
- 16.34.040 Prohibited Uses**
- 16.34.050 Dimensional Standards**
- 16.34.060 Community Design**
- 16.34.070 Flood Plain**

* Editor's Note: Some sections may not contain a history.

16.34.010 Purpose

The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.
(Ord. 86-851 § 3)

16.34.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII.

- A. Contracting and building material and equipment storage yards, cold storage facilities, equipment rental and sales, building materials sales, and building maintenance services yard, except as prohibited by Section 16.34.040. (Ord. 93-964 § 3; 86-851)
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells, and public works yards. (Ord. 86-851 § 3)
- C. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.34.040. (Ord. 93-964 § 3; 86-851)
- D. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing, or storage of the following articles or products, except as prohibited in Section 16.34.040:
 - 1. Drugs, pharmaceuticals, toiletries, cosmetics, chemicals and similar products, except as prohibited in Section 16.34.040.
 - 2. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communication and similar instruments, components appliances and systems, and similar products and associated small parts.
 - 3. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods, baked goods, and meat and poultry, except as per Section 16.34.040.
 - 4. Furniture, cabinetry, upholstery, and signs and display structures.
 - 5. Glass and ceramics. (Ord. 86-851 § 3)

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6. Iron, steel, sheetmetal, other metal products, hand tools, including machining, welding, electroplating, and casting and molding of semi-finished and finished metals, except as prohibited by Section 16.34.040.
 7. Leather products, except as per Section 16.34.040.
 8. Musical instruments, toys, and novelties.
 9. Paper, wood, lumber and similar products, except as prohibited by Section 16.34.040.
 10. Plastics and plastic products.
 11. Recreational vehicles, and other motor vehicles, manufactured homes, trailers, boats and farm equipment and greenhouses.
 12. Boxes and containers made from paper, wood, metal and other materials.
 13. Textile and fiber products. (Ord. 86-851 § 3)
 14. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electric motors and generators, heating and cooling equipment, lawn mowers, rototillers, chain saws, vending machines, similar products or associated small parts.
 15. Other small products and tools composed of previously prepared or semi-finished materials, building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.
- E. Wholesale plumbing supplies and service. (Ord. 93-964 § 3; 86-851)
- F. Blueprinting, printing, publishing or other reproduction services. (Ord. 86-851 § 3)
- G. Laundry, dry cleaning, dyeing, or rug cleaning plants. (Ord. 93-964 § 3)
- H. Truck and bus yards and terminals. (Ord. 86-851 § 3)
- I. Wholesale trade, warehousing, commercial storage, and mini-warehousing, except as prohibited in Section 16.34.040. (Ord. 93-964 § 3; 86-851)
- J. Other similar general industrial uses, subject to Chapter 16.88. (Ord. 86-851 § 3)
- K. Dwelling unit for one (1) security person employed on the premises and their immediate family. (Ord. 86-851 § 3)
- L. PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted in other underlying zoning within the boundaries of the PUD. Approved PUDs may elect to establish uses which were permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD. (Ord. 98-1051 § 1; 86-851)
- M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86. (Ord. 86-851 § 3)
- N. Other uses permitted outright in the LI zone, Section 16.34.020, except for those uses listed as a conditional use in the GI zone and except for adult entertainment businesses which are prohibited. (Ord. 93-946 § 3; 86-851)
- O. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible. (Ord. 97-1019 § 1)
- P. Business and professional offices associated directly with another permitted use in this zone and do not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).

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- Q. Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated “industrial” on Metro’s 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).
- R. Business and professional offices in buildings that received land use approval after January 1, 2010 and that are designated “industrial” on Metro’s 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.
- S. Training facilities whose primary purpose is to provide training to meet industrial needs.
- T. Tool and equipment rental.
- RU. Building material sales (limited in size similar to R. above), lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- SV. Farm and garden supply stores and retail plant nurseries (limited in size similar to R. above), but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.
- FW. Medical, dental and similar laboratories. (Ord. 98-1051 § 1)

16.34.030 Conditional Uses

The following uses are permitted as conditional uses provided such uses meet the applicable environmental performance standards contained in Division VIII and are approved in accordance with Chapter 16.82:

- A. Government facilities, including but not limited to postal, police and fire stations. (Ord. 2002-1136 § 3; 86-851)
- B. Sand and gravel pits, rock crushers, concrete and asphalt mixing plants, and other mineral and aggregate extraction subject to Section 16.34.040 and Chapter 16.138. (Ord. 93-964 § 3; 91-922; 86-851)
- C. Radio, television and similar communication stations, including transmitters and wireless communication towers except for towers located within 1,000 feet of the Old Town District which are prohibited. (Ord. 97-1019)
- D. Hospitals and emergency care facilities.
- E. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service.
- F. Power stations serving a permitted use.
- G. Restaurants without drive-thru limited in size similar to 16.34.020.R.
- H. Daycares and preschools if fully integrated with and secondary to a use elsewhere permitted in Section 16.34.020 or 16.34.030. (Ord. 2002-1136 § 3; 98-1051)
- I. Solid waste transfer stations.
- J. Commercial trade schools. (Ord. 98-1051 § 1)
- K. Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leaseable area per building or business. The retail area shall be physically separated by a wall or other barrier from the manufacturing or warehousing operation. Warehousing and storage areas shall not be used as showrooms. (Ord. 2000-Metro title compliance)

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- L. Compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products, except that outside storage of these materials shall be prohibited:
 - 1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.
 - 2. Ammonia, chlorine, sodium compounds, toxins, and similar chemicals.
 - 3. Fertilizer, herbicides and insecticides.
- M. Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration. (Ord. 2002-1136 § 3; 98-1051)

16.34.040 Prohibited Uses

The following uses are expressly prohibited:

- A. All uses permitted in residential or commercial zones not otherwise specifically permitted by Sections 16.34.020 and 16.34.030.
- B. Auto wrecking and junk or salvage yards.
- C. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

(Ord. 86-851 § 3)

- D. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products or substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:

- 1. Celluloid or pyroxylin.
- 2. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.
- 3. Explosives and radioactive materials.
- 4. Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.

(Ord. 2002-1136 § 3; 86-851)

- E. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.
- F. Saw mills and paper mills.
- G. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering. (Ord. 93-964 § 3; 86-851)
- H. Leather tanneries. (Ord. 93-964 § 3)
- I. General purpose solid waste landfills, incinerators, and other solid waste facilities except as permitted per Section 16.34.030 and Chapter 16.140. (Ord. 93-964 § 3; 91-922)

J. Business and professional offices in buildings that received land use approval after January 1, 2010 and that are designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) that occupy more than 5,000 square feet of sales or service area in a single outlet or more than 20,000 square feet of sales or service area in multiple outlets in the same development project.

16.34.050 Dimensional Standards

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No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Ord. 91-922 § 3)

A. Lot Dimensions

Except as otherwise provided, required minimum lot areas and dimensions shall be:

1.	Lot area:	20,000 sq ft
2.	Lot width at front property line:	100 feet
3.	Lot width at building line:	100 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.
2.	Side yard:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.
3.	Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.
4.	Corner lots:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.

C. Height

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone. (Ord. 86-851 § 3)

16.34.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX. (Ord. 91-922 § 3; 86-851)

16.34.070 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply. (Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Note: The Special Industrial (SI) Zoning District, originally established as Chapter 16.34 of the SZCDC by Ord. 86-851, was repealed by Ord. 91-922 § 3.

Chapter 16.72

PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS*

Sections:

- 16.72.010 GENERALLY**
- 16.72.020 PUBLIC NOTICE AND HEARING**
- 16.72.030 CONTENT OF NOTICE**
- 16.72.040 PLANNING STAFF REPORTS**
- 16.72.050 CONDUCT OF PUBLIC HEARINGS**
- 16.72.060 NOTICE OF DECISION**
- 16.72.070 REGISTRY OF DECISIONS**
- 16.72.080 FINAL ACTION ON PERMIT OR ZONE CHANGE**

* Editor's Note: Some sections may not contain a history.

16.72.010 GENERALLY

1. Classifications

Except for Administrative Variances, which are reviewed per Section 16.84.020, and Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

A. Type I

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

1. Signs
2. Property Line Adjustments
3. Interpretation of Similar Uses
4. Temporary Uses
5. Final Subdivision Plats
6. Final Site Plan Review
7. Time extensions of approval, per Sections 16.90.020; 16.124.010

B. Type II

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

1. Minor Land Partitions
2. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning

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Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

3. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010D, below.
4. "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.
5. 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.

C. Type III

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

1. Conditional Uses
2. Variances, including Administrative Variances if a hearing is requested per Section 16.84.020.
3. Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010D, below.
4. Subdivisions -- Less than 50 lots.

D. Type IV

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

1. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.
2. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.
3. Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.
4. Site Plans subject to Section 16.90.020.4.G.6.
5. Industrial Site Plans subject to Section 16.90.020.4.H.2.
46. Subdivisions -- More than 50 lots.

E. Type V

The following legislative actions shall be subject to a Type V review process:

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1. Plan Map Amendments
2. Plan Text Amendments
3. Planned Unit Development -- Preliminary Development Plan and Overlay District. (Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148 § 3; 2001-1119; 99-1079; 98-1053)

2. Hearing and Appeal Authority

Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.

The quasi-judicial Hearing and Appeal Authorities shall be as follows:

- A. The Type I Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 1. The Planning Director's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.
 2. The applicant may appeal the Planning Director's decision.
- B. The Type II Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 1. The Planning Director's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 100 feet of the proposal. Any person may submit written comments to the Planning Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.
 2. Any person providing written comments may appeal the Planning Director's decision.
- C. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.
 1. The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 2. Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.
- D. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.
 1. The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 2. Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

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E. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA). (Ord. 2003-1148 § 3; 2001-1119)

3. Approval Criteria

- A. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions or approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.
- B. In addition to paragraph A above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.
(Ord. 2003-1148 § 3)

Division V. COMMUNITY DESIGN

Chapter 16.90

SITE PLANNING*

Sections:

16.90.010 PURPOSE

16.90.020 SITE PLAN REVIEW

* Editor's Note: Some sections may not contain a history.

16.90.010 PURPOSE

1. Generally

This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code. (Ord. 86-851 § 3)

2. Objectives

Site planning review is intended to:

- A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 - 1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
 - 2. Vehicular and pedestrian ways and parking areas.
 - 3. Existing or proposed alteration of natural topographic features, vegetation and waterways.

(Ord. 86-851 § 3)

16.90.020 SITE PLAN REVIEW

1. Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 16.46.010, but including manufactured home parks, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed in accordance with Chapter 16.72. For the purposes of Section 16.90.020, the term "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

- A. The activity alters the exterior appearance of a structure, building or property.
- B. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
- C. The activity involves non-conforming uses as defined in Chapter 16.48.
- D. The activity constitutes a change in a City approved plan, as per Section 16.90.020.
- E. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.

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- F. The activity is subject to site plan review by other requirements of this Code.
- G. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020.

(Ord. 2006-021)

2. Exemptions

The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76. (Ord. 98-1053 § 1; 86-851)

3. Plan Changes and Revocation

A. Changes

Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee. (Ord. 2006-021; 98-1053 § 1; 86-851)

B. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked. (Ord. 98-1053 § 1; 86-851)

4. Required Findings

No site plan approval shall be granted unless each of the following is found:

- A. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.
- B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
- C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
- D. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code. (Ord. 2006-021; 91-922 § 3; 86-851)
- E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed

Exhibit I- Proposed Development Code Amendments

use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein. (Ord. 2005-009 § 8)

- F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.
- G. The proposed office, retail multi-family institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:
1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.
 4. As an alternative to the above standards G.1.--3., the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional and/or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from standards G.1.--3. above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.1.B.

COMMERCIAL DESIGN REVIEW MATRIX

- A. Building Design (21 Total Points Possible, Minimum 12 Points Required). Note: These standards may be applied to individual buildings or developments with multiple buildings.
1. Materials: Concrete, artificial materials (artificial or "spray" stucco, etc) = 0; cultured stone, brick, stone, decorative-patterned masonry, wood = 1; a mixture of at least 2 materials (i.e. to break up vertical facade) = 2; a mixture of at least 3 materials (i.e. to break up vertical facade) = 3; a mixture of at least 3 of the following materials: brick, stone, cultured stone, decorative-patterned masonry, wood = 4. Note: No aluminum or T-111 siding permitted.
 2. Roof Form: Flat (no cornice) or single-pitch (no variation) = 0; distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment = 1; distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof

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with cornice treatment = 2. Note: Pictures and/or artistic renderings must be submitted for review by the planning commission if metal roofs are proposed.

3. Glazing: 0--20% glazing on street-facing side(s) = 0; >20% glazing on at least one street-facing side (inactive, display or facade windows) = 1; >20% glazing on all street-facing sides (inactive, display or facade windows) = 2 (2 points if there is only one street-facing side and it is >20% glazing with inactive windows); >20% glazing on at least one street-facing side (active glazing - actual windows) = 3; >20% glazing on all street-facing sides (active glazing-actual windows) = 4.
 4. Fenestration (on street-facing elevation(s)): One distinct "bay" with no vertical building elements = 0; multiple "bays" with one or more "bay" exceeding 30 feet in width = 1; vertical building elements with no "bay" exceeding 30 feet in width = 2; vertical building elements with no "bay" exceeding 20 feet in width = 3.
 5. Entrance Articulation: No weather protection provided = 0; weather protection provided via awning, porch, etc. = 1; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered = 3; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc provided near the entrance and covered = 4.
 6. Structure Size: To discourage "big box" style development. Greater than 80,000 square feet = 0; 60,000--79,999 square feet = 1; 40,000 = 59,999 square feet = 2; 20,000--39,999 = 3; less than 20,000 square feet = 4. (Note: If multiple buildings are proposed, average the building sizes in the development)
- B. Building Location and Orientation (6 Total Points Possible, Minimum 3 Points Required).
1. Location: Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) = 0; building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) = 1; building(s) flush to all possible rights-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") = 2. Note: If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.
 2. Orientation: Single-building site primary entrance oriented to parking lot = 0; single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) = 2; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot = 0; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian = 2.
 3. Secondary public entrance: Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk = 2 (Note: if primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance).
- C. Parking and Loading Areas (13 Total Points Possible, Minimum 7 Points Required).
1. Location of Parking: Greater than 50 percent of required parking is located between any building and a public street = 0; 25 to 50 percent of required parking is located between

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- any building and a public street = 1; less than 25 percent of required parking is located between any building and a public street = 2; no parking is located between any building and a public street = 3.
2. Loading Areas: Visible from public street and not screened = 0; visible from public street and screened = 1; not visible from public street = 2.
 3. Vegetation: At least one "landscaped" island every 13--15 parking spaces in a row = 0; at least one landscaped "island" every 10--12 parking spaces in a row = 1; at least one landscaped "island" every 8--9 parking spaces in a row = 2; at least one landscaped island every 6--7 parking spaces in a row = 3.
 4. Number of Parking Spaces (% of minimum required): >120% = 0; 101--120% = 1; 100% = 2; <100% (i.e. joint use or multiple use reduction) = 1 bonus point.
 5. Parking surface: Impervious = 0; some pervious paving (10--25%) = 1; partially pervious (26--50%) = 2; mostly pervious(>50%) = 3.
- D. Landscaping (24 Total Points Possible, Minimum 14 Points Required).
1. Tree Retention (based on tree inventory submitted with development application): Less than 50% of existing trees on-site retained = 0; 51--60% of existing trees on-site retained = 1; 61--70% of existing trees on-site retained = 2; 71--80% of existing trees on-site retained = 3; 81--100% of existing trees on-site retained = 4.
 2. Mitigation trees: Trees mitigated off-site or fee-in-lieu = 0; 25--50% of trees mitigated on-site = 1; 51--75% of trees mitigated on-site = 2; 76--100% of trees mitigated on-site = 3. Note: When no mitigation is required, the project receives zero points.
 3. Landscaping trees (in addition to mitigated trees on-site, does not include Water Quality Facility Plantings): Less than one tree for every 500 square feet of landscaping = 0; 1 tree for every 500 square feet of landscaping = 1; 2 trees for every 500 square feet of landscaping = 2; 3 trees for every 500 square feet of landscaping = 3; 4 trees for every 500 square feet of landscaping = 4.
 4. Landscaped areas: Greater than 25% of landscaped areas are less than 100 square feet in size = 0; less than 25% of landscaped areas are less than 100 square feet in size = 1; no landscaped areas are less than 100 square feet in size = 2.
 5. Landscaping trees greater than 3" caliper: <25% = 0; 25--50% = 1; >50% = 2.
 6. Amount of Grass (shrubs and drought resistant ground cover are better): >75% of landscaped areas = 0; 50--75% of landscaped areas = 1; 25--49% of landscaped areas = 2; <25% of landscaped areas = 3. Note: Schools automatically receive the full 3 points and are not penalized for amount of grass.
 7. Total amount of site landscaping (including visual corridor): <10% of gross site = 0; 10--15% of gross site = 1; 16--20% of gross site = 2; 21--25% of gross site = 3; >25% of gross site = 4.
 8. Automatic Irrigation: No = 0; partial = 1; yes = 2.
- E. Miscellaneous (10 Total Points Possible, Minimum 5 Points Required).
1. Equipment Screening (roof): Equipment not screened = 0; equipment partially screened = 1; equipment fully screened = 2; equipment fully screened by materials matching building architecture/finishing = 3.
 2. Fences and Walls (including retaining walls): Standard fencing and wall materials (i.e. wood fences, CMU walls, etc) = 0; fencing and wall materials match building materials = 2.

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3. On-site pedestrian amenities not adjacent to building entrances (benches, tables, plazas, water fountains, etc): No = 0; yes (1 per building) = 1; yes (more than 1 per building) = 2.
4. Open Space provided for Public Use: No = 0; yes (<500 square feet) = 1; yes (500--1,000 square feet)=2; yes (>1,000 ~~square-square~~ feet) = 3.
5. Green building certification (LEED, Earth Advantage, etc.) = 3 bonus points.
5. As an alternative to the above standards G.1--3., the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
6. As an alternative to the above standards G.1.--5., an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.020 of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing. (Ord. No. 2009-005, § 2, 6-2-2009)

H. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the “bulk” appearance of large buildings. The industrial development not visible from public arterial or collector streets provides employment opportunities for citizens of Sherwood and the region as a whole. Industrial design standards shall include the following:

1. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) shall meet any four of the following six design criteria:
 - a. A minimum ~~25~~15% window glazing for all frontages facing an arterial or collector.
 - b. A minimum of two (2) building materials used to break up vertical façade street facing frontages (no T-111 or aluminum siding).
 - c. Maximum ~~thirty-five (35)~~ ~~twenty-five (25)~~ foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).
 - d. Parking is located to the side or rear of the building when viewed from the arterial or collector.
 - e. Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If the loading area are visible from an arterial or collector, they must be screened with vegetation or a screen made of materials matching the building materials.
 - f. All roof-mounted equipment is screened with materials complimentary to the building design materials.
2. As an alternative to H.1 above, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):
 - a. Provide high-value industrial projects that result in benefits to the community, consumers and developers, provide diversified and innovative working environments that take into consideration community needs and activity patterns, support the City’s goals of economic development and complement and enhance projects developed under industrial design standards.

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- b. Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered “entrances” to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.
- c. Reduce the “bulk” appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and/or landscaping.
- d. Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

5. Approvals

The application shall be reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action shall include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76. (Ord. 98-1053 § 1)

6. Time Limits

Site plan approvals shall be void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. (Ord. 2003-1148 § 3; 98-1053; 86-851)

16.98.030 MATERIAL STORAGE

1. GENERALLY

Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the ~~Commission~~ Review Authority as part of a site plan or as per Section 16.98.040. (Ord. 89-901 § 1; 86-851)

2. Standards

Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot high, sight obscuring fence. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required. (Ord. 89-901 § 1)

3. Hazardous Materials

Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations. (Ord. 89-901 § 1)

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
February 23, 2010

Commission Members Present:

Lisa Walker
Jean Lafayette
Matt Nolan
Adrian Emery
Todd Skelton

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Karen Brown, Recording Secretary

Commission Members Absent: Chair Allen, Commissioner Volkmer

Council Liaison – Mayor Mays

1. **Call to Order/Roll Call** – Vice Chair Lafayette called the meeting to order. Karen Brown called roll.
2. **Agenda Review** – No changes were made to the meeting agenda.
3. **Consent Agenda** – Consisted of minutes from the November 24th, 2009 and January 26th, 2010 Planning Commission meetings. There were no changes or comments regarding the minutes. Commissioner Nolan moved to adopt the consent agenda. Commissioner Skelton seconded the motion. A vote was taken; all were in favor, the motion passed.
4. **Staff Announcements** – Julia reminded everyone that Commissioner Skelton and Commissioner Emery’s terms will be expiring at the end of March. Commissioner Skelton has indicated he does not intend to seek reappointment. There have been 5 applications received including one from Commissioner Emery. Time for interviews is tentatively scheduled for next week.

This year’s Arbor Day celebration will be held April 16th near Stella Olson Park. This year the City has been able to partner with the Disney Give a Day Get a Day program. People that volunteer for the event will be eligible for a free day at Disneyland. There have already been 20 volunteers registered.

5. **City Council Comments** – Mayor Mays talked about the public hearing the Council recently had including review of the Cannery PUD. Council directed Staff to bring an Ordinance back to Council next week for consideration adopting the Cannery PUD. The direction that Council gave staff was to make some changes to recommendations from the Planning Commission and keep some of the recommendations. At the Metro level, Metro as well as the 3 counties will be acting on the core 4 proposal for Urban Reserves, Rural Preserves and undesignated areas including IGAs between each county and Metro. There will be more information to come regarding those meetings.

6. Community Comments –

Susan Claus 22211 SW Pacific Hwy., Sherwood OR began by thanking the Commission for the time and attention they gave to the Cannery PUD and the way they handled the public hearings and letting the public speak. She was very disappointed on the other hand with the way the Council handled the project. She stated that when Mayor Mays said the Council took a lot of the Commissions suggestions that was false. As she understands it; the Council changed the requirements for the number of units back to 101 and took out the traffic studies. She believes there was a pre-existing agreement and that they wasted everyone's time and then didn't even apologize.

She wanted to make another objection to the fact that Mayor Mays is the Council Liaison to the Planning Commission because he controls the agenda at the Council level.

She went on to explain, from her perspective, what happens when a citizen wants to find out information when there is a land use application. She stated that the new web-site is not very "searchable" and when she wants to find documents by herself, she is often unable to. She then believes she is at the mercy of Staff to provide those documents for her. She explained that record requests from her are handled sequentially. She indicated that she turned in a request for records on February 1st, 2010 and just received the information today, (Feb. 23rd). Now that the first request has been completed then the next request she has in line will be handled.

She again thanked the Commission on their handling of the review of the Cannery Project, but is not happy with the way the City Council review the project and the Commission's recommendations. She feels that citizens cannot get information they are requesting in a timely manner and the process has been so corrupted...

Vice Chair Lafayette asked about problems with information requests. Julia stated that all requests for information need to be directed to Tom Pessemier. A conversation ensued about the process for records requests and time frames allowed to fulfill those requests as well as how the fees are determined. A copy of the record request form was provided by a member of the audience. Commissioner Walker asked if there is the potential for citizens to view records on-site without needing to have them sent to them. Julia explained that while she cannot speak for other departments, within the Planning Department people can come to the Planning Counter and request to look at a land use file, and if it is readily available they are welcome to review the file themselves. If the information is not close at hand the customer may be asked to return, but review of documents is certainly available. Mrs. Claus stated that from her point of view, no one else treats records the way the City of Sherwood does. She feels she can get information from other entities much easier than she can from the City of Sherwood.

Robert James Claus 22211 SW Pacific Hwy, Sherwood, OR addressed the Commission by saying he feels the planning Commission held an honest meeting which included public involvement and came up with a modified result. Shortly after that meeting there was another public hearing that he feels was not run the same way. He stated that this town is children friendly, has a wonderful park system, an excellent density and is a very desirable area. He stated that the City Council hearing was an example of someone

trying use a system to promote themselves when they can't make it economically. What you have is a system now where you take the excess land value in the Urban Renewal area and then any increase in the tax base goes to the City. He stated that this cheats the school children out of that money and the fire department and everyone else. He stated that the money was not going to urban renewal but rather "to take care of Langer's walnut blight" and to keep staff employed and the City growing by using public funds.

He indicated the contract (between the City and Capstone) allows 178 apartments and that is what they are going to get.

He wanted the Planning Commission to know "the only way you are going to cure this is not in public hearings, because our urban renewal agency has been by resolution made our Development Director." He stated that Council passes resolutions, directing what they're to do and the staff implements it. This makes the Planning Commission "a side show and window dressing." He stated that this town is now going to change; Historic Old Town is as good as gone and Langer's going to have a mega mall."

Gary Langer 14020 SW 98th, Tigard OR started by saying that since his family's name was brought up in prior comment he felt like he should speak. He agreed that the Langer family has property in Sherwood and that they have been working on it for a long time. He is happy to see Mayor Mays at the meeting as he can help transfer information from the hearing process to the City Council. He continued by saying the Langer family has been working with the City and have followed all of the rules and gone through Metro, and to have someone speak disparagingly about them is not appreciated. He had worked at the Cannery and is pleased to see it transformed and thinks it will make Sherwood a bright spot on a map. He believes Sherwood has grown to be a number one place in the United States to come to and that there are a lot of people that are very proud of the City, the sports teams, the parks and things that come with urban renewal.

7. Old Business –

a. Continuation of the Industrial Design Standards.

Heather began by restating that at the last hearing there were several issues raised and the record was held open for written testimony to be submitted. At the 1st hearing issues discussed included: public notice, the Langer property and window glazing standards. Since that meeting two pieces of additional testimony have been received. One is a letter from Sherry Oeser from Metro and the second is a letter from Tim Voorhies of Steel Tek industries. One of the issues discussed was the date of implementation of the standard. After corresponding with Metro and explaining the Commission's concerns with "back dating" the standard Heather received a letter saying they would not object to using the January 1, 2010 date. Also in the letter from Metro, Sherry clarifies that when she stated there were no properties "zoned" industrial greater than 50 acres, she meant "designated industrial by Metro." In addition, she mentioned that the Langer's parcel received Planned Unit Development approval in 1995, which was prior to any Title 4 regulations.

Exhibits G and H discuss designation as well. Incorporating those exhibits, the proposed code language in blue suggests making the standard only apply to those properties

designated industrially by Metro and would exempt the Steel Tek properties and any light industrial areas zoned in the Brookman area and the light industrial areas along Hwy. 99.

Heather and Vice Chair Lafayette further discussed for clarification what would be allowed. The two things that will matter are the January 1st 2010 application date and if the property has been designated industrial by Metro. Any new project that is applied for will be subject to the design standards.

Additionally Heather had a correction to the original wording in the proposed updated code language. On page 3, section 16.32.030 item K and page 8 section 16.34.030 item K states that it allows retail uses up to 60,000 sq ft. That should read up to 20,000 sq. ft. on both pages which will comply with the Metro Title 4 standards.

Heather continued by pointing out other updates that had been made to the original proposed standards including: window glazing; setbacks; an alternative process; one formatting issue on page 20; and per a suggestion from Commissioner Nolan, re-phrasing the wording regarding areas visible from arterial and collector streets.

After discussion among the Commission and Staff, it was determined that it would be best to leave the window glazing requirements at 25% as glazing is only one of several options that need to be met.

Discussion continued regarding the requirement for 35' setbacks. Vice Chair Lafayette suggested allowing buildings to be set back with the caveat that the setback area is landscaped or a natural area. Aluminum siding was also discussed as being potentially acceptable. It was agreed that those options could be discussed with developers, but not be allowed outright in "fast track" proposals.

Heather continued to discuss changes suggested in formatting. It was decided that on page 20, H.2.A would be broken out into several items rather than one long sentence and 4 findings rather than one finding all lumped together. She suggested:

- A. Provide high value industrial projects that result in benefits to the community, consumers and developers.
- B. Provide diversified and innovative working environments that take into consideration community needs and activity patterns.
- C. Support the City's goals of economic development.
- D. Complement and enhance projects previously developed under industrial design standards.
- E. Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Hwy 99W, Tualatin Sherwood Road and Oregon Street.
- F. Reduce the bulk appearances of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulations, windows and landscaping.
- G. Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole.

Heather reviewed the items she understands the Commission wants to change collectively.

The Commission all agreed that she had included everything they were concerned with.

Commission Emery made a motion to approve the Industrial Design Standards PA09-01 based on the adoption of the Staff Report, finding of fact, public testimony, staff recommendation, agency comments, applicant comments and conditions as revised. The motion was seconded by Commissioner Nolan.

Julie clarified that it was a recommendation to Council for approval. A vote was taken and all agreed.

8. **New business** – Vice Chair Lafayette continued onto new business which is the selection of a Planning Commission member to serve on the Cultural Arts Community Center Steering Committee. Mayor Mays expanded on the description of the Committee and what the requirements would be for the Planning Commission member.

Commissioner Emery would like to participate. Commission Walker suggested that Commissioner Volkmer may be interested as well.

Vice Chair Lafayette tentatively appointed Commissioners Emery and Volkmer but deferred the formal selection until Chair Allen and Commissioner Volkmer were present.

9. **Council Comments:** Vice Chair Lafayette asked about the status of the Brookman Road appeal.

Julia responded by saying that at this point Metro has not withdrawn their appeal and Staff is actively preparing information for the exceptions process. The extension at LUBA expires in April.

The conversation continued regarding a work program for the Planning Commission. The suggestion was made that Julia bring the plan back to the Commission for review then during the April Work Session with the Council discuss this along with the code clean up.

The next meeting is scheduled for March 23, 2010.

Vice Chair Lafayette closed the meeting at 8:20 p.m.

End of minutes.

