



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
February 24, 2009 – 7 PM**

**Business Meeting – 7:00 PM**

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda**
4. **Staff Announcements**
5. **Council Announcements** (Dave Heironimus, Planning Commission Liaison)
6. **Community Comments** (*The public may provide comments on any non-agenda item*)
7. **Old Business:**
  - a. **Continued from February 10, 2009- PA 08-04 Commercial Design Standards Update.** This city-initiated plan amendment includes proposed code changes that provide alternate design review criteria to be used in lieu of existing standards. The purpose of the code changes is to make the design review standards more flexible, allowing a developer several ways to propose a quality design. There are also several “housekeeping” code changes proposed that directly affect commercial development and are appropriate changes to be made at the same time as commercial design standards. These proposed changes include: revising off-street loading standards to allow uses to share loading areas; exempting the standard 8-foot public utility easement (PUE) in Old Town; revising the private street standard to expressly apply to residential developments (for which it was intended); and revising the visual corridor standard to exempt developments in Old Town. (*Heather Austin, Senior Planner*)
8. **Comments from Commission**
9. **Next Meeting:** *Tentative* March 10, 2009
10. **Adjourn**

**Work Session (After Business Meeting)**

1. **Urban and Rural Reserves** (Julia Hajduk, Planning Manager)
2. **Industrial Design Standards** (Heather Austin, Senior Planner)

TO: SHERWOOD PLANNING COMMISSION

Pre-App. Meeting: N/A-Staff Initiated  
App. Submitted: N/A- Staff Initiated  
App. Complete: N/A- Staff Initiated  
120-Day Deadline: N/A- Staff Initiated  
Initial Hearing Date: February 10, 2009  
Second Hearing Date: February 24, 2009

FROM: PLANNING DEPARTMENT

*Heather M. Austin*

Heather Austin, AICP, Senior Planner

This is an addendum to the original staff report dated February 3, 2009. The Planning Commission held a public hearing on PA 08-04 Commercial Design Standards Update on February 10, 2009. At that hearing, staff presented several suggested revisions to the proposed code language (see previously submitted Exhibit C) as well as some revised point values for the design review matrix in Section 16.90.020.4.G.4 (values proposed are reflected in previously submitted Exhibit B).

At the hearing on the 10<sup>th</sup>, public testimony was provided by the following three parties.

**Patrick Lucas**, 20512 SW Roy Rogers Road, Sherwood, OR 97140, testified that the current standards requiring buildings to be oriented to and flush with the street was too hard to meet for his Cedar Brook Way development, and that he wanted to ensure that the proposed language for private streets would not affect his proposed assisted living facility on Cedar Brook Way.

**Ryan Givens**, 5415 SW Westgate Drive, Portland, OR 97221, testified that generally the proposed changes are good but he would suggest changing Section 16.90.020.4.G.4.C.1 from "required parking is located to the front or side of building(s)" to "required parking is located between any building and a public street"; this would better serve developments consisting of multiple buildings.

**Eugene Stewart**, PO Box 534, Sherwood, OR 97140, testified that he does not believe the City is accurately following Oregon Statewide Planning Goal 1: Citizen Involvement. Mr. Stewart submitted a copy of Goal 1, the definitions section of "Oregon's Statewide Planning Goals and Guidelines", Chapter 16.02 of the Sherwood Zoning and Community Development Code, pages 1-6 of Chapter 1 of the Sherwood Comprehensive Plan and pages 1-4 of Chapter 2 of the Sherwood Comprehensive Plan. These documents were all submitted as Exhibit E.

#### Summary:

Based on the recommendations from staff, public testimony submitted and Planning Commission discussions, the following changes have been made to the proposed code language (Exhibits F1 and F2):

- Section 16.90.020.4.G- Remove "and/" from "and/or".

- Section 16.90.020.4.G.4- Change point values to reflect those in the matrix submitted as Exhibit B.
- Section 16.90.020.4.G.4.C.1- Change "to the front or side of building(s)" to "between any building and a public street".
- Section 16.90.020.4.G.4.E.7- Change point value from 3 points to 3 "bonus" points
- Section 16.90.020.4.G.6- Change "meets or exceeds the intentions of the site plan standards" to "meets or exceeds the objectives in Section 16.90.010.020".
- Section 16.118.050- Change "serving residential developments" to "serving single-family residential developments."

#### **Staff assessment and recommendation on Plan Amendment:**

Based on the initial staff report, additional staff-recommended changes, public testimony and Planning Commission deliberation, staff recommends the above modifications to the proposed code language and recommends the Planning Commission **RECOMMEND APPROVAL** of PA 08-04 Commercial Design Standards Update to the Sherwood City Council.

#### **Exhibits**

F – Proposed Revisions to Development Code Amendments

1. Chapter 16.90.020
2. Chapter 16.118.050

## Chapter 16.90 SITE PLANNING\*

### 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 water-ways.
- (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.
  - 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, 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 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 ~~commercial, office, retail~~ multi-family, institutional ~~development, and~~ 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, ~~metal roofs, and~~

~~artificial stucco material~~ 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 sixty percent (60%) 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 eighty percent (80%) 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) 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 façade)=2; a mixture of at least 3 materials (i.e. to break up vertical façade)=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 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 façade windows)=1; >20% glazing on all street-facing sides (inactive, display or façade 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)**

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 right-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 right-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 Entrance: Secondary 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 (12 Total Points Possible)**

1. Location of Parking: Greater than fifty percent (50%) of required parking is located between any building and a public street=0; Twenty-five to fifty percent (25-50%) of required parking is located between any building and a public street=1; Less than twenty-five percent (25%) 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 12-15 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; 100-120%=1; 100%=2; <100% (i.e. joint use or multiple use reduction)=one (1) bonus point.
5. Parking surface: Impervious=0; some pervious paving (10-25%)=1; partially pervious(25-50%)=2; mostly pervious(50-99%) =2.

#### **D. Landscaping (24 Total Points Possible)**

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; trees mitigated on-site=2; 76-100% of trees mitigated on-site=3. Note: When no mitigation is required, the project receives three (3) 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 twenty-five percent (25%) of landscaped areas are less than 100 square feet in size=0; Less than twenty-five percent (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 three (3) points and are not penalized for amount of grass.
7. Total amount of site landscaping (including visual corridor): <10% of gross site=0; 11-15% 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)**

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. Note: The total number of points possible for this standard is 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.
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 feet)=3.
5. Leadership in Energy and Environmental Design (LEED) Certification (any level)=3 bonus points.

5. As an alternative to the above standards G.1-34, 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.

## **Chapter 16.118 PUBLIC AND PRIVATE UTILITIES\***

### **16.118.010 PURPOSE**

Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.

### **16.118.020 STANDARD**

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.
- B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer. An eight (8) foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.

### **16.118.030 UNDERGROUND FACILITIES**

Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

### **16.118.040 EXCEPTIONS**

Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.  
(Ord. 2005-17 § 5; 91-922)

### **16.118.050 PRIVATE STREETS**

The construction of new private streets servicing single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street". (Ord. 2005-009 § 5; 86-851)



## MEMORANDUM

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22560 SW Pine St  
Sherwood, OR 97140  
Tel 503-625-5522  
Fax 503-625-5524

To: Planning Commission

From: Heather Austin, AICP, Senior Planner

Date: February 17, 2009

RE: Industrial Design Standards- Work Session February 24, 2009

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Below is proposed code language for adding industrial design standards to the Sherwood Zoning and Community Development Code. This draft language would be in addition to existing parking and landscaping standards and would apply particularly to industrial development. At the work session, staff will lead the Planning Commission in a discussion regarding industrial design standards, including but not limited to: applicability of the standards (zone vs. use), breadth of standards and goals/objectives of industrial standards.

Proposed Code Language:

The proposed industrial development (manufacturing, processing, assembling, packaging, storage, etc) is designed to enhance the character of the industrial zone. For all industrial buildings (or portions thereof) within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building), the development must meet any four (4) of the following six (6) design criteria:

1. A minimum 25% window glazing for all frontages facing an arterial or collector.
2. A minimum of two (2) building materials used to break up vertical façade on (no T-111 or aluminum siding).
3. Maximum 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).
4. Parking located to the side or rear of the building when viewed from the arterial or collector.
5. Loading areas located to the side or rear of the building when viewed from the arterial or collector. If the loading areas are visible from an arterial or collector, they must be screened with vegetation or a screen made of material matching the building materials.
6. All roof-mounted equipment screened from view.



Signs that are currently non-conforming and will continue to be & therefore

- Home depot sign - Size having to come down <sup>by 2010</sup>
- A?W - Height
- Sherwood Plaza (Safari Sams) - Height
- Safeway - Size (x 2)
- Market Place @ Sherwood (GI Joe's) - Size & height

6

### Billboards

In addition, the following signs would have to be brought into compliance within 5 years from adoption of this ord.

- 76 gas station sign - Size
- Jomar realty sign - Size
- Robinhood theater - Size
- Albertsons (x 2) - Height
- Target - Size and Height

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Based on information available - some signs did not have dimensions

# OREGONIANS IN ACTION

Mailing: P.O.Box 2306, Tigara OR 97281  
Address: 11735 SW Queen Elizabeth's St. #101 King City, OR 97224  
Phone (503) 620-0258 Fax (503) 639-6891  
Website: www.oia.org E-mail: oia@oia.org

## Fax Transmittal

Date: 2-24-09  
To: Jim Claus  
Fax #: 503-625-6051  
From: Bill Moshofsky  
4 page(s) including cover.

Urgent  For Review  Please Comment  Please Reply  Please Recycle

Note:

Jim -  
Here is the Oregon statute  
on notes.  
Bill

**THIS FACSIMILE CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ADDRESSEE NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS FACSIMILE, OR THE EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS FACSIMILE, OR THE TAKING OF ANY ACTION BASED ON IT, IS STRICKLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE FACSIMILE TO US AT THE ABOVE ADDRESS VIA THE US POSTAL SERVICE. THANK YOU.**

**227.184**

**CITIES**

(3) A supplemental application submitted under this section shall include a request for any rezoning or zoning variance that may be required to issue a permit under the city's comprehensive plan and land use regulations.

(4) The governing body of a city or its designee shall adopt specific findings describing the reasons for approving or denying:

- (a) A use for which approval is sought under this section; and
- (b) A rezoning or variance requested in the application.

Laws 1999, c. 648, § 4.

**Cross References**

Comprehensive land use planning coordination, policy and purpose of statutes, see ORS 197.022.

**Library References**

**Key Numbers**

Zoning and Planning ¶462.  
Westlaw Key Number Search: 414k462.

**Encyclopedias**

C.J.S. Zoning and Land Planning § 212.

**227.185. Transmission tower**

The governing body of a city or its designate may allow the establishment of a transmission tower over 200 feet in height in any zone subject to reasonable conditions imposed by the governing body or its designate.

Laws 1983, c. 827, § 27a.

**Library References**

**Key Numbers**

Zoning and Planning ¶65, 76, 384.1.  
Westlaw Key Number Searches: 414k65;  
414k76; 414k384.1.

**Encyclopedias**

C.J.S. Zoning and Land Planning §5 46, 48,  
51, 53, 63.

ORS

**227.186. Ordinances relating to comprehensive plans, land use planning or zoning; notice to property owners; hearing**

(1) As used in this section, "owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance.

(3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause

**PLANNING AND ZONING**

**227.186**

written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall:

(a) Contain substantially the following language in boldfaced type extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:

This is to notify you that (city) has proposed a land use regulation that will affect the permissible uses of your land.

(b) Contain substantially the following language in the body of the notice:

On (date of public hearing), (city) will hold a public hearing regarding the adoption of Ordinance Number \_\_\_\_\_. The (city) has determined that adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

Ordinance Number \_\_\_\_\_ is available for inspection at the \_\_\_\_\_ City Hall located at \_\_\_\_\_. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the (city) Planning Department at \_\_\_\_\_.

(6) At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by a city pursuant to a requirement of periodic review of the comprehensive plan under ORS 197.628, 197.633 and 197.636, the city shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment will affect the use of the property. The notice also shall:

(a) Contain substantially the following language in boldfaced type extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:

This is to notify you that (city) has proposed a land use that will affect the permissible uses of your land.

(b) Contain substantially the following language in the body of the notice:

As a result of an order of the Land Conservation and Development Commission, (city) has proposed Ordinance Number \_\_\_\_\_. (City) has determined that the adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

Ordinance Number \_\_\_\_\_ will become effective on (date).

Ordinance Number \_\_\_\_\_ is available for inspection at the \_\_\_\_\_ City Hall located at \_\_\_\_\_. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the (city) Planning Department at \_\_\_\_\_.



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**CITIES**

(7) Notice provided under this section may be included with the tax statement required under ORS 311.250.

(8) Notwithstanding subsection (7) of this section, a city may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under subsections (3) and (4) of this section.

(7) For purposes of this section, property is rezoned when the city:

- (a) Changes the base zoning classification of the property; or
- (b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(10) The provisions of this section do not apply to legislative acts of the governing body of the city resulting from action of the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047 or resulting from a court of competent jurisdiction.

(11) The governing body of the city is not required to provide more than one notice under this section to a person who owns more than one lot or parcel affected by a change to the local comprehensive plan or land use regulation.

(12) The Department of Land Conservation and Development shall reimburse a city for all usual and reasonable costs incurred to provide notice required under subsection (6) of this section.

Laws 1999, c. 1, § 3; Laws 1999, c. 348, § 11.

#### Library References

##### Key Numbers

Zoning and Planning § 194.  
Westlaw Key Number Search: 414k194.

##### Encyclopedias

C.J.S. Zoning and Land Planning §§ 87 to 89,  
95 to 96.

### 227.187. Copies of comprehensive plan and land use regulations

A city shall maintain copies of its comprehensive plan and land use regulations, as defined in ORS 197.015, for sale to the public.

Laws 1991, c. 363, § 3.

## SOLAR ACCESS ORDINANCES

### 227.190. Solar access ordinances; adoption

(1) City councils may adopt and implement solar access ordinances. The ordinances shall provide and protect to the extent feasible solar access to the south face of buildings during solar heating hours, taking into account latitude, topography, microclimate, existing development, existing vegetation and planned uses and densities. The city council shall consider for inclusion in any solar access ordinance, but not be limited to, standards for:

- (a) The orientation of new streets, lots and parcels;

PLANNING AND ZONING

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written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall:

(a) Contain substantially the following language in boldfaced type extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:

This is to notify you that (city) has proposed a land use regulation that will affect the permissible uses of your land.

(b) Contain substantially the following language in the body of the notice:

On (date of public hearing), (city) will hold a public hearing regarding the adoption of Ordinance Number \_\_\_\_\_. The (city) has determined that adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

Ordinance Number \_\_\_\_\_ is available for inspection at the \_\_\_\_\_ City Hall located at \_\_\_\_\_. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the (city) Planning Department at \_\_\_\_\_.

(6) At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by a city pursuant to a requirement of periodic review of the comprehensive plan under ORS 197.628, 197.633 and 197.636, the city shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment will affect the use of the property. The notice also shall:

(a) Contain substantially the following language in boldfaced type extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:

This is to notify you that (city) has proposed a land use that will affect the permissible uses of your land.

(b) Contain substantially the following language in the body of the notice:

As a result of an order of the Land Conservation and Development Commission, (city) has proposed Ordinance Number \_\_\_\_\_. (City) has determined that the adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

Ordinance Number \_\_\_\_\_ will become effective on (date).

Ordinance Number \_\_\_\_\_ is available for inspection at the \_\_\_\_\_ City Hall located at \_\_\_\_\_. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the (city) Planning Department at \_\_\_\_\_.

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**February 24, 2009**

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**Commission Members Present:**

Chair Allen  
Jean Lafayette  
Matt Nolan  
Raina Volkmer  
Adrian Emery  
Todd Skelton

**Staff:**

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

**Commission Members Absent: Chair Allen arrived at 7:25**

**Council Liaison – not present**

1. **Call to Order/Roll Call** – Commissioner Lafayette called the meeting to order. Karen Brown called roll.
2. **Agenda Review – No changes made to agenda**
3. **Consent Agenda – No items listed for consent agenda**
4. **Staff Announcements** –Julia gave an update on the Brookman Rd. Concept Plan. Julia reminded the Commission and audience that the Commission had made a recommendation to the City Council that would require reevaluation of the plan. Julia presented a memo and presentation at the last City Council meeting. After the presentation and a policy discussion, the Council provided direction to staff to proceed with the Steering Committee’s recommendation and not reevaluate the plan. Julia informed the Commission that while the assumption of the Commission at the time was that the I-5/99 Connector decision was days away, the plan had changed since then so there was more information available that was presented to the Council regarding the status of that project. . The City Council public hearing will be held March 17<sup>th</sup>, 2009.
5. **City Council Comments – No Council Comments given**
6. **Community Comments** – Robert James Claus a citizen of Sherwood provided comments. He began by providing copies of information he had prepared. Mr. Claus wanted to provide the Commission with a status of the Sign Code. He stated that the top page of his handout was a handwritten memo from Julia Hajduk to him (Mr. Claus) that he had requested. He believes that the sign inventory is completely inconsistent. He provided testimony regarding the number of businesses he contacted that indicated they did not get notice of the sign code changes and believes adequate notice was not given. He asked the Commission if they all understand what amortization really is. Then

continued by giving a scenario of his definition of amortization. He suggested that the Commission know what they are doing when they retroactively try to take people's property. and asked the Commission whether this is the way to treat their neighbors. He concluded by stating that in these economic times you are going to inflict thousands of dollars of damage on someone, and you're going to maybe cost someone their job wouldn't you like them to come to come here and tell you what they think of it before you do it, instead of having your planning staff tell you that I followed the narrow confines of notification?"

7. **Old Business – continued from February 10, 2009 PA 08-04 Commercial Design Standards.** Commissioner Lafayette opened the hearing by confirming with Heather that at the last hearing the public testimony had been closed. The Commission has received a blue testimony card from someone wishing to speak. After some conversation the general consensus among the Planning Commission was to re-open the public hearing and that the person could be allowed to speak. Acting as Chair in Chair Allen's absence, Vice Chair Lafayette read the public hearing statement and re-opened beginning with the staff report.

**Heather Austin** began recapping the process to date. At the February 10<sup>th</sup> Planning Commission meeting, the Commission reviewed the Design Code update changes that were proposed with a few recommendations from staff. The Planning Commission, after some discussion, came up with a couple recommendations of their own as well. Public testimony was also taken at that meeting, out of which additional changes were suggested. Those changes are listed on the addendum staff report. The only sections that were changed are 16.90 and 16.118 and they are included in the packet for this meeting as well. With the changes discussed at the last Planning Commission hearing, Staff recommends that the Planning Commission recommend approval of PA 08-04 to the City Council and further recommend that recommendation for the April 21<sup>st</sup> hearing of City Council. The Council agenda is quite full. There will likely be a work session with the City Council in March, so that they may at least have a chance to review the material. Heather closed her staff report.

Commissioner Lafayette called the citizen wishing to testify forward.

Robert James Claus, a citizen of Sherwood, addressed the Commission by saying he assumes that what is being talked about is the Commercial Design review matrix. He stated that he finds this almost amazing, particularly 3 and asked why would the Commission be mandating energy consumption. It is his opinion that once you move to glass you begin mandating energy consumption. He went on to read the list of material including brick, stone, cultured stone, decorative patterned masonry and wood. He hopes that staff has very good definitions of all of that. He believes that staff may find themselves restraining themselves to particular materials. He stated that what he sees is that the plan is trying to keep from building "sameness" into a building, but in his opinion that is just what is being done.

He went on to say that he has said over and over; if you are going to let your planning staff get where they are trying to get, turn them into hearing examiners. The reason for

that is simple. A Hearing Examiner has a project in front of them, they will say, in writing, why they accept or reject that application. Then the next applicant can come in and can pull that file and read it. Then the applicant can choose to follow or reject it. Somebody can look at that design review and determine exactly why the person did that. He expressed concern about the ability of the City staff to read their own code and indicated we change Planners in this town more frequently than we change City Managers. He does not feel it makes any difference if you have 3 materials on the front of building and that great design does not require it. He indicated the real question a policy decision regarding the amount of discretionary power staff should have.

Chair Allen then closed the public testimony and asked for any additional staff comments.

Heather spoke in response to comments made during public testimony. Regarding the issue that the standards will create all of the same buildings: she doesn't see a danger of this happening as there is also the Planning Commission review process that was built into the process. This is only one of the processes being proposed.

Commissioner Lafayette clarified that what is available at this meeting is just the last couple pages from the previous packets, and when this goes to the City Council it will include all four options within the Commercial area which are what is already in the code, this modification, the Old Town Design Standards and coming before the Planning Commission at a full hearing, so that the people within the commercial industry don't have just one prescriptive option, there are now 4 options available to them.

Heather continued with comments about the windows. This is one option. You could feasibly do no windows and still pass the design review matrix. The windows are 3 points out of a total of 68. As far as promoting energy inefficiencies, this is just one option of several.

As far as the comments made about definitions for materials: The code does include the Architectural Design Handbook that is used for definitions.

Chair Allen opened the topic back up for discussion among the Commissioners.

Commissioner Lafayette wanted to be sure that the four options are restated before the project goes before the City Council.

Chair Allen added that considering the 4 different options from a design standard standpoint or a process standpoint we must have one of the most flexible design codes. He cannot imagine how it could be made more flexible with choice of forum, choice of standard, choice of methodology.

Heather and Commissioner Walker added that the feedback thus far and public comments before this have been positive. There were a few housekeeping items pointed out that have been addressed.

Chair Allen asked if any Commissioners have any other concerns.

Commissioner Lafayette made a motion that the Planning Commission approve for recommendation to City Council PA 08-04 based on the adoption of the staff report, findings of fact, public testimony, staff recommendation, agency comments and final wording as revised and that this hearing be scheduled for the April 21<sup>st</sup> Council meeting. The motion was seconded by Commissioner Volkmer.

Abstentions included Commissioner Nolan and Commissioner Emery. Remainder of Commission voted for and the motion carried.

**8. New business – No meetings held on either March 10<sup>th</sup> or March 24<sup>th</sup> .**

**8. Next Meeting: April 14<sup>th</sup>, 2009**

**Chair Allen** closed the meeting at 7:25 and the Commission adjourned to work session.

End of minutes.