



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
December 8, 2009 – 7 PM**

Business Meeting – 7:00 PM

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda Meeting minutes from July 28, 2009 and November 10, 2009.**
- 4. Staff Announcements**
- 5. Council Announcements (Dave Heironimus, Planning Commission Liaison)**
- 6. Community Comments** (*The public may provide comments on any non-agenda item*)
- 8. Old Business:**

a. Public Hearing – Sherwood Cannery Square – PUD 09-01, PA 09-05, SUB 09-02.

The Planning Commission continued the discussion of this project from the November 10, 2009 Planning Commission meeting. The applicant requests approval of a Type V Planned Unit Development (PUD) Preliminary Development Plan and Preliminary Subdivision Plat with Partial Replat for a total of 10 lots plus a tract for a plaza on 6.4 acres. The proposal also includes a Transportation System Plan Amendment to change the classification of Columbia Street from a collector to a local street. The proposal includes a mixed-use development with up to 10 construction phases and includes construction of new streets and a public plaza in addition to retail, office and residential space. Public streets will be constructed prior to construction of the development phases.

Applicable Code Criteria: Sherwood Zoning and Community Development Code Section 16.20 (HDR), 16.28 (RC), 16.40 (PUD), 16.80 (Plan Amendments), 16.92 (landscaping) 16.94 (off-street parking), 16.96 (on-site circulation), Division VI (public improvements), 16.122 (Subdivision preliminary plat), 16.126 (subdivision design standards), 16.142 (Parks and Open Space), 16.144 (Wetland, habitat and natural areas), 16.154 (Heat and glare), 16.162 ((Old Town Overlay). For the Plan Amendment, the Regional Transportation Plan and Statewide Land Use Planning Goal 12 also apply.

b. Continued discussion of the SWOT (Strengths, weaknesses, opportunities and threats) analysis in preparation for 12/15/09 Council meeting.

9. New Business:

a. Public Hearing- Hearing Officer Appointment Process- PA 09-06.

Code Amendment The application proposes amending the current development code standard regarding the Hearing Officer Appointment process and criteria, §16.08.010. The proposed amendment authorizes the City Council to appoint more than one hearing officer at a time and allows the hearing officer to serve at the pleasure of the City Council under current contracting guidelines. The existing language requires a reappointment of the hearing officer once every two (2) years and appointment of only one hearing officer at a time.

10. Comments from Commission

11. Next Meeting: December 22, 2009 (if needed)/ January 11, 2010

12. Adjourn

City of Sherwood, Oregon
Draft Planning Commission Minutes
July 28, 2009

Commission Members Present:

Chair Allen
Jean Lafayette
Lisa Walker
Raina Volkmer

Staff:

Julia Hajduk, Planning Manager

Karen Brown, Recording Secretary

Commission Members Absent: Matt Nolan, Adrian Emery
Todd Skelton

Council Liaison – not present

1. **Call to Order/Roll Call – Chair Allen** called the meeting to order. **Karen Brown** called roll
2. **Agenda Review** – the agenda included the review of meeting minutes from May 26th and June 9th, staff and council announcements and comments from the community and the commission.
3. **Consent Agenda – Chair Allen** opened the discussion on the agenda items. There were no changes or corrections made. Commissioner Lafayette made a motion to approve the minutes. Commissioner Walked seconded the motion. A vote was taken and all were in favor. The minutes were approved.
4. **Staff Announcements – Julia** gave staff comments. The City Council has approved the Adams Avenue Plan and the amendments to the Water section of the Development Code. They will be a hearing regarding Annexation of Adams Ave. at the next City Council meeting. There will be an Open House on the Cedar Creek Feasibility Study July 30th at 7:00 as well as an Urban and Rural Reserves open house and hearing August 20th. She also talked about the Purpose Statement that has been addressed in earlier meetings. She plans to look at the code and talk with the Commission at a later date.
5. **City Council Comments – None given**
6. **Community Comments** – Susan Claus 22211 SW Pacific Hwy, Sherwood OR 97140 began by talking about the Teen Center at the YMCA. She is a proponent of the Teen Center and the work they are doing with “at risk kids”. With the economy situation the Capital Fund Raising Campaign donations have decreased. She feels it is important to keep the teen center running and properly staffed. The Claus’ are proposing using a portion of their property for RV sales with a portion of the profit going to the YMCA.

She is asking what the mechanism would be to allow that. She feels it would be in the best interest and a benefit to the Community. They are not interested in adding any new structures, perhaps some grading and graveling the area. She went on to say that people have been working so hard to make so many rules that potential opportunities are being missed. She doesn't know what the solution should be but that there should be some flexibility. She asked the Commission to direct Staff in this matter.

Robert James Claus spoke first by saying that he has been to several meeting recently where the City will likely be sued. He mentioned a condo project in the City that was delayed for 3 years. He said statements had been made by the City that ODOT was demanding road alignments and where he now knows those were required by Staff. There was also overbilling on the SDC fees for that project of \$480,000 which also caused delays. He believes he can see a pattern forming. He pleaded with the Commission to take away staff ignorance. He said that with the help of Julia and Bob Galati, Patrick Lucas' project was able to get a zone change from General Commercial to Residential and various other changes including giving away parking that allowed the property to increase in value up to 1 million plus dollars. In his view it is actually just an age restricted apartment building.

He again eluded to exparte' contact that he believes Chair Allen is aware of.

Chair Allen responded by saying he has no idea what Mr. Claus is talking about.

7. **Comments from the Commission** included brief discussions about the possibility of Julia writing an article about the status of Metro's appeal to LUBA regarding opening of Red Fern. Commissioner Walker referenced an update Julia had written for the Brookman Road Project and asked for something similar to that. Julia agreed this would be helpful. Commissioners also asked Bob if there is a central point of information regarding scheduled road closures. He referred them to the City's website for those updates as well as explaining to them that all of the neighborhoods directly involved received direct notice as well. When asked about the recent water rate increase Bob deferred that question to the Public Works Department and the Utility Billing is not a function of the Engineering Department. The question was asked about the Brookman Road appeal process. Could LUBA reverse the decision that was made by the City? Julia explained that LUBA can not reverse the decision that was made by the City, but that if the appeal goes through, LUBA will review the record and try to identify the problems, and then they could remand the appeal back to the City for further work. Discussions are ongoing now to resolve the issues prior to the full LUBA review.

8. **Old Business – no old business discussed**

9. **Next Meeting: August 11, 2009**

Chair Allen closed the meeting at 8:00 pm.

End of minutes.

City of Sherwood, Oregon
Draft Planning Commission Minutes
November 10, 2009

Commission Members Present:

Chair Allen
Jean Lafayette
Todd Skelton
Raina Volkmer
Adrian Emery

Staff:

Julia Hajduk, Planning Manager
Karen Brown, Recording Secretary

Commission Members Absent: Commissioner Nolan, Commissioner Walker

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 one item of new business and the consent agenda review.
3. **Consent Agenda** – **Julia** requested that the meeting minutes from the July 28th meeting be pulled from the agenda for review. Commissioner Skelton moved to approve the June 23rd minutes. Commissioner Volkmer seconded. Chair Lafayette called for a vote. All were in favor. The motion passed.
4. **Staff Announcements** – There were no staff announcements made.
5. **City Council Comments** – **Mayor Mays** gave a brief update telling everyone that the latest annexation for the community passed by the voters last week. This means that the Design and Review of Adams Ave. North will continue which is great for our community. In the Portland Metro area there are lots of discussions taking place regarding Metro Regional Transportation Plans, Urban Reserves, as well as Rural Reserves trying to identify land that the region might grow into over the next 50 years. There is also the Regional Growth Report work being done to evaluate what is the current capacity and need for additional development land within the UGB because they are slated to make any potential expansions to the UGB in 2010.
6. **Community Comments** – (public testimony from Mr. Claus transcribed verbatim to insure accuracy) “Robert James Claus 22211 SW Pacific Hwy. I wanted to try to explain something to you about sovereign immunity and liabilities. You understand that we do not have an issuance policy on this town. City County Insurance is a risk management group. Now that means we all join it, and that I would suggest that all of you might look at the contract we have with them. Because you have two things with insurance, you have coverage and you have defense. If they determine that they’ve defended you for something that the contract restricts your coverage, you don’t have coverage. Now why

that becomes very interesting is because if you have committed an intentional torte you may not have coverage. Now Mayor Keys made the statement, and I believe I'm correct in saying this that it cost us \$2,500 with Chief Bill Middleton, it's not true. That's now in underwriting. If they determine that was an intentional torte they can pull that risk management pool. And I assure you as you become more and more of a developer and push the issue more, what you are going to do is going to go into the intentional area more and more frequently. And I would be cautious because there are some of us getting very very tired of competing against the City as a developer and finding imaginary rules we can't do things that in your own applications become little short of a farce. And I bring that to you just as a city interest because actually by charter this man (pointing to Attorney Chris Crean) represents the City Council. It's a conflict of interest, he can't represent you. It's not the same thing and he certainly can't represent the staff if they get (inaudible) unless the bar rules otherwise, which we'll know shortly. But I caution you that you are walking down a path where more and more of the things you are doing are intentional. Thank you."

Chris Crean the attorney for the City responded to the insurance assertions made by Dr. Claus. He indicated that the Attorney's office has recently and repeatedly advised the City that they are fully insured. The City employees, City agents including Planning Commission members are fully insured and the City indemnifies under Oregon State Law that everyone is fully insured and indemnified for all of actions taken in the course and scope of your employment and agency for the City. So there should be no concern that there is insufficient liability coverage, insurance coverage or anything else as long as you are performing as Planning Commissioners or otherwise in your capacity as an agent of the City. There is absolutely no merit to the argument that there could be any type of liability expose or insurance gap.

Chair Allen joined the meeting and Commissioner Lafayette turned the meeting over to him.

He asked for any other public comments on items not on the agenda.

Yvonne Scheller of 23137 SW Shamburg Drive, Sherwood OR 97140 spoke to the Commission. She and her husband had worked for the Portland Canning Company for a number of years. They would appreciate it if during the development some type of recognition for the people that worked there and that owned the company. She had given a hand out to the Commission with a little history of the company. She would appreciate it if the Commission would consider using some of the names she has suggested for things within the development, streets, building or perhaps squares. They really appreciate in consideration in the matter.

No other public comments were made.

Chair Allen move to the public hearing and read the disclosure statement.

7. **New business – Chair Allen** began by disclosing exparte' contact on his behalf in the form of reading 3 different messages on the variable reader board on Hwy. 99, which appeared to argue that the apartments proposed in Old Town would damage the character of Old Town, drag down the property values and negatively impact traffic. No other

disclosures were made. When asked if any member of the audience wished to challenge any of the Planning Commissioner's ability to participate, Mr. Claus approached the microphone.

Robert James Claus 22211 SW Pacific Hwy., passed out a document to the Commission. He addressed Chair Allen by saying that the document he passed out speaks to the fact that Chair Allen is one of the principle architects of this change of this policy. There are other minutes Mr. Claus thinks Mr. Allen should disclose as he believes Mr. Allen has had substantive and substantial exparte contact on this change.

Chair Allen explained that what the hand out included a set of minutes from a SURPAC meeting from 6 years ago. At that meeting there was a discussion of the Old Town Plan and the Cannery Site.

A 5 minute recess was called in order for the Attorney to read the hand out and make a determination.

Chair Allen resumed the meeting by asking the City's Attorney if discussion on the public record with respect to whether they are or are not considered exparte contact.

Chris Crean explained that exparte communications are those communications that are made outside of the public record that may affect how a decision maker considers an issue before them. The purpose of disclosing those contacts is to get them on the public record and give people a chance to respond. Therefore comments made during a public meeting that are already in the record are not exparte communications.

Julia then presented the staff report for Sherwood Cannery Square PUD 09-01 an Planned Unit Development, Plan Amendment and a Subdivision proposal. She reviewed that the site was historically a brick manufacturing plant, then a fruit cannery and eventually was used for warehouse and light manufacturing for a number of years. In 2004 the City bought the property and began looking at options for developing the site, as well as beginning negotiations with Capstone to develop the property. In 2008 the City acquired the machine works building as well, with the hopes of incorporating that into the Cannery Development as part of a Cultural Arts facility. She stated that public notice was made according to requirements. She indicated that at the suggestion of the Planning Commission, several agencies and organizations were also notified of the hearing date.

The Applicant has requested a Plan Amendment of the functional classification of Columbia Street from collector to a local street. They have also requested a 10 lot subdivision with three tracts and right of way dedication. The streets would be constructed with the subdivision development. They are requesting a PUD with up to 10 phases. The West building phase consists of 4,000 sq ft of retail, the East building phase includes nearly 14,000 of retail/office, the South building phase includes another 4,000 sq ft of retail, the existing machine shop which is 13,050 sq ft is proposed for a community center and an undefined area in the remainder. The plan also includes a NE phase that the use has not been fully identified as yet. There are 101 residential units clustered to the southeastern portion of the property. Julia wanted to clarify that these units should not be confused with an "affordable housing" project that is being discussed in the area near the Senior Center. There is also a 12,000 sq ft plaza area.

As part of the PUD, the street design component includes low impact development and water treatment elements. As part of the design, the applicant wants to meet the old Cannery design standards. They have requested some variation for the setbacks for the residential portion of the project area as well as variation of the percent of parking which is allowed to be compact.

Bob Galati the City Engineer spoke regarding the application. The plan as shown has several different types of street component systems that are proposed. Since they are not standard to the City he had to write a compliance letter to show what components the streets were comprised of, the pros and cons of each and what the City would accept. The Pine street section between the railroad tracks and Columbia Street will try to mimic what the downtown streets look like now. There is a section in front of the plaza which has an aesthetic configuration including brick. Past history shows that brick does not work. The City would prefer a stamped or colored concrete or other ways to create the aesthetics without the maintenance issues. Columbia street east of the plaza is proposed to have components of the bio-filtration system which is not the standard curb and gutter, rather a low impact development item. SW Columbia Street is the only other street that is different in that while it is an official city street it is being configured as a parking lot one-way drive from Pine Street to Washington to help provide continuity for connection.

Chair Allen asked if matching the aesthetics but using different materials means the curb-less street design would continue.

Bob responded by saying no. One of the things that have been recognized is that there has to be some type of tactile difference. Without that noticeable difference, cars often encroach into the public pedestrian area. The curb will be modified to accommodate the drainage pattern as well. There will not be valley gutters on these streets.

Commissioner Lafayette asked if in the bigger picture this will be fixed so future developers will have the same guidelines.

Bob feels this is a unique area, but that there are other downtown streets that have not been completed as part of the street-scapes package and he believes this modification will be transferred to those sections.

Julia continued with a brief overview of the PUD process to insure that the Commission, the applicant and the public are aware of how it works. First there is a preliminary development plan that may be approved by Council after recommendation from the Planning Commission. It is approved by ordinance that establishes the PUD overlay. That is not the final acceptance but it is binding upon the City for the purposes of preparing their final development plan. It will also provide a conceptual level of review. The next stage is then the final development plan which the Planning Commission will review for compliance. The Applicant will submit a detailed site plan which will be processed concurrently with the final development plan. Any PUD that requires more than 24 months to complete would need to be constructed in phases that are complete in and of themselves. What Staff wants to be sure is clear and within the decision is that with the first final development plan/ site plan submittal. the applicant will need to identify phasing of the project. Not necessarily a specific order of those phases but a general timing of each phase. So as part of the first review, the Planning Commission

would be approving the general phasing for the rest of the PUD. PUD concept issues for the next phase are basically showing the things that are definitely going to be conditioned and required for every final development plan submittal. The west and east phases will all need to demonstrate compliance with the old Cannery Standards. The residential element will be consistent with old Cannery design standards as shown in the architectural pattern book.

Julia concluded that Staff's recommendation is that the Planning Commission forward a recommendation to Council for approval of the PUD, understanding that after hearing testimony there may be modifications recommended to the conditions of the staff report.

Chair Allen wanted to clarify that with a PUD they are basically looking at a "one time" set of codes that apply to this development.

Julia confirmed his summation.

Commissioner Volkmer asked if the process is being changed because of the apartments that are proposed.

Julia explained that the PUD itself includes a large site development that has some amenities and basically as part of the project they are asking for some flexibility. With flexibility in the street design standards and setbacks in the residential areas, they are committing to certain architectural styles and details.

Commissioner Lafayette tried to help explain the PUD process, by saying that when she was new to the Commission this was a confusing process to her as well. Basically the Developer would not be allowed to bring their plan in exactly the way it is because it would not meet all of the codes, so in order to build the project they have to ask for permission to build it a special way so they are asking for Columbia Street to be changed, they are asking for the street designs to be different and they are asking for the requirements on the residential portion to be different, but in exchange for that they are going to provide an amenity that would not be given if they developed normally.

Chair Allen asked if Julia has an idea of what the net difference in residential density would be.

Julia knows that the applicant has addressed density differences and she will look through their information to get the answer, if they have not responded to that question in their presentation she will provide the information to the commission.

Commissioner Lafayette has concerns regarding what the West and East elevations will look like. She is hoping that in their testimony the applicant will address what the people on Willamette will be seeing and if there is potential to have a front porch look and feel. Commissioner Lafayette asked about the requirement that at least 15% of the buildable portion will be open space, park or public space. She is concerned that there is not a condition that says they are required to include that.

Julia explained that she had actually made the finding that with the machine shop the applicant would meet the 15% requirement, but their application is really making the

argument that they exceed the 5% requirement and that with the public amenity they meet the alternative. Julia does not want her finding on the Cultural Arts facility to take away from what they submitted in their application as far as their assertion of compliance.

Commissioner Lafayette suggested that the language on page 37 needs to be corrected. The language on top of page 14 says that the design of the building shall demonstrate full compliance with the Cannery standards and be consistent with the architectural pattern book; however the condition on page 37 says “shall demonstrate full compliance with the Old Cannery standards excepts as modified by the architectural pattern book.”

Julia agreed and believes that the intent was to say “and” the architectural pattern book except for the residential component because they are demonstrating that they are consistent.

Commissioner Lafayette continued with a concern regarding a finding that says double frontages are being proposed yet on page 16 there is a finding that says double frontages are not applicable for commercial and high density residential.

Julia’s response was that the statement is part of the subdivision standards and while she understands how and why it makes sense for a residential subdivision, if you are doing a commercial subdivision you are going to want multiple street frontages. It does not seem to be applicable in this case.

Commissioner Lafayette moved onto page 20 where the staff report recommends a condition of approval be enhanced screening along Willamette Street, yet there is no condition that requires that.

Julia agreed that there should be and that was the intent.

Chair Allan suggested that there will likely be time prior to the end of the hearing to continue the condition matching clean up.

Commissioner Lafayette asked one more question regarding the first conditions B1 and B2. The condition says that the TSP functional classification map is going to be modified and coordinated by the City and funding must be identified and programmed for a right turn lane from Oregon to Lincoln, an agreement established between the City and the development. Her question is who will pay for that?

Julia wanted to clarify that when she and Bob reviewed the project and made their recommendation they made a point to not take into consideration who the applicant and property owner were. They made the recommend conditions based on what was necessary. Ultimately the City as the property owner, will need to discuss and agree with the applicant/developer how those details will get worked out.

Commissioner Lafayette also wants to note that the offsite mitigation for the wetland buffer are not listed in the conditions of approval.

Commissioner Lafayette also questioned why the question was asked regarding what the expected tenant make-up would be.

Julia responded by saying the applicant had submitted exhibit F in response to that and that had been distributed to the Commission this evening. The issue is that with Multi-family standards under the parks and open space it requires 20% open space. In the staff report there is a statement that the Planning Commission and Council could consider that maybe this is different. In a suburban residential setting that could apply, but perhaps not be necessary in more of an urban setting. Julia's understanding is that the tenant make-up the applicant is anticipating is not going to be small children that need a playground.

Chair Allen then invited the applicant to begin their presentation.

Jeff Sacket of Capstone Partners, 1015 NW 11th Ave., Portland began by showing everyone a photograph from December 2007 front page of the Sherwood Gazette showing a sketch that Capstone had submitted shortly after their RFP and prior to being selected to be the developer of the project. As a team, they immediately bought into the City's vision that this is a special place as the other half of Old Town that needs something significant and important. He then introduce the team: Keith Jones of HHPR as the Principle Planner, Chris Nelson, a business partner in Capstone that will lead the marketing efforts once the property gets into the marketing phase, Murray Jenkins a Principle with Ankrom Moison Architects as the Master Plan Architect as well as the Building Architect, Ben Austin with HHPR who will be the Civil Engineering Team Lead, Curt Lango and Alyssa Jenkins with Lango Hansen who are the Landscape Architecture and Planning Team Leaders.

Keith Jones of HHPR 205 SE Spokane Street, Suite 200, Portland OR 97202 reiterated that there has been much time spent as a team putting together this application. While they are happy with the outcome of the staff report they do have a few parts they would like to discuss.

The open space condition E-13 has been a point of conversation. Since they are proposing a PUD and they are required to provide amenities, an open space within the PUD, they believe that the provision should not apply to their application. He has provided a letter to Julia pointing out 3 main points why they feel the multi-family open space should not apply; The first being that the Old Cannery Standards did not really contemplate a stand-alone multi-family building. In their consideration there have recently been a couple projects approved within Old Town, one being the Old Town Lofts that was a mixed use building and not required to have open space. They feel they are meeting the 5% open space standard by developing the Plaza area and as staff has pointed out believe they are actually meeting closer to the 15%. The standards for the Old Cannery are trying to develop a more urban setting and tentants will hopefully spend money and congregate in the existing areas and existing businesses of Old Town. They would like to request that the condition be removed.

Kurt Lango of Lango Hansen Landscape Architects, wanted to address the condition on page 33 relating to meeting the street tree standard of trees every 25 feet on center. What they have done is drawn a plan showing additional street trees to more closely meet that standard in addition to the street trees that are currently shown on the plan. There are two exceptions to that standard shown on the drawing, where they show tress at 48 feet on center which more closely matches what is existing across the railroad tracks in the

downtown standards. The other alternative includes the use of storm water planters at the corners where the water will be concentrated and not be conducive to tree planting. They would ask that they be allowed to not plant trees in those areas.

Murray Jenkins of Ankrom Moison, 6720 SW Macadam, Portland OR 97219 addressed the purpose of the pattern book that has been discussed. The idea is to create a clear and concise road map for the design of the buildings as the project moves forward. There are some exceptions to the Cannery Standards within the pattern book. The book would modify those standards. An example of this might be the machine works building. Since it is an existing structure the Old Town Cannery Standards are a little hard to apply, so the pattern book shows how they see the intent of those standards can be applied to that building.

Chair Allen asked then would they want the condition that said Old Town Standards as modified by the pattern book be kept in place.

Murray agreed.

There are a few other subtleties within the pattern book; for instance there is a restriction on using pre-cast concrete. They would like to suggest brick buildings with a pre-cast concrete base to get the brick a strong element to land on.

Commissioner Lafayette asked Murray if they have elevations for the residential buildings. She is concerned with what the buildings will look like from the Willamette Street side.

They do not have elevations at this time. Murray answered Commissioner Lafayettes concerns by explaining that the buildings are proposed for 3 stories and pulled as far back from Willamette as possible and screened with a double row of street trees.

Commissioner Lafayette asked what the term runnel means as it was used in the application. Kurt Lango responded by saying it is actually a French term and that there are a number of canopies shown in the plaza area that not only provide shade but capture water. The runnel is basically the portion that captures the rain water and diverts it into storm-water gardens.

Keith Jones wanted to reserve the remainder of their time for rebuttal.
Chair Allen opened up the public testimony portion of the meeting.

Yvonne Scheller, 23137 SW Schamburg Dr., Sherwood OR 97140 began by asking if the apartment building will be along the railroad tracks.

Chair Allen clarified that there will not be any residential buildings near the railroad tracks.

Yvonne continued by asking if there will be any buildings serviced by large trucks and will there be sufficient area for loading and unloading. She wants to be sure there is room provided for loading zones.

Sandford Rome 14645 Willamette Street, Sherwood OR 97140 asked that his time not start until he has had a chance to pass out material he has prepared to the Commission. He acknowledged that this project with Planners that have worked hard and in concert with the City to bring a realization of the utilization of this property. He asked that since there will be so many questions coming forth would the Commission continue the meeting for a least two weeks. He asked for a moment of silence in remembrance for all of the men, women and people that have gone before us and currently serving on our Armed Forces. (Timed testimony began at this point. To ensure accuracy his testimony will be transcribed verbatim.)
“Now in tribute to them and one of the reasons why I’m here tonight; I’ve been a member of this city for 36 years. Now I don’t know if you are 36 years old or not but I’ve been in this town longer than this Planning Commission has been doing full disclosure, openness and trying to make things really come to life in this City. And as you can see it’s coming to life. Old Town is still Old Town, and an idea of presenting 101 apartments to Old Town might be a good idea. I’m not against development. I have never come before a Planning Commission in this town and said don’t build it. I have never said to stop because you’re doing this, and I have never challenged you doing that. We’ve went from time infinitum and put all these things before the city, but what I’ve asked you along the way and I’m asking this Commission and you folks to concentrate on right now, that we citizens, and if you live in this town, if not just your work force but if you live in this town, you know that we are still picking up the pieces from and paying for each and every and I mean everyone to date, there is no exception, even the ones you may have been working on, for something that came out of a subdivision along the way that wasn’t either covered in Planning, processing or somehow we missed it in the process and the builders and developers beat us up. And if you don’t think that we missed something, you and I are paying for additional schools today and if this building, when it gets into my part that I discuss in a minute, goes forward we’ll be paying for more schools and we haven’t passed a single”..... (tape recording stopped)

His testimony continued with a review of who he was in the community. He is a large land owner and owns property directly impacted by this project. He indicated that anything we do should ensure the developer pays for infrastructure so that the tax payers do not subsidize.

When Mr. Rome’s time was up, there was discussion that members of the audience planned to yield some or all of their time to him to allow him to speak again at the end.

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Anthony Weisker 22604 SW Highland Drive, Sherwood – indicated concerns about people already speeding and that this would increase, traffic impacts with people entering and exiting the site and cars parking on the street. He indicated that he did not believe apartments were part of the vision for Old Town.

Lori Randel 22710 SW Orcutt Place, Sherwood – Indicated that the requirement for even 1 car per apartment was ridiculous and that it would result in parking in front of her house which was already a problem. She yielded 4 minutes of her time to Mr. Rome

Jim Claus 22211 SW Pacific Hwy, Sherwood - Expressed concern about the fiscal impacts of this development. Mr. Claus submitted written testimony summarizing his concerns (Exhibit J)

Jacquelyn Kirscht 17580 SW Cereghino, Sherwood – Questioned what happened with the vision to have a cultural arts facility being central to downtown. Indicated that she doesn't understand how a large scale apartment fits into the scale of downtown. Stated that lack of parking will affect downtown businesses. She yielded 3 minutes of her time to Mr. Rome

Tim Voorhies PO Box 908, Sherwood – Indicated that he felt developers have a history of coming in and running roughshod over the planning Commission and this is another example. Stated that the TVF&R standards completely conflict with the Old Town standards. He yielded 4 minutes of his time to Mr. Rome

Vance Stimler 15892 SW Bowman Lane – yielded entire 5 minutes to Mr. Rome

Janet Brockett 22918 SW Pine Street, - Indicated concerns about parking and questioned where visitors would park. She indicated that with all on-street parking being removed from Pine Street, the side streets are already being utilized for on-street parking, especially during events. She also indicated that she wanted to know the tenant make-up and questioned whether the development of the apartments could become low-income in the future. Questioned how many bedrooms the apartments would have. She yielded 2 minutes of her time to Mr. Rome

Susan Claus 22111 SW Pacific Hwy, Sherwood. Indicated that she wanted confirmation that the development would not be low income. Wanted to know about the City commitments being made so there is a better understanding of what Capstone is actually providing. Stated that the PUD standards when fronting against a residential zone limited the height to that zone and that this allows us to regulate the height and size so that it is compatible with surrounding uses. Indicated that the notice provisions the City uses need to be better and more inclusive. Did not agree that the performance arts facility should be relegated to an "old warehouse".

Arthur Web 15036 SW Willamette, Sherwood – Concerns that this apartment complex would result in this portion of the City becoming a ghetto.

Tess Kies 22810 SW Main Street – Questioned why public notices were not provided in the Gazette.

Richard Powers 22918 SW Pine Street, Sherwood – yielded entire 5 minutes to Mr. Rome

Chair Allen allowed Mr. Rome to continue to provide testimony using time yielded by members of audience.

Problems he can for see with the project include:

traffic issues

parking issues.

Building design and setback issues.

The scale of the building being too large for the surrounding residential neighborhood.

Density issues

Value issues

PUD Zoning issues

Mr. Rome submitted his outline for his testimony as well as several articles, photographs and pages of the zoning code as part of the record. This was labeled as exhibit K.

The meeting continued with Jeff Sacket of Capstone Partners providing his rebuttal.

He began by saying they have been taking copious notes during the testimony period and want to respond to several of the issues brought up even though some of them are not relevant to the land use process.

He explained that Capstone Partners is three partners; Chris Nelson, Jeff Sacket and Martha Shelly as well as an emeritus partner Eric Lindal, two partners and an emeritus partner in the Seattle office. They are privately held. They are not affiliated with any other Capstone Partners anywhere else in the country.

Regarding the question of economics of the project brought up in testimony, he explained that the city hired a broker and advertised the property. Capstone was one of 7 developers that submitted a proposal. They were selected preliminarily; they negotiated all of the business points with the City and offered what they could afford to pay for the land, which was about 2 years ago when the market was different. While it will now be an economic struggle to complete the project they are still committed to the City and will see it through.

Regarding traffic issues, they had identified early on that Columbia Street had been designated a Collector and a change was needed to support the development proposed. They did an extensive traffic study using worse case traffic from this project.

Regarding lack of public outreach – Mr. Sackett discussed 2 outreach efforts but explained they were concerned about doing too much outreach before a decision was made.

Regarding the parking – He indicated that the City code which was crafted years ago allows 65% of the normally required parking as a policy decision to encourage people to provide more density. He stated that their proposal meets the code. They have spent a lot of time revising the parking needs and believe that the mixed use nature of the project allows for the reduced parking. In addition, that doesn't take into account the on-street parking.

Regarding the scale of the apartments and compatibility with the surrounding properties, he addressed the setback from Willamette street and that the narrowest part of the building was facing Willamette for this reason. He also stated that the proposed height meets the height requirement in the zone. (

It was determined that since there had been a request to leave the record open and the 120 day clock was extended to February 12, 2010 that the meeting would reconvene December 8th, 2009

Chair Allen summarized the list of issues he can see that need to be addressed:

Parking issues

Proposed height in MDRL zoning

Density transfer – is it correct

Open space requirements

How this compares without a PUD

TSP amendment

Exhibit H needs some added consideration regarding acknowledging the history of the cannery

Dimensional calculations on Willamette Street and surrounding streets.

Reading pattern book.

The meeting was adjourned at 11:25 pm.



Home of the Tualatin River National Wildlife Refuge

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
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MEMORANDUM

Mayor
Keith Mays

Councilors
Dave Grant
Dave Heironimus
Linda Henderson
Dan King
Dave Luman
Lee Weislogel

City Manager
Jim Patterson

TO: Planning Commission
FROM: Julia Hajduk, Planning Manager
DATE: December 1, 2009
RE: Sherwood Cannery Square PUD

The Planning Commission opened the public hearing and took testimony on the proposed Sherwood Cannery PUD. At the end of the evening, the Commission continued the public hearing to December 8, 2009. The Commission indicated there were several issues that needed to be better addressed by staff of the applicant before a recommendation could be forwarded. This memo summarizes and provides additional information where appropriate to help address the issues raised. In addition, testimony was received by the applicant which is attached as Exhibit L. No other written testimony was provided by the time this memo was distributed.

Sherwood

2006

I-America City Finalist

Parking – is it adequate? Flexibility

As documented on page 40 of the narrative, the parking required if the development were not in the Old Cannery portion of Old Town would be 150 spaces (73 for the east residential and 77 for the west residential). With the 65% parking reduction allowed outright in the Old Cannery portion of Old Town, the parking required is 97. The standards regarding parking in this portion of Old Town state “for all property and uses within the Old Cannery Area of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than 65% of that normally required by Section 16.94.020.” That said, concern about the impact of focusing all the density in one area on adjacent on-street parking should be considered as part of this PUD. The total number of on-site and adjacent on-street parking spaces is approximately 140 (102 off-street spaces, 8 spaced on Highland, 20 on Columbia and approximately 11 along Willamette). If counting on-street parking available on Columbia west of the residential buildings to Pine, there are 16 additional spaces for a total of 156. In addition, there is existing on-street parking allowed on

the north side of Willamette which yields approximately 10 additional spaces between Pine and the project frontage.

Staff looked at both Orcutt and Highland Drive and believe that usage of on-street parking in this area by the residents of the multi-family development is unlikely because of the amount of improved off-street and on-street parking opportunities nearby.

In addition to the off-street parking dedicated specifically to the residential uses and the on-street parking adjacent to the residential uses, a benefit of the mixed use nature of the development is the ability to share parking with the commercial and office uses. It is anticipated that the peak parking usage for the apartments will be compatible with the peak parking usage for the commercial and office uses.

The only request the applicant is making for variance of the parking is to allow more than 25% of the parking spaces to be compact. They request that up to 50% of the required parking spaces be 9' x 18'.

Height of the apartments next to MDRL zones

The height permitted in the underlying HDR zone is 3 stories or 40 feet. In the RC portion, the buildings could be 4 stories or 50 feet tall.

Page 10 of 66 of the narrative states that the height of the multi-family buildings will be 3 stories or 40 feet. Sheet C3.0 of the plans state that the buildings will be 3 stories.

While the bulk of the building is in the RC zone and thus eligible for 4 story or 50 feet per the Old Cannery standards, the proposal limits the height of the structure to 40 feet and 3 stories.

Density transfer – is the match correct?

The net buildable area (minus right of way and sensitive area) is 213,862 square feet. Assuming HDR density is allowed secondary to a commercial use in the RC zone in accordance with 16.162.030 and outright in the HDR zone, this yields a minimum of 82 and a maximum of 117 units. The applicant determined that 139 units would be possible by dividing the net buildable area by the minimum lot size for multi-family uses in the HDR zone. In either calculation scenario the density possible for the overall site exceeds that proposed for clustering.

Open space requirements for the multi-family development – is it superseded by the PUD?

This is ultimately a policy question for the PC and CC. As discussed in the staff report, it could be argued that the PUD open space requirements supersede or at least count towards the multi-family requirements. It could also be argued that urban multi-family developments do not come with the same recreational expectations as a

multi-family development in other areas. That said, staff recommended a condition (Condition E.13) to provide the Commission an additional review opportunity to ensure that the residents needs are adequately met.

In addition, the applicant indicated in Exhibit F that they do intend to have some common areas in the apartment complex such as lounges, meeting areas, recreation/fitness facilities and “other uses based on then current market demand.”

How does the density provided in the PUD compare in scope and nature to what could be done in the underlying zone without a PUD?

Page 14 and 15 of the applicant’s narrative discusses what would be allowed with the standard code versus the proposed PUD. In the HDR portion of the site (approximately 1.4 acres), approximately 24-34 units at 3 stories would be permitted. Per 16.162.080.C, the height within 25 feet of a lower density zone is limited to the height limits of that zone. In this instance, that would be across Willamette Street. In the remaining RC portion of the site, because of the Old Cannery overlay, structures 4 stories or 50 feet tall would be permitted with residential units on the upper floors. This could yield approximately 58-83 units over the RC portion of the site. No plaza would necessarily be required.

The PUD provides for smaller structures (1-2 stories) in the RC zone and clusters the density permitted to the southeast while maintaining the maximum 3 story height limit.

TSP amendment – clarification on what is being changed and if the Oregon Street rail crossing remaining open is reflected in the amendment.

The City has asked DKS and Associates to provide more specific detail on the changes that will need to occur to the TSP to document and reflect the proposed change. This will be provided under separate cover prior to or at the meeting on December 8, 2009.

Cost/financing with the City as the property owner and whether a public benefit can be demonstrated when it is already owned by the City.

While it is understandable that this is hard for the Commission and public to separate, for all intent and purpose, the property is being developed by a private entity. Simply because the City has a purchase agreement whereby the City will complete certain improvements in exchange for the purchase does not negate the benefits of the overall development. The purchase agreement between the City and the developer is not subject to land use review in the same way a purchase agreement between any other property owner and a developer is not. In review of the land use proposal, the Commission, Council and public must consider the merits of this project alone without consideration of who owns the property. As proposed, the PUD provides the following public benefits beyond those required in the underlying zone: plaza, green street elements with low impact development storm water system, unified development concept and design, and

integration/synergy with the potential cultural arts facility in the existing Machine Shop building.

Can they condition the street, plaza and building naming to reflect the history of the area as recommended in Exhibit H?

The street names proposed are continuations of existing streets and changing the name in this section without changing them in their entirety would not be recommended due to emergency response concerns. That said, as this is a PUD the developer could be conditioned to include a name and plaque proposal as part of the site plan/detailed final development plan reflecting the history of the area. In addition, the Council could consider naming the plaza so that it reflects the history. The name of a public space is subject to change, therefore it is not appropriate to condition the name so that Council's in the future are bound to the decisions of the current Council. As an example, Snyder Park was originally named Sunset Park but due to public support, the name was changed to Snyder Park to reflect the history of the property owned by the Snyder family. It is not appropriate through a land use action to commit to a specific name. However the recommendation and intent can be clearly stated.

Dimensions on Willamette Street and surrounding– are there opportunities for on-street parking nearby that might be negatively impacted by this development?

Willamette Street has parking on one side only (the north side) and it is estimated that there is room for approximately 21 on-street parking spaces between Pine Street and the eastern project frontage. SW Orcutt Place and SW Highland Drive have 50 feet of platted right of way. Both have pavement but no curb, gutter or sidewalk. As stated previously it is unlikely that residents will chose to park on the grass and gravel shoulder of Highland and Orcutt in-lieu of available improved off-street and on-street parking spaces available on-site. In addition, as discussed previously, when counting the on-street parking available and the off-street parking proposed to be constructed with the apartments, they minimum parking, even without the reduction is provided.

Review the conditions in the report to ensure they are adequately carried forward to the conditions in the end.

Staff has reviewed the staff report dated November 3, 2009. Based on this review, it is recommended that the following changes be made to ensure consistency throughout the document (information to be added is underlined and information to be deleted is identified in ~~strikethrough~~):

- **On Page 11**, modify the discussion regarding standard “That adequate public facilities and services are available or are made available by the construction of the project,” to read as follows:

As a result of approval of the Planned Unit Development and subdivision proposal, the public streets, storm water treatment facility and plaza area would be completed by the City as part of the purchase agreement with the application and the owner.

Completion of the on-site public improvements will be a condition of subdivision approval as discussed further in this report. As documented in the January 2009 traffic impact study prepared by DKS Associates, off-site improvements will be necessary at full build out to ensure the project does not negatively affect traffic throughout the City.

FINDING: As discuss above, this standard is not met but can be met if the following conditions are met, or will be conditioned to be met.

CONDITION

- a. Construct improvements to improve the operations of Pine Street/1st Street to meet City performance standards and mitigate queuing impacts at the Pine Street railroad crossing. This shall be accomplished by implementing a modified circulation for the downtown streets that includes:
 - i. Install a diverter for south-westbound on 1st Street at Ash Street or Oak Street to require vehicles travelling towards Pine Street to divert to 2nd Street.
 - ii. Remove one side of on-street parking Ash Street-2nd Street or Oak Street-2nd Street to provide two 12-foot travel lanes from the diverter to Pine Street. Convert to one-way traffic flow approaching Pine Street for this segment.
 - iii. Install an all-way stop at Pine Street/2nd Street. Stripe the south-westbound approach of 2nd Street to have a left turn lane and a shared through/right-turn lane.
 - iv. Install traffic calming measures on 2nd Street southwest of Pine Street to manage the impact of the added traffic.
- b. Restrict landscaping, monuments, or other obstructions within sight distance triangles at the access points to maintain adequate sight distances.
- c. Provide an enhanced at-grade pedestrian crossing of Pine Street to facilitate multi-modal circulation through the project site (e.g., signing, striping, lighting, a raised crossing, or pavement texturing).
- d. Construct Columbia Street northeast of Pine Street to City Standards as modified and approved by the City Engineer and install a sign indicating that this roadway will be a through street in the future (connecting to Foundry Avenue).
- e. Because of the alignment configuration of Columbia Street southwest of Pine, the street shall be configured and signed as a one way street.
- f. Restrict parking on the southeast side of Columbia Street at a minimum within 50 feet of Pine Street (northeast of Pine Street).

(NOTE – THE ABOVE CONDITIONS ARE COPIED FROM E.10)

- **Condition 2 on page 21**, add “but not limited to” after the word “including”
- **Condition on page 33** – change to read “Prior to approval of the public improvement plans, submit plans for review and approval that include one street tree for every 24 feet of frontage or provide verification from the design engineer that the trees proposed are the maximum possible based on the street storm water biofiltration design.”

- **Modify Condition C.1.i** to add “and off-site wetland mitigation” after the words “treatment systems”
- **ADD condition C.4** which states “the proposed right of way dedication, consistent with the preliminary plans, shall be shown on the final plat.”
- **Condition E.12** – change “except as modified by” to “and shall be consistent with”
- **ADD a condition E.18** which states “As part of the development of the East and West residential phase, enhanced screening along Willamette shall be provided to ensure a year round visual screen is provided.”

How does this proposal integrate with the property to the south of the development area?

Attachment 9 of the applicant’s submittal shows the relationship and scale between the proposed multi-family building and the property south of Willamette Street. It should be noted that while this demonstrated much taller buildings than the single family structures nearby, it is what could be built in the underlying zone. In addition, the portion between Columbia and approximately 80 feet south could be 10 feet taller and 4 stories. That said, the Commission could recommend additional architectural or landscaping elements be a condition of detailed final development plan approval.

Exhibit list:

The following exhibits were distributed at the 11/10/09 hearing and are NOT included in this packet.

Exhibit F – 11/10/09 letter from Union Pacific Rail Road, Patrick McGill

Exhibit G – 11/6/09 letter from Keith Jones, HHPR

Exhibit H – 11/10/09 letter from Don and Yvonne Scheller

Exhibit I – Materials submitted by Sandy Rome at Hearing (code sections and photographs,

Exhibit J – 11/10/09 letter from Jim Claus

Exhibit K – Additional materials submitted by Sandy Rome at hearing (code sections, photographs, presentation outline, and copies of articles from the internet)

In addition, the City received the following item which is included as **Attachment 1** to this memo:

Exhibit L – December 1, 2009 memo from Keith Jones of HHPR

Job No.: ANK-112
 Date: December 1, 2009
 To: Julia Hajduk
 From: Keith Jones



Project/Subject: Cannery PUD – November Planning Commission Hearing Follow-up.

Fax - Number: _____ ; Number of pages _____
(If you did not receive the correct number of pages, please call 503-221-1131)
 E-mail Mail Hand Deliver Interoffice

This memo is to provide a response to the issues raised by the Planning Commission and by public testimony at the November 10, 2009 hearing. These issues are itemized below:

1) Parking amount for multi-family buildings

Concern was raised about the amount of parking provided for the multi-family buildings. Multi-family parking standards are 1.25 spaces per dwelling unit for studio and 1-bedroom and 1.5 spaces per unit for 2-bedroom per Section 16.94.020. The Old Cannery Area allows for a reduction to 65% of the minimum off-street parking required per Section 16.162.070-C. The applicant meets the off-street parking standard and also is providing on-street parking as overflow as demonstrated in the tables below.

East Residential Phase

Unit Type	Units	Required Parking Stalls/Unit	Required Parking (Base Zone)	Required Parking (Old Town Overlay)	Parking Provided
Studio & 1 Bedroom	33	1.25	41	27	
2 Bedroom	16	1.5	24	16	
Totals	49		65	43	48

Adjacent On-Street Parking Provided	17
Total Parking Provided	65

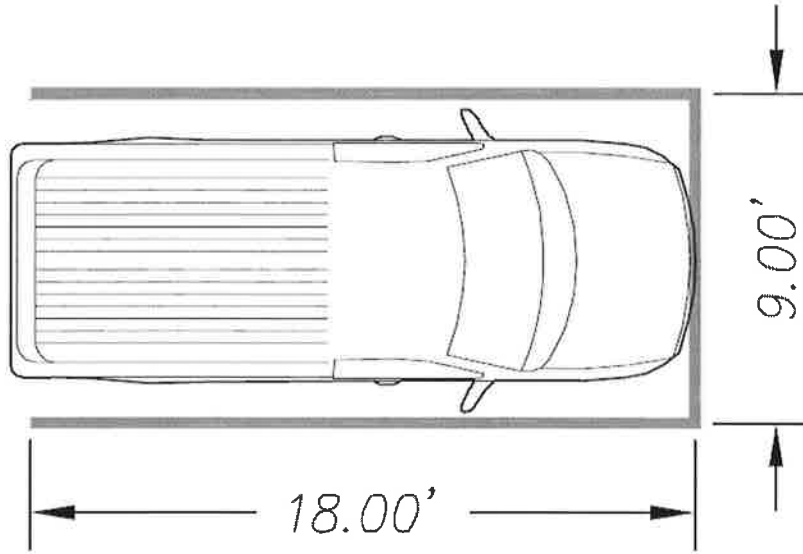
West Residential Phase

Unit Type	Units	Required Parking Stalls/Unit	Required Parking (Base Zone)	Required Parking (Old Town Overlay)	Parking Provided
Studio & 1 Bedroom	36	1.25	45	29	
2 Bedroom	16	1.5	24	16	
Totals	52		69	45	54

Adjacent On-Street Parking Provided	17
Total Parking Provided	71

2) Compact parking stall size

The applicant has requested that a higher percentage of parking stalls be allowed to be "compact." Section 16.94.020-1 defines standard stalls as 9' x 20' and compact stalls as 8' x 18'. The applicant proposes "compact" stalls at 9' x 18' and believes this size is adequate to accommodate larger passenger vehicles. No change in the required 24-foot wide parking lot drive aisles is proposed. Below is a scale drawing of Chevrolet Suburban, the largest likely vehicle to be accommodated, in a 9' x 18' "compact" parking stall.



3) Commercial loading.

The required loading spaces are shown on Sheets C3.0, C3.1 and C3.2 of the applicant's plan set. The loading space for the East Building is provided in the northwest corner of the parking lot, however the label was omitted from the site plan.

4) Residential height and scale

The Planning Commission requested additional information on the proposed scale of the residential buildings. To help clarify the design intent, attached is a perspective sketch of the residential buildings from the vantage point of one of the residences on the south side of Willamette Street. The drawing shows the proposed landscaping and proposed 3-story structures beyond.

Additionally, partial elevation sketches have been provided of the residential buildings as well as the proposed two story commercial structure (East Building) adjacent to the plaza and the existing City of Sherwood Public Library/City Hall, all at the same scale. The intent of this drawing is to show relative building heights (in feet) which vary based on floor-to-floor heights and roof types. The three story residential building is only slightly higher than the proposed two story commercial building and shorter than the existing two story Public Library/City Hall.

The proposed residential structures are within the zoning height limitation of the HDR standards (3 stories or 40 feet per Section 16.20.040-C) and well below the RC zone height standard of the Old Town Overlay (4 stories or 50 feet per Section 16.162.60-C). In addition to being approximately 25% lower than allowed by code, the Applicant believes the scale of the proposed buildings is appropriate for this development and the adjacent downtown Sherwood.

5) 10-foot residential setback.

This issue was raised by a citizen at the hearing. There is a 10-foot building setback required between RC property and HDR property as stated in Section 16.28.050-B. This standard does not apply in the Old Cannery Area as stated in Section 16.162.060.

6) Residential density and density clustering issues.

The Planning Commission sought a better understanding of the differences between the density allowed with or without a PUD and how this compares to the proposal. The following describes three development scenarios ranging from highest to lowest density. The analysis is based only on zoning code criteria; transportation constraints would likely limit densities, but theoretically these could be mitigated as well and so are not considered here.

Scenario 1 – Existing zoning (no PUD)

The majority of the site is zoned RC and there is no minimum or maximum density stated in the RC zone Section 16.28 or the Old Town Overlay standards Section 16.162. The amount of commercial building space and residential units allowed would be limited only by the dimensional standards (setbacks, height, and open space). Since there are no setbacks or open space requirements under the base zone and parking could be provided underground, the entire site excluding street rights-of-way could be developed with ground floor retail and 3 stories of residential above (see table below).

Scenario 1 - Existing Zoning (no PUD)

Land Use Zone	Land Area (SF)	Maximum Residential Density	Maximum Units
RC Zoned Property	159,087	3 Stories above Ground Floor Commercial (assumptions: 1,000 SF/unit average, 75% site coverage per floor)	358
HDR Zoned Property	54,775	8,000 SF Land for First 2 Units, 1,500 SF for Each Additional	33
Totals	213,862		391

Scenario 2 – PUD developed as all HDR (vertical mixed-use)

The code requires that multi-family residential be developed in a PUD as if it were in an HDR zone. This scenario assumes that the entire property is developed as multi-family residential. Maximum residential density is then determined by the amount of lot area needed per unit in the HDR zone (Section 16.20.040).



Scenario 2 - PUD Developed as all HDR (vertical mixed use)

Land Use Zone	Land Area (SF)	Maximum Residential Density	Maximum Units
RC & HDR Zoned Property	213,862	8,000 SF Land for First 2 Units, 1,500 SF for Each Additional	139
Totals	213,862		139

Scenario 3 – Proposed PUD (horizontal mixed use)

The Applicant proposes to cluster all 101 total units on the two lots that are bisected by the RC/HDR zone line (see site plan sheet C 3.0 of application book). These two lots would then be solely residential and the balance of the property (all with base zone RC) would be developed solely as commercial. This accomplishes the mixed-use nature that the base zoning and existing code contemplates, but in a way that the applicant believes is more appropriate for the site and its neighboring uses. The proposed PUD is 30 units below the maximum density under Scenario 2 above and significantly below maximum density allowed if no PUD were proposed as in Scenario 1 above (see table below).

Scenario 3 - PUD as Proposed (horizontal mixed use)

Land Use Zone	Land Area (SF)	Maximum Residential Density	Proposed Units
RC & HDR Zoned Property	213,862	See Scenario 2 above	101
Totals	213,862		101

Density Reduction from Scenario 1 Above	218
Density Reduction from Scenario 2 Above	139

7) Front porches on residential buildings

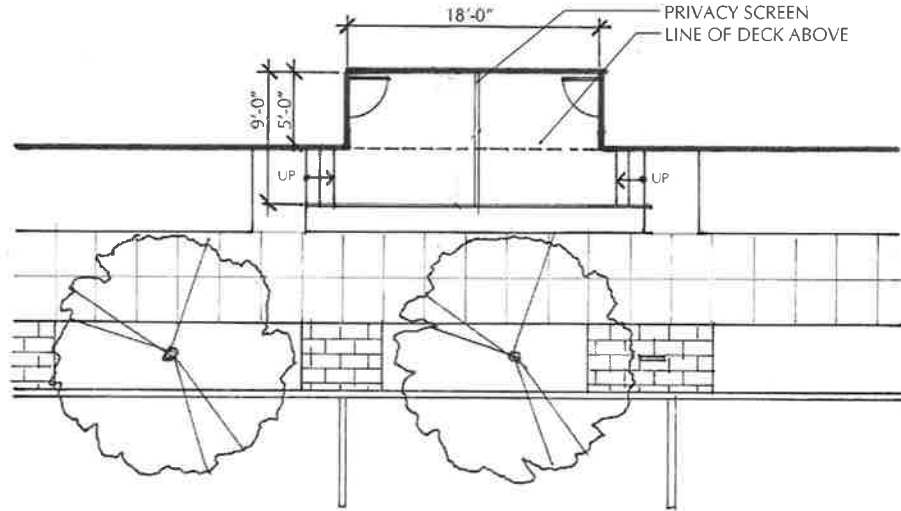
The Planning Commission asked for further clarification regarding the design intent for the front porches of the ground floor residential units. The staff report states that the applicant is requesting to modify the front porch requirement as part of the PUD approval. However the Old Cannery standards only apply to commercial, institutional and mixed-use structures in the Old Cannery Area and not stand-alone multi-family buildings per Section 16.162.080.

While the requirements of the Old Cannery Standards do not apply to residential buildings (meaning that technically no porches are required), the Architectural Pattern Book adds requirements similar to the Old Cannery Standards' front porch. The ground floor residential units will each have a porch fronting a public right-of-way; they will not quite meet the dimensional standards for covered space per the Old Cannery Standards Section 16.162.08-D (5' deep vs. 6' depth in the Old Cannery Standards), but will actually have larger total porch area than would otherwise be required (45 SF for a single entry vs. 36 SF in the Old Cannery Standards). They will also not have pitched roofs.

To clarify the design intent of the residential unit entries an enlarged portion of the site plan showing the proposed ground floor residential unit entries is attached.



ENLARGED RESIDENTIAL PORCH



**COMPARATIVE BUILDING HEIGHTS
(SAME SCALE)**



CONCEPTUAL VIEW FROM SOUTH SIDE OF WILLAMETTE STREET



SHERWOOD CANNERY SQUARE PUD | 11.30.09

lango . hansen

LANDSCAPE ARCHITECTS PC

ANKROM MOISAN ARCHITECTS
ARCHITECTURE INTERIORS PLANNING

CAPSTONE
Partners LLC

SWOT analysis (Strengths, Weaknesses, Opportunities, Threats)
Planning Commission

City Council SWOT presentation - December 15, 2009, 6:00pm-7:00pm

Strengths

- ◆ Full Commission, now with more experience
- ◆ Very good public involvement this year. The e-communication tools are helping get people engaged in the process and at the point where their input has the most benefit to the process
- ◆ Err on the side of inclusion rather than strict process
- ◆ Good communication with other Boards when developing concept plans. (Example, coordinated with Parks Board on both Brookman Concept Plan and Adams Avenue North Concept Plan.)
- ◆ Master planning/Concept Planning work over the past few years has really supported several of the current Council goals such as infra-structure, livability and economic development.

Weaknesses

- ◆ Lack of data and performance data to gage how well we are doing our jobs (are we accomplishing our goals)
- ◆ Lack of parks and active recreational facilities citywide – do the existing regulations hinder the ability to increase the amount of parks?
- ◆ Communication tools, while getting better, still have a long way to go
- ◆ Haven't completed industrial design standards.
- ◆ I-5/99 W connector could be a weakness to the community depending on where it goes and is currently a weakness because of the unknown aspect of when, if or where it might be. This also impacts the urban and rural reserves.
- ◆ Code updates/housekeeping are needed
- ◆ Issues brought up under community comments are often not within the Planning Commission purview and therefore, hard to respond to.
- ◆ Lack of communication with Council (both Council to Commission and Commission to Council) makes it hard to make decisions or recommendations.

Opportunities

- ◆ Construction down turn allows staff time to be reallocated to long range planning efforts including code clean-up, code updates and concept plans.
- ◆ Area 48 concept plan development provides the Planning Commission an opportunity to support the Council Goals on economic development.
- ◆ I-5/99W connector – increases opportunity for transportation which in turn affects economic development potential and livability.
- ◆ Can continue to do more with e-communication and better explain the planning process in simple steps to better inform the public
- ◆ Web cast meetings to allow more engagement
- ◆ Area of public notice can be increased to reach more potentially affected people.
- ◆ Every Commissioner comes to the Commission looking for opportunities, through every project, to support the Council goals.
- ◆ Code needs to be updated to ensure that as Sherwood grows, it does so in a way that maintains the small town feel that brought the residents here in the first place.

Threats

- ◆ I-5/99 W connector – depending on which improvements happen when.
- ◆ Construction downturn
- ◆ Not having enough non-residential tax base as a result
- ◆ Transportation
- ◆ Cost of doing business in Sherwood may be a threat to potential developers
- ◆ Existing businesses going out of business while new business continues to be encouraged.
- ◆ Code needs to be updated to ensure that as Sherwood grows, it does so in a way that maintains the small town feel that brought the residents here in the first place.

Relationship to the Council Goals:

The Commission believes they apply the Council Goals regularly as they provide input on concept plans, recommend code updates and review land use proposals.

Specifically:

- Ensuring that there is adequately sized streets, walkways and access for emergency vehicles, ensures *public safety*.
- Review of public infrastructure needs at the conceptual stage all the way to the site plan or subdivision review addresses the *Infrastructure* goal.
- Application of aesthetic design standards, openspace standards, and the standards of the zone, etc helps maintain the *livability* of the community.
- As plans are being developed the Commission consistently considers how the outcome will result in more *economic development* opportunities to the City. In addition, as the Commission is developing recommendations on design standards that provide for more livability, the Commission also directs staff to coordinate with local business owners and developers to ensure that the standards being developed do not unintentionally impede the ability to provide jobs in the community.

TO: 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
Hearing Date: December 8, 2009

FROM: PLANNING DEPARTMENT


Michelle Miller, Associate Planner

Proposal: The application proposes to amend the current development code standards regarding the Hearings Officer Appointment process and criteria, §16.08.010. The proposed code amendment language authorizes the City Council to appoint more than one Hearings Officer at a time and allows the Hearings Officer to serve at the pleasure of the City Council under current contracting guidelines for personal service contracts. The current Code language requires a reappointment of the Hearings Officer once every two years and only one Hearings Officer is appointed at a time. In the event that the Hearings Officer is unavailable, the Planning Commission would serve as the hearing authority. See **Exhibit A** for the specific proposed code language. (Attached)

I. BACKGROUND

- A. Legislative History: The current Hearings Officer provisions of SZDCD § 16.08.010, allow the City Council to appoint the Hearings Officer for a period of two years, after requesting applications and interviewing selected candidates. A majority of the City Council members may terminate the appointment of the Hearings Officer.

The Hearings Officer acts as the Type III Hearing Authority for the City and may review quasi-judicial actions pertaining to conditional uses, variances, site plans between 15,001-40,000 square feet of floor area, parking or seating capacity except those within the Old town Overlay District, and subdivisions less than 50 lots.

Recently, there was an interview process for the selection and subsequent appointment of the Hearings Officer by the City Council. It was during this time that the existing interview and appointment process followed as outlined in the Code was found to be somewhat cumbersome, and the two-year appointment length was too stringent. Additionally, the Code did not allow for appointment of more than one Hearings Officer to serve as an alternate when the Hearings Officer is not available.

- B. Location: Citywide

- C. Review Type: The legislative change to the Development Code requires a Type V review with a public hearing before the Planning Commission who will make a recommendation to the City Council. The City Council will then hold a public hearing and make a decision after consideration of public comment. The Land Use Board of Appeals (LUBA) would hear an appeal.
- D. Public Notice and Hearing: Staff posted notice of the pending hearing in five locations throughout the City on November 18, 2009. The notice was published in the Tigard/Tualatin Times on November 25, and December 3, 2009 in accordance with Section 16.72.020 of the SZCDC.
- E. Review Criteria: The required findings for a "Plan Amendment" are identified in Section 16.80 of the Sherwood Zoning and Community Development Code.

II. PUBLIC COMMENTS

Staff has received no written comments as of the date of this report.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on November 2, 2009. The City received responses from the following agencies indicating that they had not comment or objections: Kinder Morgan, ODOT Signs, and TVWD.

Notice was sent to the following agencies and no comments have been received as of the date of this report: Tri-met, NW Natural, Sherwood Broadband, BPA, CWS, DSL, Sherwood School District, TVF&R, Pride, Raindrops 2 Refuge, Portland Western RR, Metro, Washington County, ODOT, PGE

IV. PLAN AMENDMENT REVIEW

A. APPLICABLE DEVELOPMENT CODE CRITERIA

16.80.030.1

Text Amendment:

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

Need: As described in the background section of this report, on October 20, 2009, City Council appointed a new Hearings Officer for land use action and some general questions about the process arose. When looking at the existing process in the Code, staff and legal counsel found the process was cumbersome and difficult to administer every two years as the Code mandates. Additionally, it did not allow for the appointment of additional or alternate hearing officers should the City's only Hearings Officer be unavailable for a hearing. Legal staff advised that the

process found in the City's personal service contracting requirements could also be applied to the Hearings Officer selection process providing uniformity and consistency throughout the City. Allowing the Council to determine the length of service of the Hearings Officer, consistent with the time limits of a personal services contract, provides for the added flexibility necessary for a timely and consistent development process.

Plan Provisions: The plan amendment is reviewed for consistency with applicable Comprehensive Plan policies and the statewide planning goals within this report. No applicable Metro Functional Plan policies affect this decision.

Applicable State statutes: The proposed language for the appointment provision "serving at the pleasure of the City Council" is taken directly from **ORS§ 227.165** and therefore complies with the state statute.

FINDING: Based on the above discussion, the proposed amendment complies with this standard.

16.80.030.3 - Transportation Planning Rule Consistency

- A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**
- B. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan**
- C. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.**

FINDING: The proposed language does not affect the transportation system and this section is not applicable.

B. APPLICABLE COMPREHENSIVE PLAN POLICIES

The purpose of the Comprehensive Plan is to guide the growth and development of the Sherwood Planning Area consistent with the City policy goals and State goals and guidelines. The City Council appoints the Hearings Officer to render land use decisions and ensure that certain development occurring in the City meets the applicable development code criteria, including compatibility with the Comprehensive Plan. The criteria for appointment of the Hearings Officer are not addressed directly in any of the applicable comprehensive plan sections. The proposed amendment of the Hearings Officer Appointment criteria does not explicitly affect any applicable comprehensive plan policies but streamlines the appointment process and allows for

more discretion by the Council as to the number of appointments and the length of service. The modifications to the appointment criteria do not negatively affect any of the other Comprehensive Plan policies but is consistent with the general themes found within the Comprehensive Plan.

FINDING: Based on the above discussion, this section is not applicable.

C. APPLICABLE STATEWIDE PLANNING GOALS

Goal 1 (Citizen Involvement) To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Staff posted notice of the text amendment at five locations throughout the City. Notice of this amendment was published in the local paper two times before the date of this hearing.

FINDING: Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1.

Goal 2 (Land Use Planning) To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: Although the Hearings Officer makes land use decisions on behalf of the City and is a part of the land use process, the selection and the length of service of the Hearings Officer are at the discretion of each local jurisdiction and not subject to any Goal 2 requirements. This Goal is not applicable.

Goal 3 (Agricultural Lands)

Goal 4 (Forest Lands)

Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)

Goal 6 (Air, Water and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 8 (Recreational Needs)

Goal 9 (Economic Development)

Goal 10 (Housing)

Goal 11 (Public Facilities and Services)

Goal 12 (Transportation)

Goal 13 (Energy Conservation)

Goal 14 (Urbanization)

Goal 15 (Willamette River Greenway)

Goal 16 (Estuarine Resources)

Goal 17 (Coastal Shorelands)

Goal 18 (Beaches and Dunes)

Goal 19 (Ocean Resources)

FINDING: The Statewide Planning Goals 3-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Staff assessment and recommendation on Plan Amendment:

Based on the discussion, findings of fact and conclusions of law detailed above, staff finds that the proposed plan amendment meets applicable local and state criteria and there are no applicable regional criteria.

Staff recommends the Planning Commission **RECOMMEND APPROVAL** of *PA 09-06 Hearings Officer Appointment Process and Criteria Code Amendment* to the Sherwood City Council.

Exhibits

A – Proposed Development Code amendments to Chapter 16.08.010

Exhibit A

PA 09-06

Hearings Officer Appointment Process and Criteria Code Amendment

~~Existing Code~~ Proposed Code Language

16.08.010 Appointment

- A. The City Council shall appoint one or more Hearings Officer(s) ~~for a term of two (2) years. to serve at the pleasure of the City Council. The Hearings Officer shall be selected as provided in the City's contracting rules for personal service contracts. The Hearings Officer shall be selected after requesting applications and interviewing selected candidates.~~ The Hearings Officer may be terminated by a majority vote of the City Council.

- B. If the office of Hearings Officer is vacant or the Hearings Officer is unavailable, the Planning Commission shall perform all duties of the Hearings Officer.

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I have read and understood the Rules for Meetings in the City of Sherwood.

Agenda Item: Cannery Project

I am: Applicant: Proponent: Opponent: Other

Name: Tess KIES

Address: 22810 SW Main St

City/State/Zip: Sherwood, Or 97140

Email Address: tessofrr@aol.com

I represent: Y Myself Other

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Agenda Item: _____

I am: Applicant: Proponent: Opponent: Other

Name: S. L. Clees

Address: _____

City/State/Zip: Sherwood

Email Address: MA

I represent: Myself Other

No one spoke

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Agenda Item: Cannery POD

I am: Applicant: Proponent: Opponent: Other

Name: Lori Randel

Address: 22710 SW ORCUTT PLACE

City/State/Zip: Sherwood 97140

Email Address: lorirandel@hotmail.com

I represent: Myself Other

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Agenda Item: The proposed machine shop development that is included in the PUA
I am: Applicant: Proponent: Opponent: Other
Name: Ashley Marshall-O'Sell
Address: 15914 SW Springtooth Ln.
City/State/Zip: Sherwood, OR 97140
Email Address: kvbo@comcast.net
I represent: Myself Other

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Agenda Item: Cannery PUD

I am: Applicant: Proponent: Opponent: Other

Name: Susan CLAY

Address: 22211 SW Pac Hwy

City/State/Zip: Sherwood, OR

Email Address: _____

I represent: Myself Other

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I have read and understood the Rules for Meetings in the City of Sherwood.

Agenda Item: CANARY

I am: Applicant: Proponent: Opponent: Other

Name: TIM VOORNIES

Address: PO BOX 908

City/State/Zip: Sherwood OR

Email Address: Tim@steeltekindustries.com

I represent: Myself Other Give Time to MR Rom E

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Agenda Item: Minutes, Comments, Comments, Commission PUD

I am: Applicant: Proponent: Opponent: Other: PUD

Name: Stanford Rowe

Address: 14645 SW Wilamette St

City/State/Zip: Sherwood OR 97140

Email Address: rowesol@Tune.com

I represent: ✓ Myself Other

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Agenda Item: _____

I am: Applicant: Proponent: Opponent: Other

Name: Ken Vander Hoek

Address: 22845 SW Highland Dr.

City/State/Zip: Sherwood OR

Email Address: khuck@live.com

I represent: Myself Other

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Agenda Item: ON STREET PARKING / TRAFFIC EFFECTS

I am: Applicant: Proponent: Opponent: Other

Name: KEN SPICKER

Address: 22750 SW ORCUTT PL

City/State/Zip: SHERWOOD, ORE

Email Address: _____

I represent: Myself _____ Other

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Agenda Item: Sherwood Cannery Square

I am: Applicant: Proponent: Opponent: Other

Name: Alex Graham

Address: 22793 SW Highland Dr.

City/State/Zip: Sherwood OR 97140

Email Address: awgraham@psd1.edu

I represent: Myself Other

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Agenda Item: Apts across the Street

I am: Applicant: Proponent: Opponent: Other:

Name: Bill Millington

Address: 22707 SW Orcutt Pl.

City/State/Zip: Sherwood

Email Address: _____

I represent: Myself Other

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Agenda Item: Council

I am: Applicant: Proponent: Opponent: Other

Name: Andy Strother

Address: 16029 SW 1st St.

City/State/Zip: Sherwood, OR 97140

Email Address: AndyStroth@hotmail.com

I represent: ~~Myself~~ Other

Give time to Mr. Romo

do not speak

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Agenda Item: _____

I am: Applicant: Proponent: Opponent: Other

Name: Angi Ford

Address: 22769 SW Orcutt Pl

City/State/Zip: Sherwood

Email Address: _____

I represent: Myself _____ Other

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I have read and understood the Rules for Meetings in the City of Sherwood.

Agenda Item: PUD

I am: Applicant: Proponent: Opponent: Other

Name: JOE MARTIN

Address: 22296 SW Lincoln St

City/State/Zip: Sherwood

Email Address: _____

I represent: Myself Other

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Agenda Item: LEED CERTIFICATION & STIMULUS DOLLARS

I am: Applicant: Proponent: Opponent: Other: *TO CITY*

Name: Dan Dettelstein

Address: 23773 - Scott Midway Tennesse

City/State/Zip: Sherwood, OR, 97140

Email Address: dettelstein

I represent: Myself Other

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I have read and understood the Rules for Meetings in the City of Sherwood.

Agenda Item: Citizen Comment

I am: Applicant: Proponent: Opponent: Other

Name: Bob Rome

Address: 14645 SW Willamette St

City/State/Zip: Sherwood, OR 97140

Email Address: romecol@Toro.com

I represent: Myself f Other

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Agenda Item: Sherwood Cannery Square PUP

I am: Applicant: Proponent: Opponent: Other

Name: JACQUELYN KIRSCH

Address: 17850 SW CEREGHINO LN

City/State/Zip: SHERWOOD, OR 97140

Email Address: _____

I represent: _____ Myself _____ Other

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GIVE
MY
TIME
TO
Sandy
Room

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Agenda Item: Canary Pond

I am: Applicant: Proponent: Opponent: Other

Name: R. Clu

Address: Sherwood

City/State/Zip: _____

Email Address: N/A

I represent: Myself Other

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Agenda Item: Minutes

I am: Applicant: Proponent: Opponent: Other

Name: Sanford M. Rome

Address: 14645 SW Willamette

City/State/Zip: Sherwood OR 97140

Email Address: romeol@jwr.com

I represent: Myself Other

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Agenda Item: _____

I am: Applicant: Proponent: Opponent: Other

Name: RS Class

Address: _____

City/State/Zip: Sherwood

Email Address: rs/A

I represent: Myself Other

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Agenda Item: CANNERY

I am: Applicant: Proponent: Opponent: Other

Name: CHRIS McLAUGHLIN

Address: 22657 PINGHURST

City/State/Zip: SHERWOOD

Email Address: _____

I represent: Myself Other

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192.650 Recording or written minutes required; content; fees. (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.

(4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

Sanford Rome Comments

12-08-09
Date

PC
Gov. Body

7a
Agenda Item

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Exhibit #

TO: Sherwood Planning Commission
FROM: Bill and Ana Stapp
DATE: December 8, 2009
RE: Development plans for former Cannery site.

We are long time business owners of property in Old Town Sherwood and have been closely following the proposed future development of the former Cannery site.

We are extremely disappointed to see that what initially appeared to be a very excellent development plan has now been "modified" to apparently accommodate the developers changing economic demands.

The idea of placing 101 apartment units ANYWHERE on that site is totally insane. The original idea to have some condos mixed in with retail space was excellent and the overall plan was aesthetically pleasing but of course the condo sales market is virtually nonexistent in this economy. The developers need to slow down and wait for that market to come back. It will come back.

We are also long time owners and property managers of large apartment projects and we can GUARANTEE you that this idea of building 101 apartment units will bring a PERMANENT nightmare to Sherwood. The current parking problem will be greatly exacerbated and all of the other usual problems, including crime, will immediately follow. You will easily have an additional 275 to 325 people in these units along with another 150 - 200 cars. The idea that these people will all be gone during the day and their parking places can be used is ridiculous. Then in 2-3 years the developers will go for condo conversion and you will have just a bunch of low cost housing.

PLEASE stop all of this nonsense right now, put this entire project on hold and get it right. The future of Old Town Sherwood really hangs in the balance.

Bill and Ana Stapp

60239 Woodside Place

Bend, OR 97702

541-330-6668

bill711ana@hotmail.com

12-08-09
Date

7a
Agenda Item

PC
Gov. Body

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Exhibit #

exhibit
P

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
December 8, 2009

Commission Members Present:

Chair Allen
Jean Lafayette
Matt Nolan
Raina Volkmer
Todd Skelton
Lisa Walker

Staff:

Julia Hajduk, Planning Manager
Karen Brown, Recording Secretary

Commission Members Absent: Adrian Emery

1. **Call to Order/Roll Call** – **Chair Allen** called the meeting to order. **Karen Brown** called roll.
2. **Agenda Review** – The agenda consists of three items; the continued public hearing on the Cannery Square project and a public hearing on legislative language on the Hearing Officer Appointment process and continued SWOT discussion.
3. **Consent Agenda** – **Chair Allen** discussed the meeting minutes to be approved. There were concerns raised by the public regarding the November 10th minutes due to a malfunction in the tape recording equipment. Chair Allen proposed that the November 10th minutes be held over until the next meeting allowing anyone with concerns to submit written comments within 7 days. Those comments will then be forwarded to the Commission for review and discussion at the next meeting. All Commissioners in attendance agreed with the proposal.

The July 28th minutes were then discussed. There were no comments or corrections. Commissioner Lafayette made a motion to accept the July 28, 2009 minutes. Commissioner Walker seconded the motion. A vote was taken. Commissioner Nolan abstained from voting as he was not present at the meeting. All others were in favor and the motion passed.

4. **Staff Announcements** – Julia explained that while every effort is taken to ensure the minutes are accurate and that for this evenings meeting there are two recordings being made, one cassette tape and one audio recording, audio recordings are not a requirement. She deferred to the City's Attorney Chris Crean regarding the requirements for preparing minutes.

Chris began by referencing the statute ORS 192.650 that requires public bodies to maintain a record of a meeting either electronically or in minutes. The minutes are intended to be a summary of the discussion. The statute specifically says that a verbatim

transcript is not required. The City's obligation is to maintain either a tape or written minutes of a public meeting in sufficient detail that they may be used to review and understand who said what.

In reference to the November 10th minutes removed from the consent agenda, Chair Allen offered to allow any additional information to be submitted; for review by the Commission. Written testimony will be allowed to be submitted within the next 7 days at City Hall and will then be forwarded to the Commissioners for their review prior to the next meeting.

Julia stated that comments/clarification supplied will be forwarded to the commission in whatever format they are submitted.

Julia went on to remind everyone that there is a Tonquin Trail open house being held tonight (Dec. 8th) in Tualatin as well as a meeting Wednesday in Wilsonville and a meeting Thursday in Sherwood from 5:30 to 7:30. There will also be urban and rural reserves hearings at the County level December 15th at 6:30 p.m.

5. **City Council Comments – Mayor Mays** was in attendance. He first began by acknowledging the good work the Commission is doing. He reminded the Commission that he is looking forward to seeing some of them at the City Council meeting being held next Tuesday.
6. **Community Comments– Sanford Rome** 14645 SW Willamette Street, Sherwood OR. Mr. Rome's concerns were surrounding the meeting minutes from the November 10th Planning Commission meeting and the failure of the equipment during taping. He indicated that in his testimony on the 10th, Commissioner Emery left the room and when questioned by Mr. Rome indicated that he would listen to the tape. Since the tape was not available it is difficult to reiterate the feeling, emotion and information being given in testimony. He appreciates the effort being made to handle the issue. (He then passed out copies of ORS 192.650 to the commission.) He questioned the staff and the tape malfunction by stating "I really would appreciate the efforts to be made to not only relay the information we are trying to bring to you folks; you folks have to rely on what you are given. The stuff that staff brings to you, the input that neighbors and us bring to you, what your council gives to you and what other people that have agendas that we don't have as citizens; you're citizens here. You're to represent us, and so this feeling that I bring to you is that; if I was to say it looked like a duck, and it walked like a duck and it quacked like a duck, with the fouls that have been committed along the way to get here tonight, this looks like that duck if you understand what I'm trying to say, I'm not going to pick on anybody or say how it happened or who made it happen or what happened other than the queer electron beat up the recorder."

Robert James Claus 22211 SW Pacific Hwy, Sherwood OR indicated he wanted to reiterate and concur with the statements made by Mr. Rome. Mr. Claus stated that the problem he sees is that the people who spoke may not know that their specific comments are not in the record. If this did get appealed to LUBA there may not be facts in the record. His suggestion is that notification be given to the people that testified and ask them to look at the minutes and make comments. There are only 4 or 5 people that

testified that are not at this meeting tonight and due to the technical glitch their comments cannot be reconstructed. He would ask that they be given the courtesy of being able to review and edit their comments.

7. Old Business

a. Public Hearing - Sherwood Cannery Square - PUD 09-01, PA 09-05. SUB 09-02

Chair Allen re-opened the public hearing and outlined the rules for meetings and added that due to the nature of the hearing the Commission's decision will not be an approval or disapproval but rather a recommendation to the City Council.

Chair Allen asked for any exparte' contact and again mentioned his own disclosure that he had read 3 different statements that had been displayed on the reader board on Hwy. 99 and indicated that he intends to participate. Commissioner Lafayette spoke to say that after the last Planning Commission meeting she received a call from Sherwood Council Member Linda Henderson. Councilor Henderson asked Commissioner Lafayette a question about what had taken place during the Planning Commission meeting and disclosed a concern that had been brought to her attention from the Cultural Arts Commission regarding the Machine Shop site. Members of the Arts Commission felt that the building itself was left as an undecided action and were confused since they had been asked to sign a letter in support of the City requesting Federal Appropriation of funds. They did not understand why there seemed to be no certainty on the Machine Shop. Commissioner Lafayette indicated that she does not feel this contact will affect her ability to participate.

Chair Allen then made a brief comment that the last meeting had gotten a little intense as there were strong feelings and emotions, including one threat of physical force. He explained that the Commissions are all volunteers and citizens that care about Sherwood just like the members of the audience. He would like to ask that everyone participating in this or any other public hearing use some judgment and treat each other with respect.

Julia then began her staff presentation. She re-capped the background to this point. Julia noted that as requested by the Commission additional notice of the continuation was sent to everyone that had received notice originally. She indicated that a memo has been prepared addressing the questions the Commission identified at the last meeting. In addition to that memo, the packet that was distributed to the Commission December 1st includes exhibit L which is additional information supplied by the applicant, Exhibit M, an e-mail from Sanford Rome, and Exhibit N, a technical memo from DKS, were also distributed to the Commission prior to the hearing.

Julia reviewed the applicant's request and reviewed her memo responding to the questions identified by the Commission at the last hearing:

- a) Whether or not the parking was going to be adequate. In the Cannery portion of Old Town, developers are only required to provide 65% of what is otherwise required. The applicant has provided that 65% in addition to the on-street parking there would be 156 parking spaces available. The requirement without the reduction would only be 150.

- b) Height of the apartments was questioned. In the HDR zone there is not a requirement that you maintain the height of adjacent zones. The height in HDR zone is 3 stories or 40 feet. In the Old Cannery standard there is a requirement that within 25 feet of an adjacent zone you are limited to the adjacent zone. The PUD requires that within 100 feet of any non-residential development that you maintain the height of the adjacent zone. Julia indicated that in either case this project meets the requirements.
- c) In response to density questions, Julia reviewed those calculations. While there is more than one way to measure density in the Code, Julia found that the applicant's calculations were less than the maximum either way they were determined.
- d) Julia noted that the question raised regarding the open space requirement for multi-family development is actually a policy decision that will need to be made as part of the PUD approval. It could be argued that in Old Town the requirements don't make sense; however she has recommend condition E-13 to be applied which would allow the Commission to look at the tenant make-up once sites come in for development.
- e) Regarding the TSP amendment clarification, a memo was prepared by DKS that clarifies the specific changes that will need to be made to implement the map change.
- f) Regarding the cost issue of the purchase agreement and the details of that agreement, Julia noted that these are not a "land use relevant." Regardless of whom the property belongs to, the Commission and Council must consider whether the project is providing a benefit to the City. Julia indicated that Tom Nelson, property owner representative, will be available at this meeting to answer questions about this.

Chris Crean summarized and answered a question asked by Chair Allen by saying that the benefit analysis asks what would the property look like if it were developed under the base zone versus what it would look like as modified by the PUD proposal. If you feel that there is a public benefit from the flexibility in the development that the PUD allows as opposed to what it would look like if it just developed straight out under the base zone. That is the public benefit that the PUD allows.

Chair Allen asked for clarification that it is the uses not the ownership affected.

Chris Crean agreed, the PUD would allow you to move the pieces around in a way that you would not be allowed under the base zone. If you end up with a better project, then the PUD has provided a benefit.

- g) There was a question posed asking if it could be conditioned that the streets, building and plaza area be named to reflect the history of the site. Julia indicated that it is her understanding that the applicant has met with the citizens that originally proposed the idea. She stated that it may not be an appropriate discussion as a land use matter, but it could be considered and a recommendation of intent could be clearly stated.
- h) Regarding the question about dimensions on Willamette Street and on street parking; Julia indicated that it is estimated that there are 21 on street parking

spaces between Pine Street and the eastern project frontage on the North side of Willamette Street. With the off street and on street parking within the project site there is adequate parking for the minimum parking requirements even without the parking reduction.

Commissioner Nolan asked if any street improvements are being proposed to Willamette and Washington. His concern is that anyone that is going to park at the west building or the western portion of Columbia will have to come to Washington and then will have to go through the Pine and Willamette Street intersection. Currently that intersection now does not function well, especially for large size vehicles. He feels this will just make that situation worse.

Bob Galati the City Engineer responded by saying that the City Municipal code requires that developer does ½ street improvements. What is being required is that the developer will have to do frontage improvements up to and including putting in curb line, sidewalks, planter strips according to the city standard section for residential streets. As far as Washington Street is concerned the frontage improvement would be limited to whatever work is associated with the Machine Works building. Bob continued by saying that a traffic study has been done and that it did not appear on the impact study as being a needed improvement that would be effected by the development of the project.

Julia concluded her staff report by reminding the Commission that the project is in the preliminary development plan stage and that the Planning Commission will have a chance to review each site plan for compliance with the specific conditions being recommended as part of the preliminary PUD. Staff is recommending that the Planning Commission forward a recommendation of approval based on the analysis and findings in the staff report dated November 3, 2009 with additional information and modifications defining conditions in memo dated November 1, 2009 and including the clarified TSP amendments in the December 3, 2009 DKS memo.

Chair Allen asked for questions or comments from the Commission.

Commissioner Lafayette stated that on page 10 of the original staff report she would like the finding to say that they “shall” submit a phasing plan and put a condition under the finding. She also asked for a clarification of what “compact” parking stall refers to. What is being suggested by the applicant is not truly “compact” in the code. What they are suggesting is a shortened version of a regulation stall. A compact stall is 8’ wide while a regulation size stall is 9’ wide. They are proposing 9’ wide stalls but 2 feet shorter than required. She suggests that if they are allowed to do short stalls that the term be changed to say “modified compact”. Commissioner Lafayette suggested that changes be made on condition E-5 and on page 21 of original staff report to reflect that clarification.

Commissioner Lafayette questioned off-site mitigation requirements and the best way to incorporate the off-site mitigation and getting it approved in the final plat. Julia noted that there is no place that says the off-site mitigation needs to be completed prior to occupancy. The Plaza itself will require its own site plan approval.

Commissioner Lafayette brought up a concern regarding the ODOT/TSP plan regarding the alignment of Oregon Street. The ODOT Rail order is going to expire March 25, 2010. Does something need to happen prior to that?

Bob Galati stated that an application has been made to extend the time frame.

With no other Commissioner questions of staff, Chair Allen then moved to the Applicant's testimony.

Tom Nelson, the City of Sherwood's Economic Development Manager and representative for the property owner, spoke about the history of the site. He indicated that the project began many years ago when the City bought the property. The site was cleaned up and the public process began. David Leland and Associates was the consultant that led that process. The project was then stopped for a period of time. Later the City asked through an RFP process that developers submit proposals consistent with the visioning that David Leland had led. A mixed use development similar to the one being proposed was the answer that the developers found. In 2008 an agreement was signed with Capstone Partners LLC to be the developer. Tom stated that since that time there have been numerous newspaper articles and he has attended several meetings where the project has been discussed including Chamber of Commerce meetings, Cultural Arts Committee meetings and Planning Commission meetings.

He wanted to address the use of the word "undetermined" in the application in response to the use of the Machine Shop building. The Machine Shop was purchased in 2008 by the Urban Renewal Agency because they saw a building that could detract from the very nice project that was being considered and could discourage tenants from moving into the new project. It was identified that the building had attributes that would be good for a community center. It has a bow truss design that eliminates the need for columns that would block views. That idea has since morphed into Council giving direction to see what a community center would look like there. Tom has been working with the developer for the past year talking about that idea. What is being proposed is a redevelopment of the building on the inside that would create a Cultural Arts Center on the West side of the building of about 5400 sq. ft and about 4000 sq. ft of retail/commercial space. He stated that there are several reasons the retail/commercial space would provide benefits. It would add business traffic in Old Town as well as provide revenue that would support the operations and maintenance of the Cultural Arts portion. The reason it is still "undetermined" is that if a PUD is not approved, the decision makers may decide to sell the building. The development staff cannot say this is what it is going to be until there is an approved PUD.

Commissioner Lafayette clarified that the Planning Commission could condition the application to state that the building identified as the Machine Works will be a public use building with no more than 40% commercial use.

Tom agreed.

Commissioner Volkmer asked where in the City this strategy has been used before.

Tom indicated this has not been done before. This is a very new idea for the city and as far as public benefit; this is one of the largest projects ever done in the City.

Commissioner Nolan asked for an idea of timing for completion of the project.

Tom stated that once the PUD is approved the public improvements are ready to begin in the spring of 2010. The hope is to be working on the building late next summer or early fall.

Commissioner Nolan asked if they would be amenable to having a condition applied that would state that the Cultural Arts Center would have to be complete prior to issuing occupancy on other buildings.

Tom agreed.

Commissioner Lafayette asked about changes that were made since the process was done by the Leland group. She indicated concerns with the changes she sees, specifically, the Leland plan made some assumptions that the residential area would be cottages, townhomes and condominiums. She questioned if that could still be the case or whether the market has changed so much that it could not bear that type of construction.

Tom indicated that the market has changed since then and there really is no market for Condos or Townhomes.

Tom turned the presentation over to Jeff Sackett as the representative of the applicant. Mr. Sackett indicated that they were going to highlight a few key points and they would like to reserve a bit of their time for response to questions. He introduced Keith Jones of Harper Houf Peterson Righellis (HHRP)

Keith Jones referred to a memo addressed to Julia, which is attached to the amended staff report dated December 1, 2009.

First regarding the issue raised about the amount of parking for the multi-family development, they have calculated the numbers. This calculation did not include the Willamette Street parking which Staff has also raised as potential additional parking. On the East residential, taking into the consideration the 65% reduction allowed by right in the Old Cannery area, the required base zone parking is 65 spaces, taking the 65% reduction provides 43 spaces, they are providing 48. If you count the parking on Highland Drive and Columbia Street that provides 34 spaces, divide that by half and assign and assign to each building they have 65 spaces. For the West building similar calculations were done. They came up with 69 spaces, not including the 65% reduction.

Item 2 addresses compact parking spaces. As pointed out by Commissioner Lafayette they are proposing "compact" spaces which are 2' shorter than standard spaces. They have shown a scale drawing of a Chevrolet full sized Suburban extended model to illustrate that it does fit in the proposed space. They are still providing their 24' drive aisle. He indicated that it is a typical sized space being used throughout the metro area and they believe it is adequate.

Item 3 is the commercial loading area. They are required to provide 10' x 25' loading space per building. They do provide those on all of the buildings. It was omitted on the East building, but needs to be added back in. They can provide that space with their final development plan site plan approval.

He is planning to leave items 4 and 7 for the Architect to address.

Item 5 relates to the height issue. The Retail Commercial zone requires a 10 foot setback from HDR but in the Old Cannery standards that does not apply.

Item 6 has been the basis of some confusion. The question has been what can be done under the base. By doing a PUD in this case they are subjecting themselves to more restrictive standards. He indicated that the reason for this is that they want to do stand alone, multi-family structures. In order to have that in the RC zone they must do a PUD per the code. Using a PUD subjects the project to density standards. Based on some quick calculations they looked at what the existing underlying zone allows. Based on net square footage of 1000 sq. ft. units and 75% coverage they came up with 358 units and the HDR portion would provide 33 units.

A conversation ensued between Commissioner Lafayette, Keith Jones, Julia and Jeff Sackett discussing the number of apartments allowed. The conclusion was that per the Old Cannery Standards and the Retail/Commercial you can have apartments if they are above the ground floor and that in the RC Zone there is no particular unit density maximum. Under conditional use 16.28.030 residential apartments when located on the upper floor or the rear of or otherwise clearly secondary to Commercial buildings are allowed which could be built with a zero lot line but includes parking.

Mr. Sackett noted that there is a conflict within the code related to density. There is a requirement of 16 to 24 units per acre in the purpose statement of the code, but in the technical section of the code there is a different number per unit.

Mr. Jones continued by saying that if you read the HDR purpose statement it discusses a density on acreage. Using those calculations they would be allowed 117 units. If you look at the dimensional standards (square footage per unit) in the HDR zone they would be allowed 139 units. He noted that either way it is calculated, their proposal of 101 units would be allowed.

Mr. Jones also discussed the issue of 20% open space in multi-family developments. He referred to a letter they had provided dated November 6th that addressed the 20% multi-family open space requirement. Because they are doing a PUD and they are doing stand alone multi-family development the code indicates they would need to meet the 20% open space requirement. They believe that the intent of the Old Cannery is to provide an urban setting and the open space would not be appropriate and that they are providing additional open space through the PUD process.

Commissioner Volkmer asked about what she sees as a big push for apartments and the reasoning behind that.

Mr. Sackett responded by saying that 2 ½ years ago when they first looked at this project they looked at it as a blank slate. They asked themselves what would be most beneficial to all involved to have here. They even met with the Leland Group to discuss the original ideas. He indicated that what had originally had been proposed as town homes and condominiums were not supportable when they proposed on the development. Mr. Sackett indicated that today, even though apartments are the closest to being supportable in the market, they are not right now. The expectation is not to build apartments in the first phase however they believe that the market will come back. Since the time they signed their agreement there has been a global financial meltdown, which has changed radically every product type in the market world wide including decreasing values anywhere from 30% to 50%. He stated that the decrease will not be permanent and that recovery is already being seen. They (Capstone) feel apartments will be in demand in the reasonable future.

Murray Jenkins of Ankrom Moison Architects spoke in response to request for clarification on two issues at the last hearing. First relates to the front porch requirement in the Old Cannery Standards. They were not asking for a wholesale exception from that requirement, but what is outlined in the architectural pattern is actually an exception to some of the standards of that requirement. The Standard states that a single unit has to have a 6'x 6' covered front porch. If it serves more than one unit it has to have a 9'x8' covered front porch. He clarified that the ground floor units on the proposed buildings have front doors that front the public way as required, but the dimensions are slightly different. They are showing a 5' deep space and 9' wide.

The other item they wanted to help clarify is the concern regarding the height and scale of the 3 story residential buildings. Considering the floor to floor heights per use, the 3 story residential building is slightly taller than the 2 story commercial building by only a couple of feet, and it is actually shorter than the building housing Sherwood's City Hall.

Commissioner Lafayette stated that in the Architectural Pattern Book, there are several areas that indicate "the requirements copied above do not apply to residential buildings; the residential buildings will comply with following." She feels it would be clearer if the wording could say "while the requirements copied above do not specify multi-family residential builds."

Commissioner Lafayette also noted that on page 8 it says that "in addition to the materials allowed in paragraph F-1 high quality panel systems may be used including but not limited to metal or fiber cements panels." She questioned the use of cement panels and asked for clarification.

Mr. Jenkins explained that the fiber cement panels have the appearance of wood, but are a more durable material. Commissioner Lafayette asked if that wording could be added. Mr. Jenkins agreed and said that the detail of the materials will need to be discussed in much further detail when those buildings come before the Commission.

Keith Jones concluded by saying that they are fine with the information in the staff report, however there is one item in the Staff Report they would like to address. On page 37 of the November Staff Report there are conditions there that don't really point to the Pattern Book as the controlling document. They would like to eliminate conditions E-11

and E-12 and restate the conditions by saying “Building design should meet the Old Cannery Standards as outlined and modified in the Architectural Pattern Book submitted as part of the application materials” or as Chair Allen pointed out “as revised”.

Jeff Sackett added that they have met with citizens Don and Yvonne Scheller. The Schellers have submitted a letter and series of historical documents on Sherwood that the project managers have appreciated. The team is completely supportive of the Scheller’s suggestion to name the buildings after historical figures and will continue working with them.

To clarify the Machine Works building information that has been provided he explained that the building and land are owned outright by the Urban Renewal District/City. Capstone is being contracted to manage the property for the City and will act strictly as advisors. On the remainder of the project, there is both public and private property. The public property includes the street rights of way and the Plaza. This is all 100% owned by the City. As to the private property Capstone Partners has an agreement with the City to buy the property in phases and they would be the Owner, developer and marketer of that property.

This concluded the applicant’s testimony and Chair Allen called for a brief recess.

As the meeting reconvened, Chair Allen disclosed an inadvertent exparte contact during the break. He noted that Tom Nelson was talking about parking outside the parking plan as discussed so far had been on-site parking numbers only and did not include using parking on other streets.

Chair Allen then opened the meeting up to public testimony.

Chris McLaughlin of 22657 SW Pinehurst, Sherwood OR has been a resident of Sherwood for the past 10 years. He has children in all 3 levels of school. He is not opposed to having Woodhaven developed and he is glad it is here and not a golf course with high end property surrounding the neighborhood. He feels that he speaks for the silent majority in town, his peers, and people that have children in schools here. He thinks the development is an excellent development for this community and provides a nice community center and another reason for people to come downtown. The more people that you can bring downtown the more vibrant life you will bring to the community and encourages a closer knit community. He understands and appreciates progress. He supports the project and thinks it will be a great asset to the community.

Tess Kies 22810 SW Main Street, Sherwood OR. She has lived in Sherwood over half her life. She has seen development happen in town that she feels was less than desirable. What she would especially like to see is a Cultural Arts Center. She was recently in a small town of 2000 people that had a Cultural Arts Center that included a theater and many other things and it was mind boggling. She feels that this city is based on people that have grown up here and have lived here and who have a lot of integrity and a lot of history. She has known Jeff Sackett and his family for many, many years. She knows what kind of a background he comes from. She knows how much integrity he has and believes he will listen to anything that anyone in the City has to say. She feels he has the

same kind of mindset that the people in Sherwood who are worried about how development will happen. She knows in her heart that he will do the best job he can.

Anthony Weisker 22604 SW Highland Drive. His home is at the corner of Willamette and old Highland Drive. He is not opposed to the entire project, mostly to the apartments and does not see them as being relevant to Sherwood's needs. His main concern is safety. If the project is approved he would like to see a 4 way stop installed at the corner of Highland and Willamette. As he testified before, his wife who was pregnant at the time had walked across Highland to check their mail and was nearly hit by a car. He would like cars to have to stop on Willamette before they turn right onto Highland. Regarding the overflow parking he understands that it will spill out onto Willamette and Highland. Right now on Willamette there are no parking signs. He is assuming that those will be coming down. If people are not parking on Willamette they will be parking in front of his house. He has measured the distance on the street and with cars parked on both sides as well as traffic in each direction he believes there will only be approximately 6" between the cars. Regarding the property in front of his home, the 5 feet he is responsible for, he has spent thousands of dollars upgrading and maintaining that property. He asks if it would be possible to have signs installed that say "resident parking only". He is sure that there will be signs in the apartment areas that say for residents only.

Robert James Claus 22211 SW Pacific Hwy, Sherwood, OR Indicated a series of comments and documents had been entered into the record. He indicated that the application is not complete. He questions the time schedule. He questioned the size of the Community Center and whether it was large enough given that the Robin Hood Theater, which was 7,000 sq ft. wasn't big enough. He indicated that the Robin Hood Theater was torn down for no valid reason and we've structural engineering reports on that.

Mr. Claus questioned the cost the developers were paying for the land and the City paying for streets. He noted that the normal process is that a developer dedicates and pays for improving the streets, so we are getting nothing, only we're paying for it.

He indicated that he does not believe a Cultural Arts Center will be built because we don't have money enough. Now if 7,000 sq ft wasn't enough, why are 6,000 now? If the acoustics in the Robin Hood Theater, which were outstanding, if the stage which was moveable, flexible, expandable, wasn't good enough how are we going to go down 1000 feet and replace that? We're not. But this is what I would draw to your attention.

Mr. Claus continued by referencing development at the Langer site. He stated that Wal-Mart, Kohl's, and WinCo would be locating there which would bring large amounts of traffic. He stated that we're going to have out there one half of the space of Washington Mall on a two lane street. We don't have any of that figured because the City doesn't tell us any of that. We don't know about any of this." He stated that Kohl's has about 5,000 cars a day, Wal-Mart eight, WinCo nine. That is half the site and there are seven at Target, on a big day, there is going to be 40,000. He asked to not cut the parking spaces short because the plans for the City's downtown, assumed Langer was going to be Light Industrial, not General Commercial with 40,000 cars a day. He indicated that METRO,

Washington County and apparently the Commission are not aware of the Langer development, but that the staff does because they directed them over there.

He stated that this town is not going to be the town the Commission knows in one year and if these 6 acres are lost, you've lost your Cultural Art Center.

He concluded by stating "Keys paid \$25,000 a unit for their land, out here on the Highway. They waited 4 years to develop it. They were \$35,000 a unit in the ground. You're letting these people have this land over here for a maximum of \$5,000 a unit and maybe for free. If you're going to give them something for free with the buildings that are about \$50.00 a foot to build, you'd better get something for the City more than no parking, but that's your choice, it's your city, I find it kind of amusing, because as you once said Pat, and I salute you for it, you're going to live long enough to live with your mistakes, and this is going to be a good chance of being a big one."

Lori Randel 22710 SW Orcutt Place, Sherwood, OR. She began by saying that her testimony was one that was not transcribed properly after the last meeting and will be submitting something in writing. Her question that did not make it to the minutes was who is paying for the Arts Building and the Plaza. From what she has heard since, she believes that it will be entirely the City. She has a real problem with the City giving that up to Capstone as their open space if they are not paying for it. As a member of the Sherwood Foundation for the Arts and the Ode Podge Gallery she is absolutely in favor of seeing the Arts take that building (the Machine Shop.) She believes that is how it has always been intended to be; not a building that is half restaurant and half art, but an arts building, and that is what she hopes it becomes. Regarding the apartment building, since she lives right across the street she has concerns. She was not notified of the second meeting and should have been. The idea that only 3-5 houses were notified of the original meeting was inappropriate. She printed flyers and delivered them up and down Orcutt Street and Willamette Street to encourage involvement from her neighbors and feels she was successful. When she first attended informational meetings she was not against the project or the apartments and thinks at the time they had considerably more parking associated with them. She does not want to have to compete for parking at her own house. She also has concerns about the streets in the area, including Willamette and Lincoln. She sees that anyone going to Oregon Street is going to go to Lincoln. She closed by asking that the Commission include more people in the noticing of these types of meetings.

Ashley Marshall-O'Dell 15916 SW Springtooth Lane, Sherwood OR. She is a board member on the Cultural Arts Commission and wants to address the development of the Machine Shop. She believes that if the Planning Commission accepts the proposed Machine Shop development they will be doing so without following an adopted resolution. The resolution she is referring to was passed two years ago in which a steering committee was supposed to be part of the process of conception and design of the Cultural Arts building. The steering committee included a list of names of people that were to be involved. No members of that steering committee were involved in any part of the discussion for the proposed Machine Shop being included in this application. Even the Sherwood Cultural Arts Commission has not been involved despite multiple requests. Her question is why were the people that were named to be on the steering committee not involved. On a peripheral concern, there had been a comment made by a former Commission liaison that the arts groups here are performing and not visual arts therefore

gallery space would not be needed for local artists to display their works. She would like to correct that and explained that the visual artists are very active in Sherwood including the Sherwood Foundation for the Arts hosting workshops for children which included displaying their work, as well as a program called SLAM which is the Sherwood Library, art and music program pairing local artists and musicians. The artists display their work in the library while the musicians perform. The misconception that art space is not a necessity for the Cultural Arts Community center is not correct in her opinion. They are continuing to expand their arts programs to include artists from outside Sherwood as well as within and need and demand additional permanently designated gallery space to be included in the Cultural Arts Community Center. She closed by saying that she wanted to go on record that the building being proposed at this meeting has not received public input by any means, and was designed purely through staff and the developers alone.

Susan Claus 22211 SW Pacific Hwy, Sherwood OR. She began by agreeing fully with the comments that Ashley had made before her. She believes that you cannot have an Art Center without having the art community involved. To break the building up into art and commercial would be a travesty. There are lots of other retail/commercial spaces in the PUD itself, as well as in town. To her, it does not make sense to break the building up and not completely devote it to the arts community for visual and performing arts. It should be a community driven decision, rather than staff driven and should have a lot of input for the arts community.

She also has supplemental testimony from the previous meeting minutes that were not captured.

On another issue, what she understands at this point is that Mr. Nelson is prepared to talk about the financing of the PUD. She understands that 9 of the 10 lots are going to be kept by Capstone. Only lot 2, which is the Machine Works lot, will be owned by the City. She thinks the public needs to know this because part of the analysis is what the numbers that are involved are. She believes that Tom Nelson is the person on the staff that knows the phased purchasing of these lots. She asked that the Planning Commission ask Mr. Nelson to explain what is being paid for the finished lots, if they have already pre-determined those prices.

Another issue she wanted to address was density and the apartments. She asked that the record be left open as there has been new information given today that she would like to respond to. She continued by saying that the PUD code says density transfer where a proposed PUD site includes areas within flood plains....etc, the density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed. She believes that if a portion of the site was still zoned HDR that density amount would allow 31 to 44 units, and even adding 20% to that you would not get anywhere close to the 101 proposed units.

She thinks that according to the Community Comprehensive Plan part 2, chapter 4 when there is a redevelopment or infill project, there needs to be additional public notification. There is a map there that she believes applies and it is not just the 100 foot notification rule. Section 2 has looked at and thought about future development and the impact it will have and not just on the people within 100' of the project.

In response to the comment about the minutes from the last meeting, Chair Allen reiterated the decision made regarding submittal of information for the minutes and that people have 7 additional days to submit material regarding the minutes from the previous meeting. He noted that is different than submitting new materials for the record of the land use decision.

Tim Vorhies PO Box 908, Sherwood OR. He feels that the notification process within the city is pretty bad and he feels the Sherwood Gazette needs to be used for the notification process. He checked with the Gazette and understands that it is a 7 week, at the worst case, lead time to get something into print. He thinks that if this meeting had been publicized in the Gazette, the meeting would have to be moved to an auditorium at the high school, due to turnout. There are neighborhoods all around the project that will be affected. At the previous meeting the developers stated that people would be leaving from the apartments during the day so people shopping will be able to use those spaces, then when the shops close the residents will be returning. He does not think that is right. He feels that there needs to be more parking downtown for everybody. With 2-3 cars per unit there is going to be overflow parking on all of the streets. He referred back to the notification project. He was finally able to find and print the information for this meeting at 4:00 the day of the meeting. The process needs to be better.

Sanford Rome 14645 SW Willamette Street, Sherwood OR. He began by passing out information that will be labeled exhibit O. He thanked the Commission for their voluntarism. He indicated that he was “distressed” that the Commission would not permit people to donate their time to him. He indicated that he could not cover the entire materials he submitted and wanted to cover in the 5 minutes. He thanked Tim Vorhies and Susan Claus for addressing the noticing issues and added that PUD notification has requirements that go beyond what may have already been done.

He raised questions with the scale of the applicants 9/4/09 submittal on C4, C4.3 and C5.0.

Referring to a large piece of wood brought in for visual reference, he noted that he measured 2 houses and compared them to the dimensions provided by the applicant. He stated “A standard house today is somewhere between 22 and 32 feet wide, and somewhere between 40 and 75 feet long. It depends on how big your house is. At 2 ½ stories at 8 ½ feet per story because we normally have 7’8” ceilings. We don’t have 10’ like in here. We have somewhere near 8’ ceiling, you can allow 10’ per story, which they say they’ve done, 30’ to the roof line, 40’ to the top of the roof. If you take 40’ to the top of their roof and it’s 150’ wide and you take our two little houses, this is Andy’s and this is mine the same thing that Commissioner Lafayette brought up before when they tried show us a 1” = 20’ presentation, now comes into some relativity.”

Referring to page 5 of his written testimony, he raises issue with the density. He notes that the staff and applicant talk about different parts of statutes and about High Density Residential and other uses, but if you took the whole entire 6 acres and put it at High Density Residential apartments at 24 units per acre that gives you 144 possible apartments. If you put 144 possible apartments on this project, take 20% open green space and did real adequate parking, provided some kind of family area so when people have their relatives in from out of town for a wedding or a funeral you can have a banquet room and you put extra laundry facilities so those that can’t afford it can use the coin ops

or the washers and dryers that are in the building, you put 2 or 3 little small buildings like the one building they have, take out all of their other buildings, fix up our performing arts center, you would build nice apartments.

He raised concern that if we give or sell or trade for the two apartment buildings there is no guarantee that it will be done. He notes the vacant pads at other development sites around Sherwood that still have room for other to be built on them.

If you could bond for everyone of these buildings all the amenities and make Capstone put that kind of a bond up and the City gets a guarantee, I might not be so adamant, but they are coming to build two high density apartments that don't fit harmoniously with the neighborhood. He concluded by stating that he would submit what he could and hopefully the Commission has most of it, but the only reason why he is complaining is because you are trying to over kill the local area, the streets and so forth.

Julia noted for the record that the board Mr. Rome presented and asked be save for council, maybe shown to them in the form of photographs as part of exhibit O due to its size and weight.

Ken Vanden Hock 22845 SW Highland Drive, Sherwood OR. He has lived on Highland Street for 18 year. His history goes back to a Planner named Jim Rapp that told him that in 1994 Highland Drive would be improved and sidewalks and new pavement would be added. This has never happened. It has now become much more of a thoroughfare. The change that he has seen in traffic over the years from 2 – 3 cars a day now seems close to 20 an hour. He is concerned that traffic will increase with the Highland extension. That is directly across from the Highland and Willamette intersection. As pointed out earlier he believes that is going to be a crucial point for traffic control. He is encouraged to know that the street improvement will be part of the original plan. Regarding the performing arts center, he is concerned about the size. As a pastor he utilized the Robin Hood Theater a number of times and maximized the seating there. With a facility smaller than that “we are shooting ourselves in the foot by not developing an auditorium that would hold more people than the auditorium at the high school”. He is in favor of the center and thinks it would be nice to have a restaurant as part of it, but thinks the center is the number one issue that needs to be dealt with.

Ken Stickel 22750 SW Orcutt, Sherwood OR. His concerns are with the traffic impact and overflow parking. From experience he is aware of situations where people living in apartments will drive in the surrounding neighborhood and park their vehicles in front of homes, then return to their apartments and possibly leave the vehicle there for several days. He believes we will have the same situation here. During festivals in town, two-way traffic does not work on Willamette Street. His suggestion would be to connect Columbia to Washington Street, block it off at Willamette and let all of the traffic go through the site and drop out onto Washington Street. There is no one on the other side and you are on a main thoroughfare and you don't have traffic problems. It seems to him that if this was not a City owned property, anybody that was going to develop the property would have to improve the street.

Alex Graham 22793 SW Highland Drive, Sherwood OR. Thanked the Commission for having this meeting. His shares concerns with other people that have talked this

evening regarding traffic. He does not feel there is enough parking being planned for the new development. He has lived in Sherwood for 20 years and during the festivals throughout old town his neighborhood becomes a parking lot. He is concerned with the thought of adding another 100 families to that problem. Secondly, regarding the Machine Works performing arts center building, he was basically told that it would be one of the main pieces for the whole redevelopment and now seems like a side project. He feels this needs to be a community space. He would like to see even more of the project dedicated toward the Community Plaza for all to enjoy. He does not feel that there is enough community infrastructure for all of the people currently living here. He thinks that there are many issues with the traffic and safety issues associated with increasing traffic in this area. He is also worried about the notification process and believes there are many more citizens that are interested in development of the town that would attend meetings if they were more publicized.

Bill Millington 22707 SW Orcutt Place, Sherwood, OR. He is very in favor of the project. He likes new construction and likes things that will help a city grow. His big concerns however are the parking and the traffic. Willamette Street is so narrow that it doesn't even have a stripe down the middle. He is concerned with how there will be cars parked on the side and have the cars pass on the road. He thinks widening would be a solution. His house is right across the street from the project, yet did not get notice either. He believes there will not be adequate parking for the apartments. It sounds to him that the plan is to add about 75 parking spaces. By his calculations; 101 units times two cars, and 25% kids that are going to have a car, he estimates 250 cars needing to park.

Angi Ford 22769 SW Orcutt Place, Sherwood OR. She has many of the same concerns that have been voiced earlier. Although her house is not within the 100' she cannot leave her home without going through that intersection. She is very upset that she did not get noticed. She agrees with the community concept and wishes the whole area could become community space. She is very much for all of the community pieces of this proposal and looking forward to seeing it develop. She is very concerned with parking and traffic. Even the traffic beyond Willamette concerns her. She travels down Pine Street through Old Town many times a day and it is already so congested, adding all of these units will just add to the existing problem. As with many others, the curve on Willamette is a concern for safety as well. She is also concerned about the walking traffic. There is no bus service to this neighborhood, so all of the children walk either to Archer Glen, Hopkins or the Middle School. Adding that much traffic and only having one cross walk is very concerning. She also questioned how this might affect the school capacity. She feels our schools are already near full. She loved the original plan when she thought that there were only going to be 30 – 50 townhomes or condos and a lot of new community space. She feels now it has been taken too far.

Joe Martin, 22296 SW Lincoln Street, Sherwood OR. He is not opposed to the whole concept however the traffic flow generated by the apartments is of great concern to him. The part of Lincoln Street where he lives is already very narrow and difficult to get cars through. He talked about the concern Commissioner Nolan raised about the intersection of Willamette and Pine and that the traffic impact study showed that was not an issue. He is asking about the intersection of Willamette and Lincoln. He feels that it is impossible for even medium sized vehicles to maneuver there. Another issue that concerns him is

the Machine Works building. He has spent many years on the School Board and feels that the relatively new performing arts center at the school, with a capacity for 300 and at least that many parking spots, should be utilized rather than building a new center at the tax payer's expense. They have already paid for a performing arts center. He also asked about the parking spaces straight across from each other and how they will work. He reiterated that his main concern is the traffic flow on Lincoln generated by the apartments.

Dan Ettlstein 23773 Scott Ridge Terrace, Sherwood OR. He is not opposed to the project but questions if this is the best use. He questioned is the development would be conditioned to be LEED (Leadership in Energy and Environmental Design) certified to lay a base for future development that is in the best interest in the City. He is interested to know if the Commission has researched or requested from the Developer what impacts obtaining LEED certification would have in securing Federal funding that could then be reinvested back into the City for additional retrofits to obtain a higher ranking. The ultimate goal being to attract green businesses and increasing the quality of life rankings that Sherwood has already done a good job of obtaining.

With no other people wanting to provide testimony Chair Allen asked the developer to come up for their remaining time for rebuttal and closing statements.

Jeff Sackett from Capstone Partners started by thanking the citizens of Sherwood for showing up and sharing their passion about their neighborhoods.

He indicated that the Machine Works/Cultural Arts Center is a huge part of this project. While it is a big part of the project and a big part of the City's vision it is not actually a Land Use issue. He indicated it is true that as mentioned by Tom Nelson earlier, without the PUD being approved there may or may not be a Cultural Arts facility on the site. However it is not true that the Cultural Arts Center, as shown on the PUD and subdivision submittal in the very preliminary stages is exactly what going to happen for the Cultural Arts Center. This is the beginning of a conversation. He truly appreciated hearing from Ms. Marshall-O'Dell as they (Capstone Partners) have had very little conversation with the Cultural Arts folks. They have had a couple of preliminary meetings some time ago and have asked them to prepare a space program for the Cultural Arts facility that Capstone can work with.

Tom Nelson stepped in to say that as Ms. Marshall-O'Dell stated, there is a committee that was formed a couple years ago to look at Cultural Arts in the City and that now the structural integrity of the building has been verified that committee will be called upon. Tom indicated that the City has a proposal for that space, based partly on economics because no one in the Cultural Arts Community or the Community at large has identified who will pay for the center and who will pay to program and maintain the space. The idea is that if there is some retail space in the building, it would produce some revenue through leasing the space which could support the operation of the space. The space that is being proposed for retail is about 5,300 sq ft. The City has been told by the Architect that even with that 5,300 sq ft, it will still allow about 300 seat capacity in the Arts Center. The Cultural Arts review committee will be reconvened probably in January to start looking at the interior of the space.

Jeff continued addressing issues raised with traffic and street improvements. They feel the City's engineering staff will be able to address those concerns. They are certainly supportive of all traffic improvements that are truly necessary for the project. They have been working with DKS, the City's traffic engineers, about some very detailed offsite improvements that have been recommended in the staff report. An item he wanted to clear up is the definition of "on-site" and "off-site" as referred to in the staff report. As developers, they usually think of anything that is on public property as "off-site". This project is unique in that it is 6.5 acres and the staff report talks about all improvements being made within the site as "on-site". He believes that in this case the public improvements within the 6.5 acre boundary are considered on site.

Julia confirmed and expanded by saying that public improvements for the subdivision are referring to the streets, sidewalks, storm, water, sewer and those types of improvements as opposed to the Plaza or the Cultural Arts facility.

Jeff went onto further clarify they are proposing to do half street improvements on the east side of Washington along the entire western frontage of the site. They are also proposing improvements along their Washington Street frontage, expanding the right of way by 12' northerly. He indicated that all of the additional right of way plus some more of the existing will be improved almost to the center line of the street, making the street significantly wider than it is now and allowing room for sidewalks and street trees and parallel parking. He stated that one suggestion that has been brought up by the citizens during public testimony which he thinks is good would be parking restrictions to residents only. That is something that needs to be considered.

Regarding parking, he indicated that currently they are exceeding the standards for on-site parking for the apartment with 102 stalls on site as well as 34 spaces they will be providing on Highland Drive and Columbia Street. A point he wanted to reiterate is that parking is fungible. People have brought up the issues of people parking overnight. In real life the commercial stalls that have not been counted in any of the calculations generally are not used at night. That means that additional parking could be used at night. Also in response to the parking crunches during festivals that have been brought up repeatedly, he indicated that it is great that the festivals are well attended as that means people enjoy them, but parking will not be designed to handle that peak parking situations that happen twice a year.

In response to the questions regarding LEED certification and sustainability; he indicated that they do plan to build sustainable buildings. The Machine Works Building is planned to be LEED Silver. The other buildings will be sustainable, but not necessarily LEED certified as there are several other certifications and LEED certification is an expensive process to do. It adds a lot of consulting expense and time. That doesn't mean that if you built a building that had everything but the certification that it would be any less sustainable.

Chair Allen asked what the thinking was behind putting the South building where it is and creating a dog leg on Columbia Street.

Jeff answered by saying that most of the one year delay between when the agreement was signed and where we have gotten to now has to do with that. Initially Columbia Street was laid out straight east/west. The City's Engineering Staff brought up a concern wanting street intersections lined up. Capstone and DKS worked on the problem and it was determined that traffic could be restricted on the section of Columbia Street that is south of the Machine Works to one way to the west. The kink in the street to the north is a result of wetlands. The property to the south has a wetland on it which was delineated about 6 years ago. A new delineation has to be done every 5 years and when it was re-delineated, it was discovered the wetland had grown. When the required buffers were determined, they basically took up all of the parking for the south building.

Chair Allen discussed how to move forward and where we are in the process. First of all he and all of the Commission really appreciate everyone coming and the efforts made to get people to attend. Whatever action the Planning Commission takes will go to the City Council. He presumes the people here will want to follow the project there. He hopes that people will carry the message of inadequacy of public notice to the council. This is an issue that the Planning Commission has tried very hard to get the City to approach differently and he thinks the council needs to hear the public's voice.

He explained that there are really two sets of questions being considered. One set of which are Planning Commission questions and the other set which are really good questions but are not part of what the Planning Commission does. Who pays for what? Is this a good financial deal? What was the process used to decide whether that is an adequate arts facility? Those types of questions are not Land Use decisions and the Planning Commission does not get to weigh in on those. At the end of the day, those are questions that need to be asked and answered by the City Council.

The Planning Commission looks at the pieces that are the land use decisions and asks if they comply with the code. Heights of buildings, parking and adequacy of transportation facilities are the types of things the Planning Commission gets to decide. They recognize those are not all of the issues. The City Council will make the ultimate decisions.

Commissioner Walker added that they are required to follow a code that has been written even though they may not always agree with rules, that is what they base their decisions on. For example, the notification process is written in the code and needs to be addressed with the City Council as they are in a position to help change the code.

Chair Allen suggests running through his punch-list of items from the last meeting that needed to be addressed as well as new items that need to be considered as they deliberate, and then continue the meeting to a date certain for deliberation purposes. All agreed.

Punch List:

- Adequacy of parking
- The height and size of the apartment structures as they front Willamette
- Appropriate use of density transfer
- Financial issues – Chair Allen indicated this was addressed
- Open space or community benefit
- Open space requirements within a residential PUD for apartments

- How does this compare with what could be commercially built in this area without the PUD
- TSP amendment – Chair Allen indicated this was well addressed in the DKS memo
- What is the timeline for the ODOT rail order expiring
 - (Bob Galati answered the question at this time by stating that the rail order is going to expire in March 2010. The City does not have the rail order at this time but have been discussing it with ODOT. They are amenable to giving the city a two year extension based on the fact that they also want to get the crossing constructed.)
- Does there need to be something conditioned regarding the conversations held with the Schaller's and the historic references made.
- Surrounding Street dimensions and parking supply
- Condition matching – resolved
- Pattern book issue
- Residential parking
- The Cultural Arts dedication and occupancy and if this needs to be a condition
- There is also list of transportation issues;
 - Willamette and Pine,
 - Lincoln and Highland,
 - Residential parking zones.
 - Highland and Willamette,
 - connecting Columbia and
 - Street impacts in surrounding areas.
- Comments made by Commissioner Lafayette including:
 - The condition E-2 needs to be reprinted on page 10. The first final plat has to include the phasing schedule.
 - Page 21 C-1 calling out street improvements
- Linking the Plaza to the Occupancy permit

It was determined that the next meeting date would be January 12, 2010. Discussion ensued regarding tolling the days and when the next meeting should be scheduled.

It was determined that the 120 days would be tolled until March 12th, 2010. Jeff Sackett agreed to extend the days.

Chair Allen closed the public hearing for public testimony.

A motion was made to continue the meeting for the final staff comments and Commission deliberation until the January 12th, 2010 Planning Commission meeting and the written record be left open for an additional 7 days with an addition 7 days for the applicant to respond to further submitted written materials.

Commissioner Nolan seconded the motion.

All were in favor, motion carried.

In closing Chair Allen requested that as part of their meeting packet the list that was just created of topics and a final print out of the revised Staff Report.

New Business

The Commission went out of order on the agenda to New Business:

9. a Public Hearing- Hearing Officer Appointment Process- PA 09-06.

There was a motion made to continue public hearing PA09-06 to the January 12th, 2010 meeting. Commissioner Walker seconded the motion.

All were in favor, the motion carried.

Old Business, agenda item b: Continued discussion of the SWOT (Strengths, weaknesses, opportunities and threats) analysis in preparation for 12/15/09 Council meeting. Regarding the SWOT analysis; Commissioner Lafayette is planning to attend the City Council meeting to represent the Commission highlighting a couple of the points that the Commission feels strongly about, which include the noticing requirements need.

Next Meeting: January 12th 2010

Chair Allen closed the meeting at 11:00 pm.

End of minutes.