



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall & Public Library  
22560 SW Pine Street  
January 23, 2007  
Regular Meeting - 7:00 PM**

## **A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda: Minutes – November 14, 2006**
- 4. Announcements**
- 5. Community Comments** (*The public may provide comments on any non-agenda item*)
- 6. Planning Department Annual Report: Julia Hajduk, Interim Planning Supervisor**
- 7. Planning Commission Chair and Vice Chair nominations:** Per Section 1.103.02 – A of the Sherwood Community Development Code, the Commission shall, at its first meeting in each odd-numbered year, elect a Chair and Vice Chair.
- 8. Land Use Law – Work session:** Pamela Beery, City Attorney. Planning Commissioners and Planning Department Staff adjourn to an annual work session update on land use law facilitated by City Attorney, Pamela Beery. This work session is open to the public, however is not an interactive session and public comments will not be taken.
- 9. Next Meeting:** February 13, 2007 – Sherwood High School Expansion (SP 06-13); Cedar Creek Assisted Living Zone Change (PA 06-05)
- 10. Adjournment**

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**City of Sherwood, Oregon**  
**Planning Commission DRAFT Minutes**  
**December 12, 2006**

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**Commission Members Present:**

Chair Adrian Emery  
Vice Chair Patrick Allen  
Jean Lafayette  
Dan Balza  
Matt Nolan

**Staff:**

Julia Hajduk – Interim Planning Manager  
Rob Dixon – Community Development Director  
Heather Austin – Associate Planner  
Cynthia Butler – Admin. Assistant III  
City Attorney – Chris Crean

**Commissioners Absent:**

Russell Griffin  
Todd Skelton

1. **Call to Order/Roll Call** – Cynthia Butler called roll. Commissioners Russell Griffin and Todd Skelton were absent.

2. **Agenda Review** - Julia Hajduk stated that the applicant for the Cedar Creek Assisted Living Zone Change application (PA 06-05) requested a continuance to reschedule the public hearing for the February 13, 2006 Planning Commission session, to allow time to address items outlined in the staff report. Planning staff approved the reschedule request. Chair Emery confirmed that PA 06-05, Cedar Creek Assisted Living Zone Change public hearing was rescheduled to a date certain, February 13, 2006.

Jean Lafayette later in the session addressed this topic and stated that past hearing continuance requests were approved by the Planning Commission based on specific criteria and not a planning staff level decision. Jean provided a copy of a memo dated in 2001 from Chair Emery confirming this process. Julia Hajduk deferred to City Attorney, Chris Crean to clarify. Chris stated that Code policy current defers to the Planning Director's decision, as long as such requests do not exceed 245 days total for all extensions. Chris added that if another policy exists it is not in the Code. Jean stated she would provide a copy of the 2001 memo to planning staff. Patrick Allen stated that he would like staff to have the discretion for making such decisions. Julia Hajduk concluded that staff would look at the Oregon Revised Statutes (ORS.) language for more clarification.

3. **Consent Agenda** – Minutes from the November 14, 2006 session were approved by vote:  
Yes – 3 No – 0 Abstain – 2

Chair Emery and Matt Nolan stated that they abstained as they were not present at the November 14<sup>th</sup> session.

4. **Community Comments** – Chair Emery asked if there were any community comments. There were none.

5. **Brief Announcements** – Julia Hajduk recapped that the final steps for the Goal 5 Natural Resources (PA 06-02), and Infill Standards (PA 06-03) plan amendments were approved by the Planning Commission on November 14<sup>th</sup>, and will become effective on January 5, 2007. Julia said that the City Council approved the Area 59 plan amendment (PA 06-01) on December 5, 2006 with the condition of removing the MX Overlay Zone. A final order for Area 59 will be presented at the January 16, 2007 City Council session. Julia referred commissioners to a memo by Heather Austin regarding a seminar on December 1, 2006 attended by planning staff on Legal Issues in Planning, and said some of the land use law materials were attached for their reference.

Julia Hajduk explained the new non-verbal procedure for staff's notification to those providing testimony when the 5-minute testimony period is about to expire that was established due to concerns expressed regarding the verbal interruption by staff for this purpose. Staff will display a blue 1-minute flash card when 1-minute remains, and a red solid color flashcard when time is expired. Jean Lafayette later asked that text be added to the Rules for Public Hearings and the Public Hearings Disclosure Statement to reflect the use of the flash cards. Staff confirmed.

6. **Old Business - A. Columbia Lot Depth Variance (VAR 06-01)** – Chair Emery asked for staff comments to begin review of the Columbia Lot Depth Variance application that was continued from the September 12, 2006 Planning Commission session.

Chair Emery asked if there was any exparté contact, bias or conflict of interest to declare. Patrick Allen stated that he had conversations with the applicant, James Claus, and asked if the applicant would consider requesting a further continuance in order to reapply under the recently approved Infill development standards, which would allow what the applicant is seeking without a variance. Patrick added that he was not certain what the applicant has decided and that the discussions did not introduce any bias nor affect his ability review the application.

Heather said that staff continues to recommend denial on the application and that an addendum staff report has been provided in commissioner packets. Heather stated that additional written testimony was received from the applicant, James Claus, and property owners John and Julie Kandik, which was also included in the packets. Heather said that the written testimony received from Mr. Claus claimed that there are errors in the staff report, which staff has reviewed for accuracy and that it is staff's position that errors do not exist. Heather reiterated that Pages 3 & 4 of the staff report specifically recaps findings made by staff to support that criteria on the application have not been met. Heather clarified any confusion that may exist over the parcel numbering from the original application in 2001 to the current references, and provided a diagram of the original parcel map to commissioners to assist in clarification. Regarding written testimony from the Kandiks', Heather said the letter objects to parking issues that do not apply to the variance criteria requirements of the application. Heather concluded that staff would like to defer further staff discussion or response on the application after testimony has been received.

Chair Emery opened the session for testimony from the applicant, James Claus.

Michael Gunn, Gunn & Cain LLP, PO Box 1046, Newberg OR 97132 – Mr. Gunn represents the applicant, James & Susan Claus. Mr. Gunn referred to the September 12, 2006 public hearing, and said although the record was left open for public testimony his client would like the

hearing reopened to include more testimony and documentation into the record. Mr. Gunn recapped the applicant's original request for the continuance and waiving the 180 days, and added that his clients would like the commission to rule on the variance this evening. Mr. Gunn said that if the variance is approved the applicant has 3 lots instead of 2 on which to develop, and asked Chris Crean to confirm if this was accurate.

Chris Crean, City Attorney - confirmed and recapped the original approval on the application to allow 2 partitions, with a 3<sup>rd</sup> approval pending a variance of the dimensional standards on the 3<sup>rd</sup> parcel. Chris added that staff's addendum dated December 5, 2006 recaps this information.

Michael Gunn stated that the applicant is not withdrawing the application and requested that the hearing be re-opened to allow submittal of additional documentation that Mr. Gunn said was faxed to the city attorney's office yesterday to David Doughman's attention, and allow additional response to the criteria.

Chris Crean confirmed that the Commission can re-open the public hearing if desired.

Chair Emery reopened the public hearing on VAR 06-01 – Columbia Lot Depth Variance at 7:40 PM.

Michael Gunn recapped events from the September 12<sup>th</sup> Planning Commission session and said that criteria #A appeared to be an area most undecided. Mr. Gunn referred back to the history of the creation of the hammerhead configuration and conversations with Dave Wechner, Planning Director at that time. Mr. Gunn stated that based on the applicant's information regarding the agreement between Dave Wechner and the applicant, criteria #A would be satisfied. Regarding criteria #D, Mr. Gunn again referred to agreements the applicant states were made with Dave Wechner and reiterated that the hardship was not self-imposed and satisfies criteria #D. Mr. Gunn recapped that his notes reflect that criteria items #A and #D were satisfied at the September 12<sup>th</sup> session. Mr. Gunn recapped criteria items #C and #E were agreed upon as being met, leaving criteria #B - ...the variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity... and added that he thought this was the primary undecided standard to be met. Mr. Gunn said that the applicant cannot develop in the same manner as other property owners in the same vicinity, due to the hammerhead configuration requiring the variance, which is a hardship that is not self-imposed, and Mr. Gunn said should satisfy criteria #B.

Thomas Claus, PO Box 1631, Sherwood OR 97140 – Thomas Claus reiterated that he believed all criteria had been met and recapped points on criteria items #A, #B, & #D. Thomas Claus addressed #A & #D together and said that both apply to unique circumstances and referred to an attachment in the staff report regarding right-of-way (ROW). Mr. Claus reiterated that the ROW entering Columbia St. was pre-existing the applicant's ownership of the property, which is a unique circumstance. Mr. Claus added that neighboring properties have existing conditions that are non-conforming to underlying zone standards and are examples of unique circumstances, including parking issues and carport locations in the ROW that do not allow space for a sidewalk. Thomas Claus stated that the applicant's property would be developed in keeping with the character of the neighborhood, which is single-family detached housing in residential zoning. Mr. Claus said that at the time the original application was passed the Code did not permit the creation of any new ROW in a partition request, and added that new public ROW was

created with the turnaround that subsequently restricted the property and required a variance for the lot depth to develop the parcel. Thomas Claus addressed item #B and agreed with Mr. Gunn's testimony previously on this criteria. Mr. Claus stated that the applicant is not requesting to build within the setback standards, but is requesting the variance to allow the parcel to be used for the lowest density possible to keep within the character of the neighborhood, which is a property right that all neighboring property owners currently enjoy.

James Claus, 22211 SW Pacific Hwy., Sherwood OR 97140 – Mr. Claus addressed Patrick Allen and referred to their previous conversation prior to the commission session and said that although he was considering dropping the application his family encouraged him to continue the process through legal counsel. Mr. Claus recapped his letter dated December 12, 2006 and said that the staff report had inaccuracies, and discussed parking issues raised by the neighboring property owner's letter. Mr. Claus added that contributing to the parking problem in the area are illegal intrusions from other neighboring property owners into the public right-of-way, and that these parking issues have been brought to the City's attention and nothing has been done. Mr. Claus also referred to the original site plan diagram for this project dated 2001, and said that based on facts provided in Thomas Claus' testimony and conversations he had during the original application with Planning Director, Dave Wechner, they meet all of the criteria required for the variance. Mr. Claus discussed considerable costs that he has incurred on the project, and related these directly to original agreements made with the City particularly regarding the public improvements that were done and the hammerhead configuration that resulted. James Claus added that on the original application it was also evident that he installed 6 single family hookups that were approved by the Engineering Dept. Mr. Claus concluded that his mistake was trusting the City in the agreements made regarding the future variance that would be required.

Thomas Claus, PO Box 1631, Sherwood OR 97140 – Thomas Claus referenced the site plan from the original application and said that the parcel clearly shows plans for future development based on the identification of the easements and utilities, which were submitted to the Planning and Engineering Departments. Mr. Claus added that the storm water facility and public access easement are shown directly in the middle of the future 2 lots to be shared equally. Thomas Claus said the new Infill standards are again discretionary and would be under design review evaluation by planning staff and the Commission. Mr. Claus recapped that the applicant dedicated the property as right-of-way on the original application and was not under any obligation to do so, and said he believed the application met the criteria and asked commissioners to approve the variance.

Chair Emery asked for staff comments.

Heather Austin addressed comments made by the applicant regarding code compliance issues that were reported and said she forwarded complaints to Dean Casey, the Code Compliance Officer for the Sherwood Police Dept. who has investigated and cited as necessary for code violations on Columbia Street.

Patrick Allen asked Heather to clarify that none of the parking or code compliance issues raised are relevant to the criteria for the variance application. Heather confirmed.

Heather referred to the applicant's comments about agreements made with former Planning Director, Dave Wechner, and stated that she spoke to Mr. Wechner who told her that he did not

want to testify and that he did not recall conversations claimed by the applicant. Heather asked for clarification from the applicant why they did not originally submit a 6 lot subdivision instead of going through the partitioning process if 6 lots were planned. Heather added that the lot reduction could have been obtained through the PUD process. Regarding the dedication of right-of-way, Heather affirmed that it is accurate that new ROW cannot be dedicated in a minor land partition process in the current Code, but said existing ROW can be expanded. Patrick Allen said his interpretation of expanding ROW would be widening rather than extending. Jean Lafayette agreed. Patrick followed by stating that regardless of the definition it was not part of the criteria for evaluating the variance application. Heather confirmed. Heather confirmed that the City and the fire department both require the street to terminate in some manner so that a turnaround is available. Heather said that she is not certain however, that the location of Columbia Street before the original partition was created would be considered a pre-existing hardship. Heather addressed criteria in item #B regarding the equal rights for development of property owners, and stated that other property owners in the same vicinity would also be required to meet same lot depth requirements as the applicant, regardless of the parcel configuration or whether the condition was pre-existing. Heather concluded that based on this she believes that the property right is preserved, and that staff still recommended denial based on not meeting variance criteria.

Patrick Allen asked Heather to address the about storm water and sanitary sewer access shown on the original map in the middle of Parcel #2. Heather that it appears to show that there was intention to divide Parcel #2, and that the access would be shared for 2 lots or serve the property to the south. Patrick asked Heather to clarify that the City's Engineering Dept. would have approved this. Heather confirmed that the Engineering Dept. would have approved public facilities and the location of these as shown on the map.

Julia Hajduk added that this would not necessarily constitute approval for future land divisions. Patrick confirmed and added that he was looking for the accumulative tangible evidence to help clarify and support what may have possibly occurred at the time, particularly regarding the proposed 6 lots and utility hookups. Patrick added that he thought it would be odd for the Engineering Dept. to approve the storm water and sanitary sewer access as shown on the map without any understanding of the intent. Heather confirmed, and added that an applicant would receive approval as long as standards were met.

Chris Crean recapped that 3 parcels were conditionally approved, the 3 parcel being tentative depending on a variance. Chris added that the existence of infrastructure may reflect an intention for 6 lots, but the last parcel remained conditional for the applicant to obtain a variance.

Patrick Allen focused on criteria #B regarding the preservation of equal property rights for owners of property within the same zone and vicinity, and said it does appear to be a circular definition by which no one could ever obtain a variance under this standard. Patrick asked staff for clarification. Julia Hajduk gave an example of property encumbered in a manner that a dwelling cannot be placed on the lot and still meet setback standards due to wetlands, steep slopes or easements. Julia said that any property owner with property in this kind of situation would have the right to place a structure on the property and to be approved for a setback variance. Patrick asked staff to clarify how a variance for a setback would be different than a lot depth variance. Julia said that staff asks if the applicant has a right to create 3 lots, or if the applicant has the right to create a specific number of units. Julia added that staff's interpretation

is the applicant maintains the same right as other property owners in the same zone and vicinity with 1 lot and the ability to create 2 units.

Chair Emery asked if there were further questions for staff. There were none.

Michael Gunn, PO Box 1046, Newberg OR 97132 – Mr. Gunn said he disagreed with staff's interpretation equating the applicant's right to place 2 units on 1 lot with 2 lots, and said the question relates to the number of square feet with what is allowed. Mr. Gunn said that the applicant's right to develop is being infringed by the lot-depth ratio requirement. Mr. Gunn reiterated that the applicant's right is divide the parcel into 2 lots and create single family dwellings on each lot, with an approved variance based on the information provided. Mr. Gunn concluded that the hammerhead and 6 utility hookups would not have been initially created in lieu of the 8 allowable units, unless there was an agreement with the City.

Thomas Claus, PO Box 1631, Sherwood OR 97140 – Mr. Claus agreed with Michael Gunn, and stated that most of the properties on Columbia St. are single family dwelling rather than higher density, and said this is the most desirable dwelling. Mr. Claus stated that a denial of the variance would also be denying the applicant the same property owner right to create single family housing.

Dan Balza asked for clarification whether the hammerhead was required by the fire department. Thomas Claus said that the fire department does require a turnaround, but that it does not have to be a publicly dedicated turnaround. Mr. Claus said that the City needed a public turnaround. Jean Lafayette asked Mr. Claus to clarify that if the turnaround had not been publicly dedicated, the applicant would not have needed the variance. Mr. Claus confirmed that the extra land that went into the public dedication would have been available for the applicant, which is 8 feet. Mr. Claus confirmed that original public dedication was 21 feet.

Patrick Allen asked for clarification why the applicant did not submit the original application as a subdivision. Thomas Claus responded that a subdivision application under the existing Code at that time was different that presently and larger public dedication would have been required, in addition to the PUD ordinance was not conducive to the land acreage.

Chair Emery asked if there were further questions for the applicant or any further testimony. There was none. Chair Emery closed the public hearing at 8:25 PM.

Chris Crean recapped that the approval criteria is the only standard to be considered on the application. Chris added that the history of the property and decisions made at the time on the application may give rise to interpretation by the Commission.

Patrick Allen referred back to criteria #B on equal property owner rights, and asked Chris Crean to clarify what qualifies as a property right in regard to variances. Chris said that defining property right can be difficult. Chris referred to Julia's previous example in addition to relaying various examples in other jurisdictions, and recapped that all properties within the same zone and vicinity are required to meet the same lot dimension standards.

Chair Emery suggested taking a 10-minute break at 8:30 PM.

< 10-minute break >

Chair Emery reconvened the session at 8:40 PM. Adrian asked commissioners for discussion on how best to proceed with enforcement under the current Code and new Infill standards are not yet in effect.

Patrick Allen stated that he was inclined to conclude findings different than staff and deferred to a recap of the required criteria:

#A – Patrick stated that unusual circumstances exist due to the shape of the parcel and its proximity to Columbia St., and in order for the applicant to be able to make the “highest and best use” of the property, a variance would be required.

#D – Patrick discussed possibilities surrounding the original application process in 2001 and cited other circumstances that Dave Wechner, Planning Director of that time, made some decisions on property design and development geared toward benefit to the community that may not have adhered strictly to the Code. Patrick cited specifically G.I. Joe’s and Les Schwab as examples. Patrick added that the original site plan shows plans for 6 parcels and that it appears the applicant has met this criteria, and was not a self-imposed hardship.

#B – Patrick said he was left with a decision on whether or not circumstances allow for equal property rights for property owners, and whether or not the applicant have met this criteria. Patrick invited discussion.

Jean Lafayette asked Chris Crean to recap the legal position for criteria #B.

Chris Crean stated that to meet criteria #B, findings would have to show that a variance was required to preserve the equal rights of the neighboring property owners in that zone, per the Code.

Matt Nolan asked how a lot dimension variance could ever be obtained under Mr. Crean’s explanation. Matt added that examples given have been regarding easement and setback variances. Chris Crean said a dimensional standards variance example could be the widening of a road by the Oregon Dept. of Transportation (ODOT) changing the shape of a property owner’s property that no longer met dimensional standards, and said this scenario may qualify for a lot depth variance. Patrick asked how this example would be different from the applicant providing a hammerhead configuration at the City’s request. Chris stated that they may be the same. Jean Lafayette added that if the applicant had not conceded to the public dedication they would not have needed a lot depth variance. Chris Crean later clarified that the hammerhead and lot configuration came into existence at the same time, and that the hammerhead was not imposed on the property.

Matt Nolan stated that if the applicant came back through the process under the new Infill standards after January 5, 2007, they would also be required to pay fees associated with a new application in addition to added time for the process. Matt added that the applicant wants to do exactly what the City wants for the “highest and best use” of the property, and that the applicant should not have to come back through the process for the same end result.

Dan Balza added that the lot still meets the minimum lot size requirement.



Patrick Allen asked Chris Crean if the Commission finds that criteria #B on equal property owner rights is met by contributing to the preservation of property rights, focusing on the ability to develop at the maximum yield allowed under Code as a matter of good public policy and efficient land use, if he could defend that finding. Chris affirmed that he could defend those findings. Chris added that interpretation of the criteria involves some discretionary decisions and that he could view either as defensible. Jean added that the applicant is also doing what is consistent with what the City wants.

Discussion ensued recapping criteria #A, #B, & #D.

Matt Nolan stated that the struggle with criteria #B could be met if the applicant is exceeding the minimum lot size and maintaining the established setbacks, which would be preserving the equal property rights of all property owners within the same zone.

Jean Lafayette added that the applicant would also be maintaining the character of the neighborhood.

Patrick Allen moved to approve VAR 06-01, Columbia Lot Depth Variance based on the following criteria findings:

#B – is met by preserving the ability to subdivide the parcel in a manner that is consistent with the minimum lot sizes and setbacks, and the residential character of the neighborhood.

#A – is met by the shape of the parent parcel and the location of the connection of Columbia Street.

#D – is met through the weight of the testimony, as well as the materials submitted with respect to infrastructure improvements on the site, which lend credence to the argument that it is not a self-imposed hardship.

Jean Lafayette seconded.

Chair Emery asked if there was further discussion on the motion. There was none. Vote was taken:

Yes – 4 No – 1 Abstain – 0

Motion carried.

**B. Parks Master Plan (PA 06-04)** – Chair Emery opened continued deliberation for the Parks Master Plan at 9:05 PM.

Thomas Claus, PO Box 1631, Sherwood OR 97140 – Thomas Claus spoke from the audience stating that although he had asked for a continuance of deliberation of the Parks Master Plan from the November 14, 2006 session, his schedule did not allow him time to prepare anything additional for this evening.

Julia Hajduk added that she did have an opportunity at City Hall to talk to Thomas Claus about the Parks Master Plan Acquisition map and clarified for Mr. Claus items that he discussed at the November 14<sup>th</sup> session.

Chair Emery asked Julia to clarify the Wildlife Refuge Land Acquisition shown on the map covering the location site of a local employer, Wellens Allied. Julia confirmed the Wildlife Refuge Land Acquisition sections are conceptual only and meant to be general. Heather confirmed this intent in providing the mapping. Julia said that the recommended language was added to the map, "to be used as a tool for policy discussions", rather than "policy decisions".

Julia recapped that staff asks the Planning Commission to recommend for approval the comprehensive plan amendments to include the maps into the Comprehensive Plan.

Matt Nolan agreed with Adrian Emery regarding the mapping of the site over Wellens Allied and asked if it could be removed. Adrian added that as long as the Council was alerted to this area and its intent, removal should not be necessary. Matt concurred. Julia said that the mapping was adopted with the Metro bond measure and will alert the Council as recommended.

Jean Lafayette stated that the process for the Parks Master Plan was flawed and that due diligence was not done as with the Transportation System Plan, which included the Code work and details. Jean added that areas on the maps have been identified as not appropriate for acquisition, however they are being recommended into the Comprehensive Plan. Jean reiterated that the master plan should have been reviewed as a complete package.

Adrian Emery asked Julia to clarify that the Parks Master Plan is a guideline only and that later involvement will include the Code. Julia confirmed, and added that the Parks Master Plan is a Comprehensive Plan policy now. Jean expressed concern over the use of the document as policy based on her previous comments and acknowledgements of the process. Patrick said that the Commission is more familiar with using the Community Development and Zoning Code as a policy deciding tool, versus the Comprehensive Plan.

Patrick Allen moved to approve the Parks Master Plan Amendment document with edits as noted to include impact areas as noted on the maps, added legend language, and Council awareness of the map issue regarding Wellens Allied, to forward to City Council for approval.

Matt Nolan seconded.

Chair Emery asked if there was further discussion on the motion. There was none. A vote was taken:

Yes – 4 No – 0 Abstain – 1

Motion carried.

**C. Economic Development Strategy (PA 06-06)** – Chair Emery opened continued deliberation on the Economic Development Strategy at 9:25 PM.

Adrian Emery asked Julia how the increased density will help jobs, and asked for clarification to Exhibit 5, Item #5 on Statewide Housing Trends. Adrian asked how the age information was

obtained. Julia confirmed the information shown is the existing text and is not current information. Adrian said that he was not aware the information was based on old, existing text and this clarified his question.

Patrick Allen moved to approve the Economic Development Strategy (PA 06-06) and recommend to Council, based on staff recommendations, public testimony, findings of fact and agency comments.

Jean Lafayette seconded.

Chair Emery asked if there was further discussion on the motion. There was none. A vote was taken:

Yes – 4 No – 0 Abstain – 1

Motion carried.

**7. Comments from Commission** - Jean discussed the policy for an applicant requested an extension and hearing continuance, as shown in the minutes on Page 1 under Agenda Review, when the discussion of the continuance of the Cedar Creek Assisted Living Facility Zone Change (PA 06-05) application occurred.

Rob Dixon addressed commissioners regarding a recent technical work session on Measure 37 process that occurred and stated that the attendance from commissioners was limited to 3, as the session was not a formal meeting with a quorum. Rob added that he would like to have another session with the other commissioners who did not attend so that all of the Commission would have the benefit of the information, as well as to provide input. Rob will plan these and inform commissioners.

Jean Lafayette stated that she would like a summary from ODOT of the history regarding access on Hwy. 99 and specifically the McFall property. Heather Austin said that she has this information and will provide it. Patrick Allen added that he would also like from ODOT a letter or memo stating the accesses on Hwy. 99 from Meinecke to Sunset, and who owns them. Heather said that she will discuss this with ODOT.

**8. Next Meeting:** The next session will be on January 23, 2007. There will be no session on December 26<sup>th</sup> or January 9<sup>th</sup>. Julia confirmed that the agenda for the January 23<sup>rd</sup> session will include Pam Beery from the City Attorney's office providing land use law training, and the annual report will be presented and discussed. Julia added that January is also the time for the Commission to vote on changes, if any, to Chair and Vice Chair members.

**9. Adjournment** – Chair Emery adjourned the session at 9:40 PM.

End of minutes.



# MEMORANDUM

**TO:** Planning Commission  
**FROM:** Julia Hajduk, Interim Planning Supervisor  
**SUBJECT:** Annual Report - 2006  
**DATE:** January 12, 2007

## Introduction

The purpose of this memo is to provide the Planning Commission with an overview of the Planning Department activities for calendar year 2006. This information is intended to demonstrate the level of work, professionalism, and commitment made to customer service, zoning administration, and city planning in Sherwood. The report is organized into four sections or service delivery focus areas: customer service, current planning, long range planning, and special projects. The report is based upon the four (4) FTE in the department in 2006.

## Customer Service

City staff takes customer requests by any means: mail, e-mail, phone, fax, and walk in traffic. The Planning Department included four FTE that all have customer service responsibilities. The Administrative Assistant III and Associate Planner position have the most visibility as they administer the counter planning services, along with the Senior Planner and Planning Supervisor to a lesser extent. In addition, the Planning Department website has continued to evolve in 2006 after a complete overhaul in 2005. To reduce the number of phone calls from appraisers and realtors staff has continued to improve the zoning tools to make it easier to locate zoning information. We are also updating and improving access to the zoning code.

Regarding the volume of customer service inquiries, we started tracking the types of each on a per month basis in January 2006. The following table illustrates the numbers by inquiry method in 2006 compared to 2005.

Method	Customer Contacts 2005	Customer Contacts 2006	Average Week
Phone	1,531	2,344	45
E-mail	51	195	4
Walk-in	575	874	17
Mail	5	10	~
<b>TOTAL</b>	<b>2,215</b>	<b>3,423</b>	<b>66</b>

By far the most frequent inquiry method continues to be the phone. Face to face contact is the second most frequent contact and generally preferred for application submittals. E-mail requests increased fourfold from 2005 and there was a slight increase in snail mail despite the higher use of e-mail requests. We will continue to strive to improve the access and opportunities for the public to obtain information about projects, processes and the Code.

## Current Planning

Staff has compiled all planning actions for 2006. Planning actions include all Type 1 thru Type 5 quasi-judicial applications that were submitted. Some have not been fully processed. The Department of Land Conservation and Development (DLCD) requires this information on an annual basis and the Sherwood Zoning & Community Development Code (SZCDC) also requires a registry of all decisions (Section 3.207). The following table summarizes the land use planning and zoning related actions by application type for 2006.

### Land Use Actions – 2006

Type of Action (File Prefix)	Amount
Pre-Application Conferences (PAC)	30
Amendments (- A)	1
Type 1 – Ministerial (292)	
Administrative Variance (AV)	1
File Extension (FILE-EXT)	2
Final Plat Review (FNL)	12
Home Occupations (HO)	52
Lot Line Adjustments (LLA)	3
Sign Permits (SIGN)	26
Temporary Sign Permits	22
DMV Dealer Certificates – Zoning Clearance	2
Plan Review	161
Interpretation of Similar Uses (ISU)	0
Final Site Plan Review	4
Temporary Use Permits (TUP)	7
Type 2 – Administrative (17)	
Home Occupations (HO-2)	7
“Fast Track” Site Plan Review (SPR)	6
Expedited Land Divisions	1
Minor Land Partitions	3
Type 3 – Hearings Officer (8)	
Subdivisions (SUB) <50 lots	2
Variances (VAR)	1
Conditional Use Permits (CUP)	1
Site Plan Review <15K >40K SF	4
Type 4 – Planning Commission (3)	
Site Plan Review >40K SF or Old Town District	3
Subdivisions >50 lots	0
Type 5 – Legislative (9)	
Annexations (ANX)	1
Plan Amendments (PA)	6
Planned Unit Development (PUD) + Modification	2
<b>TOTAL</b>	<b>359</b>

As the above table indicates it has been another busy year in Sherwood. Approximately 350 Type I-IV applications have been submitted and processed by 2.5 FTE current planning staff. Out of 30 pre-application conferences in 2006, 10 led to application submittals. In 2005 the City held 42 pre-application conferences which led to 21 application submittals. More applications are expected as a result of the strong pre-application activity.

As far as overall percentage (46%), plan review, done prior to issuance of building permits, accounts for the majority of land use actions in 2006. Plan review is an over the counter action for

additions, accessory structures, such as a workshop, and final review of site plans for individual, legal lots in platted partitions and subdivisions. The total number of applications has decreased compared to 2005 proportionally to the lower number of plan reviews for new single-family detached units. This is a direct result of the lack of new lots created by subdivisions in the two prior years. Although staff processed the same number of minor land partition applications this year as subdivisions, only 29 lots were created in 2006.

As a result of a dwindling supply of large developable properties staff did not expect a lot of subdivision and planned unit development applications. However, with 14 site plans, this was by far the busiest part of the current planning program. Additional commercial, industrial, and multi-family applications are expected to outpace traditional subdivisions as the City matures from a small town to a traditional suburb with a variety of goods and services. However, despite the decreasing number of lots Sherwood's population is estimated at 16,115 according to Portland State University's Population Research Center.

As you know, the department set a performance standard of 6-8 weeks at 80 percent of the time for processing Type 2-4 applications once deemed complete. Of the 21 Type II-IV applications approved in 2006, five (23%) were not processed within 8 weeks. Twelve (57%) applications were processed, including decisions within 8 weeks. Four (19%) applications were processed by staff within the goal period of 6-8 weeks but did not meet the 8 week goal date due to public hearing postponements, delays caused by leaving the record open or waiting for the Hearing's Officer to issue his decision (usually within a week after the public hearing unless the record is left open). All in all, staff was able to review the applications and prepare a staff report for projects within 8 weeks 76 percent of the time in 2006. The 80 percent threshold accounts for full dockets, applicant requests for 120 day rule extensions, and protracted negotiation of conditions of approval. With the number of applications and staff available, we are very proud to have reached the goals 76% of the time. With reduced staff, the department will continue to strive to meet the targets, but it is anticipated that this will not be possible if the same number of application submittals continues through 2007.

### **Long Range Planning**

The long range planning program has 1.5 FTE to manage various Planning Commission, City Council, Sherwood Urban Renewal Planning Advisory Committee (SURPAC), Parks & Recreation Board, and City Manager projects and policy initiatives. By any measure, the 2006 Work Program was ambitious, but we accomplished a lot this year. We finished a number of projects, including major policy initiatives such as the Parks & Recreation Master Plan, SE Sherwood Master Plan, Area 59 Concept Plan & Implementation, Economic Development Strategy, Urban Planning Area Agreement, Chapter 9 – Historic Resources Update, and the Goal 5/Infill & Redevelopment Code Update. The new work program will be less ambitious, but still action oriented to maximize available staff resources.

### **Special Projects**

The City Manager's Office and Community Development Director assign various special projects to the Planning Department to provide technical assistance. These include, but are not limited to, application for All-America City designation, Construction Excise Tax Program, Cannery Redevelopment, addressing, Tree City USA application, City Beautification Team, development review work group, Sherwood High School Master Plan, Measure 37 policy coordination, Washington County Planning Directors, I-5/99W Connector, Old Town facade grants, Downtown Streets, population and demographics, economic development, Tonquin Trail Master Plan, and parks and recreation services.

In addition to the above, we implemented a new online records management system, referred to as "Document Locator," and transferred the existing electronic file system to the new system. The

department will also continue to update the Sherwood Zoning & Community Development Code (Part 3) with a new printing planned for 2007. We are investigating a code merger with the Municipal Code (Title 16) and posted online by Lexis Nexis.

Overall, 2006 has been a busy but very productive year in Sherwood. It did not slow down in current planning and the long range projects continue to pile up. Next year we can look forward to annexation of Area 59, concept planning of the Brookman Addition (Area 54-55), technical master plans for stormwater and sanitary sewer, and development of the Tonquin Trail Master Plan.

To: City of Sherwood Planning Commission

From: Gene Thomas, Civil Engineer

Through: Tom Pessemier, City Engineer;  
Rob Dixon, Community Development Director

Subject: SANITARY SYSTEM MASTER PLAN UPDATE

Background: The existing Sanitary Sewer Master Plan was approved in 1993 and has guided city development since its approval. However, the City has outgrown the current master plan. In addition, there have been several expansions to the City boundaries. Area 59 and Areas 54 and 55 are within the urban growth areas and will be annexed to the city as planning is completed.

A new Sanitary System Master Plan is needed to evaluate existing and future system conditions and to recommend appropriate improvements and appropriate rates and SDCs to support these needs.

Current: The City's 2006-07 Program of Work includes updating of the Sanitary Master Plan. A contract with Murray, Smith & Associates to develop the Master Plan Update has been entered into. The consultant will evaluate existing conditions; identify improvements and related costs associated with improvements within the City limits as well as future annexation areas within the urban growth area.

Staff has also requested the consultant consider potential areas of interest outside the current boundaries that are likely to become part of the City in the future. The area of interest report will be a draft technical report that will accompany the Master Plan but will not be a section of the main report.

A full rate and methodology study tied to the developed CIP will be performed as part of the Master Plan as well.

Future Action: Planning Criteria and Population Projections for review and concurrence will be presented to the Planning Commission at the February 13<sup>th</sup> meeting.

Additional presentations are proposed:

Work Session with PC	4/24/07
Hearing before PC	5/8/07
Adoption by PC	5/22/07
Hearing before CC	6/5/07
Adoption by CC	6/19/07

Completion: The Master Plan is currently projected to be completed by the end of this fiscal year, with the rate study and SDC methodology completed shortly thereafter.





2007  
**PLANNING COMMISSION  
 PUBLIC HEARING SCHEDULE**

Commission meetings are generally held the 4th Tuesday of each month at 7:00 PM in the Community Room @ the Sherwood Civic Center located at 22560 SW Pine St. Meeting dates planned throughout the year appear on the schedule in **bold**. Occasionally, a second meeting per month may be needed due to land use application review time limits. A second session on the 2nd Tuesday of each month is shown on the schedule as tentative only.

To determine if tentative meetings will be held, please check the web site for agendas & copies of meeting packet materials posted 1 week prior to a scheduled meeting at: [www.ci.sherwood.or.us](http://www.ci.sherwood.or.us) , Boards & Commissions, Planning Commission.

Staff Reports Available (one week prior)	Meeting Date
1/2/07	1/9/07
1/16/07	<b>1/23/07</b>
2/6/07	<b>2/13/07</b>
2/20/07	2/27/07
3/6/07	3/13/07
3/20/07	<b>3/27/07</b>
4/3/07	4/10/07
4/17/07	<b>4/24/07</b>
5/1/07	5/8/07
5/15/07	<b>5/22/07</b>
6/5/07	6/12/07
6/19/07	<b>6/26/07</b>
7/3/07	7/10/07
7/17/07	<b>7/24/07</b>
8/7/07	8/14/07
8/21/07	<b>8/28/07</b>
9/4/07	9/11/07
9/18/07	<b>9/25/07</b>
10/2/07	10/9/07
10/16/07	<b>10/23/07</b>
11/6/07	11/13/07
11/20/07	<b>11/27/07</b>
12/4/07	<b>12/11/07</b>
1/2/08	1/8/08
1/15/08	<b>1/22/08</b>
2/5/08	2/12/08
2/19/08	<b>2/26/08</b>

For more information, please contact the Planning Department at (503) 625-4202.

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**January 23, 2007**

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**Commission Members Present:**

Chair Adrian Emery  
Vice Chair Patrick Allen  
Jean Lafayette  
Dan Balza  
Matt Nolan  
Russell Griffin  
Todd Skelton

**Staff:**

Julia Hajduk – Interim Planning Manager  
Rob Dixon – Community Development Director  
Heather Austin – Associate Planner  
Cynthia Butler – Admin. Assistant III  
  
City Attorney – Pam Beery

1. **Call to Order/Roll Call** – Cynthia Butler called roll. All were present.
2. **Agenda Review** - There were no changes to the agenda.
3. **Consent Agenda** – Minutes from the December 12, 2006 session were approved with edits noted below by vote:  
Yes – 5 No – 0 Abstain – 2

Russell Griffin and Todd Skelton abstained as they were not present at the December 12th session.

Vice Chair Allen recommended edits for clarification in the non-verbatim draft minutes in the following sections: Page 7, regarding “highest and best use”, to “more clearly state to maximize the efficient use and productivity of the land within the City”. Also on Page 7, Patrick stated that his comments regarding former Planning Supervisor, Dave Wechner, to reflect that Mr. Wechner’s criteria for making decisions related to the application may not have been strictly required by the Code. Lastly, Patrick added that in a vote taken by the Commission in which a “No” or “Abstain” vote is observed, the commissioner’s name(s) who voted other than “Yes” should be given. City Attorney Pam Beery confirmed. Specifically, Chair Emery voted “No” in the December 12<sup>th</sup> minutes when voting on the Columbia Lot Depth Variance application. Additionally, Jean Lafayette voted “Abstain” on the Parks Master Plan Amendment.

Chair Emery provided corrections to Page 9 of the draft minutes regarding the names of the local businesses appearing within the Parks Master Plan map designation as, Wellons, Inc. and Allied Systems. All changes noted above were made as recommended.

4. **Brief Announcements** – Julia Hajduk provided an update on the process on the Brook Addition Concept Plan, Area 54-55 in the UGB. Otak has been selected as the consultants for the project and the first meeting with Otak is scheduled for Thursday, January 25th. Discussion ensued regarding guidelines for growth within the Urban Growth Boundary. Julia said that a Memorandum of Understanding (M.O.U) is being developed regarding the Langer property and the completion of Adams Street south of the Target site. Julia stated that a site plan review or zone change application if determined necessary may come before Planning Commission for review and recommendations at a later date. Russell Griffin asked for clarification of the

process. Rob Dixon recapped that the City has nearly completed the design phase of Adams Street, but that the City cannot fund completion of the entire road. Developers who fund completion of the road receive credits for Traffic Impact Fees and System Development Charges, among others. Russell asked if there were an existing application with the City. Rob said there was not, but that informal agreements and discussions are currently underway to discover areas of common ground. Final recommendations and decisions will follow the standard process through Planning Commission and City Council. Rob concluded that building upon commercial and light industrial lands as opposed to residential will help support the balance of the tax base, and the completion of Adams Street connecting to Old Town will hopefully help spur economic development in Old Town. Julia added that the meetings are identifying the goals of the property owners and the City, and that the Planning Commission will receive regular updates on the process. ;

Heather Austin discussed the memo from ODOT provided to the Commission in response to an earlier request by Patrick Allen to have some historical reference of access points along Hwy. 99. Heather confirmed that the memo is the most current information.

**5. Community Comments** – Chair Emery asked if there were any community comments.

Norm Dull – 319 SW Washington St., Ste. 200 – Portland, OR 97204 – Mr. Dull is the architect for the new elementary and middle schools in Area 59 and represented the Sherwood School District this evening. Norm acknowledged that Commission Allen has been involved in some of the design meetings. Mr. Dull stated that negotiations for land acquisition continues, but that issues regarding property lines are primarily settled. Surveys for wetland delineation have occurred as well. Alignment of parking and circulation patterns has been established. The ideal schedule to being construction is Summer 2007, depending on City Council approving the annexation placement on the May 15<sup>th</sup> voter ballot and subsequent Planning Commission hearing June 12<sup>th</sup> on the conditional use permit portion of the application. Mr. Dull stated that if the process flows as described, ground breaking could occur by July 24, 2007. Norm added that the School District would like to present an informal design presentation to the Commission in a work session format at the next meeting, February 13<sup>th</sup>.

Commissioners clarified the existing agenda for this date and it was determined February 13, 2007 was a good time to add the work session. Jean Lafayette asked if the work session would be advertised in the Gazette. Julia stated that work sessions are included on agendas that are posted in the 5 conspicuous places within the city, but are not advertised in the Gazette. Chair Emery asked if there were further questions for Mr. Dull. There were none.

Eugene Stewart – PO Box 534, Sherwood OR 97140 – Eugene spoke on the subject of parking in Old Town and reiterated that he believes there is a significant need for more parking for patrons of local businesses, and to assist mobility for local senior citizens. Discussion ensued regarding this topic including a recap from various previous meetings on the subject. A parking study may be conducted in the future, but not at this time. Mr. Stewart expressed concerns about the availability of complete resource materials in the Library, specifically the Sherwood Comprehensive Plan and in particular information regarding citizen's committee process. Julia Hajduk confirmed with Cynthia Butler that the resource materials in the Library are current. Mr. Stewart was invited to contact the Planning Department anytime to discuss specific items he is unable to locate.

Chair Emery asked if there were further community comments. There were none.

**6. Planning Department Annual Report** – Julia Hajduk recapped that the annual report largely represents material from former Planning Supervisor, Kevin Cronin, but that she finalized information and recapped highlights between the 2005 and 2006 data. Chair Emery asked if there were questions for staff regarding the annual report. Russell Griffin asked Heather Austin for a description of the processes involved in the City Beautification Team. Heather said that the City Manager requested the committee, whose members consist of representatives from Public Works, Code Compliance, and Planning to discuss and suggest areas in the community that need attention that do not fall in the normal course of planning project review, code compliance, or Public Works programs. Some suggestions included landscaping, sidewalk maintenance, fence repair, and tree-trimming. Heather said that the team will meet with the Public Works Director, Craig Sheldon, next week to present final recommendations. Heather concluded that it is not certain what will develop beyond presentation of the recommendations.

**7. Planning Commission Chair and Vice Chair nominations** – Commissioners made nominations and voted for new Chair and Vice Chair positions, per requirements of Section 1.103.02 of the Code: “...the Commission shall at the first meeting of each odd-numbered year elect a Chair and Vice Chair”.

Chair – Jean Lafayette nominated Patrick Allen for Chair. Matt Nolan seconded. Chair Emery asked if there were any other nominations for Chair. There were none. A vote was taken, which was unanimous:

Yes – 6 No- 0 Abstain – 0

Patrick Allen is the new Chair effective at the next session, February 13, 2007.

Vice Chair – Patrick Allen nominated Jean Lafayette for Vice Chair. Dan Balza seconded. Adrian Emery nominated Russell Griffin. Matt Nolan seconded. Chair Emery asked if there were any other nominations for Vice Chair. There were none. Chair Emery asked Jean and Russell if they both were interested in serving as Vice Chair. Russell confirmed. Jean Lafayette deferred to Russell and withdrew from consideration. A vote for Russell Griffin as Vice Chair was taken, which was unanimous:

Yes – 6 No – 0 Abstain – 0

Russell Griffin is the new Vice Chair effective at the next session, February 13, 2007.

**8. Comments by Commission** – Jean Lafayette asked for an update on the Economic Development Strategy. Julia Hajduk stated that this was originally scheduled for the January 16<sup>th</sup> City Council agenda, which was cancelled and rescheduled to February 6<sup>th</sup> due to inclement weather. Dan Balza asked for information regarding the City’s Wi-Fi program. Chair Emery responded that the Wi-Fi program is on the City Council’s goal setting work program for this year. Russell Griffin said that Good Day Oregon was appearing at the Mosaic Pottery Studio in Old Town from 5-9 PM on January 24<sup>th</sup>. Russell asked Heather Austin about the construction trailer located at the corner of Railroad and Park Streets that is in disrepair and has been parked

in this location for months. Heather confirmed that staff will follow-up and possibly refer to the Code Compliance Officer. Chair Emery asked if there were any further comments from commissioners. There were none.

**9. Next Meeting:** February 13, 2007: Sherwood High School Expansion (SP 06-13); Cedar Creek Assisted Living Zone Change (PA 06-05); School District School Design Work Session.

**10. Adjournment** – Chair Emery adjourned the regular meeting at 7:50 PM. Commissioners and staff participated in a work session on land use law conducted by City Attorney, Pam Beery.

End of Minutes.