



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall & Public Library
22560 SW Pine Street
January 10, 2006
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 22 & December 13, 2005**
- 4. Brief Announcements**
- 5. Community Comments (*The public may provide comments on any non-agenda item*)**
- 6. General Information: 2005 Annual Report – Planning Department
Legal Issues Workshop – Planning Department**
- 7. SE Sherwood Master Plan Update**
- 8. New Business:**
 - A. The Oregon School Siting Handbook – TGM Program Presentation**

The Commission will hear a presentation from the Transportation & Growth Management Program on a new publication to help cities and schools districts site new facilities. This is an information only item for the Commission prior to the discussion and recommendation of Area 59.
(Kevin A. Cronin, Planning Supervisor, Planning Department)
 - B. Area 59 Concept Plan**

The Planning Commission will consider a recommendation from the Area 59 Citizens Advisory Committee. The CAC met six times since December 2004 to develop a concept plan for a new 85 acre neighborhood. In addition, the Commission will consider a staff report and recommendation.
(Kevin A. Cronin, Planning Supervisor, Planning Department)
- 9. Comments from Commission**
- 10. Next Meeting: January 24, 2006 – Infill & Redevelopment Work Session for Commissioners**
- 11. Adjournment**

City of Sherwood, Oregon
Planning Commission Minutes
December 13, 2005

Commission Members Present:

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

Staff:

Julia Hajduk, Senior Planner
Heather Austin, Associate Planner
Cynthia Butler, Administrative Assistant
Gene Thomas, City Engineer

Commission Members Absent:

Chair Adrian Emery

1. **Call to Order/Roll Call** – Vice Chair Allen called the meeting to order at 7 PM. It was noted that Commissioner Griffin was not present, but was expected.

2. **Consent Agenda** – Minutes: September 13th and October 25, 2005. Jean Lafayette moved to approve all minutes. Dan Balza seconded. Vote was taken:
Vote: Yes – 5 Abstain – 0 No – 0
Motion carried.

3. **Agenda Review**

4. **Brief Announcements** – Senior Planner, Julia Hajduk, stated that she was representing Staff this evening in place of Kevin Cronin who was absent. A review of packet materials was completed and Julia stated that a memo from Leland Consulting Group to Assistant City Manager, Jim Patterson regarding the Cannery site would be distributed. Julia said that any questions or discussion regarding the content of the memo could be directed at a later date to Kevin Cronin, Planning Supervisor. Julia recapped that City Hall will move to the new building Saturday, December 17th and be open for limited services on Monday, December 19th.

5. **Community Comments** (not on the agenda) – None.

6. **Public Hearings:**

Dan Balza read the Hearings Disclosure Statement.

Vice Chair Allen asked if there were any conflicts of interest, ex parte contact, or bias. There was none.

A. Chapter 9 – Historic Resources Plan Text Amendment (PA 05-04)

Julia Hajduk stated that this hearing is a continuation of the public hearing held on October 25, 2005 to consider a plan text amendment to Chapter 9 of the Sherwood Zoning and Community Development Code, Historic Resources.

Vice Chair Allen stated for the record that Commissioner Russell Griffin was in attendance. Upon recap of the current discussion, Russell Griffin stated that he owns a home and business in the Old Town area, but that it would not affect his ability to be impartial and consider the findings.

Julia Hajduk recapped the materials provided for Commissioners by Planning Supervisor, Kevin Cronin. Julia said that Kevin summarized Staff's recommendation that a Landmarks Advisory Board (LAB) would consist of the 7 Planning Commission members plus 3 additional historical resource professionals. The 3 historical professionals would provide recommendations to be considered by the Planning Commission, who would be the decision body.

Vice Chair Allen asked to clarify that the 10 member group including the Planning Commission members and 3 consultants would meet, and that the Planning Commission would reconvene for the Planning Commission to consider recommendations and make a decision.

Julia Hajduk confirmed this is Staff's current recommendation. Julia said there were questions about whether a property owner needed to give consent to be listed on the registry, and if they were required to petition to be removed from the registry. Julia confirmed with Kevin Cronin that any property currently listed on the registry remains and that an owner would need to petition for it to be removed from the registry. Julia also said that any additional properties added to the registry would be on a voluntary basis.

Vice Chair Allen asked Staff if the registry was compiled in compliance with any ORS standards that existed at the time, or if the registry was compiled prior to ORS standards.

Julia Hajduk was uncertain and stated that she would get that information.

Vice Chair Allen asked if there were any questions of Staff. There were none. Vice Chair Allen asked if there was any public testimony. There was none.

Vice Chair Allen closed the public hearing at 7:15 PM, and asked if Staff had any further comments.

Julia Hajduk stated that Kevin Cronin relayed if after discussion Commissioners had questions that she could not address, that Kevin could address them at the next meeting if desired.

Vice Chair Allen stated that he is inclined to elect this option, but that referenced Page 31 of the draft version Chapter 9 documents and stated; there first appears to be a style issue in language that states the Planning Commission shall act as the LAB, which conflicts in Item A regarding the 3 other members that join the Planning Commission. Patrick said that in B & C the language states that the LAB recommends to Council, reviews, takes actions and makes recommendations. Patrick said the language states that the LAB does take action. Patrick also said that on Page 39 there is language regarding variances to the alteration standards that states the LAB takes action on standards and the Planning Commission takes action on variances. Patrick asked if Julia wanted to address these or defer to Kevin at a later date.

Julia Hajduk stated that listing specific questions would be beneficial for Kevin to have available for detailed response at a later time.

Vice Chair Allen said that Item C specifically states that the LAB will review and take action or make policy recommendations on new building applications within the designated historic districts. Patrick would like clarification on the action taken by the LAB.

Jean Lafayette said that the interpretation does not appear to match the language.

Matt Nolan said that on Page 31, Section 9.301 appears to imply the LAB takes action and makes decisions, but that language regarding making determinations is allocated to the Planning Commission. Matt said the language appears to be inconsistent.

Vice Chair Allen referenced the top of Page 32, Section 9.401.01 the language states that the LAB and the Planning Commission shall make recommendations to the City Council on designation. Patrick said it appears that there would be voting done by the LAB and the Planning Commission. Patrick said on Page 33, Section 9.401.04, the language for standards for designation state that the potential or historic structure has a quality or significance in American or local history. Patrick asked for clarification on the meaning of "significance of American or local history", and how that determination would be made.

Julia Hajduk said that her thought would be that the determination would be made through the LAB public process, but that she would clarify with Kevin.

Matt Nolan said that also on Page 33 there is language about primary, secondary and contributing significance, but he did not find definitions of these elsewhere in the document.

Vice Chair Allen said there are definitions near the end of the document on Pages 41 or 42, but that these are not there. Patrick said that on Page 36 regarding Appeals, the language states that a decision rendered by the Planning Commission regarding approval, approval with conditions, or denial of a permit for construction, removal, or demolition of a landmark may be appealed to the Council – is unclear who makes that decision. Patrick also asked for clarification on the International Building Code, whether it is required that a particular section of the Code is specified by date.

Julia Hajduk said that Kevin stated the language can read, "as amended or updated", but that this has not yet been checked with the City Attorney, which will occur.

Matt Nolan said in the past it has been difficult to find qualified people to serve and remain on the LAB, and asked if establishing the 3 additional members for the LAB may risk quorum issues, or issues of ineffectiveness.

Vice Chair Allen asked if the City could qualify for the certified City designation if a technical advisory committee were created for the Planning Commission to refer to for professional opinion, but that the Planning Commission would act as the LAB and make decisions, not being dependent on the technical advisory committee as voting members.

Julia Hajduk asked if the possible difficulty mentioned earlier in finding qualified members for a LAB wouldn't apply to a technical advisory committee.

Vice Chair Allen responded that circulated materials could be reviewed by a technical advisory committee for making recommendations to the Planning Commission as part of the record, eliminating the need for the committee to commit to a number of hours on a regular basis or to be part of a quorum requirement.

Jean Lafayette said there are inconsistencies in the Code regarding height requirements, and referenced Page 5 that states height shall be 40 feet and a maximum of 4 stories, but 55 feet and a maximum of 5 stories in the Cannery area. Jean said the Design Standards are split into residential and commercial standards, the residential standards states 40 feet, but does not designate between the two different districts and does not specify the number of stories. Jean said the commercial standard states 40 feet and 3 stories, and does not reference 55 feet as in the Code.

Vice Chair Allen asked Jean to clarify the omission of the 55 feet reference for the Cannery site, and stated that he recalled it was referenced.

Jean Lafayette said that the 55 foot reference is in the Code, but is not in the Design Standards on Page 17 the only reference is 40 feet and 3 stories.

Julia Hajduk said Kevin will respond to this, but that her understanding is that whatever standard is the most strict is what applies.

Jean Lafayette said the preference would be to remove as many inconsistencies as possible while the documentation is being reviewed.

Consensus with Commissioners.

Jean Lafayette said that she will type up a list of the inconsistencies she has discovered and submit it later to Staff.

Julia Hajduk asked to clarify if it was the Commissioner's view that the language in the Code was more strict.

Matt Nolan said that in Item 5C the language states the height requirement is up to 55 feet, and on Page 17 there are different requirements.

Vice Chair Allen added that story references in some places read 3 or 4, or are omitted altogether.

Jean Lafayette said that Page 17 also references a minimum differential of 6 inches between adjacent buildings, which does not appear in the Code.

Vice Chair Allen asked to clarify that the language on Page 5 was referenced when the Commission worked on the Old Town Overlay.

Jean Lafayette confirmed.

Vice Chair Allen said the City of Talent standards that have been integrated in the City of Sherwood Code language may be a disconnect of information in that process.

Jean Lafayette said that Kevin presented exactly what the Commission asked from Staff, incorporate the standards in our Code into one document or reference.

Vice Chair Allen asked if Jean had further examples to discuss.

Jean Lafayette confirmed and stated that she would type up the list mentioned earlier in the interest of time and efficiency, and present it to Kevin at a later date by email.

Vice Chair Allen asked Commissioners for consensus to continue the hearing on Chapter 9, Historic Resources to a later date. Commissioners confirmed. Vice Chair Allen asked Staff for a recommended date.

Julia Hajduk referenced the calendar and discussion determined the 2nd meeting in February.

Jean Lafayette moved to continue the hearing for the Chapter 9 Plan Text Amendment, PA 05-04 to February 28, 2006.

Todd Skelton seconded.

Vice Chair Allen closed the public hearing on PA 05-04 at 7:35 PM.

B. Alto Chevron Diesel Fuel Island Addition – Appeal (SP 05-02) -

Jean Lafayette read the Appeal Hearing Disclosure Statement.

Vice Chair Allen asked if there was any conflict of interest, ex parte contact or bias. There was none.

Vice Chair Allen opened the Appeal Hearing and reiterated that only the applicant can testify unless the Planning Commission has questions of the traffic consultant.

Heather Austin recapped the process to date, and stated that Jeff Wise from Hopper Dennis Jellison, who provided the traffic study for the City and referenced in the Staff Report, has stated that the application did not meet the CAP requirement, and that he is also available for questions. Heather also said that Section 6.307.D1 of the Code states, "All regulated activity shall require a trip allocation certificate prior to approval of the base application. Lack of a trip allocation certificate shall be the basis for denial of a base application." Heather said the extended time periods were determined through communications with Mr. Alto, who chose to continue working with his engineer to find ways for meeting the CAP requirement. Heather also stated that she and City Engineer, Gene Thomas, and Tom Pessimier, P.E. for the City, met with Mr. Alto during the process to discuss options for meeting the CAP requirement. Heather said the Appeal was submitted on November 22, 2005 and that the final extension of the 120 deadline is December 16, 2005.

Dan Balza asked for clarification on the CAP, and stated that Mr. Alto has already installed a diesel pump on an existing fuel island and that traffic is currently accessing the site for this service. Dan asked how the traffic is impacted by separating out the diesel pump to its own island.

Heather Austin said that adding a diesel pump to the existing structure does not require site plan review and does not trigger a traffic study, but adding a fuel island does change the site requiring a site plan review and traffic study.

Russell Griffin stated that according to the traffic study the number of pumps determines the number of trips calculated for a specific site, which is then divided by total site acreage.

Jean Lafayette asked Staff to clarify how the 1.51 total acreage measurement was calculated.

Heather Austin said the calculation is based on Washington County tax map and tax lot information. Heather said there are 3 tax lots that comprise Mr. Alto's property.

Jean Lafayette asked for clarification on the discrepancy between Mr. Alto's numbers and Staff.

Heather Austin stated she believes the landscaping strip within the right-of-way is the difference in calculations. Heather indicated that Mr. Alto and Mr. Wise may want to speak to the question.

Jean Lafayette asked if the landscaping strip was part of the tax lot when the Chevron station was built and then deeded to the City.

Heather Austin was uncertain, but stated that if the landscaping strip in the right-of-way was dedicated, it would have likely been the standard for that time.

Jean Lafayette asked Staff to clarify by an example, that if she were to build on a minimum 5,000 square foot lot in the City of Sherwood, and it included a utility right-of-way, would she be allowed to count the right-of-way toward the total of her 5,000 square feet or would she be required to have 5,000 square feet in addition to the right-of-way measurement.

Heather Austin asked traffic engineer, Jeff Wise to speak to Commissioner Lafayette's question.

Jeff Wise, Hopper Dennis Jellison, 314 W. 15th St., Vancouver, WA 98660: Mr. Wise stated that to calculate the CAP for a site, all of the property in the site is included even if a portion of the site will be dedicated as right-of-way.

Jean Lafayette asked to clarify if Mr. Wise's description wasn't the opposite of what was determined in Mr. Alto's application. Jean said that based on Mr. Wise's explanation, Mr. Alto would be entitled to count the landscaping strip in the total acreage.

Vice Chair Allen asked if easements were being confused with right-of-way.

Jeff Wise that in this case there is no dedication of right-of-way of the site.

Vice Chair Allen asked to clarify with Mr. Wise that if a land use action resulted in a dedication of right-of-way, the entire site including any acreage to be dedicated would be included in calculating total acreage, but in this application there is no dedication involved.

Jeff Wise confirmed.

Vice Chair Allen recapped Mr. Wise's explanation for confirmation, with an analogy of a residential parking strip that a resident maintains, but does not own or pay taxes on.

Jeff Wise confirmed.

Jean Lafayette asked if in her earlier example of the minimum 5,000 square foot lot, whether or not the utility easement would be part of the 5,000 square feet.

Vice Chair Allen confirmed that it would not, it would be part of the public right-of-way.

Jean Lafayette asked Mr. Wise if all 3 tax lots were considered in calculating the total acreage of the site.

Jeff Wise confirmed.

Vice Chair Allen asked if there were any other questions for Mr. Wise. There were none.

John Alto, 24662 SW Ladd Hill Rd., Sherwood: Mr. Alto stated that the conflict may be that the Ordinance applies to existing and new developments. Mr. Alto said the site has existed as it is today since 1988, and that he is not claiming in the application any lands beyond the sidewalk, or that they do not landscape or maintain. Mr. Alto said that his business signs are located on the landscaping that he is claiming as part of their site. John said that the Ordinance does not limit the calculation of the site acreage to the tax lot, but states all of the tax lot area must be used in the calculation. Mr. Alto said that they included all of the areas that they maintain. Mr. Alto spoke to the history of the property and stated that his tax lots lost ground on 3 occasions; Hwy.99 widening, Sherwood Blvd., and Langer Drive widening. John said the Ordinance references the IT Manual, and that the Manual states that an analysis of an area is the total area that the site occupies. John stated that their site is larger than the tax lots and that to reduce the size to the tax lots for trip calculation is inaccurate. Mr. Alto said that he is not challenging the CAP Ordinance, but rather the narrow interpretation of how much of the land should be used in calculations. Mr. Alto requested to submit a memo from Charbonneau Engineering into the record, which was circulated to Commissioners.

Vice Chair Allen asked to recap Mr. Alto's argument and stated that Section 6.307 of the CAP Ordinance under definitions, states that the site trip limit is multiplied by the acreage of the site - and that Section G states that the calculation must use the entire tax lot, but does not restrict the inclusion of more than the tax lot.

John Alto confirmed.

Jean Lafayette asked Mr. Alto if the landscaping was ever part of the original tax lot and then deeded to the City.

John Alto stated that to the best of his knowledge the landscaping was part of the original tax lot and that when Sherwood Blvd. was developed there was an exchange between the Chevron owner at that time with the City that involved this area.

Jean Lafayette referred to Mr. Alto's earlier comments about losing land when Hwy 99 and Sherwood Blvd. were widened, and asked Mr. Alto if the land he lost was part of the landscaping or part of the total site.

John Alto stated it was part of the landscaping.

Vice Chair Allen asked to have a 10 minute break at 7:50 PM to read Mr. Alto's memo from Charbonneau Engineering and review Mr. Alto's letter.

< 10 minute break >

Vice Chair Allen reconvened the public hearing at 8 PM.

Vice Chair Allen referred to the site plan that was completed by AKS Engineering and was part of the packet provided by Staff. Patrick asked Mr. Alto to confirm the location of the Chevron monument sign and that the sign was located in the landscaping strip that is not part of the tax lot, which Mr. Alto confirmed.

Vice Chair Allen asked if there were any further questions for Mr. Alto. There were none. Vice Chair Allen asked Mr. Alto if he had any further comments prior to closing the public hearing.

John Alto stated that City Staff was very helpful and that his application may be the first existing business to expand under the existing CAP.

Vice Chair Allen closed the public hearing for the Alto Chevron Diesel Fuel Island Appeal, SP 05-02 at 8:05 PM.

Vice Chair Allen asked Staff for comments.

Heather Austin confirmed this may be the first case of expanding an existing business under the CAP Ordinance and that in addition to making a decision on this case, it is important for the Planning Commission to make a clear policy standard for how these applications will be reviewed in the future.

Matt Nolan asked Jeff Wise how the IT Manual define site.

Jeff Wise stated that the ITE trip generation manual uses independent variables for calculations including acreage, square footage of a building, and the number of fueling positions, which was used in this case. The CAP Ordinance allows engineering studies to be used in place of the ITE Manual. Jeff stated that if the ITE Manual were used the addition of more fueling stations would have generated more trips than shown by the Charbonneau study. Mr. Wise stated that the Charbonneau study supplemented the ITE with studies from additional sites. Jeff also stated that the ITE Manual does not address specific use of diesel fueling stations, and the Charbonneau

study included data specific to trip generations for diesel fuel. Mr. Wise said that Mr. Alto's argument regarding the site area as defined by the ITE trip generation manual using acreage as the variable rather than the number of fueling stations is a different variable than used by the study completed by Mr. Wise.

Jean Lafayette asked Mr. Wise if he agreed or disagreed with the Charbonneau study.

Jeff Wise stated that the Charbonneau study was done in accordance with the Ordinance and they studied a number of different sites. Jeff stated that they do not raise any objection to the trip generation data supplied by Charbonneau.

Jean Lafayette asked Mr. Wise if the trip generation data supplied by Charbonneau was less than what the ITE manual dictates.

Jeff Wise confirmed. Jeff also stated that the ITE manual discusses fuel pumping stations without differentiating between diesel and other fuels.

Vice Chair Allen recapped that there is no disagreement about the numerator, it is the denominator that is the disagreement.

Consensus with Commissioners.

Russell Griffin asked Mr. Wise if he could determine what kinds of locations are studied to determine the trip count of 1.111, if they were downtown or rural for example or if it is statewide.

Jeff Wise stated it is not statewide, but the number for this study was specifically used for this project.

Vice Chair Allen said that the 3 locations used were the Chevron on Tualatin-Sherwood Rd., and two of them were on Fourth Plain Blvd. in Vancouver, WA, which are suburban locations. Patrick asked to clarify that Mr. Wise was not disputing the 1.111 number used for the calculations.

Jeff Wise confirmed that he was not.

Russell Griffin the discrepancy appears to be over whether or not the acreage outside of the tax lot can or cannot be considered. Russell asked to clarify if there was anything in the Code or the ITE Manual that states area outside of the tax lot cannot be considered.

Jeff Wise said that Section G under provisions in the Ordinance, it states "acreage calculations for the regulated activity", and "acreage calculations are net trips per acre and that trip analysis must use the entire area of the tax lots".

Vice Chair Allen stated that it would read much differently if it stated that no more than the area of the tax lot should be used in the calculation, which it does not state.

Jeff Wise stated that the section could be made more clear, and that from an engineering perspective it is assumed that the application encompasses the applicant's property, or tax lot.

Todd Skelton stated that the signage and driveway of the site should be part of the regulated activity and that it should not be excluded from the total area.

Heather Austin said that any development with a driveway apron is in the right-of-way. Heather stated that the sign is a confusion and that it may have existed before the dedication of right-of-way, or may have been an historical oversight in calculation.

Jean Lafayette said it is perceived that the signage is part of the site, and that if the landscaped area would have been counted previously it would be unfair to penalize the property owner by not counting it now.

Dan Balza asked if the language in Chapter 6, Section 6.307 of the Code that states the use of a tax map to identify the site means tax lot.

Vice Chair Allen stated that there is no definition of site in the Code.

Consensus with Commissioners.

Vice Chair Allen reiterated that Staff will be coming back at a later date to address the issue of site definition in the Code.

Heather Austin [inaudible] referenced that ODOT has jurisdiction over Hwy 99 and could address the landscaping and the sign, as an option.

Vice Chair Allen suggested that the Commission make the following 4 findings:

1. Site is undefined in the Sherwood Zoning & Development Code.
2. The Code language as written does not limit the site area to the tax lot.
3. The Code does direct/shall use of the ITE Manual that defines acre as the total area of a development site.
4. The legally permitted sign exists in the right-of-way within the landscaping area, and the sign is an integral part of the development.

Vice Chair Allen recommended to find for the Appellant and direct the application back to Staff for further processing.

Heather Austin stated that there was no documentation found to date supporting that the sign was legally permitted, but that Staff will continue to do research.

Discussion ensued regarding permanent signs and prior approval for signage.

Vice Chair Allen stated that if Staff determined that the signage was not legally permitted, they would be in the position to again deny the application for failure to meet the CAP. Patrick asked Heather if Staff was able to assert at this session that the sign was not legally permitted.

Heather Austin stated that Staff was not.

Vice Chair Allen stated that another alternative may be that the Planning Commission establish an additional finding that the sign is legally permitted.

Jean Lafayette added, based on the testimony provided.

Matt Nolan asked to clarify that if the sign has already been legally permitted on the site, that the property where the sign is located was determined part of the site.

Jean Lafayette agreed.

Matt Nolan stated that if this is the case, the precedent would have been determined some time ago and the Commission would not be required to make new findings. Matt stated that based on prior approval of the permitted sign the property was part of the site.

Vice Chair Allen stated that the findings as Matt described would establish that site and tax lot are not equivalent and that there are certain circumstances that site can exceed tax lot.

Commissioners agreed, and stated that a definition for site would be necessary prior to future applications of this nature.

Vice Chair Allen modified the 4th finding to read, "the sign is in the right-of-way landscaping area and based on applicant testimony, the Commission finds the sign to be legally permitted as an integral to the development site, rendering the landscaping area in this case part of the site."

Vice Chair Allen asked Staff to clarify protocol for a site plan that does not have the typical conditions, if the Commission finds for the Appellant and remands the application back to Staff.

Julia Hajduk stated that Heather reviewed the site plan and recommended some conditions could address those this evening, but that the Commission needs to make a decision this evening due to the deadline. Julia stated that if the Commission is not prepared this evening to approve with the recommended conditions, but wants to accept the appeal, perhaps a continuance for the conditions portion of the application could be established for Staff to return with a Staff Report to approve conditions.

Matt Nolan asked if the Commission would even be required to review the conditions.

Heather Austin referred to the Code that states the Commission can remand back to Staff and would not be required to review conditions of approval.

Vice Chair Allen asked Commissioners if there was consensus for finding for the Appellant, adopting the 4 findings, and remanding the application back to Staff. There was consensus.

Heather Austin read the conditions that Staff would be finding, which included 1) traffic study to address safety for traffic queing on Hwy. 99 which is close for one-way movements 2) 25 feet of landscaping on the Hwy. 99 corridor, and 10 feet on Sherwood Blvd. remains when landscaping is removed for the diesel island.

Vice Chair Allen stated that the Commission would not typically review this application except for the CAP issue. Patrick said that he recommends remanding the application back to Staff to complete the conditions process and to find for the Appellant on the CAP definition issue.

Commission confirmed consensus.

Matt Nolan asked Vice Chair Allen to recap the 4 points under consideration.

Vice Chair Allen stated;

1. Site is undefined in the Sherwood Zoning & Development Code.
2. The Code language as written does not limit the site area to the tax lot.
3. The Code does direct/shall use of the ITE Manual that defines acre as the total area of a development site.
4. The sign is in the right-of-way landscaping area and based on unchallenged applicant testimony, the Commission finds the sign to be legally permitted as an integral to the development site, rendering the landscaping area in this case part of the site.”

Jean Lafayette moved that the Planning Commission find for the Appellant based on Staff Report findings of fact, public testimony, Staff recommendations, agency comments, applicant comments, findings as read by Vice Chair Patrick Allen, and remand the application back to Staff for further processing.

Matt Nolan seconded.

Vice Chair Allen asked if there was any further discussion. There was none.

Vote taken: Yes – 6 Abstain – 0 No - 0

Motion carried.

Vice Chair Allen closed the public hearing on the Alto Chevron Diesel Fuel Island Addition – Appeal (SP 05-02) at 8:35 PM.

7. Comments from Commission - Jean Lafayette stated that she attended the City Council hearing last week on the Sherwood Oaks project and that the Council heard a revised version of the application that the Planning Commission had reviewed. Jean stated that the applicant, Mr. Lucas proposed a modified version that proposing zoning for MDRL instead of HDR and it did not appear the Council understood this was not the application heard by the Commission. Jean said that members of the City Council approached her and asked why the Commission made their determination. Jean said this was exparté contact and advised Council members to disclose any discussion, but that the application was not what the Commission reviewed. Council members asked Jean for her opinion and Jean stated that if the application had been proposed as presented to the Council that she would have likely approved it. Council members appeared to have interpreted Jean’s comments that the Commission may have approved the modified version of the application and Jean stated that was incorrect, and that she could not speak for the Commission. Jean stated it was solely her opinion. Jean stated it was an extremely modified application that was continued to another date. Jean said that Council members asked her to testify at the next hearing.

Julia Hajduk confirmed there was a lot of confusion on a complex project that had multiple changes. Julia said Mr. Lucas submitted a letter the day the Council packets the day there were due, and that Staff did not have an opportunity to evaluate the information. Julia stated that what the Council had been prepared for was not what was presented.

Jean Lafayette stated she is not comfortable representing the Planning Commission, and wanted feedback from Commissioners. Jean said one Council member suggested that a letter from the Commission stating that the application before Council is very different from what the Commission reviewed may be helpful.

Matt Nolan stated that he had exparté contact with a Council member yesterday when he was asked about the project. Matt said based on this conversation it was not clear to him that the Council had seen a different application than what the Commission reviewed. Matt affirmed that he does not believe the Council is aware that what they are reviewing is essentially a different application. Matt said that the Council members he spoke too expressed that they would like someone from the Planning Commission to appear at the next hear to provide some explanation.

Julia Hajduk stated that it was her perception that it was the discussion that was significantly different over documentation.

Vice Chair Allen confirmed that the last 10 minutes of the original hearing for Sherwood Oaks the applicant made some comments about possibly changing their application.

Julia Hajduk stated that Staff needs some time to evaluate the modified application and make recommendations and comments.

Jean Lafayette also added that the document Mr. Lucas' submitted at the last minute and was part of 260 pages document within a 3-ring binder.

Vice Chair Allen said that Community Development Director Rob Dixon would like to address the issue.

Rob Dixon stated that he appreciates the thorough manner the Commission processes applications. Rob said that part of the difficulty is the concomitant process of denying the zone change, but approving the site plan. Rob said that it may have appeared that the Commission would have liked to approve the application, but felt it could only approve the site plan portion of the project and not the zone change. Mr. Dixon recapped that the zone change was denied because the applicant did not meet the criteria. Rob said this may have sent confusing signals to the Council for the approval of the zone change. Rob said that it his recommendation to the City Manager and Planning Department that this is not done any longer and that zone changes are considered separately as a general policy. Rob said that zone changes connected to specific site plans come into difficulty over time if a business leaves, the zone remains leaving long range planning in a piece meal fashion.

Jean Lafayette asked Mr. Dixon if he was seeking direction from the Planning Commission regarding concomitant zone changes.

Vice Chair Allen stated this is good discussion, but likely best saved for another time.

Rob Dixon agreed, and that further discussion at another time is worth doing.

Vice Chair Allen recommended that perhaps the best course would be for the Planning Commission to provide a letter to the City Council clarifying why Commissioners denied the zone change and approved the site plan. Patrick also stated that Commissioners providing subsequent testimony on an application sent to Council would possibly in itself be a land use action that would not provide public notice to the public or the applicant, and stated that Commissioners should not talk further to the City Council regarding the project.

Julia Hajduk stated that the Council did receive copies of all of the minutes so that they were aware of what was discussed.

Dan Balza stated that if Council understood that the Planning Commission did not deny or approve exactly what they are currently reviewing, that this should all that would be required to be said.

Vice Chair Allen stated that in the past the Commission did send a representative to Council meetings to be available, but that the Council discontinued this process and stated that with the record it was not required. Patrick re-confirmed that all of the record has been given to the Council and asked Staff for feedback.

Julia Hajduk confirmed that Council has the record with the developments and reasons for the findings.

Jean Lafayette stated that she does not want to testify at Council on behalf of the Planning Commission, possibly as a citizen, but would want feedback from the City Attorney.

Commissioners discussed the timeline for a letter and revisiting the issue again, and it was confirmed the next City Council meeting for the Sherwood Oaks project is February 7, 2006.

Vice Chair Allen suggested revisiting the issue at a January meeting. Commissioners agreed.

Vice Chair Allen asked if there were any further comments by Commission.

Jean Lafayette asked why some notices are not posted at the Albertson's grocery store reader board on Tualatin Sherwood Rd.

Heather Austin stated that there has been trouble posting at Albertson's due to large displays blocking the access & view of the outside reader board, and that Staff has discussed it with the store manager numerous times who is unwilling to move the displays. The YMCA has replaced this location largely for this reasons and the equally high visibility of the board location. Heather reiterated that the Code requires 5 conspicuous locations. This information was confirmed by the department Administrative Assistant who generally posts the notices.

Jean Lafayette stated this confuses the public who may be used to viewing notices at the location and occasionally does see them posted there. Jean said that this location should be clearly

discontinued for all City notices if this is not a reliable location so that public does not miss information or believe they are fully informed.

Heather Austin stated that sometimes the Albertson's location is the only reader board available if the Senior Center (one of the 5 locations) is closed by the time notice is required. Heather said that if the Albertson's reader board is accessible during those times it is used.

Commissioners expressed concern over using the board sometimes and not others.

Julia Hajduk stated this was good feedback and that it would be noted to be addressed for Kevin to be discussed at a later meeting.

Jean Lafayette asked if it could also be discussed that public notices be published in the Tualatin Times and not the Sherwood Gazette.

Vice Chair Allen said that this discussion could be combined with previous discussion with Kevin regarding the notice for the Historical Resources – Chapter 9 session.

Vice Chair Allen asked if there were any other comments.

Rob Dixon asked if there were another Commissioner that would like to service on the I-5 / Hwy. 99 Connector stakeholder working committee, which is an advisory group for which the Mayor is looking for a member appointment as an alternate or in the event that Adrian Emery opts not to continue. Adrian currently has multiple commitments. Rob stated that members do not have decision making authority, but that they provide an important advisory role. Rob said there are 2 representatives including a Planning Commission representative, which Adrian Emery is currently holding, and the Chamber of Commerce. Rob said there would be approximately 8-10 meetings with 1 meeting per month, Thursday evenings. Rob said that there is a lot at stake and it would be valuable for a Commissioner to attend.

Russell Griffin said that he has been keeping up on the related issues, did not have other conflicts at this time, and would like to service on the committee.

Jean Lafayette expressed an interest as well.

Vice Chair Allen suggested that both Jean and Russell be recommended to the Mayor as a member or alternate.

Rob Dixon stated he would like to talk to Adrian further, but thanked Commission Griffin and said he would get back to him after talking with Adrian.

Vice Chair Allen asked if there were further comments. There were none.

8. Next Meeting – January 10, 2006 – Annual Report 2005; Area 59 Master Plan; Parks Master Plan Focus Group

9. Adjournment – Vice Chair Allen adjourned the meeting at 9:10 PM.

End of Minutes

City of Sherwood, Oregon
Planning Commission Minutes
November 22, 2005

Commission Members Present:

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

Staff:

Kevin Cronin, Planning Supervisor
Julia Hajduk, Senior Planner
Cynthia Butler, Administrative Assistant

Commission Members Absent:

Vice Chair Patrick Allen

1. **Call to Order/Roll Call** – Chair Adrian Emery called the meeting to order at 7 PM. It was noted that Vice Chair Allen although not present, would arrive at approximately 7:45 PM.

2. **Consent Agenda** – Minutes: September 27th and November 8th, 2005. Delivery of minutes was delayed to the evening of November 21st due to exceptional circumstances. Not all Commissioners had time available to review minutes before meeting. A vote to approve minutes was taken:

Vote: 09/27/05 Minutes: Yes: 3 Abstain: 3 No: 0

Vote: 11/08/05 Minutes: Yes: 4 Abstain: 2 No: 0

3. **Agenda Review**

4. **Brief Announcements** – Kevin Cronin said that the City received an Economic Opportunities Analysis Grant for \$30,000 and that the RFP process will likely occur after the holidays. Kevin said there is an open house for the SE Sherwood Master Plan on November 30th located at the Sherwood Police Facility, and that Commissioners Allen and Lafayette have indicated they will also be present. Kevin said the last CAC meeting for Area 59 will be held at the YMCA in the multi-purpose room on December 1st. Kevin said that he will be attending a Legal Issues workshop sponsored by the Oregon Chapter of the American Planning Association on December 10th at Metro, and will provide an oral or written staff report on the workshop to the Commission.

5. **Community Comments** (not on the agenda) – None.

6. **New Business: Site Plan Modification Interpretation** – Chair Emery summarized that Staff is asking for guidelines from the Commission regarding future site plan modifications.

Jean Lafayette referred to Julia Hajduk's memo and asked for clarification on items listed under sections A & D, and asked Staff if any changes in height, square footage, or density would be

considered a significant modification, or if all of these would have to be met to be considered a significant modification.

Julia stated that the Planning Department will look these issues in terms of consistency within the entire picture to determine if a change is significant to trigger a full site plan review or modification. Julia stated that Staff wants to identify simple changes versus significant changes so that adjustments do not also become delayed in the process unnecessarily.

Russell Griffin said that changes in square footage should be more defined and that small amount changes in square footage should not require site plan review.

Chair Emery stated that Staff is looking for the approval to move forward in evaluating what issues should be considered for bringing site plan modifications under review, after the original site plan has already been approved through the Planning Commission process.

Julia said that Staff welcomes feedback on the direction to proceed and thanked Commissioner Griffin for his comments. Julia said that some jurisdictions have a percentage threshold for increases in square footage for example that would not impact the footprint of the site plan.

Dan Balza cited an example of the Woodhaven Church project and that it was significantly altered in terms of square footage.

Kevin Cronin confirmed and said the Woodhaven Church site plan clearly should have returned to the Planning Commission. Kevin said this project was under another Planning Department's supervision at that time and it did not occur. Kevin said Staff is currently seeking direction for site plan modifications that should come back to the Planning Commission, either by establishing percentages for measuring modifications or if the Commission prefers to evaluate on a case-by-case basis. Kevin stated that the current case-by-case basis allows Staff more flexibility to make determinations.

Jean Lafayette asked Staff to clarify whether changes would be integrated into the Code or be an internal guideline memo.

Julia Hajduk said that presently Staff would likely apply guidelines as an internal memo, but that in the future it may be incorporated into the Code if deemed necessary. Julia stated that for perspective, another municipality uses 10% as a guideline, which is a considerable change for a large building.

Chair Emery asked Julia if the 10% was for all three modifications, height, density and square footage.

Julia Hajduk confirmed it was for square footage.

Chair Emery stated that he felt height and density were more critical issues.

Julia Hajduk said a 10% square footage modification example that had considerable impact was a Fred Meyer project that resulted in a 10,000 square foot modification.

Dan Balza suggested that a guideline could be 10% or 750 square feet whichever is less, as an example.

Russell Griffin said it may be beneficial to research what other municipalities use as a guideline. Julia Hajduk asked if the Commission would give approval for Staff to proceed with the present site plan modification for Hunter's Ridge Bldg. C, which Staff has determined not to be a major modification, & that Staff will conduct more research on policies of other jurisdictions to bring back for a future meeting on this issue.

Dan Balza said that a future decision on site plan modifications would give the message to developers that if they make a significant change that another site plan review will be required. Dan asked Staff if it would be more effective for planning staff if a site plan modification guideline was more formally defined as a text amendment to the Code.

Kevin Cronin said clear & objective standards assist planning staff in doing their jobs more effectively, but that also projects taken on a case-by-case basis provide flexibility to planning staff. Kevin said the determination is up to the Planning Commission and City Council to direct Staff on a guideline.

Julia Hajduk said that over the long term a formal process lends to consistency and fairness for developers.

Kevin Cronin stated that regulations are for the 10% of the developers who do not comply with the process.

Russell Griffin asked if the majority of recent changes have been due to Staff finding modifications or if developers have informed Staff of changes.

Julia Hajduk stated that the recent discoveries have been made by the Building Department.

Jean Lafayette asked if there has been a \$300 fee to the applicant for plan review by Staff once a modification has been discovered to determine if the change is significant.

Julia Hajduk stated that no fees have been charged to date, but that Staff recommends the \$300 fee that is currently listed in the fee schedule as a Planning Director's interpretation fee.

Jean Lafayette said that she is uncertain whether or not the Planning Commission can give direction on a fee.

Chair Emery stated that the Planning Commission can recommend a fee to City Council.

Julia Hajduk said that Staff is seeking direction from the Commission on the process and not for the issue of fees.

Jean Lafayette asked if the \$300 determination fee would be applied to the fee of 50% of original site plan fee the applicant would be required to pay for new site plan review.

Kevin Cronin stated the fee issue would need further evaluation by Staff.

Mayor Keith Mays, in the audience, stated that the process could be determined first and fees decided at a later date.

Matt Nolan suggested that guidelines should also address the possibility of a developer making repeated minor changes.

Chair Emery asked for a consensus from Commissioners on Staff proceeding with research for recommending guidelines on site plan modifications made after the initial site plan has been approved through the Planning Commission process.

Consensus from all Commissioners was received.

7. Comments from Commission - Jean Lafayette thanked Staff for the tour of the new Civic Building and Library. Dan Balza asked Commissioner Griffin if he had obtained a copy of the text from the Planning Commission training he attended in Eugene in September. Commissioner Griffin said that he had contacted the Lane Council of Governments to receive permission to copy the seminar materials and has not heard back, but that he will contact them again.

8. Next Meeting – December 13, 2005 – Alto Diesel Island Appeal; Area 59 Concept Plan; Chapter 9, Historic Resources review.

9. Adjournment – Chair Emery adjourned the regular meeting at 7:35 PM and transitioned to a work session on the Area 59 Master Plan project.

End of Minutes

**Sherwood Public Library
22560 SW Pine Street
Sherwood, Oregon 97140**

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
January 10, 2006

Commission Members Present:

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

Staff:

Kevin Cronin, Planning Supervisor
Julia Hajduk, Senior Planner
Cynthia Butler, Administrative Assistant
Gene Thomas, P.E. – City Engineer
Rob Dixon, P.E. – Community Dev. Director

Commission Members Absent:

Jean Lafayette

Guest Speakers:

Steven Oulman, AICP – DLCD
Constance Beaumont - DLCD

1. **Call to Order/Roll Call** – Chair Adrian Emery called the meeting to order at 7 PM. It was noted that Commissioner Lafayette was out of town and unable to attend.
2. **Agenda Review**
3. **Consent Agenda** – Minutes: Patrick Allen presented a motion to approve the November 22nd minutes, Matt Nolan seconded. Vote was taken: Yes – 6 No – 0, motion carried. Patrick Allen presented a motion to approve the December 13, 2005 minutes, Matt Nolan seconded. Vote was taken: Yes – 5 No – 0 Abstain – 1, motion carried. Chair Emery stated that he abstained from the 12/13/05 minutes as he was absent for the session.
4. **Brief Announcements** – Kevin Cronin said that the Economic Development Grant (EOG) was approved and that a Request for Proposal (RFP) is currently being advertised to be received by January 27, 2006. Kevin said that SURPAC will review prior to coming back to the Planning Commission. Kevin said that the final scope of work on Goal 5 is in the last phase that will provide each jurisdiction with the necessary line items and budget information needed to implement the Goal 5 program. Kevin said that Senior Planner, Julia Hajduk, is the contact person for Goal 5 issues. Julia stated that she will be preparing a memo to update the Commission on the proposal in upcoming weeks. Kevin said that in his absence at the December 13, 2005 meeting regarding Chapter 9 – Historic Resources, he reviewed the minutes and is up to date on events. Kevin stated that he is waiting to receive additional comments from Commissioner Lafayette, and will also get the City Attorney’s review completed prior to the February 28th session.
5. **Community Comments** (not on the agenda) – None.
6. **General Information: 2005 Annual Report – Planning Department** – Kevin said that the 2005 Annual Report is provided for Commissioners for informational purposes only and the information will also be posted to the Planning Department website.

Legal Issues Workshop – Planning Department – Kevin

said that the material provided to the Commission was for informational purposes only and if the Commission had any questions he would be happy to answer them.

7. **SE Sherwood Master Plan Update** – Kevin said that Staff was meeting with area property owners on Friday, January 13th to receive an additional alternative at property owner's request. Kevin stated that the final public workshop for the project will be held Wednesday, January 18th at the new City Hall and Library on Pine St. at 7 PM. Kevin said that Vice Chair Allen and Commissioner Nolan have indicated that they will also attend to help answer questions. Kevin stated that OTAK will again facilitate the open house. Kevin said attendance at the last open house for the project was about 40. Kevin will provide a presentation possibly the end of February.

8. **New Business:**

A. **The Oregon School Citing Handbook – Total Growth Management (TGM) Program Presentation** by Steven Oulman, AICP, and Constance Beaumont from the Department of Land Conservation & Development (DLCD). A 25-minute PowerPoint presentation was given by representatives of DLCD. A copy of presentation slides was submitted as part of the record. The presentation information is designed to help cities and school districts site new educational facilities, and was presented as an information only item for the Planning Commission prior to the discussion and recommendation of the Area 59 project.

B. **Area 59 Concept Plan** – The Citizen's Advisory Committee (CAC) for Area 59 met six times since December 2004 to develop a concept plan for a new 85 acre neighborhood, including an elementary and middle school. In addition to the CAC recommendations, Kevin presented his Staff Report and recommendation.

Kevin Cronin stated that prior to beginning the Area 59 reports, he would like to present Certificates of Appreciation to members of the CAC for their diligent work and commitment to the project. Six of the Nine members were present to receive them.

Kevin recapped the process to date and stated that the CAC concluded the final meeting on December 1st prior to making their recommendation to the Planning Commission, which is the Modified A/G Alternative. Kevin stated that the Modified A/G Alternative is a hybrid representation of the original A/G Alternative from the charrette and some aspects of the School District's proposal, which was presented by John Rankin on behalf of some of the property owners initially at the October 27, 2005 CAC meeting.

Kevin Cronin stated that Staff recommends Alternative A/G with conditions. Kevin said that Alternative A/G came out of the charrette and is essentially a hybrid of alternatives presented at the charrette. Kevin said that he is recommending that the Planning Commission accept this alternative with direction for Staff to work with the consultant on a revised version of Alternative A/G based on the conditions adopted by the Commission. Kevin stated that he would spend a few minutes to highlight the base map posted on the wall with color designations to identify Staff's proposed locations of school sites, housing, and park space.

John Rankin asked if he could provide his comments while Kevin was working on the map. Commissioners consulted Kevin and all agreed.

John Rankin referred to the Modified A/G Alternative that he presented on behalf of some of the property owners at the CAC meetings on October 27th and December 1st. John provided preliminary map handouts dated 1-8-06 for the record, and stated changes made to the Modified A/G Alternative since the December 1st meeting included; added alleys, removal of 2 cul-de-sacs, park space widened, and increased density for housing. John stated that these items reflect more of City Staff's recommendations. John also stated that it was his understanding that the Parks Board preferred to drop the active park.

Kevin Cronin disagreed, and stated that the Parks Board wants and needs an active park.

Chair Emery asked if there were other comments while Kevin was completing a portion of his presentation. The School District asked if they could provide comments.

Mark Christie, School Board President thanked all of the participants in the process and said that the result will be a positive development that will be good for the community. Mark recapped that the Sherwood School District is a fast growing district, with recent demographics that show growth in the 6 percent range over the next year. Mark said this growth has been consistent over the past years as well, and the schools are either at or near capacity. Mark reiterated that the primary purpose for Metro designating Area 59 into the Urban Growth Boundary was specifically to site schools. Mark said that the School Board voted unanimously to put a General Obligation Bond on the November 2008 ballot. Mark said that the School District plans to remodel the high school to accommodate a capacity of approximately 1,600 students, and build a middle school with capacity of approximately 900 students, and an elementary school with capacity of approximately 600 students on the Area 59 site. Mark said that demographers have calculated at the current growth rate that capacity for all of the schools could be reached again in 2014 or 2015.

Dan Jamison stated that the School District met with John Ranking and some of the affected property owners on December 30, 2005. Dan said that they discussed the School District's Alternative G-5 and the Modified Alternative A/G. Dan stated that the School District could support the Modified A/G Alternative if they could work through some considerations on the Citing of the schools. Dan listed the highlights of key considerations; 1) minimum 29 acres, 2) wetlands later delineated that may encroach on the 29 acres, a commensurate amount of land would be provided to the School District either to the north or west, 3) timeline issues are tight for a bond measure and design needs, and the School District requested permission from property owners to access property for initial surveying if necessary, 4) the district would like to move the overall layout or footprint of Area 59 slightly to the west or to the north. Dan said that this would lessen the impact of the total number of properties in the project. Dan said that City Staff's recommendation does provide 29 acres and added the park area adjacent to the school sites. Dan said that the major components of City Staff's plan appear to be similar. Dan said they have one new line item tonight in regard to the Fillmore property that is included within both the A/G Alternative and the Modified A/G Alternative. Dan stated that tonight was the first time they have heard about the inclusion of the Fillmore property in either of the alternatives, and that the School District remains committed to not displace any resident from their homes. Dan said the School District could work and support both the A/G Alternative and the Modified A/G Alternative, except for the inclusion of the Fillmore property.

Patrick Allen asked how the 29 acres was derived. Patrick said he would like to clarify the space required specifically for the playing fields, and the specifically for the schools.

Dan Jamison stated that they believe that by conjoining the two schools they can reduce the amount of acreage required. Dan stated that the playing fields may be tight, and that with an active, sports and recreation-oriented community he is concerned that it may be tight. Dan said that 29 acres may be too small, but that this amount is considered the minimum required.

Patrick Allen agreed that the community is very recreation and sports oriented, but would also like a statistical breakdown on how the minimum was reached, including playing fields, parking, school facilities, etc..

Dan Jamison asked Norm Dull, of Dull Olson Weekes Architects to respond.

Norm Dull stated that approximately 120-130 square feet per student is calculated for elementary students, and 130-135 square feet per student for middle school students. Norm said that middle schools generally have a track with a football/soccer field located in the middle, and a softball or baseball field. Norm said that an elementary school generally there is a soccer field and possible a small softball field. Norm said that parking requirements range about 100 for elementary schools and 120 for middle school. Norm said that they did mock versions of the school sites using other school models as examples. In terms of two-story schools, Norm said that the overall footprint could be reduced by possibly 14,000 or 15,000 square feet in this configuration. Norm said that elementary schools generally have 24 classrooms and would accommodate 12 on the first floor and 12 on the second floor, but that gymnasiums do not work as well in two-story schools. Norm said that a two-story middle school could possibly reduce the footprint by 20,000 square feet. Norm clarified that the approximate reduced space would be by stacking the classrooms only.

Patrick Allen said that generally it sounds like the building space may be about 4-5 acres, depending on how much could be stacked.

Norm Dull confirmed about 4 ½ acres based on the approximate use of 160,000 - 180,000 square feet.

Patrick Allen said that he was figuring about 195,000 square feet, but both are in the range. Patrick said that of the 29-30 acres, just four or five of the acres are building space.

Norm Dull confirmed.

Patrick Allen said that in a manner of speaking what is being considered is a recreational site with schools attached to it in terms of land use allocation.

Norm Dull said also added would be approximately 350-400 square feet per parking space. Norm said that other considerations are bus circulation areas, play areas, and park space. Norm reiterated that usable acreage is the key.

Chair Emery asked Kevin if he was ready to discuss Staff's recommended alternative.

Kevin Cronin stated that he made linear land use changes from Alternative E and moved them to the top of Alternative A/G, leaving the school location the same as originally placed in Alternative A/G.

Patrick Allen asked if this was the similarity with John Rankin's Modified Alternative A/G.

Kevin Cronin confirmed that essentially this was the case.

Patrick Allen asked if by moving the park to the north if the connection to Gillette Lane is lost.

Kevin Cronin said that Gillette Lane is difficult due to the delineation of wetlands. Kevin said that wetlands may be located north of Gillette Lane.

Dan Balza asked if it wasn't a requirement by fire and rescue to have a secondary entry to the school site.

Kevin Cronin said that Staff's recommended Alternative A/G there is access all the way around except on Gillette Lane. Kevin said there would not be an east/west access, but there would be a west/north access. Kevin said there would be two primary points of entry.

Patrick Allen said that there would be considerable traffic on Copper and Meadows streets.

Kevin Cronin stated that Copper Terrace would be a neighborhood route, which is a slightly higher designation than a local street.

Patrick Allen said that if he lived on Roelich Ave. he would travel on Meadow instead of Copper. Patrick said that Roelich runs north/south on the east side of the site and Meadow is the first right turn to take.

Chair Emery asked if Kevin could compare the alternatives and highlight the differences.

Kevin Cronin said that he would like to do that for the next meeting so that he would have time to evaluate the differences. Kevin also said that he would like direction from the Commission to obtain from the consultant a map of Staff's recommendation to bring back with Staff's evaluation.

Chair Emery confirmed this option. Chair Emery stated that he liked the option of having designated park space also due to the possibility that if more space was required it would be available using this space.

Kevin Cronin reiterated that the Parks Board wants to have a formal park with active uses. Kevin said that there is not a neighborhood park located west of Hwy. 99, and that residents on this side of Sherwood are using a pocket park or driving to Stella Olson, or now Sunset Park to enjoy use of an active park.

Patrick Allen asked Kevin if he could confirm that the proposed park would be about the size of Woodhaven Park.

Kevin Cronin said he could do the research, but that Woodhaven Park is a pretty good-sized park.

Dan Balza asked if someone could list the properties affected by the entire site.

John Rankin responded that the properties are shown with squares on his map, but John listed the Fillmore, Alexander, Rasmussen, Mandel, Labahn, & Rychlick properties. John said that the goal was to involve those properties that are most vacant for the school site.

Matt Nolan stated that both the Modified A/G Alternative and Staff's A/G Alternative include the Fillmore home location as part of the school site, which the School District has stated they will not consider displacing in the project. Matt asked Kevin how he would modify Staff's A/G Alternative to address this.

Kevin Cronin stated that he could not say at this time and would need time to evaluate this information before he could respond.

Matt Nolan asked Kevin if the School District and the City could re-evaluate the use & location of recreational fields on the school site and place some of these on a park site.

Kevin Cronin said that Matt's idea is a valid one. Kevin said that the desire in planning is to do everything in one stroke, but unfortunately the process does not work this way. Kevin said that the City is currently looking at the Parks Master Plan, which involves taking a system-wide look at how the City is providing parks and recreational services. Kevin said that at some point it will be time to do an individual master plan for a park in this site, and that a benefit of Staff's A/G Alternative in terms of long range planning is that the park space allows the flexibility for both an active & passive park in future.

Matt Nolan said that in the summer his children's favorite park to play in is located at Archer Glen Elementary school, and that it seems more practical to locate recreational facilities of the schools and park in such a way that resources are not duplicated.

Kevin Cronin confirmed that the Parks Board would not likely duplicate play structures or create the same resources as the school.

Patrick Allen stated that the alternatives share in common the school and park acreage requirements, which effectively leaves a 40-45 acre "public corner" that the City can determine who needs to own or operate remaining areas, as long as the Planning Commission can confirm that the general space requirements combined have been met.

Chair Emery asked if there were any further community comments.

John Rankin referred to the Modified A/G Alternative and stated that in terms of connectivity, there are multi-use paths through the active park, a footbridge and boardwalks. John reiterated that there is an 8" water line and a sanitary sewer connection located on Gillette Ln. that could possibly serve the schools.

Chair Emery asked if there were any other community comments.

Kurt Christensen, 22520 SW Fair Oaks Dr., Sherwood OR 97140 – Mr. Christensen stated that he teaches middle school students in a school with about 900 students located in Hillsboro. Kurt asked if the School District had done any research into the possibility of having a K-8 model, and that there has been positive research in using this model that would also facilitate having just one school building instead of two.

Dan Jamison said that he has evaluated K-8 schools and they are remarkable. Dan said they would like to build a K-8 school, which was initially a key question for the long range facilities task force for the School District, but unfortunately the rate of growth in Sherwood is too rapid to allow this model. The School District would be forced to build again immediately due to the growth rate.

Patrick Allen asked Dan if the current School District plan isn't effectively a two-wing, K-8 school.

Dan Jamison said that he does not believe the current plan is a two-wing, K-8 school, because the K-8 model loses its effectiveness when student population reaches over 1,000 students, and that there are 1,500 students.

Patrick Allen confirmed that it would not be effective, and that two K-8 schools would be currently required to accommodate the School District needs and plan.

Dan Jamison confirmed.

Richard Piacentini, 2001 6th Ave., #2300, Seattle WA 98121 – Richard said that his sister, Lori Brandes, is a property owner in Area 59. Richard said that he would like to know what the zoning process will be. Richard stated that the School District does not currently have the funds to build the schools and there is no guarantee that the bond measure will pass. Richard asked what happens if the school site is zoned for schools and then a bond measure does not pass.

Chair Emery said that the School District will try for a bond measure again.

Richard Piacentini asked what happens to the property owners in that scenario, and if there is an alternative for property owners so they are not stuck until a bond measure is resolved.

Chair Emery stated that if a bond measure fails it is the children that suffer due to schools that would be over capacity.

Richard Piacentini agreed, but stated that the property owners would suffer also. Richard said that for equity and fairness there should be some flexibility in place.

Patrick Allen said that the site has been specifically identified for a school site due to the need in the community, and that they would not be meeting now to discuss land development issues if it were not for this fact.

Richard Piacentini stated that although true, once the zoning has been determined, those property owners outside the school site will be able to develop their property while those within the school site would not be able to.

Patrick Allen asked what Mr. Piacentini would suggest.

Richard Piacentini suggested identifying the preference for the school location, but create a residential overlay to the area so that if the School District does not get the funds the property owners have flexibility.

Patrick Allen asked Mr. Piacentini how the school site would be preserved under his scenario.

Richard Piacentini said that he did not have the answer to that, but that once an area is zoned for the school it is locked in.

Chair Emery said that there are also County, Metro, and State zoning laws & regulations that must be complied with as directives to the process.

Patrick Allen asked Kevin to clarify the order of events in adopting a concept plan.

Kevin Cronin recapped; 1) Planning Commission recommends alternative to City Council, 2) City Council adopts a resolution upon approval – potentially March 2006, 3) Planning begins zoning implementation and policy framework – anywhere from 3-9 month process, but must be completed prior to public vote on annexation – hopefully by Nov. 2006 if possible. Kevin said that the Planning Commission will be included in the zoning implementation and policy framework process, but that is it is too early to get into the details involved in that part of the process.

Patrick Allen asked Kevin if the Planning Commission will be obligated to adopt zoning for the site without knowing the status of the school's bond election.

Kevin Cronin said that there is no such obligation. Kevin stated that he applied for an extension on the process from Metro in June 2005, which Metro extended an additional year from the original March 2006 deadline.

Patrick Allen asked Kevin if in addressing Mr. Piacentini's concerns, the Planning Commission can pace the process of determining zoning to coincide with certainties about whether or not the bond measure for the schools pass.

Kevin Cronin confirmed. Kevin also stated that they can condition zoning on school bond measure approval. Kevin said there are several ways to structure the implementation.

Chair Emery asked if there were any further community comments.

Darwin Rasmussen, 20730 SW Elwert Rd., Sherwood OR 97140 – Mr. Rasmussen said that his contacts with Dan Jamison and Mark Christie have been very positive and that he believes the entire process will be a success due largely to the manner in which the School District has worked with everyone. Darwin said the property owners met with the architect and requested

that the water holding ponds in the community could be centralized, so that when one or two acre properties develop they are not required to create multiple water quality facilities.

Chair Emery asked Norm Dull if he was planning a water quality holding pond for the school site, or possibly configuring this under the parking lot.

Norm Dull said this process is quite a bit ahead, but that water quality cannot be done with retention or detention pipes underground.

Chair Emery stated that he has seen it done in Eugene and that it is possible to do it this way now.

Patrick Allen said that he has seen water quality constructed this way also.

Norm Dull stated that he has seen catch basins that filter water.

Chair Emery said that he thinks Storm Water Systems in Portland has developed theirs as well.

Norm Dull stated that whatever Clean Water Services allows them to do is the process they will pursue.

Kevin Cronin said that on Page 18 of the OTAK report addresses the water quality facilities and supports Mr. Rasmussen's concerns. Kevin said that it requires coordination, but that it is recommended.

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

Russell Griffin asked Kevin to confirm that on February 14th the Planning Commission would be presented with a final recommended Staff alternative.

Kevin Cronin confirmed and added that as long as he can coordinate with the consultant and receive the information required in time, that this is the plan. Kevin reiterated that he will be on paternity leave until approximately February 6th, but that he and additional Planning Staff will work together to have packets ready for Commissioners on Tuesday, February 7th one week prior to the meeting.

Russell Griffin asked Kevin to confirm that he is not ready to respond regarding the Fillmore property this evening.

Kevin Cronin confirmed, and reiterated that tonight is the first time that he has also had the opportunity to review the materials presented by Mr. Rankin and heard the School District's stance on the Fillmore property. Kevin would like to have time to review and make a final recommendation on February 14th after making evaluations based on testimony received tonight.

Kevin further stated that he is asking the Commission to direct him to study the testimony provided this evening, compare for similarities and differences, and incorporate the information with Staff's recommended A/G Alternative for a final alternative recommendation at the February 14th session.

Dan Balza reiterated that they would also like to understand more clearly the differences between Staff's A/G Alternative and John Rankin's Modified A/G Alternative.

Kevin Cronin recapped his tasks; 1) study the two alternatives and present one final recommendation, and, 2) evaluate how the Fillmore property would be impacted or not impacted. Kevin asked if researching the size of Woodhaven Park was another task the Commission wanted to hear back on.

Patrick Allen said it was not, but that it was just speculation in the discussion.

Chair Emery said that he did have a question about alleyways, and would like to know more about lot size averages. Chair Emery said that he is concerned the alleyways will be too small.

Kevin Cronin said that he does not want prospective alleyway standards to be set in stone at this point and is concerned this may occur if it is something determined at this point of the process. Kevin also said that he will proceed with this however, if the Commission desires.

Chair Emery said that he would just like to see some averages.

Patrick Allen agreed, and stated that he would like to get a rough idea of what lot sizes need to be to achieve density.

Kevin Cronin confirmed.

Lowal Labahn, 18283 SW Edy Rd., Sherwood OR 97140, is a property and business owner in Area 59, as well as a member of the CAC study group for the project. Lowal said that he wanted to say that there are landowners that do not want to sell. Lowal stated that the process continues as if this is not the case.

Chair Emery confirmed that landowners certainly have the right to decide whether or not they want to sell their property, but that the process continues.

Patrick Allen moved that the Planning Commission directs Staff to implement the actions #1 through #4 on Page 9 of 10 of Kevin's January 3rd memo.

Dan Balza asked if the motion included the two tasks that Kevin recapped earlier.

Patrick Allen confirmed that this included; 1) study the two alternatives and present one final recommendation, and, 2) evaluate how the Fillmore property would be impacted or not impacted.

Russell Griffin seconded the motion.

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

Yes-6 No-0 Abstain-0

Motion carried.

9. Comments from Commission - Russell Griffin said that he receive permission from the seminar sponsors of the Planning Commissioner training he attended in Eugene, to copy the materials for the other Commissioners if desired. Russell asked Kevin if there was a budget for making copies.

Kevin Cronin confirmed that Planning Department staff will make the copies.

Dan Balza stated that at the last meeting it was discussed that the Planning Commission would like to send a letter to the City Council regarding the Planning Commission's decision process in the Sherwood Oaks project that was forwarded to the Council.

Kevin Cronin said that he was aware the Commission would like to do a letter for the City Council, to communicate an overview of the process that developed on the Sherwood Oaks project as it was presented to the Planning Commission. Kevin stated that the letter can be drafted by Julia Hajduk and circulated to Commissioners for input and approval. Julia stated that she would circulate the letter to the Commission.

Matt Nolan said that he would be out of town on February 14th and will not be able to attend the meeting.

Discussion ensued about the next meeting on January 24th and it was agreed by all that the Infill & Redevelopment Work Session scheduled for that meeting was not a pressing agenda item, and that since Kevin will also be out on paternity leave during this time, the January 24, 2006 session would be cancelled.

Chair Emery confirmed for the record that the January 24, 2006 Planning Commission meeting was cancelled.

Kevin Cronin confirmed that public notice of the cancellation would be posted.

10. Next Meeting – February 14, 2006 – Area 59 Recommendation; Chapter 9, Historic Resource Design Standards; American Legion Parking Lot CUP 05-04.

11. Adjournment – Chair Emery adjourned the meeting at 9:25 PM.

End of Minutes