



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall & Public Library  
22560 SW Pine Street  
February 14, 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 - January 10, 2006**
- 4. Brief Announcements**
- 5. Community Comments** (*The public may provide comments on any non-agenda item*)
- 6. Old Business:**

**Area 59 Concept Plan**

The Planning Commission will continue a review of a concept plan for a new 85 acre neighborhood. The Commission will consider a revised concept plan.

*(Kevin A. Cronin, Planning Supervisor, Planning Department)*

- 7. New Business:**

**CUP 05-04/SP 05-16/AV 05-02 – American Legion Parking Lot Addition:** The applicant is requesting approval of a conditional use permit, site plan review and administrative variance to expand the existing American Legion Post site by demolishing a single family home on one of the two contiguous tax lots owned by the Legion and adding a surface parking lot. The administrative variance requested is for a reduction of the width of the perimeter landscaping buffer. This land use application was originally reviewed as a Type III process with a public hearing before the Hearings Officer. The Sherwood Hearings Officer found that the parking lot constitutes a “new structure in Old Town” and therefore requires a Type IV review. The site is located at 15914 SW First Street (formerly 185 NE First Street) and is identified by Washington County Tax Map 2S132BA, Tax Lot 3100.

- 8. Comments from Commission**
- 9. Next Meeting: February 28 – SE Sherwood Master Plan Report & Chapter 9 – Historic Resources**
- 10. Adjournment**

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

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**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 22<sup>nd</sup> 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 28<sup>th</sup> 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 13<sup>th</sup> 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 18<sup>th</sup> 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 1<sup>st</sup> 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 27<sup>th</sup> and December 1<sup>st</sup>. 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 1<sup>st</sup> 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 6<sup>th</sup> 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 14<sup>th</sup> 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 6<sup>th</sup>, but that he and additional Planning Staff will work together to have packets ready for Commissioners on Tuesday, February 7<sup>th</sup> 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 14<sup>th</sup> 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 14<sup>th</sup> 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 3<sup>rd</sup> 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 14<sup>th</sup> and will not be able to attend the meeting.

Discussion ensued about the next meeting on January 24<sup>th</sup> 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**



**Community Development Division**  
**Engineering Department**  
22560 SW Pine Street  
Sherwood, OR 97140  
503-925-2309

Memo

Date: 7 February 2006  
Subject: Study Area 59  
To: Kevin Cronin, Planning Supervisor

I have reviewed the revised Alternative A/G and provide the following direction and comments.

**Road and Street Comments:**

1. Edy Road – The TSP designates Edy Road as a Collector.
  - a. The required street cross section for this section of road is a 3 Lane Section (without On-Street Parking). The center median is raised with a protected left turn lane.
  - b. Because Edy Road is approaching the characteristics of an Arterial Road, access will be limited to two locations. One access across from Trails End Drive and one to serve the main entrance to the school are recommended. The road shown to the far east of the site should be either closed or limited to a right in/right out if visibility permits.
2. Elwert Road – The TSP designates Elwert Road as an Arterial.
  - a. The required street cross section for this section of road is a 3 Lane Section without parking. The center median is raised with a protected left turn lane.
  - b. Because Elwert Road is an arterial road, access will be limited to two locations. The access shown close to the intersection of Elwert and Edy Roads will not be permitted.
3. Copper Terrace – The Copper Terrace is a Neighborhood Route and the TSP standards for this section will govern.
  - a. The required street cross section for this section of road is a 2 Lane Section with parking. No center median will be required.
  - b. There are no special access requirements for this road.
4. For the School, parent - student drop-off will be on the school site. Loading and unloading on and across Copper Terrace will be not be permitted to avoid the safety hazards similar to those occurring on Sherwood Boulevard during the school rush.
5. For local roads the TSP and TVF&R standards will govern.

6. The use of hammer heads in developed residential areas such as this one is highly questionable because of access issues as well as the safety of emergency vehicles. Sound conceptual planning and design would use cul-de-sacs to provide the mobility needed for this type of upscale development.

Sanitary System Comments:

1. Sanitary Sewer along Edy Road.
  - a. There have been several discussions of alternatives to provide sanitary service to the northern sections of Area 59. It has been suggested that a gravity sewer line could be constructed along Edy Road and this line would serve these sites. It is important to note that this sewer line will be in excess of 20 feet deep the majority of the distance along Edy Road. A sewer line at this depth this depth is difficult to maintain and repair.

A sewer line proposed at this depth is likely to be rejected.

Thank you for the opportunity to provide comments on this very important study.

*Eugene F Thomas*

Eugene Thomas, P.E.  
City Engineer

# Dean C. WERST

## ATTORNEY AT LAW

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Legal Assistant

February 8, 2006

City of Sherwood  
Planning Commission  
Sherwood Civic Center  
22560 SW Pine Street  
Sherwood, Oregon 97140

RECEIVED  
FEB 09 2006  
BY *Kaz*  
PLANNING DEPT

**Re: Area 59 Zoning  
School Property**

Greetings:

I represent Dave Mandel and Nancy Kieling, who own an undivided twenty-five percent interest in the Mandel property at Elwert and Edy Roads, Sherwood, Oregon.

This letter is to request the zoning of the entire area 59 be designated for family residence and commercial uses and that no area be designated PI (public and/or institutional) zoning.

An allowed use or conditional use could and should be PI, within the footprint of the proposed school site, based on the charette of choice.

Specific areas in Area 59 should be designated for the various types of housing uses and commercial uses. The zoning for the proposed school site should be designated housing and/or neighborhood commercial.

Spot zoning a portion of the Area 59 property as PI would be in error. Doing so would violate the owners' constitutional rights, because when a local government exercises its power to regulate the use of land in the form of zoning, subdivision regulations, or official mapping, it has a discernible adverse economic impact on land ownership. If the zoning imposes "public institution" on specific land, the market value of that land diminishes drastically. The school, the only possible user, may never even purchase the property.

Such zoning regulation would deprive the land owner of the maximum developmental value of the land without just compensation. Both the Oregon and the Federal Constitutions contain provisions prohibiting the government from taking property without paying for it.

Oregon Constitution Article 1, Section 18: "private property shall not be taken for public use without just compensation..." The federal provision is found in the Fifth Amendment, "...nor shall private property be taken for public use without just compensation."

I know of no undeveloped privately owned property in Oregon which is zoned for public institution. It would be appropriate for Sherwood to rezone the affected property as PI once the property does become a public use, but not before. Other jurisdictions deal with the PI zoning this way.

If the regulation identifies the land as a future site of a publicly owned use, the Oregon court has indicated that the plaintiff (land owner) would be entitled to the inverse condemnation remedy under the following circumstances: (1) if the designation results in such governmental intrusion as to inflict virtually irreversible damage; or (2) if the land owner is precluded from all economically feasible private uses pending eventual taking for public use. See Fifth Avenue Corp., supra, 282 Or at 614, Thornburg v. Port of Portland, 233 Or 178, 376 P2d 100 (1963), and Cereghino v. State Highway Com., 230 Or 439, 370 P2d 694 (1962).

At the January meeting, Mr. Paccentini (sp) addressed the Commission on the same issue. His questions and concerns were appropriate. His contentions paralleled the rules of law. The property owners cannot be saddled with a zoning regulation that causes the land to be useable only for a public use. The public use may never occur, thereby creating inverse condemnation.

I recommend you obtain the advice of your legal counsel. Should the specific property be zoned PI, my clients intend to formally appeal.

I hope this letter is helpful and I request it be read at your next hearing and that it be made a part of the record.

Very truly yours,



Dean C. Werst

DCW:jme

cc: Ms. Nancy Kieling  
Mr. David Mandel  
John A. Rankin, Esq.



## Kevin Cronin

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**From:** David Mandel [dmandel@DavidMandel.com]  
**Sent:** Thursday, October 27, 2005 4:31 PM  
**To:** Kevin Cronin  
**Cc:** dmandel@DavidMandel.com  
**Subject:** Area 59 Concept Plan (fwd)

Kevin,

I hope you get this before tonight's meeting. I have been trying to send this to you for a while, but I guess I had the wrong address. Everything I sent has been bouncing.

Sincerely,  
David Mandel  
Chief Activist  
Portland Linux/Unix Group  
560 SE Alexander  
Corvallis, Oregon 97333  
(541) 752-3769 land  
(541) 730-5285 cell

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David Mandel, Programmer	<a href="http://www.ocs.orst.edu/prism/">http://www.ocs.orst.edu/prism/</a>
Other Affiliations	
David Mandel	<a href="http://www.DavidMandel.com">http://www.DavidMandel.com</a>
Portland Linux/Unix Group	<a href="http://pdxLinux.org">http://pdxLinux.org</a>
LinuxFund	<a href="http://LinuxFund.org">http://LinuxFund.org</a>

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27 October 2005 Kevin Cronin Planning

Manager  
22566 SW Washington Street  
Sherwood, Oregon 97140  
USA  
<kcronin@ci.sherwood.or.us>  
(503) 625-4242

Kevin,

As I understand there is a meeting tonight regarding the Area 59 Concept Plan. Unfortunately, I can not attend. However, I do want to give input where and when appropriate. If this meeting is an appropriate forum could you please read this letter or enter it as written testimony depending on the situation.

I have attended and participated in a number of meetings regarding Area 59 starting with Metro's consideration of UGB inclusion for the area; and I have been very impressed with the process so far. It is been very democratic. I feel like I have a real voice in the decisions being made with my family's land.

I was especially impressed by the Charrette and the planning commission hearing following the Charrette. All three plans put forward at the Charrette were practical, reasonable plans that had the support of the overwhelming majority of affected persons. I would prefer Plan A, but I could live with any of the three alternatives. I was also glad to see that commission wasn't willing to support minority plans that had very little support from affected people. Thank you.

Of course, concept plans are just concept plans. They always minor changes and fine tuning. I'm sure you are in the process of doing this now.

Along these lines, the commissioners made a couple comments and asked questions at the hearing following the Charrette that I would like to comment on:

- (1) Someone mentioned that the Elwert's were a prominent family in the area.

This is true.

The Elwerts were prominent members of the community for many years, and the Steins and the Elwerts and the Mandels all own or owned land on both sides of Elwert road. The Elwerts were also quite wealthy for a couple generations.

Francis Mandel, my father, and Leo Elwert were good friends. I have fond memories of times in the 1950s when Leo Elwert would visit my father and the two of them would sit in our basement sharing a bottle of bourbon.

However, I would like to mention the Stein family as one of the area's prominent families. They predate the Elwerts and Mandels, and maybe have been largely forgotten but that would be a shame. As I understand, they once owned all the land on both sides of Elwert road and developed the land into individual farms.

They were good businessmen, but they were also very kind and helpful. For various reasons, the Mandels really wanted to leave Germany; but didn't have the money required. So they moved to Austria as a first step and were planning on moving to Russia as soon as they could. Fortunately, Stein family members in the old country loaned the Mandels funds to come to America with the promise of more help once they got to Middleton, Oregon. The Mandels came to Middleton and purchased their property from the Steins and have been forever grateful for their assistance. I assume the Steins helped many others in the area as well.

- (2) One of the commissioners asked why people placed the parks the way they did at the Charrette. Another ask why we didn't set more land aside for commercial use.

The Charrette was great and I'm pleased with the results. However, there were certain limitations inherent in the process. First, we didn't have much instruction on how the park space could be used. Some people wanted to put it where the creeks are. Others thought this was set aside and couldn't be used in any way. Thus, we had to deal with some confusion on this issue. Still, the result was satisfactory.

As for the commercial use land, all three plans used all the red paper (commercial land) we were given. We had scissors, so we could shape and reduce areas, but we had no way to increase the amount of area assigned to a usage. (Notice, all three plans reduced the size of the schools.)

Personally, I've been thinking about this area a lot lately and I would like to see everything on the west side of the Mandel creek made commercial. I'm still thinking about this. We don't want a strip mall there. But it might be kind of neat to have some light commercial/residual mix with an old European favor - something like old Middleton.

- (3) Lastly, I want to say something about the shadow or IP zoning. The school district and the city seem to oppose this. On the other hand, they say it won't make any difference to the value of the land. If this is true, then why oppose it?

Having the shadow zoning would really help the current owners evaluate their situation, and this would enable them to make a deal much sooner; so we can get the schools built and populated with students. Sherwood needs these schools now and shadow zoning could help speed the process along.

Sincerely,  
David Mandel  
Area 59 Property Owner  
560 SE Alexander  
Corvallis, Oregon 97333  
(541) 730-5285 mobile

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David Mandel, Programmer      http://www.ocs.orst.edu/prism/
                               Other Affiliations
David Mandel                  http://www.DavidMandel.com
Portland Linux/Unix Group     http://pdxLinux.org
LinuxFund                     http://LinuxFund.org
=====
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140 NE First Street, LLC  
17400 SW Upper Boones Ferry Rd.  
Suite 230  
Durham, OR 97140

November 28, 2005

6.303

Heather Austin  
Associate Planner  
City of Sherwood  
20 Washington  
Sherwood, OR 97140

**RECEIVED**  
NOV 28 2005  
BY ha  
PLANNING DEPT

Oak and First

Re: SP 05-16

Dear Heather,

I am in receipt of the site review for the parking lot on First and Oak Streets (SP 05-16). I do not believe that a parking lot is a permitted use in the MDRL zone and such it does not qualify for a type II (fast track) site plan review. The property is located within the boundary of the Old Town Overlay District and should be reviewed under a Type IV process per section 3.201.01

Since site plan review is required I anticipate that the City will be required to do half street improvements as is required by code section 6.303.

Sincerely,

J. Patrick Lucas

**Attachment A**

# APPROVED MINUTES

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**February 14, 2006**

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**Commission Members Present:**

Adrian Emery – Chair  
Patrick Allen – Vice Chair  
Jean Lafayette  
Russell Griffin

**Staff:**

Kevin Cronin – Planning Supervisor  
Heather Austin – Associate Planner  
Cynthia Butler – Administrative Assistant  
Rob Dixon – Community Development Director  
Gene Thomas – City Engineer

**Commission Members Absent:**

Dan Balza  
Matt Nolan  
Todd Skelton

1. **Call to Order/Roll Call** – Chair Emery called the meeting to order at 7 PM.
2. **Agenda Review**
3. **Consent Agenda** – Minutes – January 10, 2006: Patrick Allen moved to adopt the minutes, Russell Griffin seconded. Vote:  
Yes – 3 No – 0 Abstain – 1  
Motion carried.
4. **Brief Announcements** – Cynthia Butler provided a follow-up on a previous request by the Commission to verify consistent posting locations for public notices on land use applications. Cynthia confirmed the 5 public posting locations in Sherwood: City Hall, Sherwood Library, YMCA, Senior Center, and Albertson’s on Tualatin Sherwood Rd. These 5 locations are the same locations where City Council notices are posted.  
  
Kevin Cronin said that Oregon Street would be closed at Ash St. for 11 days beginning Feb. 20th for road construction. Owen Cogan Owens has been selected as the consultant for the Economic Opportunities Grant project. The Parks Master Plan project has a public workshop scheduled February 27<sup>th</sup> from 7-9 PM in the Community Room located on the first floor of the new City Hall & Library. The City is a sponsor of a volunteer tree planting event organized by SOLV on March 4<sup>th</sup> from 9AM – 1 PM at Stella Olson Park and volunteers are needed. Proper siding will be installed on the historic Richen house located on the Renaissance at Richen Park project site. A new subdivision application has been received that is currently called Woodhaven Crossing II.
5. **Community Comments** (the public may provide comments on any non-agenda item) – None.
6. **Old Business - Area 59 Concept Plan:** Kevin Cronin recapped the changes made on the Staff’s recommendation of the final draft Alternative A/G from the January 10<sup>th</sup> session. Kevin reiterated that Mr. Fillmore does not want to sell his property and that it has been excluded from the School District proposed site. Kevin said that one of the conditions from the January session

was to add a pedestrian and bicycle path from Gillette Lane to the school site, which has not yet been done, but Staff will add.

Commissioners Allen and Lafayette asked why the school was not located further north on Edy Rd. as the School District initially desired. Kevin Cronin said that the CAC and charrette directed the alternatives and that a neighborhood-oriented design was the theme more over technical issues. School Superintendent, Dan Jamison, stated that they met with property owners on December 30, 2005 and recapped the School District was in agreement with the centralized location of the schools based on a compromise with all parties involved, as long as the basic criteria was met; a minimum of 29 acres for schools and no displacement of homes.

Rob Dixon stated that there were some engineering concerns associated with the proposed final alternative that were recently discovered by the City Engineer, Gene Thomas. Gene said there were access issues on Edy and Elwert roads that have 600-foot minimum spacing requirements. Gene said that Washington County's 100-foot spacing standards on Edy Rd. is too close and dangerous, and there also should not be an access on Edy Rd. too close to the intersection at Elwert Rd. Regarding sanitary sewer issues, Gene said that a 20-foot deep gravity sewer line is not a viable option due to maintenance and safety concerns. Commissioners expressed concern that this information was not discovered earlier in the process.

Chair Emery asked if there were any further questions of Staff before opening comments to the public. There were none.

Lee Leighton, Westlake Consultants, Inc. 15115 SW Sequoia Pkwy., Ste. 150, Tigard, OR 97224 - Lee said that he was appearing at John Rankin's request, attorney for some of the Area 59 property owners, who was out of town and unable to attend. Lee stated that details about intersections and accesses could not be duly addressed at this stage of the process and asked the Commission to confirm this. Chair Emery confirmed. Mr. Leighton said that a 20 foot deep sanitary sewer line may not be desirable, but that it may be better than the pump station option, which is costly. Mr. Leighton also stated that zoning the school sites as IP (Institutional Public) was not necessary at the outset and that it should be entirely zoned residential until the school district has funding in place. Patrick Allen stated that the purpose for Metro to bring this site into the City was for schools and not for residential development. Chair Emery asked Staff if conditions could be established that an IP zone designation would come back to the Planning Commission if a school bond was not obtained. Kevin confirmed and reiterated that there are many ways to define zoning at that stage of the process, but are not decisions for this session. Some zoning discussion continued and Commissioners confirmed the zoning issue is not on the current agenda.

Richard Piacentini, 2001 6<sup>th</sup> Ave., Ste. 2300, Seattle, WA 98121- Richard stated he is the brother of Lori Brandes, an Area 59 affected property owner. Richard reiterated that all land should be zoned residential for reasons of equitable property values, until the School District obtains funds to build the schools. Discussion briefly ensued regarding zoning issues. Commissioners reiterated that the purpose for Area 59 to be brought into the City was for schools, and that zoning issues were not on this session's agenda.

David Mandel, 560 SE Alexander, Corvallis, OR 97333 – David is a property owner in Area 59 and stated that he is also concerned about inequitable property value if the land where the schools are proposed to be built is zoned IP before the School District obtains funds.

Chair Emery reiterated that zoning was not on the agenda for this session and asked if there were any further public comments. There were none.

Patrick Allen asked Staff to recap the next steps. Kevin said the next step will be to brief the City Council on March 7<sup>th</sup> in a one-hour session at 6 PM before the council meeting, take public testimony, and for Council to hopefully adopt the alternative by resolution upon conclusion. Kevin estimated 4-6 months or possibly in May to complete draft materials for a Planning Commission work session. Some of the next steps include the Plan Map & Text Amendment process, notice and drafts to Metro and affected agencies, detailed review of public facilities and Goal 5 standards, and zone code decisions.

Chair Emery reiterated that the Planning Commission's role in this session is to make a recommendation for the Concept Plan. Chair Emery referenced an email from Commissioner Balza in support for approval of Staff's final Alternative A/G. Discussion followed regarding additional letters and emails received for the record from interested parties and property owners.

>10-minute break<

Chair Emery reconvened after the break and asked if there was discussion prior to a vote. Commissioners affirmed that if the School District endorsed Staff's recommended final Alternative A/G, that there was no disagreement.

Patrick Allen moved to recommend for consideration to City Council the Area 59 plan labeled Final Alternative A/G as recommended by Staff and contained in the memo from OTAK dated February 7, 2006, including Engineering comments, and with the condition that it be modified to include a pedestrian and bicycle path connection from Gillette Lane to the school site.

Jean Lafayette seconded.

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

Vote: Yes – 4 No – 0 Abstain – 0

Motion to approve and forward recommendation carried.

> 5-minute break<

**New Business: Public Hearing – CUP 05-04/SP 05-16/AV 05-02 – American Legion**

**Parking Lot Addition:** The applicant is requesting approval of a conditional use permit, site plan review and administrative variance to expand the existing American Legion Post site by demolishing a single family home on the rear tax lot owned by the Legion, and adding a surface parking lot.

Heather Austin stated that the Hearings Officer forwarded the project to the Planning Commission to make a determination on whether or not the parking lot constitutes a “structure”,



as defined in the Code, which would require a Type IV review process. The parking lot would be used for City employee parking during weekday hours, and the American Legion would use it after hours.

Discussion ensued regarding the current Streetscapes project that surrounds the proposed parking lot, and whether or not street improvements would be required. Heather confirmed the City Engineer's interpretation states that the site shares street sides within the Streetscapes project and would not require additional street improvements. Chair Emery referenced an emailed public comment from Patrick Lucas that was submitted also recommending that the parking lot application be reviewed as a Type IV application as property located within the Old Town Overlay district.

Rob Dixon stated that the Engineering and Building Departments have deemed that the parking lot does not constitute as a structure, that the parking lot does not rise above ground, and is a surface improvement.

Patrick Allen read the definition of structure as stated in the Code to include "any piece of work artificially built-up", and said that the Code can be interpreted to read that a parking lot is a built-up structure.

Chair Emery asked Commissioners for consensus if there was more discussion or if a vote was timely to determine whether or not the parking lot is defined as a structure:

Commissioners voted: Yes – 2 No- 2 .

Commissioners engaged in discussion with Commission Griffin who decided that he agreed the parking constituted as a structure. A new vote was taken:

Yes – 3 No – 1

Commissioner's vote result that the parking lot is deemed a structure.

Discussion ensued regarding the suggestion of a parking study for Old Town. Patrick Allen asked if an inventory had been completed on parking needs in Old Town. Kevin said there had not, but supported the suggestion.

Jean Lafayette discussed the proposed administrative variance for landscaping in the application, and said that the City should be held accountable as any other applicant. Commissioners questioned why there was a reduction in landscaping. Keith Jones, applicant's representative stated that he could respond in his testimony.

Chair Emery asked if there was further discussion before receiving testimony from the applicant's representative, Keith Jones. There was none.

Keith Jones, AICP – Harper, Houf, Peterson & Righellis, 5200 SW Macadam Ave., Ste. 580, Portland, OR 97239 – Keith discussed the issues of the landscaping variance and storm water. Keith stated that in order to achieve full-size parking spaces, drive aisle, and the 24-foot requirement for backing room with one entrance to the lot, the landscaping variance was needed but that the site would still be well landscaped. Keith also mentioned to meet requirements by Clean Water Services (CWS) regarding storm water, the storm water manhole will have a

diverter pipe to settle any sediment that enters the manhole. Keith said a study on parking spaces was completed in 2003 that provided a number count, but did not address demand. Keith said a new parking study should identify specific areas of Old Town as targets, including the new City Hall and Library. Keith said there are 51 City employees in the City Hall and Library. The lot on site provides 40 spaces for public, including 8 City fleet vehicles. The library staff has indicated they expected to have issued approximately 100 library cards at this point in time, but have issued 300 to date. The proposed parking lot is on the edge of the commercially zoned portion of Old Town and would provide a positive transition for zones.

Chair Emery asked if there were more questions for the applicant's representative prior to receiving any further public testimony. There were none.

Eugene Stewart, resident, PO Box 534, Sherwood, OR 97140 – Eugene agreed that a parking study for Old Town is needed. Eugene said library patrons currently often park on the street near Old Town businesses instead of using the lot behind the building, and that if this continues after the new streets are completed the local businesses will need more parking for their patrons, including those visiting the new donut shop.

Chair Emery asked if there was more public testimony. There was none. The public hearing was closed at 9:40 PM.

Patrick Allen referenced the 2003 parking study mentioned by Keith and stated that there appears to currently be 62 parking spaces available to the City, including City-owned properties: City Hall & Library lot, the Robin Hood former parking lot currently used as a construction staging area, and the gravel lot leased from the railroad used currently by Tri-Met park & ride customers. More discussion encouraging a parking study for Old Town ensued. Kevin asked Patrick if SURPAC had plans to do a parking study at one time. Patrick confirmed that he thought this was the case. Adrian asked Kevin approximately what a parking study would cost and how much time would be required. Kevin stated \$25,000 – \$30,000 and approximately one year to complete the study (including 3-6 months for an RFP). Other options such as walking, bicycling, carpooling, and mass transit were discussed.

Chair Emery asked if there was further discussion on the application. There was none.

Patrick Allen moved to deny the application CUP 05-04/SP 05-16/AV 05-02, American Legion Parking Lot Addition for failure to meet Code requirements, Chapter 4, Section 4.302.03, # C to show need.

Jean Lafayette seconded.

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

Vote: Yes – 2 No – 2

Chair Emery took another vote to clarify a conundrum, if a motion were to approve application CUP 05-04/SP 05-16/AV 05-02, American Legion Parking Lot Addition was taken:

Vote: Yes – 2 No - 2

Motion to deny application resulted in a conundrum.

Staff recommended continuance of the hearing to a date certain so that absent Commissioners would be present to consider the application. Heather said that the 120 deadline was March 9<sup>th</sup> and would require the City Engineer to waive the 120 days. Gene Thomas, City Engineer, waived the 120 day period to March 21, 2006.

Patrick Allen moved to continue public hearing CUP 05-04/SP 05-16/AV 05-02, American Legion Parking Lot Addition, to the Planning Commission session on March 14, 2006.

Russell Griffin seconded.

Vote: Yes – 4 No – 0  
Motion carried.

**8. Comments from Commission** - Chair Emery asked if there were any further comments by the Commission. There were none.

**9. Next Meeting** – February 28, 2006 – SE Sherwood Master Plan Report & Chapter 9, Historic Resources:

**10. Adjournment** – Chair Emery adjourned the meeting at 9:55 PM.

**End of Minutes**