



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall & Public Library  
22560 SW Pine Street  
March 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 – February 14 & February 28, 2006**
- 4. Brief Announcements**
- 5. Community Comments** (*The public may provide comments on any non-agenda item*)
- 6. Old Business:**

### **Public Hearing**

**CUP 05-04/SP 05-16/AV 05-02 – American Legion Parking Lot Addition:** This is a continuation from February 14, 2006. 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. 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.  
*(Heather Austin, Associate Planner, Planning Department)*

- 7. New Business:**

**Goal 5 Work Session-** Staff will briefly review the Tualatin Basin Goal 5 program elements and review the voluntary and regulatory program implementation requirements and options. The work session will focus on identification of any areas needing further clarification or research and providing general direction on program implementation considerations. *(Julia Hajduk, Senior Planner, Planning Department)*

- 8. Comments from Commission**
- 9. Next Meeting: March 28 – SE Sherwood Master Plan - Implementation**
- 10. Adjournment**

**\*NOTE: A work session on infill and redevelopment begins at 6 pm.\***

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**February 28, 2006**

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**Commission Members Present:**

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

**Staff:**

Kevin Cronin – Planning Supervisor  
Julia Hajduk – Senior Planner  
Rob Dixon – Community Development Director  
Cynthia Butler – Administrative Assistant

**Commission Members Absent:**

Chair – Adrian Emery

1. **Call to Order/Roll Call** – Vice Chair Allen called the meeting to order at 7 PM.
2. **Agenda Review**
3. **Brief Announcements** – Julia Hajduk responded to a question from Commissioner Balza about the outcome of the Sherwood Oaks application (PA 05-03) that was heard by City Council on February 7, 2006. Julia reported the application was denied and gave a brief overview. Kevin reiterated that the volunteer Tree for All tree planting event co-sponsored by the City of Sherwood and organized by SOLV, will be March 4<sup>th</sup> at Stella Olson Park from 9AM - 1PM. Posters are displayed around town. A Parks Master Plan public workshop was held Monday, February 27<sup>th</sup> and was well attended.
4. **Community Comments** (the public may provide comments on any non-agenda item) – None.
5. **Chapter 9 – Historic Resources – Plan Text Amendment (PA 05-04) Public Hearing:** Public hearing continued from December 13, 2005 to consider a plan text amendment to the Code regarding historic preservation standards and the role of the LAB (Landmarks Advisory Board).

Kevin recapped the process to date. Edits were drafted from last meeting's recommendations and the two primary action items carried forward to tonight's meeting were to determine the role of the LAB and standards for townhouses in the Cannery site that is zoned RC (retail commercial).

Patrick Allen initiated the discussion on the current role of the LAB and the options being considered; 1) Supergroup, consisting of 3-4 voting members appointed by City Council in addition to members of the Planning Commission that meet on the same night as Planning Commission, or 2) Technical Advisory Subcommittee, consisting of 3-4 non-voting members appointed by City Council that meet apart from Planning Commission and provide advisory recommendations to the Planning Commission. Page 31 of the draft revisions Chapter 9 document reflecting these options with examples was reviewed. Kevin recommended the

Supergroup and said the process would be more streamlined with members of one body meeting on the same night for consultation, discussion and the decision making process. Once the Commission makes their determination the draft revisions of Chapter 9 would be updated accordingly to reflect the appropriate language throughout the document.

Matt Nolan questioned the challenge of recruiting 4 qualified members committed and available for either of the options. Kevin stated that he already had 3 possible candidates in mind to apply for the positions.

Vice Chair Allen asked Commissioners if there were any further questions or discussion for Staff before moving on to the townhouse issues for the Cannery site. There were none.

Kevin referred to Page 4, Section 9.202.04 of the draft revisions Chapter 9 documents regarding permitted conditional use for townhomes in the RC zone. Kevin stated that the zero lot-line rule exists presently in Old Town and would like that standard applied to the Smockville Design Standards, so that building could be done right up to the lot line as in Old Town and not have to meet setback requirements.

Height limits were discussed. Kevin stated that draft edits from the last meeting reflect consistent height standards. Commissioners discussed whether the height standards may be too high or too low, then recommended the public hearing portion of the session be initiated prior to further discussion.

Vice Chair Allen asked if there was any public testimony.

Eugene Stewart, PO Box 534, Sherwood, OR 97140 – Eugene said that he feels the height standard should be lower to conform to the look and feel of Old Town. Eugene was concerned about public notice being sufficient for interested parties to attend hearings on these issues. Eugene also said that his primary concern remains the parking issue. A parking study should be done to confirm needs and location for parking.

Vice Chair Allen asked if there was any further public testimony. There was none. The public hearing was closed. Kevin Cronin responded to testimony and stated that ample public notice is always provided for Commission sessions and public hearings, including posting in 5 consistent public places, notification through the Gazette and Chamber of Commerce, emails to interested parties who have provided their email address for notification, and printing in the Tigard Times.

Dan Balza referenced Page 17 of the draft revision Chapter 9 document and stated that it was his recollection the Commission recommended a maximum height of 3 stories instead of 4 as shown. Commissioner Nolan agreed. Discussion ensued regarding recommendations for height standards in Old Town versus the Cannery site in the Smockville Design Standards. Commissioners recommended the removal of “stories” in the language of both standards and that height be defined strictly by actual height standards. Recommendations were arrived by consensus for: 36 feet in Old Town, and 50 feet in the Smockville portion at the Cannery site.

Jean Lafayette stated that although the Old Town Standards and the Smockville Design Standards have been merged into one document as the Commission had requested, the information is not clearly labeled in places and contains information that is duplicated in areas.

Jean said that the follow-up comments she planned previously to provide Staff before the draft revision was completed did not occur, and that she would do so before the final revision to assist Staff in clarification of some portions of the document in this regard. Matt Nolan agreed the two sets of standards are confusing in places.

Vice Chair Allen recapped the 5 issues under consideration this evening; 1) Landmarks Advisory Board role, 2) Height limits, 3) townhouse standards in the Cannery site, 4) Commissioner Lafayette's comments on clarification for Smockville and Old Town standards, 5) Parking standards. Patrick reiterated the need for a parking study on supply and demand in order to respond to parking issues that come before the Commission. Patrick suggested that Staff arranged a work session on parking and invited Assistant City Manager, Jim Patterson to attend. Kevin confirmed.

Jean Lafayette referred back to height standards using the recently constructed McCormick building as an example. Discussion ensued regarding roof-mounted equipment and the visual barrier options listed in the Code. Julia Hajduk indicated that the parapet on top of the McCormick building was not completed and that additional screening would be placed.

Vice Chair Allen asked Commissioners and Staff if it was necessary for the Commission to review another draft after tonight's session, or if recommendations could be completed by Staff without this requirement. Consensus was that the Commission would not be required to view the final draft, and that Staff would make changes as noted for the March 21<sup>st</sup> City Council session.

Jean Lafayette moved to approve Plan Text Amendment PA 05-04 as amended, based on staff report findings of fact, public testimony, and Staff recommendations, with revisions to the Chapter 9 of the Code, Historic Resources, as follows; 1) recommendation of a Supergroup to serve as the LAB, 2) Height limits revised to 36 feet in the Old Town Design Standards, and 50 feet in the Smockville Design Standards and removal of "stories" in text, 3) townhouse recommendations by Staff approved for zero lot line standards in the Cannery site, 4) incorporation of Commissioner Lafayette's recommendations for more clear language separating the Old Town Design Standards from the Smockville Design Standards, and 5) parking issues to be discussed at a work session with ACM Jim Patterson, date to be determined.

Matt Nolan seconded.

Vice Chair Allen asked if there was further discussion of the motion. There was none.

Vote: Yes – 6 No – 0 Abstain – 0

Motion carried at 7:50 PM. A 10 minute break was taken.

<10 minute break>

**6. SE Sherwood Master Plan – Study Session -** Vice Chair Allen confirmed that although this was not a public hearing, that public comments would be received. Walk-on written comments were received from: Raindrops to Refuge, Jeffrey Kleinman, Attorney, AKS Engineering, and Sherwood resident Paula Yuzon.

Kevin Cronin recapped the process to date and stated that over 120 citizens have participated in workshops on the SE Sherwood Master Plan. Kevin reiterated that the master plan is designed to have a plan in place rather than react to development on an ad hoc basis. Kevin briefly reviewed each of the resulting alternatives reflecting options from lowest to highest density. Staff recommended a hybrid of the B & C alternatives, B/C which reflects 4 units per acre. Kevin stated that this keeps the density lower than the next zone, LDR (low density residential) which is 7 units per acre.

Vice Chair Allen asked for an overview of the primary differences between each alternative and a brief synopsis of key factors that led to each. Kevin provided descriptions of each alternative and stated that each is driven by differing opinions of property owners on how the land should be developed.

Rob Dixon stated the long process has required good communication skills and has called on cooperation with property owners to develop a concept plan. Rob confirmed Kevin's assertion that ad hoc development does not produce sound planning and that infrastructure also is not possible with this kind of development. Rob stated that other than some site distance issues for engineering, the recommended alternative for a concept plan looks good

Kevin stated that the next step in the process once a recommendation is given, would be to draft a technical memo for implementation of the concept plan. Discussion ensued about green streets and the possibility of using green streets in this plan. Kevin reiterated that they are currently in the TSP (Transportation System Plan), but that they require technical follow-up with Engineering. Rob stated the cost for green streets is high, but that they can be done.

Vice Chair Allen asked Staff if the Code currently protects any of the area. Julia Hajduk said that density transfer in Chapter 8, Environmental Resources, could protect some of the wooded area, but that it cannot force density transfer and that there are no regulations currently in place to fully protect these areas. Patrick asked if there were further questions of Staff. There were none. A public comment period was initiated.

Robert Davidson, area resident at 23792 SW Robson Terrace, Sherwood, OR 97140 – Robert stated that he lives in the Sherwood View Estates and that he is in favor of larger lot sizes and supports protection of natural areas on the site. Robert endorsed alternative A, and stated that Denali Lane should not become a through street.

Carl Axelson, Raindrops to Refuge, 22461 SW Pine St., Sherwood, OR 97140 – Carl emphasized a need and concern for as low an impact as possible on the natural environment in development. Carl stated that he would like to see the overriding theme for the development be viewed through wildlife and wetlands.

Patrick Huske, developer of Ironwood Acres and area resident at 23352 SW Murdock Rd., Sherwood, OR 97140 – Patrick said that each property should be considered separately. Patrick also said that early on in the process there was agreement by 6 out of 10 property owners on 7 units per acre.

Alex Hurley, AKS Engineering, 13910 SW Galbreath Drive, Ste. 100, Sherwood, OR 97140 -

Alex stated that alternative B/C appears to meet all of the goals and that ownership boundaries are honored. Alex said that surveys are needed and that although green streets are an option, they are expensive to maintain. Alex said the most difficult challenge is determining how to appropriate costs.

Carolyn Peterson, resident at 14340 SW Fair Oaks Drive, Sherwood, OR 97140 – Carolyn endorsed alternative A that has lower impact on the natural environment. Carolyn stated that wider green space is more appealing and agrees that Denali Lane should not become a through street.

Debra Ng-Wong, area resident at 23524 SW Denali Ln., Sherwood, OR 97140 – Debra lives near a pond on the site that she is concerned may not be protected with development. Debra said she attended the Parks Master Plan workshop where the need for more park space in the City was discussed and she feels this area could accommodate that need. Debra also discussed height standards should be lower in any development to protect views.

Bart Bartholomew, opponent, 1573 View Lake Court, Lake Oswego, OR 97034 – Bart stated he was in attendance on behalf of the Moser's, area property owners, and that they do not support any of the alternatives. Bart said that the Moser's are in favor of higher density and plan to pursue legal options available to them.

Kurt Kristensen, resident at 22520 SW Fair Oaks Court, Sherwood, OR 97140 – Kurt stated that although he will not personally be impacted by the development of the site, he is in favor of preserving green space and encourages long range planning of the area for the benefit of future generations. Kurt stated that alternative A is the best suited for the area, and that he believes higher density is proposed by the City to pay for the infrastructure.

Vice Chair Allen asked if there were further public comments. There were none. A 10 minute break was taken at 9:25 PM.

<10 minute break>

Vice Chair Allen asked Staff if public comment could continue at the March 28<sup>th</sup> session.

Kevin Cronin confirmed and stated there is no rush on the process. Kevin said that he would like to draft a technical memo for an implementation strategy by the March 28<sup>th</sup> session, but that public comment could continue.

Dan Balza asked Kevin what protections, if any, exist for the wetlands after the construction is over and property owners move in.

Kevin said that public outreach and education for protection will be required, and that the EPA (Environment Protection Agency) plays a role in supporting continued protection. Continued discussion on green streets ensued.

Russell Griffin asked Kevin about Denali Lane and the expressed need for this to become a through street.

Kevin Cronin said that Denali Lane is already in the TSP and that for connectivity, Denali Lane needs to connect to a larger street. Kevin said that cul-de-sacs are not an option.

Additional public comments were requested and accepted.

Jeff Roberts, proponent, 21705 SW Wheat Place, Sherwood, OR 97140 – Jeff asked what was planned for the area north of the SE Sherwood Master Plan site.

Kevin Cronin stated that it is currently part of the Parks Master Plan.

Gerrie Leslie, area resident, 23558 SW Denali Lane, Sherwood, OR 97140 – Gerrie stated that Denali Lane was never meant to be a through street and that he is strongly against it.

Vice Chair Allen asked if there were further public comments. There were none. Patrick stated that the discussion had two distinct components; 1) technical items such as streets, alleys, and access issues, and 2) landowners, property lines, and alternative selection. Patrick stated that the entire project includes 6 property owners. Matt Nolan confirmed.

Jean Lafayette said that she had concerns about the Moser property and asked Kevin if there was any updated information about the legal direction expected by this property owner. Kevin stated that he did not presently have more information, but would bring any new developments to the March 28<sup>th</sup> session.

Vice Chair Allen confirmed that the Commission would like Staff to report back on any impacts to the proposed concept plan that may exist depending on legal routes sought by the Moser family regarding their property. Patrick also asked Staff to clarify what some of the recommendations made by Raindrops to Refuge might mean in terms of green street support. Commissioners agreed that taking no action would not be in the best interest of the City in terms of ad hoc development.

Vice Chair Allen asked Kevin in addition to the above requests, the Commission would like feedback on each of the public comments made this evening. Kevin confirmed. Russell Griffin asked Kevin if there were any existing standards that protect someone's view. Kevin Cronin stated he would look into it and add it to the responses Staff will provide.

Kurt Kristensen, 22520 SW Fair Oaks Court, Sherwood, OR 97140 – asked if it was possible to get a breakdown of the infrastructure costs associated with Murdock Rd. Kevin said it would be very difficult. Kurt asked if there is an option for splitting the costs with the property owners.

Rob Dixon stated that it is the standard for development to cover full frontage improvements, which would apply on Murdock Rd. Rob said that some of the cost for through traffic could be taken into consideration. Rob confirmed that this information would be very difficult to determine at this stage. Vice Chair Allen asked Staff what timeline was needed for follow-up. Kevin confirmed March 28<sup>th</sup>.

Vice Chair Allen recommended that on March 28<sup>th</sup> another work session on the SE Sherwood Master Plan would be on the agenda, including more public comment. Patrick also

recommended that another session for public comment be set 2-4 weeks following the March 28<sup>th</sup> session. Commissioners agreed. Staff confirmed.

**7. Comments by Commission** - Todd Skelton attended the Parks Master Plan workshop held on February 27<sup>th</sup> and said that it was a positive process. Russell Griffin said that the stop signs for street construction in Old Town were moved from the intersection of Main & Railroad streets and that this was a safety hazard particularly for pedestrians. Staff confirmed this would be investigated.

**8. Next Meeting – March 14, 2006:** Infill & Redevelopment Standards work session 6-7PM; Regular session items: American Legion Parking Lot (CUP 05-04); Goal 5 Standards.

**9. Adjournment** – Vice Chair Allen adjourned the session at 10 PM.



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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**

# MEMORANDUM

**Job No:** SHR-02  
**Date:** March 7, 2006  
**To:** Heather Austin  
City of Sherwood  
**From:** Keith B. Jones, AICP  
**Subject:** Site Plan Review for American Legion Parking Lot  
15914 SW 1<sup>st</sup> Street (CUP 05-04/SP05-16/AV05-02)



**Harper  
Houf Peterson  
Righellis Inc.**

ENGINEERS ♦ PLANNERS ♦ SURVEYORS  
5200 SW Macadam Avenue, Suite 580, Portland, OR 97239  
PHONE: 503.221.1131 www.hrcivil.com FAX 503.221.1171

The Sherwood Planning Commission held a public hearing on February 14, 2006. The Commission decided to continue the hearing to allow the applicant to submit additional evidence into the record. The Commission questioned the justification of the need for additional parking in Old Town since there is no current comprehensive parking study to demonstrate current and future needs.

The applicant believes that the parking lot is needed and justified for the following reason:

### **Parking demand based on City Code**

The Civic Building currently has 41 parking spaces. Since the site is within the "Old Cannery Area" of the OT overlay only 65% of the Code-required spaces must be provided<sup>1</sup>. The table below shows the current code required spaces.

	<b>Square Foot</b>	<b>Code Minimum</b>	<b>Spaces Needed</b>
City Hall	9,500	2.7/1,000	26
Library	14,000	None	0
Community Room	3,500	None	0
Retail Space	1,250	4.1/1,000	5
Total			31
65% of Total			20

From the above calculation it appears as though 41 spaces is more than adequate for the needs of the Civic Center. However, the current code does not take into account the community room use, the library and the need to provide parking for employees and City pool vehicles. The table below takes this into account.

<sup>1</sup> Section 9.202.07(C)

	Square Foot	Minimum	Spaces Needed
City Hall	9,500	2.7/1,000	26
Employee Parking*		26(above) +19=45 employees	19
Library Reading Room	12,000	1 per 400SF (City of Tualatin)**	30
Community Room	3,500	0.4 per Seat at 100 Seats***	40
Retail Space	1,250	4.1/1,000	5
Total			120
65% Total			78
City Pool Vehicles****			10
Total			88

\*The Civic Center has 45 employees. Twenty six spaces are accounted for under the calculation for City Hall. Therefore 19 spaces are added to total 45 employees.

\*\*Sherwood Code does not require parking for libraries therefore City of Tualatin Code is used.

\*\*\*Sherwood Code does not have minimum for community meeting room, therefore the minimum for church seating is used.

\*\*\*\*City pool vehicles are fixed therefore the total is added and not reduced to 65%.

This shows with the 65% percent of the required minimum parking allowed in the “Old Cannery Area”, 88 spaces are needed. This leaves a deficiency of 47 spaces. The applicant is proposing 16 spaces under this proposal to assist with filling this need.

### Variance to Landscaping Standards

The Commission also requested clarification on the landscape variance. The applicant is requesting a variance to reduce the 10-foot wide landscaping requirement to 7.5 feet along Oak and 1<sup>st</sup> Streets based on the dimensional limitations of the site.

Oak Street Variance - The parcel is 75 feet wide. Since the applicant intends to have 13 of the 16 spaces as 9' X 20' spaces (17 foot of pavement with a 3-foot overhang) and also maintain a 24-foot drive aisle, 64 feet is needed for parking. To save an existing tree, the parking will start 3.5 feet from the NE property line. With the 64 feet needed for parking this brings the total width to 67.5 feet leaving only 7.5 feet for landscaping on Oak Street. Typically landscaping buffers can be maintained in the right-of-way, however the future downtown streets project will be built to the right-of-way line, therefore right-of-way cannot be used for landscaping along Oak or 1<sup>st</sup> Streets.

1<sup>st</sup> Street Variance – Similar to the above situation, the applicant has 94 feet of lot depth in which to construct the parking lot. Along Oregon Street 5 feet of existing landscaping in the right-of-way can be used to gain the required 10-foot of landscaping. Adding an additional 5.5 feet of landscaping along Oregon Street, curbing, ADA space, one compact space and six full-size spaces results in 86.5 feet. This leaves 7.5 feet for landscaping along 1<sup>st</sup> Street for landscaping.

Without these variances the amount of parking would need to be reduced or compact spaces installed. Because the parking lot is small the applicant wishes to have as many full-size spaces as possible to allow for maneuvering room in this small space as well as maximize the space will still providing a landscaping buffer.





## **Conclusion**

The applicant believes that a need for parking for the Civic Building exists. First, although built to current code, the Civic Building is under-parked because it does not provide the estimated 55 spaces that are in reality needed for employees and City pool vehicles (45 employees plus 10 pool vehicles); and even under the "Old Cannery Area" code that allows only requires 65% of the Code minimum, a demand for 47 parking spaces remains. Additionally, keep in mind that the City moved the Engineering Department and Library employees to an area of town in which they were not previously. The Engineering Department move decision was made after land use review, so was not even taken into original consideration with the site plan.

Therefore, for these reasons, the applicant believes that there is a need for parking for the Civic Building. The proposed 16-space parking lot will help satisfy the need for the Civic Building. Further, the parking lot will be shared with the American Legion building reducing the need for both uses to build their own parking, thereby reducing parking lot demand. Joint use should be encouraged as it reduces the amount of pavement and saves land for commercial and residential use in Old Town.

For these reasons the applicant respectfully requests that the Planning Commission find that the parking lot provides needed parking and approve the Conditional Use request.



# **APPROVED MINUTES**

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

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**Commission Members Present:**

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

**Staff:**

Julia Hajduk – Senior Planner  
Heather Austin – Associate Planner  
Rob Dixon – Community Development Director  
Cynthia Butler – Administrative Assistant

**Commission Members Absent:**

None

1. **Call to Order/Roll Call** – Chair Emery called the meeting to order at 7 PM.
2. **Agenda Review**
3. **Consent Agenda** – Minutes for February 14 & February 28, 2006 were approved as amended with edits, vote results below:

February 14 – Vote: Yes – 4 No- 0 Abstain– 3

February 28 – Vote: Yes – 6 No–0 Abstain - 1

4. **Brief Announcements** – Rob Dixon said that he received a directive from the City Manager through approval of the City Council on March 7<sup>th</sup>, to initiate a scope of work for a future parking study for Old Town when funding becomes available. The study conducted by a consultant will be an objective analysis for alternatives. Rob said that he and city staff have held follow-up meetings with Patrick Lucas regarding road access at the old tannery site after the recent denial of the Sherwood Oaks application, and that staff is reinforcing a positive working relationship through a difficult project process. Julia Hajduk said the first meeting on the Economic Opportunities Analysis project is on April 19<sup>th</sup> with SURPAC. The Chapter 9 – Historic Resources plan amendment is scheduled for City Council on March 21<sup>st</sup>. Julia has submitted an extensive All American City Award application for Sherwood, a nationally competed and prestigious community recognition award reviewed by the National Civic League. The National Civic League will extend invitations to finalists to give presentations in April. Heather Austin said a new 183 unit multi-family subdivision project has been submitted, Woodhaven Crossing II, located north of Meinecke Rd. on the west side of Hwy. 99.

5 **Community Comments** (the public may provide comments on any non-agenda item) – Eugene Stewart, PO Box 534, Sherwood OR 97140 - Eugene said that the current Planning Commission agenda was not on the website and not at the post office. Eugene said notices should be posted one week prior to meetings. Cynthia Butler acknowledged the website posting was erroneously omitted this week. Notices are routinely posted on the City's website one week prior to Planning Commission meetings, in addition to the 5 public locations (City Hall, Library,

Senior Center, YMCA, & Albertson's on Tualatin-Sherwood Rd.). Meeting notices are posted in the same locations as City Council material for consistency, and the Council does not post notices at the post office due to lack of ample space on a regular basis and that City staff does not have access to their reader board for postings. Staff will be more careful to make sure website postings are completed on a timely basis.

## 6. Old Business:

**Public Hearing – CUP 05-04/SP 05-16/AV 05-02 – American Legion Parking Lot Addition:** Vice Chair Allen read the Public Hearings Disclosure Statement. Chair Emery asked if there was any conflict of interest, exparté contact, or bias. Russell Griffin stated that he lives and works in Old Town, but that he can remain impartial when evaluating evidence and that it will not affect his decision-making ability.

Heather Austin recapped the process to date; the project was submitted as a Type II site plan review application and was deemed a Type III application due to the conditional use status of the site. The Hearings Officer determined that the parking lot constituted as a structure, and as such required review by the Planning Commission. The Planning Commission concurred on February 14, 2006 that the parking lot is defined as a structure, but were split on a vote for approval or denial of the project. Heather stated that additional findings have been provided by Staff in the addendum staff report dated, March 7, 2006.

Russell Griffin said that he would like to see the parking lot at the site, and asked Rob Dixon if there were provisions in place that would allow other uses in the parking lot during special events. Rob stated that he was not aware of specific plans, but that he would get more information as it is available. Additional discussion ensued regarding the routine use of the parking lot; whether city vehicles would be parked there, if there would be designated parking spaces for specific employees, and clarification for use between the American Legion and the City.

Patrick Allen asked if the City had developed a transportation demand management plan. Julia said that the DEQ established the Eco-Rule, which requires businesses with over 50 employees on site to offer incentive transit programs to reduce trips, but that the City has just recently achieved this number and that program discussions have not yet begun. Julia stated that 50-60% of employees with the City are also residents of Sherwood. Patrick asked if the window of opportunity would be lost if a decision about the parking lot were delayed 6 months. Rob stated that the opportunity for a shared parking facility with the Legion may be lost. Rob also stated that there are currently times when the library/city hall parking lot is full and with completion of the downtown streets project, good weather months, and the increase of Library visitors, parking needs will escalate. In addition, Rob stated that he is not sure what a delay would mean to the budget as this is a general fund project.

Matt Nolan asked what the plans were for the Robin Hood Theater lot and inquired why this could not be an option. More discussion by Commissioners included citing other city-owned or leased properties that could be used for parking instead of the site under review, and preferred that option over the demolition of a building. Staff reiterated that the American Legion owns the site and can also use parking. The Robin Hood Theater lot has been used under temporary use permits for some time, currently permitted to the construction company for the Streetscapes

project. Prolonged use of temporary gravel lots for parking does not address water quality issues, such as storm water runoff treatment. The parking lot south of the railroad tracks off Washington Street leased from the railroad is used largely by park and ride customers of Tri-Met, and the Cannery lot is also a temporary site. Patrick Allen expressed that the immediate need for parking may be spurred by current construction projects and when completed, other sites mentioned may be more viable long-term options.

Chair Emery asked if there were any further questions of Staff. There were none.

Keith Jones, Harper Houf Peterson Righellis, Inc., 5200 SW Macadam Ave., Ste. 580, Portland, OR 97239 – Applicant’s Representative: Keith focused on the need for parking using the site under review and referred to his memo dated, March 7, 2006. Keith said that at the time of development no parking spaces were allocated for the Library or for Community Room activity. Keith referred to the table on Page 2 of his memo for the criteria that demonstrates that the demand for parking meets requirements of the Code. Keith stated that shared uses for parking builds partnerships in Old Town by combining needs. The parking lot could be redeveloped in the future.

Chair Emery asked if there were any questions for the Applicant/Representative. There were none. Chair Emery invited any public testimony.

Eugene Stewart, PO Box 534, Sherwood, OR 97140 – Eugene said he is in favor of a parking study and plan for Old Town, and that the house being considered for demolition is in the historic district.

Chair Emery asked if the Applicant/Representative had a rebuttal.

Keith Jones said that the residence on the site is a vacant, under-utilized home formerly used as a dog grooming business, and that the proposed parking lot would provide a transition between zones in Old Town.

Heather said that the home is not on the historic inventory. The American Legion owns the property and has identified parking needs as well. The City would maintain the property by contract for use during the day.

Dan Balza asked to confirm what currently surrounds the home. Heather stated that the site is surrounded on 3 sides by street and the new pedestrian walkway (formerly Oregon St.) on the 4<sup>th</sup>.

Chair Emery asked if there were any further questions Staff or the Applicant/Representative. There were none. Chair Emery closed the public hearing at 8:05 PM.

Patrick Allen stated that while he agrees that there is a long-term parking need in Old Town, it is good a parking study is to be conducted as development in Old Town continues, but that the decision is whether or not the parking problem is urgent enough for a short-term parking solution. If another applicant came before the Commission with a similar application the Commission would require the applicant to show proof of need in order to be consistent in standards. Patrick said he took a count one lunch hour mid-week in Old Town, and counted 50 open parking spaces and 40 spaces being used by construction vehicles. This count did not

include the Cannery lot but did include the sites at Railroad & 1st St., Washington & Main St., the rear Civic Building parking lot, and one block on Oak St. Patrick said that the study was a moment in time and non-scientific, but based on these concerns and no employee incentive in place for transportation alternatives, he recommends denial of the application. Patrick also stated that he also had concerns that approving this land use action would establish a standard that the Planning Commission would use if other applicants come forward with a proposal to tear down buildings in Old Town to establish more parking. Patrick also stated that he believed construction was having a large impact on parking availability and that it is inadvisable, in the absence of a parking study, to decide during construction that there is a need for more parking.

Jean Lafayette agreed and said if another applicant failed to include sufficient parking in their original application, and applied later to demolish an old building in Old Town to create parking space, the applicant would be required to provide a parking study to prove need.

Matt Nolan agreed there is not enough evidence to approve the application before a parking study is completed, and that he did not believe the dog grooming business should have been required to move prior to approval of a parking lot application.

Chair Emery said the he is in favor of approving the application as an opportunity on a cooperative project. Adrian supports the City completing a parking study when funds are available to do so, and said that the shared-use of the parking lot for the American Legion and the City is good for Old Town.

Dan Balza said that the application would be easier to determine in 6 or 9 months after construction were more complete and a parking study was either completed or underway, and that he recommends denial of the application.

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

Patrick Allen moved to deny application CUP 05-04/SP 05-16/AV 05-02, American Legion Parking Lot Addition, based on the finding that it failed to meet the need criteria of Section 4.302.03-C of the Sherwood Development and Zoning Code.

Jean Lafayette seconded.

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

Yes – 4 No-3 Abstain – 0

Motion passes. Application denied.

Heather Austin asked City Engineer, Gene Thomas, on behalf of the Applicant for an extension of the 120 day rule in the event of an appeal.

Gene Thomas, City Engineer, on behalf of the Applicant waived the 120 day rule and extended the deadline 30 days to April 21, 2006.

**7. Comments by Commission** – Jean Lafayette recommended that the 5 locations for posted notices be listed in the Sherwood Gazette in addition to the reference that public notices are published in the Tigard-Tualatin Times. Cynthia Butler stated that arrangements have been made based on a previous request by the Commission, to publish in the Gazette that all public notices are published in the Tigard-Tualatin Times. A request to also add the 5 locations will be made.

**8. Next Meeting – March 28, 2006:** SE Sherwood Master Plan – Work Session.

**9. Adjournment** – Chair Emery adjourned the regular session at 8:30 PM. Work session on Goal 5 Standards followed.