



City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall & Public Library  
22560 SW Pine Street  
September 26, 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** – September 12, 2006
4. **Communications from Staff & Public**
5. **Community Comments** (*The public may provide comments on any non-agenda item*)
6. **New Business: Public Hearing** (*using materials from 9/12/06 session*)  
**Goal 5 and Infill/Redevelopment Plan Amendments (PA 06-02/PA 06-03)**  
The City of Sherwood has been participating in two processes to update its zoning code to reduce barriers to habitat friendly development and encourage better design and transportation connectivity of infill projects. The Commission continued the hearing from September 12 and will take oral and written testimony on each proposal. (*Julia Hajduk, Senior Planner and Heather M. Austin, AICP, Associate Planner, Planning Department*)
7. **New Business: Public Review**  
**Parks Master Plan** (*using materials from previous sessions*)  
The City of Sherwood Parks and Recreation Board has worked on a new Parks Master Plan since November 2005. This plan will replace an update that was completed in 2000. The Parks Board recommended approval subsequent to their meeting on September 11. This is NOT a public hearing nor is it a land use action. However, written and oral public comments can be submitted. If the Commission recommends approval it will be forwarded to the City Council for review on October 17. (*Kevin A. Cronin, AICP, Planning Supervisor, Planning Department*)
8. **Comments from Commission** – Oregon Planning Institute Conference – Eugene, OR
9. **Next Meeting: October 10, 2006** – High School Heights (SUB 06-03)
10. **Adjournment**

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**City of Sherwood, Oregon**  
**Planning Commission Draft Minutes**  
**September 12, 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:** Kevin Cronin – Planning Supervisor  
Rob Dixon – Community Dev. Director  
Gene Thomas – City Engineer  
Julia Hajduk – Sr. Planner  
Heather Austin – Associate Planner  
Cynthia Butler – Admin. Assistant III

**City Attorney:** Chris Crean

1. **Call to Order/Roll Call** – Chair Emery convened the session at 7 PM. Cynthia called the roll. All commissioners were present.

2. **Agenda Review** - At the request of Staff, the 3<sup>rd</sup> agenda item: Public Hearing – Goal 5 (PA 06-02) & Infill Standards (PA 06-03) was moved to the front of the schedule to allow the project consultant for Infill Standards an opportunity to provide a summary presentation before proceeding with the remaining agenda items. Staff also recommended that due to time requirements needed on the remaining 2 agenda items, the public hearing on PA 06-02 & PA 06-03 be opened only to include the consultant’s presentation and that the balance of the hearing be rescheduled to a date certain, September 26, 2006. Chair Emery inquired if any members of the public were in attendance to specifically provide testimony on the proposed plan amendments, there were none. Consensus was received from the Commission to open the hearing, receive the consultant’s presentation, and reschedule the remainder of the hearing to the next session on Sept. 26<sup>th</sup>.

3. **Consent Agenda** – Patrick moved to vote on approval of the July 25<sup>th</sup> & August 8<sup>th</sup> minutes. Russell Griffin seconded:  
July 25<sup>th</sup> - Vote: Yes – 7 No – 0 Abstain – 0  
August 8<sup>th</sup> – Vote: Yes – 4 No – 0 Abstain – 3  
Minutes were approved.

3. **Brief Announcements** – Kevin Cronin said the 2<sup>nd</sup> public workshop on the Economic Development Strategy will be held on Sept. 20<sup>th</sup> from 6-7:30 PM at City Hall. The project consultant will also be present. This topic will also be covered at the October SURPAC meeting held on Wed. Oct. 18<sup>th</sup> at 6:30, located at City Hall. Kevin encouraged commissioners to attend one of the sessions in preparation for a hearing sometime in November, and in lieu of scheduling an additional joint work session with SURPAC. The Construction Excise Tax funds application has been sent to Metro for concept planning on Area 54-55. The Urban Area Planning Agreement was recommended for approval by the Washington County Planning Commission on Sept. 6<sup>th</sup>, and will be heard before the County Commission on Sept. 19<sup>th</sup>. Staff will attend. The annual Oregon Planners Institute conference will be held this week in Eugene. Russell Griffin and Julia Hajduk are registered. A quorum was not present at the last Parks Board meeting. An

e-vote will be conducted prior to the next Planning Commission on Sept. 26th, so that materials are ready for review.

**4. Community Comments** – Susan Claus, 22211 SW Pacific Hwy. Sherwood, OR 97140 Susan asked questions regarding the natural resources designated on the Parks Master Plan map. Julia Hajduk, project manager for Goal 5 – Natural Resourced Protection, stated that protected areas identified on the map have been adopted by Metro. Julia added that the proposed Goal 5 Plan Amendment represents a program that has been developed over the past 3 years and information has been posted to the website. Julie offered to discuss details with Susan at a later date and before the public hearing before Planning Commission on Sept. 26th. Julia stated that the intent of Goal 5 is not to add new regulation, but provide incentives to encourage developers to practice habitat friendly development. Susan responded that they own property in areas shown affected on the map and asked to clarify if Goal 5 standards are geared to decrease development. Julia said they are not. Susan asked if the staff report and opportunity to provide comments would be available before the hearing. Julia confirmed. Susan concluded that she wanted to be notified of any new information on this project as it develops. Julia confirmed. Chair Emery asked if there were any other community comments. There were none.

**5. New Business: 1. Public Hearing – Goal 5 (PA 06-02) & Infill Standards (PA 06-03)** Redevelopment Plan Amendments to update the Zoning Code to reduce barriers to habitat friendly development & encourage better design of infill projects.

Patrick Allen read the Hearing Disclosure Statement. Chair Emery asked commissioners if there were any conflicts of interest, bias or exparté contact. There was none.

Julia recapped that the hearing will be continued to the next Planning Commission session on September 26<sup>th</sup>, and that the consultant, Scott Siegel will provide a brief summary.

Scott Siegel – Siegel Planning Services LLC; 16067 Boones Ferry Rd., Lake Oswego, OR 97035 – Scott provided a brief summary of the grant-funded project to date, and stated that the purpose of the work was to promote greater housing variety and choice in the community, transportation efficiency, and compatibility between new infill development and established neighborhoods. Scott added that as smaller applications are submitted to the City the new standards will assist in finding ways to connect local streets.

Patrick Allen asked Staff if the proposed new language for Infill Standards would apply to issues on the Columbia St. Lot Depth Variance application, and referred to Page 106, Section 2.309.03 of the Staff Report regarding lot sizes and reductions. Scott Siegel agreed that also on Page 108, Section 7-B, lot dimensions may be reduced below the minimum standards of the applicable zoning district provided the development conforms to the standards. Discussion ensued. Heather stated that at first glance it appears the Columbia lot depth issue may be resolved by modifying the size of the lot using the Infill Standards, if they were approved. Patrick agreed that Scott's finding applies more directly to this issue.

Jean Lafayette stated that maintaining setbacks would still be required. Jean expressed concern over reduction of lot size in the application of existing setbacks. Using front setbacks as an example, Jean stated that the 20 foot setback is intended to allow driveway parking. Scott stated that the 20 foot garage setback would still be required. Patrick said that the loss of dimension would be in the rear yard. Heather said that based on the current language Infill Standards apply

to the land division or lot line adjustment process, and may not apply to land divisions that have already occurred unless the language was changed.

Chair Emery asked if there was any other testimony on PA 06-02 or PA 06-03 this evening. There was none.

Patrick moved to continue the public hearing on PA 06-02 & PA 06-03 on Sept. 26, 2006.

Jean Lafayette seconded.

Chair Emery took a vote: Yes – 7 No – 0 Abstain – 0

Motion carried.

**6. New Business – 2. Public Hearing - Columbia Lot Depth Variance (VAR 06-01) –** Chair Emery opened the public hearing on VAR 06-01 at 7:22 PM. Chair Emery asked commissioners if there were any conflicts of interest, bias or exparté contact to declare. Russell Griffin stated that the Claus' children attend music lessons at his business, but that this did not affect his ability to review this project.

Heather Austin, project manager, recapped the hearing process that requires an administrative variance (formerly AV 06-01) to be changed to a variance application (VAR 06-01). Heather asked to confirm with commissioners that they had received tonight a copy of a letter from Gunn & Cain LLP, attorneys, which planning staff received yesterday. Commissioners confirmed. Heather recapped the process to date and stated that the applicant did not meet required criteria for a variance and that Staff recommends denial. Heather stated that the applicant did not provide evidence to meet the following criteria:

- Exceptional & extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of the Code, topography, or other circumstances for which the applicant has no control.
- The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.
- Hardship is not self-imposed and the variance requested is the minimum variance that would alleviate the hardship.

Heather responded to the letter from Gunn & Cain LLP, dated September 5, 2006 regarding the MDRH, and said the letter correctly stated that the property is zoned MDRH, and that this zone does allow a maximum of 11 dwelling units per acre. Heather added that the minimum dwellings allowed are 5.5 per acre and that the range for the .8 acre parcel would be 4-8 dwelling units per acre. Heather said if the variance request were denied and the lot was reduced by one lot, remaining density would still allow for 2 dwelling units - duplexes as an allowed use. Heather recapped that the number of dwelling units could remain the same whether or not the variance was approved. Heather stated that she has reviewed past files on this project, which included several approvals and some that have expired, but that she did not find any evidence relating to this variance request. Heather reiterated that Staff did not find sufficient evidence that the variance criteria has been met and therefore recommends denial. Heather introduced the City Attorney, Chris Crean, and stated that he is available for questions on this project and the Area 59 project later on the agenda.

Chair Emery stated that a break was needed to be certain commissioners had ample time to read the aforementioned letter prior to continuance of the hearing, and adjourned until 7:40 PM.

< 10 minute break >

*During the break two additional items of record were submitted to the Commission:*

- 1) A copy of the original partition application from 2001, including shadow plat map submitted by Michael Gunn.*
- 2) Written comments from Jim Claus, submitted by Susan Claus regarding the City Planning Staff Report, including photos of various scenes neighboring the project site.*

Chair Emery reconvened the hearing at 7:40 PM.

Patrick Allen asked Heather for the date that Goal 5 & Infill Standards is scheduled to be heard by City Council. Heather responded October 17<sup>th</sup>. Patrick asked Heather for a recap on the history of the hammerhead on this project. Heather stated that in her review she found the 2001 original partition application approval, which created the 3 parent parcels and two of which have subsequently received preliminary approval for re-partitioning. Heather added that the original application was submitted as a hammerhead by the applicant and AKS Engineering, and that it appears Staff approved the hammerhead design as proposed by the applicant. Patrick asked Heather if she was able to find any history in City records indicating that the hammerhead was a result of an agreement between the City and the applicant, including any pre-application conference notes. Heather stated there was nothing of this nature in the record. Patrick asked if conversely, Staff found any written record indicating the opposite was true. Heather stated there was none.

Chair Emery opened the hearing for public testimony at 7:40 PM.

Michael Gunn, attorney for the applicant, Gunn & Cain LLP, PO Box 1046, Newberg OR 97132. Mr. Gunn stated that an incorrect account of the history of the project has been provided by Staff, particularly regarding the hammerhead configuration. Before addressing the history of the project, Michael said that he wanted to correct a sentence appearing on the agenda for tonight's meeting that stated the applicant was mailed a notice on the initial administrative variance application. Mr. Gunn recapped from the last Planning Commission session, that the applicant was not mailed the notice and instead the notice was mailed to the applicant's son. Michael also said the staff report was not available when they provided the September 5<sup>th</sup> letter, requiring the follow-up letter dated September 8<sup>th</sup>. Regarding the history of the project, Mr. Gunn stated that the applicant originally wanted to build 8 units on the site and that Dave Wechner, former Planning Director for the City of Sherwood, told the applicant that due to traffic considerations 6 units would be preferred. Michael said that the City purchased a portion of this site from the applicant to locate a storm water facility. Michael added that City staff at that time, told the applicant if they built 6 units on a phased partition (3 & 3) with a hammerhead configuration, the City would support the applicant on a variance that will be required on one of the parcels – parcel 3A on the variance application.

Mr. Gunn referred to a copy of the original 2001 application with the partition lot plan from AKS Engineering attached, and said that this shadow plat was submitted to the City. Michael added that the shown right-of-dedication with the hammerhead to include just 6 units was desired by

the City to alleviate traffic and parking issues, to which the applicant agreed in good faith. Follow this process, Mr. Gunn added that 6 utility connections were installed, inspected and permits issued by the Building and Engineering Departments. Michael added that the decision really comes to maximizing density or maximizing parking, and said that parcels 3A & 3B could be combined into one parcel not requiring a variance and restricting the option to a duplex, which would not allow for a double-car garage design. Mr. Gunn responded to sections of the Code as outlined in the Staff Report as criteria that has not been met:

- Page 3 - 4.401.2A: Exceptional & extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of the Code, topography, or other circumstances for which the applicant has no control - Mr. Gunn said that based on his conversation with the City Attorney, the applicant must provide evidence that the configuration of the site pre-dated the Code. Mr. Gunn disagreed with the City Attorney, and stated that his understanding of the City Attorney's interpretation is that the configuration of the 3 parcels for the 2<sup>nd</sup> partition existed prior to the Code. Mr. Gunn said that this is a circular argument, which would prevent any applicant from obtaining a variance on property in similar circumstances. Michael added that a lot depth variance is related to a subdivision or partition application, but not for a building permit when setback requirements are met. Michael restated that the applicant's position is that the configuration of this property in its entirety completely pre-dated the Code, and that the applicant has satisfied these criteria.
- Page 3 - 4.401.2B: The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity - Mr. Gunn stated that the applicant has completed what the City asked of the applicant in 2001, and the applicant now has installed 6 utility connections and a hammerhead configuration that the applicant would not have designed. Michael restated that these items constitute a property right.
- Hardship is not self-imposed and the variance requested is the minimum variance that would alleviate the hardship - Mr. Gunn restated that the definition of a self-imposed hardship is that an individual created the hardship based on their own actions. Michael said that the applicant designed the project based on what the City wanted them to do.

Mr. Gunn addresses issues raised by written public testimony received by the Planning Department and entered into the record. Mr. Gunn recapped that presently just 6 homes are provided for on the site instead of the 8 allowed, and that John Wild's comments there are too many homes planned for the site is false. Mr. Gunn responded to John & Julie Kandik's concerns over parking and said that this concern is not relevant to a variance, which is not for parking - but added that the City does need to determine whether the project should maximize density or maximize parking. Mr. Gunn said the City should uphold what the City asked from the applicant at the time of the original application, which was to decrease the density by 25% and that the City would support the applicant on the required variance application for the 1 parcel. Mr. Gunn concluded by stating that the applicant has been required to spend large sums of money to respond to the City on this project that they would not have otherwise incurred.

Jim Claus, applicant, 22211 SW Pacific Hwy., Sherwood OR 97140 - Mr. Claus asked the Recording Secretary, Cynthia Butler, how much time remained for applicant testimony. Cynthia confirmed there was 20 minutes, including the rebuttle. Mr. Gunn requested to be notified when 7 minutes remained. Cynthia confirmed. Mr. Claus referred to the shadow plat on the original application and restated that the utilities have been installed and that the Building and

Engineering Departments inspected the site, issued permits and signed off on the plat. Mr. Claus added that this would not have been done without City approval and that he could have built 6 units without a hammerhead configuration or 8-9 units that he had platted and ready, but stated that Dave Wechner said he had a better solution for that area. Jim stated that Dave told them the City would support them with a variance application if they cooperated with the requirements for the hammerhead configuration. Mr. Claus said that Dave now works for AKS Engineering and that City staff did not contact Mr. Wechner to confirm this information. Jim added that he did not want to pay the sum that Dave requested to provide an affidavit confirming his participation in the verbal agreement. Mr. Claus stated that it was the responsibility of City staff to obtain this information from former City staff. Mr. Claus said the hammerhead configuration was not a self-imposed hardship and that by cooperating with the City by verbal agreement cost them approximately \$50,000 in road work and \$50,000 for the land. Additionally, Mr. Claus said that nearly \$450,000 has been spent in dealing with the City on this project, including a hazardous waste clean up on the site required by the City that Jim said was based on false information. Regarding neighboring property owner testimony, Mr. Claus said that they are concerned about parking when some have numerous vehicles illegally parked on their property and others have garages that protrude into the street. Mr. Claus said his project enhances the general plan with a better tax base, less parking and more off-street use. Mr. Claus stated that the City illegally obtained a hammerhead configuration for his property and now needs to honor the resulting 8 foot variance application for 1 lot. Mr. Claus said that nothing is lost by the approved variance; the lowest density by law is provided, neighbors get the most parking, and the fire department has a turnaround paid for by the applicant. Mr. Claus stated that if the variance is denied, any other applicant seeking a variance with pre-existing property conditions also cannot be issued, or face challenge by appeal.

< 8:03 PM – 7 minute notification per applicant request >

Mr. Claus recapped that the site was zoned for 8 units and that he had 8 units ready to plat, but Mr. Wechner approached him with concerns over traffic and parking, and asked him for the compromise for 6 lots, two-car garage parking, and the hammerhead configuration with the City's support on the resulting variance application.

Chair Emery asked if Susan Claus had remaining testimony.

Susan Claus said that neighboring property owners, John and Julie Kandik wanted the City to purchase the site and leave it as open space.

Chair Emery asked if there were questions for the applicant.

Patrick Allen asked what evidence commissioners could consider in making findings regarding the applicant's agreement with the City in 2001.

Michael Gunn stated that the City does not have any evidence to refute statements made by Mr. Claus, and that inspection and approval in 2001 by the Building & Engineering departments on the shadow plat was evidence that the City signed off on the hammerhead configuration at that time. Jim Claus said that an exaction is not required with parceling. Jim added that the agreement is traceable and that Dave Wechner can provide an affidavit on the agreement.

Matt Nolan asked Jim Claus if there was any evidence of the original agreement with Dave Wechner. Jim said that the testimony tonight including the shadow plat is evidence and he reiterated that Dave can provide an affidavit. Jim said that he did not want to pay the fee Dave requested to provide an affidavit on the agreement, and that it is the responsibility of City staff to contact Mr. Wechner. Mr. Claus added said that the shadow plat provided by AKS Engineering in 2001 contains storm and sewer facilities which were inspected and approved by the City.

Chair Emery asked if there was any further testimony. There was none. Chair Emery deferred to Staff for comments.

Heather Austin stated she would like to respond to several issues raised by Mr. Gunn. Regarding the wording on the agenda, Heather stated that accurate text appears on all posted and published public notices for tonight's variance hearing, and that the agenda wording was a cut & paste error from last session's agenda. Heather clarified that the public hearing for VAR 06-01 would have been required regardless of the status on the mailed notice for the AV 06-01 variance application, due to public process from the request for a public hearing received from John & Julie Kandik, neighboring property owners to the site. Heather stated that shadow plats on future phases do not imply approval. Currently, public improvements shown on shadow plats do not receive approval from the Building Department until after the plat is reviewed again by the Planning Department or proper review authority for final approval. Heather cited several current projects that demonstrated this process, and added she was not certain of the Building Department process in 2001 on shadow plated public improvements prior to this stage of the process. Heather said that the existing number of proposed units could currently be served by the utilities, and that 4 units is actually the minimum number of units allowed (4-8). Heather responded to comments made by Mr. Claus regarding Code violations on neighboring properties and said she will pass these to the Code Compliance Officer.

Chair Emery asked if there were any further comments from Staff on rebuttle. There was none.

Patrick Allen asked Heather why she had not contacted Dave Wechner for his comments on the verbal agreement discussed by the applicant and outlined in Mr. Gunn's letter. Heather deferred to the City Attorney regarding verbal agreements and an affidavit at this point in the process.

Chris Crean, City Attorney – Chris stated that Mr. Claus may be correct that he had a verbal agreement with Dave Wechner, but unfortunately is not legally binding. Chris added that the City is also obligated to comply with the current Code standards regardless of a potential verbal agreement five years prior.

Patrick Allen said that in terms of the Code, the interpretation of the self-imposed issue for the hammerhead that potentially causes a condition requiring a variance may still apply.

Chris reviewed the Code language at 4.401.02-A: "or other circumstances over which the applicant has no control." Chris stated that the Staff finding is that the applicant for the variance was also the applicant for the partitions, and that the current configuration of the lot sizes and placement are according to a configuration that the applicant submitted to the City. The current configuration of those parcels is the result of an application submitted by the applicant for a variance. Chris added that based on Staff's finding that the configuration of the lot was submitted by the applicant, it is reasonable to understand Staff's conclusion that circumstances were under the applicant's control.



Patrick asked Chris if he could also understand the opposite point of view. Chris confirmed. Patrick said that he is concerned about possible public perception an agreement with City staff that is not in writing does not have value. Heather stated that Planning staff and situations do change over time, and that Planning staff's practice of putting everything in writing instead of making verbal promises is done for this reason. Heather added that the burden of proof is on the applicant. Heather added that even with the presence of an affidavit from Dave Wechner regarding an agreement, 2 areas of required criteria remain that are not met.

Patrick stated that it appeared interpretation of findings made by Staff on items A & B, depend on how the circumstances for the hammerhead and self-imposed hardship are viewed, and asked Heather to confirm if this was an accurate assessment. Heather responded that the language in item A, which states "exceptional and extraordinary circumstances apply to the property that do not apply generally to other properties..", applies to situations legally existing prior to the effective date of this Code, or other circumstances over which the applicant has no control. Heather explained that Staff has already made findings that the Code was in place when the original partition was approved and that the applicant did have control because this plan is what the applicant proposed at that time. Additionally, Heather said the partition approval was based on current Code standards in place at that time, and not based on a partition application submitted before this Code was in place. As such, Heather stated that the applicant has not met criteria for item A on two counts.

Patrick asked Heather to clarify item B and how variance standards are met in regard to these criteria. Heather said that the allowance of the MDRH zone allows 5.5 – 11 dwelling units per acre, and that this does not necessarily guarantee 8 units on a .8 acre parcel. Heather explained that if an application meets all of the density, dimensional, and size requirements of the zone within the 4-8 unit range, an application does not require a variance. Heather added that another applicant with the same circumstances on an application, with the same size property on an irregularly shaped lot that was created irregular after the approved existing Code standards were in place, findings would be the same.

Jean Lafayette asked Heather how the applicant's comments regarding the Parkway Plaza project applied to this application. Heather stated that this application does not relate to the Parkway Plaza project, which involved addressing a street modification through the Transportation System Plan process and setback requirements, and was not a variance. Heather added that the Hearings Officer has not yet made a final decision on the Parkway Plaza project and that the record was kept open until Sept. 7<sup>th</sup> for public comments and Sept. 14<sup>th</sup> for additional applicant comments before the Hearings Officer makes a decision.

Julia Hajduk, project manager for Parkway Plaza, added that the applicant of that project requested that the Hearings Officer interpret the setbacks. Staff does not believe that the Hearings Officer has the authority to make that interpretation, which was discussed at the hearing, and Staff will be providing a memo stating this for the Hearings Officer at the time the record is closed. Heather recapped that this was a setback issue and not a question of standards on lot depth or size.

Chair Emery stated that there was 5 minutes remaining for rebuttle by the applicant.

Michael Gunn referenced criteria item A, and stated that the issue is not the partition but that one lot got partitioned into 3, which generated a 72 foot lot of the 2 lots into 3 lots – and that he does not believe the Code can be interpreted in this manner – you could never obtain a variance on a partition in this case. The configuration of this lot pre-dated the application and the enactment of the Code. Over no control – applicant states not in his control based on the City’s request and believes they have satisfied item A. Jim Claus recapped that originally he had 8 units platted for this project, which he stated is on record with the Building Dept., prior to the City’s request that the density be reduced. Jim added that Staff’s examples of the shadow plat process on subdivisions do not apply to his parceling project, which is not a subdivision. Jim stated that he does not believe that Staff could provide examples of other parceling shadow plats in which infrastructure was allowed prior to final Planning review. Mr. Claus concluded that he has proposed optimal use for this site and that the City imposed the hammerhead configuration, which is not a self-imposed hardship.

Patrick Allen referenced the upcoming Infill Standards Plan Amendment review process, and stated that if adopted by City Council in its current form, the new standards would negate the need for a variance in this application by allowing a lot line adjustment solution. Patrick asked the applicant if they would be willing to extend the application deadline to allow time for that outcome to occur. Patrick stated the upcoming Infill Standards Plan Amendment results could avoid added time and expense, and a potential LUBA appeal.

Michael Gunn asked for clarification from the City Attorney that the Infill Standards Plan Amendment will constitute ordinance modifications if adopted by City Council.

Chris Crean asked for clarification on Vice Chair Allen’s recommendation.

Patrick Allen recapped that the adopted Infill Standards Plan Amendment, if approved by the City Council, would change lot dimension standards that would allow a different review process on this application.

Jim Claus stated that he could agree with Patrick on that basis.

Chris Crean stated that the current application requires a decision based on the criteria in effect on the date the application is submitted.

Patrick clarified the intent would not be to approve the current application under future adopted Infill Standards, but that the approval of the Infill Standards would create a new process – requiring a new application.

Jim Claus suggested current approval 4 parcels that he could begin building on immediately, and address the remaining after the Infill Standards Plan Amendment process is completed.

Michael Gunn asked for clarification on what changes in the new Infill Standards would apply in the partition process if lots 3A & 3B are together as one.

Heather Austin stated that she appreciates the direction of the discussion, but the language currently existing in the standards may not be the final language adopted by City Council.

Russell Griffin said that due to the uncertainty on the outcome of the Infill Standards Plan Amendment from City Council, he recommended that the Commission take a vote.

Heather stated that clarification was needed: Currently 5 lots are already approved. The original partition was divided into 3 lots. 1 lot has remained the same. The 2<sup>nd</sup> lot was divided into 2 lots that have preliminary approved, but have not been final platted. The last and 3<sup>rd</sup> lot was proposed to be divided into 3 lots. Heather stated that it is Staff understands that Mr. Claus is proposing approval to build on 2 lots out of the 3 lots on the last parcel, leaving the final lot in the 3<sup>rd</sup> parcel for review under the partition process with any infill changes after the Infill Standards Plan Amendment has completed. Heather recapped that in this scenario, denial of the current variance request would be required.

Patrick stated that an alternative to denial of the variance application could be to establish a continuance of the 120-day deadline. Heather stated that a continuance of the 120-day deadline would still not provide that the variance criteria has been met. Patrick recapped that the Infill Standards Plan Amendment process appears to be a logical means for resolving this issue. Heather asked if Patrick was recommending putting the variance on hold by tolling the 120-day deadline until the Infill Standards Plan Amendment is completed, reviewing the new partition application under the new Infill Standards language, and then return briefly to formally deny the variance application. Patrick confirmed, and added that the applicant could also just withdraw the variance application at that point.

Jim Claus stated that if he could go ahead and begin to build on 4 lots, he would extend the 120-day deadline and either come back or not under the new infill standards.

Michael Gunn asked the City Attorney for clarification on how the partition could be approved with certain conditions if it cannot be approved with the variance.

Chris Crean confirmed that the previous conditions of approval required the variance, which does not allow the plat recording on the 3<sup>rd</sup> parcel as divided into 3 lots.

Jim Claus stated it could be recorded now as 1 lot. Chris confirmed.

Discussion ensued regarding the 6-month rule on the resubmitted of an application and how this would impact the future potential denial or withdrawal of the current variance application if the applicant opted to extend the 120-day deadline for the final parcel until the Infill Standards amendment process was complete. Julia Hajduk stated that if the Infill Standards are adopted that changes would alter the existing 6-month rule and that she believes Mr. Claus could submit before the 6 months. Mr. Claus stated that the law requires the 6-month rule. Chris Crean reiterated that Mr. Claus could not submit the same application within 6 months, but could submit a new application.

Susan Claus recapped that an administrative variance allows up to a 25% reduction and this variance is an 8-foot, 10% reduction. Susan stated that the Planning Commission has the authority to direct City staff to apply conditions of approval to the criteria for a variance.

Heather Austin said that regarding the discussion on recording the plat, there are other conditions on the plat aside from the variance. The final plat would not be recorded until all of the conditions were met.

Chair Emery closed the public hearing at 8:55 PM and recommended a break until 9:05.

< 10 minute break >

Chair Emery reconvened at 9:05 PM and asked for comments from commissioners.

Patrick Allen stated that he thought the verbal agreement with Dave Wechner as described by the applicant sounded like something Dave would have done, referring to the size of the mountain peaks on G.I. Joe's as an example. Jean Lafayette agreed. Patrick said that he does not understand why City staff did not contact Dave on this matter. Patrick stated that the applicant wants to do exactly what the City is proposing in the Infill Standards Plan Amendment, and would like to see a way that the application could be revisited after the Infill Standards has been reviewed by City Council.

Patrick asked commissioners if there were findings that would meet criteria item B.

Matt Nolan said that depending on the original agreement regarding the hammerhead configuration, a variance may not be required, which would then also satisfy requirements in criteria B.

Russell Griffin said that the Planning Commission can make findings based on what is best for the City, and that the dilemma reminded him of the monument sign issue at Alto's last year. City staff could not find any history on the approval for or location of the sign. The Planning Commission made findings based on what was best for the City. Russell reiterated that the applicant has incurred a significant amount of expense, and that he agrees with Patrick that the applicant wants to do what we already want in the Infill Standards.

Discussion on options ensued.

Susan Claus reiterated that Matt Nolan was on the right track and the variance would not be required if the turnaround was not in question.

Patrick Allen asked Michael Gunn if the applicant would be willing to extend the application an additional 120 days to February 13, 2007. Mr. Gunn asked for an answer on the ability for the applicant to begin building 5 units now while waiting for the Infill Standards Plan Amendment process to complete. Michael also wanted clarification on whether or not the applicant would be required to submit a completely new application after the Infill Standards was completed, including fees.

Matt Nolan speculated that if the Infill Standards resolved the other issues the applicant would not have to resubmit. Jean Lafayette agreed. Further discussion ensued.

Chris Crean said that the statute states that an application is approved or denied according to the criterion in effect at the time the application is submitted. Based on this, the new criteria would require a new application to be evaluated through the Infill process rather than through the variance process. Chris added that this is all based on the adoption of Infill Standards by the City Council and that all of the other conditions of approval would for the partition would be met.

Michael Gunn stated that the applicant would extend the application 45 days to allow time for him to consult with the City Attorney on the possibility for the applicant to begin building 5 units while waiting for the Infill Standards process. Patrick Allen asked Mr. Gunn if they would consider 60 days, as this would fall on a regularly scheduled Planning Commission session date, December 12, 2006. Mr. Gunn agreed.

Heather Austin added that one of the items outstanding on recording the final plat is a "No Further Action Letter" from the DEQ and Staff cannot know the time frame that the DEQ has for providing that document.

Mr. Gunn stated that they are dealing with this and that they have the 30-day comfort that has expired, and the NFA is forthcoming immediately. Mr. Gunn added that this is a condition that they have to deal with on the plat regardless. Heather confirmed, and added that it is necessary to note it is not possible to guarantee a time frame for recording the final plat without this document.

Patrick Allen moved to continue VAR 06-01, Columbia Lot Depth Variance application to the December 12, 2006 Planning Commission session.

Jean Lafayette seconded.

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

Vote: Yes – 7 No – 0 Abstain – 0

Motion carried.

**7. Old Business: Deliberation – Area 59 Concept Plan Implementation (PA 06-01) –** Continued deliberation from the August 8, 2006 Planning Commission session toward a final recommendation by the Planning Commission to City Council for consideration.

Kevin Cronin provided a recap of the process to date. There will be a design committee forming for the new school project beginning on September 18<sup>th</sup> at 3PM. Kevin said that Dan Balza was on the original Citizen's Advisory Committee for Area 59 and would like to Dan to participate, but that due to the hour of the day and Dan's work schedule did not think it was possible. Dan confirmed, and recommended that Staff attend if a commissioner cannot be present. Patrick Allen said he can flex his work schedule and would attend. Patrick asked how regular the meetings would be. Norm Dull, architect on the project, stated meetings would be approximately every 2 weeks. Matt Nolan added that he may also be able to attend.

Chair Emery suggested taking the Area 59 deliberation in sections, beginning with the MX Overlay Zone report. Adrian asked Kevin to provide highlights on the MX Overlay Zone proposal to begin the discussion.

Kevin stated that the changes Staff is proposing are based on feedback from commissioners at the last meeting, which address dimensional standards and lot averaging through reduced density. Kevin added that he was able to reduce density to just over 8 dwelling units per acre, as compared to the 10 units per acre maximum required under Metro's mandate. Kevin said that

the majority of housing would be single family detached as the market continues to support this, with some attached housing as long as the density requirements were met. Kevin added that also some of the urban design standards were adjusted for the school site.

Dan Balza asked Kevin why the MX Zone would be needed if the MX Overlay were removed from the school site. Kevin responded that the MX Zone would still apply to the mixed use portion of the site for residential/commercial development. Kevin added that with the MX Overlay removed from the school site, any urban design standards for the school site would need to be added through Code language.

Chair Emery reminded commissioners that the City Council has provided direction that they prefer to address the MX Zone as a separate issue. Kevin reiterated that the Planning Commission needs to make a determination on what commissioners believe is best.

Patrick said that the intent of removing the MX Overlay from the school site allows the Council to evaluate the Overlay without combining the issue with the entire MX Zone proposal. Kevin added that he recommends the Mixed Use Zone Overlay because it more closely meets the CAC original objectives, and to achieve more creative design options. Patrick said the best time to consider applying the mixed use zone is at the creation of a new neighborhood, rather than after-the-fact.

Chair Emery said that the Council also expressed concern that the Mixed Use Overlay Zone was driven by Metro. Kevin said Metro did not play any part in recommending the MX Overlay Zone, and added that it came solely out of the Citizen's Advisory Committee (CAC) process and the Charrette. Adrian asked if Metro provided any guidelines prior to the Charrette. Kevin responded that Metro did not mandate any options and that the existing conditions study and policy evaluation were the only components completed at that time. Adrian asked what other guidelines were provided before the Charrette. Kevin reiterated that there were none and that the CAC and the Charrette initiated the entire design process and alternatives. Jean Lafayette stated that she thought the MX Overlay Zone was good for the City, in the right area, at the right time and for the right reasons. Adrian stated that he did not believe the Mixed Use Overlay Zone was good for the City.

Jean Lafayette said that she likes the accessibility to commerce and neighborhoods that the MX Zone offers, and added currently she lives in a traditional neighborhood and needs to drive when she needs anything. Patrick added that with the cost of fuel rising with likely no end anytime soon and because of traffic considerations he favors the MX Overlay Zone options.

Dan Balza asked Kevin if he opposed the MX Overlay on the school site. Kevin reviewed that the Planning Commission directed Staff to remove the Overlay from the school site, which was done, and that the Overlay on the school site was originally a recommendation by Staff.

Patrick added that most objections to density are due to poor design standards, which the proposed Mixed Use Overlay Zone addresses by providing innovative and appealing design standards.

Adrian expressed concern of potential effects caused by the Overlay and how development choices would be driven. Jean stated choices would be driven by the market and that there

would always be the option to follow the underlying zoning district standard, which is residential. Adrian stated that the underlying zone would not be selected because developers would want the maximum amount per square foot as possible. Kevin agreed with Jean that it will be a market choice and added that it has been his experience that developers take the easiest path, which is likely the subdivision process instead of the PUD process, unless there something specific the developer needs in return.

Matt Nolan asked Kevin about the Metrics for Alternative E table attached to the new footprint of the school on the concept plan map. Matt asked if it was accurate that the minimum lot size could be 3,500 square feet. Kevin referred Matt to Page 4 of the MX Zone report and said that OTAK provided the 10 dwelling units per acre to demonstrate what the ranges could be. Kevin reiterated that estimates are based on ranges and lot averages, and that the lot average for single family detached is 8 dwelling units per acre. Matt wanted to confirm that the proposal is not including 3,500 square foot lots with a maximum density of 10 units per acre. Kevin responded that based on the table on Page 4, Staff is recommending a maximum of 8 units per acre.

Chair Emery asked if there were any further questions of Staff. Jean said that she does have questions, but that if the majority of the commission is not in favor of the MX Overlay Zone she would not take the time to cover them. Chair Emery suggested taking a preliminary vote for how many commissioners approve the MX Zone to better determine where they stand before proceeding with further discussion.

Patrick recapped for the vote whether to approve the MX Overlay Zone, acknowledging that the Overlay does not apply to the school site, and that the form-based code language in Chapter 2 of the Code would be recommended.

Vote: Yes – 4 , discussion continued.

Jean Lafayette asked Kevin for clarification on the language of the proposed MX Overlay Zone in regard to the CAP, and stated that it should be added in the language for commercially zoned areas. Kevin stated that in Option 2 – Mixed Use Overlay Zone, the allowable commercial uses in the Neighborhood Commercial Zone (NC) would be not be large enough to have a significant traffic impact. Jean referred to Page 3, item 2 A-3 of the MX Zone report: Neighborhood Commercial zone (NC), maximum width or length of a residential or commercial building should be no more than 160 feet, and recommended that it should be 150 feet to be consistent with existing standards. Kevin confirmed. Jean referred to Page 5, item C of the report: Height, no building shall exceed three (3) stories or 35 feet in height. Jean recommended removing “three (3) stories” and leave 35 feet as the standard to avoid confusion. Kevin confirmed. Jean referred to Page 12, item 4 – Height: limit for all structures shall not exceed 18 feet or one to one-half stories. Jean recommended removing “one to one-half stories” and leaving 18 feet as the standard, for the same reasons as the previous recommendation on height standards. Kevin confirmed. Jean referred to Page 10 on shared driveways, and said this may be a good opportunity to encourage green driveways. Kevin the planting strip is always encouraged, but developers do not want to do them because they do not receive credit on SDC’s. Kevin said that the language could be added, but that incentives would be needed. Jean referred Page 11, item 2 regarding the Common Open Space standard and said that parking is not addressed. Jean asked Kevin if the open space included any parking. Kevin said that parking is addressed in Chapter 5 of the Code and is not permitted in area designated as open space. Jean recommended adding language in item 2 so that this standard is more clear. Kevin confirmed. Jean restated that a

previous request for that prohibitive language be included regarding Adult Uses. Kevin confirmed.

Matt Nolan referenced Page 2 and asked Kevin to clarify that residential dwellings allowed to be constructed in the MX Overlay include townhomes and rowhouses. Kevin confirmed. Matt referenced Page 3, Neighborhood Commercial (NC) and asked Kevin to confirm that any NC area would be required to be at least ¼ mile apart from each other. Kevin confirmed.

Jean recommended that commissioners vote on the Mixed Use (MX) Overlay zone before moving on to the remaining items. Commissioners agreed.

Jean Lafayette moved to recommend the Mixed Use Overlay Zone, Section 2.114, to City Council incorporating staff reports, exhibits, changes as noted, and public testimony.

Patrick Allen seconded.

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

Vote: Yes – 5 No – 2 Abstain – 0

Kevin asked commissioners to clarify if it was agreed that the CAP language would be added as recommended by Commissioner Lafayette. Jean responded that for consistency it would be correct to add the CAP language. Commissioners agreed. Kevin confirmed.

Chair Emery opened the discussion Transportation and the status of Edy Rd., currently a collector.

Kevin recapped that presently Edy Rd. is a collector and Elwert Rd. is an arterial, as indicated in the Transportation System Plan (TSP). Kevin restated that the TSP should remain as it is and reminded commissioners that the TSP is based on connectivity and not on street functional classification. Kevin added that roadway design can address traffic impacts expected on Edy Rd. Patrick Allen agreed. Jean asked if there would be adequate right-of-way dedicated if the classification remains the same. Kevin said that roadway design options can also address these issues. Kevin reiterated that these roads are under Washington County jurisdiction and that their standards presently apply until the City acts on the annexation of the roads. Patrick recapped that in order for the City to have control over action taken on these roads, it is necessary to accelerate this part of the process with City Council. Commissioners agreed. Kevin confirmed. Kevin added however, that the role for commissioners this evening is to make the policy recommendation on the proper roadway classifications for Edy and Elwert Rd.

Dan Balza said that he would be more comfortable leaving the road classifications as they are if commissioners made a recommendation to City Council for accelerating the process of to obtain jurisdiction of Edy and Elwert Rd. so that the City will have the necessary control. Commissioners agreed.

Patrick moved to recommend to the Council acceleration of the process of gaining control of Edy and Elwert Rd. for the purposes of applying a more robust design standard.

Jean Lafayette seconded.



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

Vote: Yes – 7 No – 0 Abstain – 0

Motion carried.

Kevin stated that a vote was still needed on the remainder of the Transportation recommendations.

Patrick asked Kevin if the Pedestrian District was separate from Transportation in regard to the TSP. Kevin confirmed, and said that changes would be required to the TSP for the Pedestrian District.

Jean Lafayette moved to approve the technical memo provided by City Engineer, Gene Thomas, dated May 24, 2006 on Transportation, incorporating staff reports, public testimony, commission comments, and the MX Overlay Zone including the Pedestrian District.

Patrick Allen seconded.

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

Vote: Yes – 5 No – 2 Abstain – 0

Motion carried.

Chair Emery opened the discussion on proposed changes to Chapter 2 of the Zoning Code.

Kevin recapped that commissioners have not engaged in discussion on this exhibit to date, and that the buffer standards are required to be addressed as part of ordinance that initially brought this land into the urban growth boundary. Patrick asked Kevin if the fence standards apply just to farmland within the area. Kevin confirmed, and said explained the standards are designed to provide better compatibility between farmland property owners and neighborhood property owners who conduct different activities at different times. Jean said that the language is highly subjective that the applicant would be required to submit something to meet the standard. Kevin confirmed. Patrick stated that aggressive buffer standards may be a problem. Discussion ensued regarding fence styles. Jean referenced Pages 98-103 and stated that she objects to restrictions on some of the fence style options. Jean stated that the standards encroach on the property owner's right to install fencing and said that she would like the language regarding fencing between property owners to remain as it is currently in the Code. Dan Balza concurred. Commissioners agreed.

A vote was taken on whether to approve the recommended new buffer & fencing language:

Vote: Yes – 0 No – 7 Abstain – 0

New buffer language not approved.

Chair Emery opened the discussion on Staff's recommendation to add a Pattern Book requirement for PUD land use applications received for Area 59.

Jean Lafayette asked Kevin if this standard would also apply to commercial development within a PUD. Kevin confirmed. Jean recommended adding the language, "or the commercial owner" on Page 65. Kevin confirmed.

Chair Emery asked if commissioners had any other questions or changes for Staff.

Jean referenced Page 69, C-3 regarding the reduction in lot size of 15% and asked to confirm if this was the existing language, which was confirmed. Jean referenced Page 76, B-4 Townhome Standards allowing a 10% reduction in parking within a transit corridor. Jean said she did not agree that parking should be reduced in these areas. Discussion included concern over reduced parking in a traffic zone and where citizens would then go to park. Commissioners agreed there should not be a reduction in parking allowed within a transit corridor.

A vote was taken on whether to approve the recommended 10% reduction in parking within a transit corridor:

Vote: Yes – 0 No – 7 Abstain - 0

10% reduction in parking within transit corridor not approved.

Matt Nolan referenced Page 80, 5-A on local street width reduction from 36 feet to 28 feet with parking allowed on one side of the street. Matt asked Kevin to confirm if this standard is compatible with existing standards in the TSP. Kevin confirmed.

Jean Lafayette moved to recommend to City Council the changes noted for Chapter 2 of the Code.

Patrick seconded.

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

Vote: Yes – 7 No – 0 Abstain - 0

Motion carried.

Chair Emery asked if there were any further questions or changes for Staff. There were none.

Kevin Cronin stated that the only major change remaining for discussion is the new concept map for Area 59 distributed this evening and labeled Alternative E. Kevin said that the project consultant, OTAK made an error in the initial calculation of acreage for the school site. To maintain the 29.5 acre requirement for the school site the concept plan map shifted the school recreational fields north. School recreational fields will replace the passive park originally shown in this area.

Patrick asked for confirmation from Kevin that the remaining natural areas are not buildable. Kevin confirmed that these are protected by Title 3 or Goal 5 standards. Patrick reiterated that thorough wetland delineation is yet required, especially for the NW corner of the site, and asked Kevin if the Planning Commission will be required to take any action based on any differences found after wetland delineation takes place. Kevin said the task was to identify Goal 5 areas,

which has been done, and that no action will be required by the Planning Commission. Kevin added that standards are in place to address future changes if necessary.

Jean Lafayette asked Kevin to clarify how the Planning Commission can protect the proposed IP Zone for the school site from surrounding potential development, based on property owner tax lots that overlap the designated school site on the concept map. Kevin reiterated that Planning Staff and the Planning Commission have done all they can do to meet obligations. Discussion ensued regarding a previous session discussion on placing a condition of an effective date for zoning pending the outcome of the vote for the school bond measure, and concerns about what may develop without a successful bond measure. Kevin reiterated that the Planning Commission can add this in their recommendation, and that they have done all they can by providing their recommendation to City Council for Option 2 at the last Area 59 session on August 8<sup>th</sup>, which included the MX Overlay Zone with the underlying IP Zone designation.

Patrick Allen moved to recommend to City Council, PA 06-01 Area 59 Implementation, based on staff reports, exhibits, public testimony, commission comments, with the condition that the effective date of implementation is pending the successful passage of a School District bond measure.

Matt Nolan seconded.

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

Vote: Yes – 7 No – 0 Abstain – 0

Motion carried.

Patrick asked Kevin what the next step would be. Kevin said that a public hearing will be held at City Council on October 17<sup>th</sup>, with a work session held prior. Patrick suggested that commissioners provide a 1-2 page summary or transmittal letter outlining recommendations they have made and the reasons for them. Kevin confirmed. Kevin added that he will also be providing a summary in his staff report to City Council and that he recommends a member of the Commission attend the work session. Jean Lafayette agreed with Patrick's recommendation to provide a letter and asked about the timeframe requirements so that it can be included in the Staff Report. Kevin confirmed that he would talk with commissioners again at the next session on Sept. 26<sup>th</sup> and make arrangements.

**8. Comments from Commission:** There were no additional comments.

**9. Next Meeting:** September 26, 2006 – Public Hearing: Goal 5 (PA 06-02) & Infill Standards (PA 06-03), and Parks Master Plan (PA 06-04).

**10. Adjournment** – Chair Emery adjourned the session at 11 PM.

End of minutes.

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SEP 14 2006

BY CB  
PLANNING DEPT.

Letter submitted to the Sherwood Planning Commission

September 12, 2006

Re: Clear cutting and continuing denudation of the Moser Property located in the SE Sherwood Master Plan area.

As you may be aware, over the Labor Day week end, most of the trees on the Moser Property were cut down. The City and neighbors recently spent considerable time and effort to incorporate this property in a plan to develop it in an environmentally friendly manner due to the high valued (Metro) wildlife habitat on the site.

I talked with Gary Moser, the son of the owners, while he was supervising the clearing of the property. He said that his parents received a letter from the City indicating that a tree ordinance was about to go in effect. He and his parents believe that if they did not cut every tree down immediately, they will have to pay fees of thousands of dollars per tree when they do develop the land. Gary also indicated that the proceeds from the logs would not cover the costs of removal. Gary said they plan to remove all the stumps. A track hoe is in use daily at the site to collect logs and continue knocking over all shrubs and non-timber trees.

On September 11, I asked Kevin Cronin if the city could have sent any letter to the Mosers that could have been interpreted in the manner stated above. Kevin said no, but there may be a fee on tree removal in the future, but currently there are no restrictions.

Other neighbors heard similar explanation about a letter on tree removal by the City. Additionally, there is neighborhood talk (unconfirmed) that the Mosers may try to quarry rock on the site, and so significantly change the topography (quarry for profit and level the site for housing development).

I believe that the City should look into what is happening on the site. It appears there has been both a lack of communication and misinterpretation of the facts. I realize that without a site plan, there is little control over current activities. Please consider the following:

1. Forested areas/wildlife habitat the City wants to preserve – For any areas that the City would like to preserve in the future, it is very important to have good communication with the land owners. Make is clear that the City will not take the land. It will be purchased at fair market value (to be negotiated). There are tax benefits (conservation easements) and tree cutting now will ultimately decrease the value of the development. Have a contingency plan in place to try to prevent the Moser property tragedy from being repeated.
2. Storm water run off and erosion - Current activity will affect runoff and erosion on the site that may impact the adjacent Fair Oaks subdivision, the Snyder Property and the Rock Creek wetlands. Erosion and run-off control must be put into place

BEFORE the rainy season. I believe the City must have some jurisdiction on this issue and must be PROACTIVE. Ask the Mosers what there storm water and erosion control plans are.

3. Removal of all vegetation - Removal of all vegetation appears to be a goal. Removal of vegetation, disturbance of the soil and bed rock can impact the sensitive ground water resources in Southeast Sherwood. The City has a well nearby and the adjacent Rock Creek and tributaries are partially fed by ground water. Removal of significant rock from the site may result in permanent harm to the ground water resource.
4. Air pollution - Air pollution from dust resulting from removal of vegetation and disturbance of the soil and bed rock will impact the nearby neighborhoods.
5. Rock Quarry - Noise pollution will be a significant factor if a large amount of rock is disturbed at the site. I do not believe a rock quarry (even if temporary) is a conforming use in a residential neighborhood. Even if Measure 37 is cited, a quarry is a health and safety issue in a residential neighborhood due to noise, blasting, dust, truck traffic etc.
6. Infrastructure damage – Truck and equipment traffic related to a quarry, or rock removal operation would damage Murdock Road. This city street was not built to withstand intensive heavy traffic.
7. Reforestation – I believe the State of Oregon requires replanting of timber lands after logging. The City should contact the Forestry department and find out if there are any requirements that apply to the Moser logging operation. If there are requirements that do not appear to be followed, I am sure the Department of Forestry would like to know about it.

I want the City to understand that there may be more detrimental consequences if the City Waits until a development plan is submitted. A little preemptive research, and possible action, by City staff is warranted in this situation.

Regards,

Carolyn Peterson, R.G.  
14340 SW Fair Oaks Dr  
Sherwood, OR 97140

Cc: Kevin Cronin, City of Sherwood  
City of Sherwood Parks Board



*Home of the Tualatin River National Wildlife Refuge*

# Executive Summary

## Parks Master Plan Recommendations and Action Plans September 2006

The Complete Recommendations Document is available from the City of Sherwood, OR at [www.ci.sherwood.or.us](http://www.ci.sherwood.or.us)

### This Parks Master Plan was created to:

- involve a comprehensive review of the existing inventory of land, recreation facilities, and recreation opportunities;
- develop a mission statement;
- develop a strategic set of goals, objectives, and actions for the next twenty years;
- survey of the needs of residents;
- identify land for future parks and open space acquisition, preservation, or conservation;
- develop conceptual designs for parks;
- provide a capital improvement schedule, and review of existing finance strategies;
- and, develop recommendations to fund improvements.

### Findings and Analysis were compiled through a detailed process involving:

- public meetings and focus groups;
- stakeholder meetings and staff input;
- a statistically-valid survey sent randomly to 1,000 homes;
- a teen interest survey of 900 middle and high school students;
- analysis of demographics and trends;
- a complete inventory of all parks, open space, facilities, partners and alternative providers;
- SWOT analysis;
- and, GRASP™ Analysis of current and future Levels of Service for the parks, facilities and their components.

### Purpose of these recommendations:

- To identify key focus areas for improvement for the immediate future, short term goals within 1-2 years, and long term goals within the next 5 years.
- To identify priorities and costs and funding mechanisms for improvements, expansions, further study, and conceptual capital projects.
- To plan to update this master plan every 5 years.

### General Themes for Improvement Include:

- Expansion and improvement
- Organizational management
- Optimal and efficient use of space, land and partnerships
- Cost recovery and funding

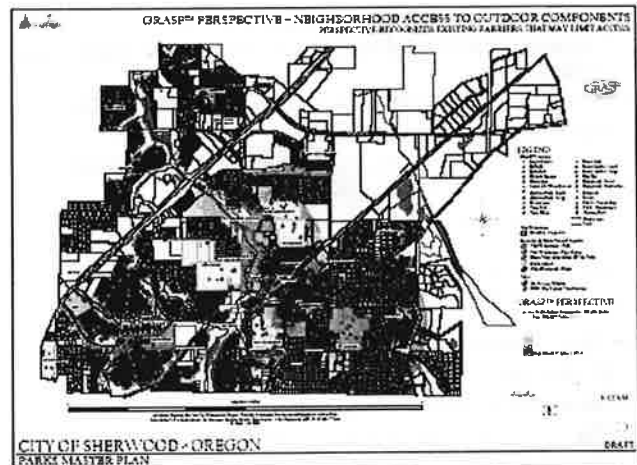
### Key Components

The following were identified as the most important for consideration within the next 5 years.

- \* Trails and Connectivity
- \* Future Acquisitions
- \* Visual and Performing Arts
- \* Skatepark
- \* Aquatics & Sports Complex Feasibility Studies

### Understanding the Priorities:

The Findings and Analysis Compilation completed in May 2006 identified the Neighborhood Access to Outdoor Components and the current level of service for the City of Sherwood.

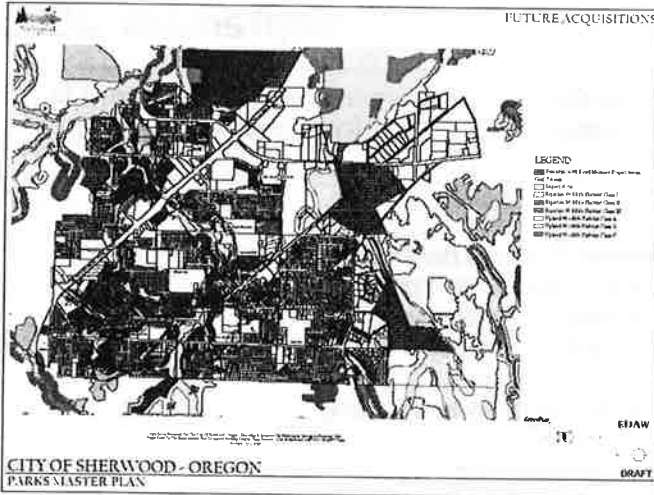


Striving towards a goal of available recreation programs, services, and parks with **key components** that are **walkable** (within 1/3 mile - 10 minutes). Minimum **key components** consist of **three** amenities or features like open turf area, playground, or shelter, and **connectivity** to other parts of Sherwood, a trail system or loop.

# Sherwood's Recommendations

## #1 – Expansion and Improvements

- Complete the trail system and connect the community
- Create more recreation program opportunities
- Conduct a sports complex feasibility study
- Design and construct a skatepark
- Future acquisitions map - acquire land (see below)



- Expand the aquatics program and conduct an outdoor leisure pool feasibility study
- CIP chart (see below)
- Drainage study for Stella Olsen Park

## #2 – Organizational Management

- Create policies
- Review and revise existing ordinances and policies; facilitate planning efforts
- Finalize the disposition of the Sherwood Old Town Field House

## #3 – Optimal and Efficient Use of Space, Land and Partnerships

- Create and implement a partnership policy
- Encourage, enhance and maximize relationships and partnerships opportunities
- Maximize partnership with City of Sherwood and School District
- Maximize partnership with City of Sherwood and YMCA
- Continue tracking labor hours and equipment use for parks' and athletic fields' maintenance tasks
- Re-instate Naturalist position
- Engage and educate sports associations to assist in minimizing their impact on parks and athletic fields
- Institute an athletic field closure policy

## #4 – Cost Recovery and Funding

- Establish life cycle costing assessments
- Create an information management and technology plan
- Create a stronger brand for the City of Sherwood (new) Parks and Recreation Department
- Implement a 5-year master planning schedule with annual updates
- Establish a 501 (c) 3 Park and Recreation Foundation
- Pursue grant opportunities
- Institute volunteer opportunities
- Research the feasibility of creating an independent park authority or district
- Create a public art master plan
- Create a cost recovery policy

## Total Costs for Non-CIP Recommendations:

Recommendations	Estimated Implementation Costs
#1 – Expansion and Improvements	Staff time, \$95,000-\$125,000 in studies, full time position, CIP costs
#2 – Organizational Management	Only staff time
#3 – Optimal and Efficient Use of Space, Land and Partnerships	Staff time, \$10,000-\$25,000, full time position
#4 – Cost Recovery and Funding	Staff time, \$92,500-\$135,000; volunteer time
<b>Total</b>	<b>\$195,500 - \$285,000 + CIP</b>

## CIP Chart Recommendations

Immediate Needs - as soon as possible	Estimated CIP Costs
Preserve natural areas as annexations occur	TBD
Provide eight more open turf areas	\$880,000
Provide picnic facilities, restrooms and parking for 20 cars in Woodhaven park	\$365,000
Provide additional picnic facilities in new parks	\$646,000
Provide 10 new walking loops	\$1,040,000
<b>Total</b>	<b>\$2,931,000</b>

Short Term - within 1-2 years	Estimated CIP Costs
Improve amphitheater and restrooms in Stella Olsen Park	\$300,000-\$700,000*
Provide 2 new large multi-use fields	\$1,484,250
Provide 1 new small multi-use field	\$176,784
New playgrounds with new growth	TBD
Provide 3 new tennis courts	\$389,268
<b>Total</b>	<b>\$2,350,302 - \$2,750,302</b>

Long Term - within the next 5 years	Estimated CIP Costs
Provide 2 new ballfields	\$2,779,750
Provide 2 new basketball courts	\$134,856
Add Sprayground at Woodhaven park	\$62,671
<b>Total</b>	<b>\$2,977,277</b>

Total CIP	Estimated CIP Costs
<b>Total CIP to the year 2010</b>	<b>\$8,258,579 - \$8,658,579</b>

\*Unless noted as being in an existing park, all construction and CIP costs include support space development and total land costs.





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5. Rock Quarry - Noise pollution will be a significant factor if a large amount of rock is disturbed at the site. I do not believe a rock quarry (even if temporary) is a conforming use in a residential neighborhood. Even if Measure 37 is cited, a quarry is a health and safety issue in a residential neighborhood due to noise, blasting, dust, truck traffic etc.
6. Infrastructure damage – Truck and equipment traffic related to a quarry, or rock removal operation would damage Murdock Road. This city street was not built to withstand intensive heavy traffic.
7. Reforestation – I believe the State of Oregon requires replanting of timber lands after logging. The City should contact the Forestry department and find out if there are any requirements that apply to the Moser logging operation. If there are requirements that do not appear to be followed, I am sure the Department of Forestry would like to know about it.

I want the City to understand that there may be more detrimental consequences if the City Waits until a development plan is submitted. A little preemptive research, and possible action, by City staff is warranted in this situation.

Regards,

Carolyn Peterson, R.G.  
14340 SW Fair Oaks Dr  
Sherwood, OR 97140

Cc: Kevin Cronin, City of Sherwood  
City of Sherwood Parks Board

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**September 26, 2006**

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**Commission Members Present:**

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

**Staff:**

Kevin Cronin – Planning Supervisor  
Rob Dixon – Community Dev. Director  
Julia Hajduk – Sr. Planner  
Heather Austin – Associate Planner  
Cynthia Butler – Admin. Assistant III

**Commission Members Absent:**

Vice Chair Patrick Allen

1. **Call to Order/Roll Call** – Cynthia called roll. Vice Chair Patrick Allen was absent.
2. **Agenda Review** - No changes to agenda.
3. **Consent Agenda** – Minutes from the September 12, 2006 session were approved with clarified language changes recommended by Commissioner Lafayette; Page 16 clarify that the buffer recommendations were approved, but not Staff’s recommended fence standards – and Page 17 clarify that the Commission did not approved reduced parking in a transit corridor. A vote was taken:

Yes – 6 No – 0 Abstain - 0

3. **Brief Announcements** – Cynthia recapped last minute materials submitted to Commissioners: A letter from Carolyn Peterson regarding tree cutting on the Moser property, dated Sept.12, 2006 and received Sept. 14th; Executive Summary for the Parks Master Plan, dated September 2006; memo from Julia Hajduk regarding the OPI conference she attended in Eugene this month, dated Sept. 25, 2006; and an invitation to attend a “Homebuilding 101” seminar.

Kevin Cronin said that the City received a Measure 37 claim from the Moser family and stated that City Council will be the hearing authority. Julia Hajduk is the project manager. SURPAC has a work session scheduled on October 18<sup>th</sup> on the Economic Development Strategy. Kevin announced an Eco-Charrette regarding school designs for potential new schools in Area 59 and the existing high school that will be held at the YMCA on September 27<sup>th</sup>. Kevin will attend as representative of the City. Kevin said that the HBA mailed invitations to the City on commissioner’s behalf to attend a Homebuilding 101 seminar, which were given to commissioners this evening. The City of Sherwood is adding an official Planning Commission web email address to its website: [planningcommission@ci.sherwood.or.us](mailto:planningcommission@ci.sherwood.or.us). The next review of Area 59 was rescheduled from October 17<sup>th</sup> to Nov. 7<sup>th</sup> and pending City Council’s decision, this session may be rescheduled to Nov. 8<sup>th</sup> due to Election Day activities on Nov. 7<sup>th</sup>. Rob reiterated this was a possibility. Planning Commission asked to be notified if the date was changed. Kevin confirmed.

Rob Dixon stated that a ribbon cutting ceremony will be held downtown at Railroad and Pine Streets to commemorate the opening of Pine St. at the railroad crossing, on October 19<sup>th</sup> from 5-6PM, with the ribbon cutting at 5:30 PM. Refreshments will be provided.

**4. Community Comments** – Chair Emery asked if there were any community comments for items not appearing on the agenda.

Jim Claus, 22211 SW Pacific Hwy., Sherwood, OR 97140 – Jim stated that he will be filing a Measure 37 claim. Jim stated that he was concerned over redesign decisions made regarding Meinecke Rd. and how it impacted his property, which Mr. Claus said after 5 months of work to evaluate damages, they could amount to over 4 million dollars. Mr. Claus said that the City of Sherwood has stated that the decisions made on Meinecke were from ODOT, but that he has written confirmation from Ron Croup, District Manager, that confirms decisions were by the City of Sherwood. Jim added that Terry Keyes has stated he is willing to testify that City statements were inaccurate. Mr. Claus said the City of Sherwood has the most expensive process for filing a Measure 37 claim in the Metro area and that he wasn't certain it was constitutional and may file suit also against this process.

Mr. Claus discussed a recent meeting held with attorneys present, in which he spoke to Ken Shannon, Mr. Claus' neighbor. Mr. Claus stated that Ken Shannon asked him, "how much will you pay to buy me?". Mr. Claus added that Ken Shannon told him Heather Austin, City planning staff, told Ken not to worry because Mr. Claus' road was temporary and that development could be blocked with purchase of land. Mr. Claus said that Heather Austin should not tell anyone "they can extort me when I am trying to develop". Mr. Claus stated, "If I have to go to federal court over people trade-libeling my property or slandering it I will. I'm not going to be extorted given Oregon law to buy somebody's property to develop my property." Mr. Claus concluded with further discussion about a possible Measure 37 claim he may file.

**5. New Business - Goal 5 (PA 06-02) and Infill Standards (PA 06-03) Public Hearing:** Commissioner Lafayette read the Public Hearings Disclosure Statement. Project Managers Julia Hajduk (Goal 5), and Heather Austin (Infill Standards) gave a PowerPoint presentation, and stated that due to the interrelated nature of Goal 5 and Infill Standards the material was being presented together. Julia added that in addition to the subject relatedness of the two plan amendments that any changes to the Code that are adopted will be easier and more clearly defined if reviewed together.

Heather opened the discussion on Infill Standards and recapped the process to date. Heather referred to the staff report that combines Infill Standards & Goal 5 recommendations, due to the nature of the relatedness and recommended Code changes. Heather identified recommended major changes for Infill Standards in Chapter 2 of the Code: addition of Infill Section that identifies criteria for infill development; references in all residential sections to infill standards; removal of the requirement that a minor land partition cannot create right-of-way; creation of an Established Neighborhoods Map in draft form to geographically show areas that infill development most affects; and an increased public notice requirement to include property owners within 250 feet due to the recommended reduction in overall requirements allowing for better notification. Heather provided a recap of verbal comments received from Mayor Keith Mays on Infill Standards:

1. The Established Neighborhoods Map should be changed to an Infill Standards Map or should not include lots that are currently under 5,000 sq. ft. Staff recommends changing the name to an Infill Standards Map or not including lots that are currently under 5,000 sq. ft.
2. Keep “stories” in the language of the height requirements to include both maximum height limit and number of stories limited. Commissioners asked for explanation. Heather said that the concern may be without the “stories” language, someone may try and include 3 stories within a limit designed to accommodate 2. Heather added that 40 feet accommodate 3 stories generally and that daylight basements, which are currently allowed, are not considered a story.
3. Side yard setbacks should remain 5 feet instead of 3 feet.
4. Recommends less lot size reduction allowed, possibly just a 10% reduction instead of 20% - making the overall minimum lot size 90% of the original size instead of 80%.

Heather concluded the 4 recommendations from the Mayor and asked if there were questions.

Chair Emery asked if there were any questions for Heather.

Jean Lafayette said that the combined material for Goal 5 & Infill appears disjointed and is hard to follow. Jean referred to Chapter 5, Page 11 of 40 regarding garage standards, that states the garage cannot be counted toward the parking, which has been marked for deletion and that she believed this was incorrect. Commissioners and staff packet materials showed this item on Page 12 of 40. It was determined that Jean was reviewing an earlier draft version of this page than of those distributed to remaining commissioners and staff. Jean opted to provide comments at the next session after she had opportunity to review a replacement packet.

Chair Emery asked if there were any further questions for Heather at this time. There were none.

Chair Emery recommended hearing staff comments and receiving public testimony before Commission questions. Commissioners agreed.

Julia Hajduk opened the discussion on Goal 5. Julia recapped the process to date. Julia added that Goal 5 recommendations do not impose any new regulation, but adds benefits and incentives to developers to encourage protection of natural resources that are not currently protected. Julia said the only new restriction recommended is for tree protection the would require site plan review for removal of healthy trees within a certain number that would substantially alter the site. Julia added that most jurisdictions already have these in place. Julia discussed the proposed inventory map and said that the map is a copy of the Metro inventory as it currently exists. Staff recommends adopting this inventory as a guide to identify resources and classes of riparian areas and wildlife habitat, rather than adopting it by reference. Julia added that adopting the inventory by reference allows any future changes made by Metro be required on maps adopted by reference, whereas adopting the inventory map as it exists gives the City more control in the future. Julia reiterated that the map is a guide and the actual delineation process would be followed to confirm information.

Jean Lafayette asked for clarification that Goal 5 does not apply new regulation, but offers incentives for the recommended protections shown on the map or in the Code. Julia confirmed that except for the new restriction recommended for tree protection requiring site plan review for removal of healthy trees within a certain number that may substantially alter the site, this is correct.

Matt Nolan referenced the Moser property shown on the map as wildlife habitat, Class A & asked Julia how this would apply. Julia reiterated that the map is a guide and the actual delineation process at the time of development would identify specifically existing conditions.

Julia reiterated that the only new restriction recommended is for tree protection requiring site plan review for removal of healthy trees within a certain number that would substantially alter the site. Julia recapped that most jurisdictions currently have tree protection standards in place.

Chair Emery asked Julia about the county areas on the map outside the City, and whether they were also adopting the inventory map. Julia said that she believed the county was adopting the inventory map by reference, which would require county maps to automatically change when Metro maps were changed.

Chair Emery opened discussion for public testimony.

Scott Waller, 210 SE Norton St., Sherwood, OR 97140 – Scott said he has attended the past couple of meetings and does not believe there has been enough opportunity for public comments. Scott said he checked the newspaper for information on the Infill Standards and did not find it.

Chair Emery stated that there have been many opportunities to provide public comments. Adrian added that notice has been provided in the newspaper as well as posted in around town and on the City's website. Kevin Cronin added that newspaper articles have been in the Sherwood Gazette for the past 6 months as well as noticed prior to public hearings in the Tigard Times.

Heather Austin confirmed and added there have been 3 public work sessions on both Goal 5 & Infill Standards that Mr. Waller is also always welcome to contact her after the meeting to arrange a time to come to City Hall for more information.

Chair Emery asked Mr. Waller if he had further comments. There were none.

Susan Claus, 22211 SW Pacific Hwy., Sherwood, OR 97140 – Susan said that she would like have a property owner viewpoint represented by the City, and that planning staff proposes just one viewpoint. Susan reiterated that she would like to have a planner that speaks to fundamental property rights of property owners who pay taxes and support the community. Susan asked Julia to clarify if the proposed Goal 5 standards would mean stricter rights of entry, and to explain the inventory designations on the map. Susan expressed concern over designations on the map that covers their properties and said she was surprised to learn what was being proposed when she happened to discover the inventory map on the wall at the last meeting on another topic. Susan said that the public notices do not clearly state what the topics are that are covered at public meetings and hearings, which does not provide information to the average citizen to understand impacts being proposed. Susan added that a tree ordinance would be aggressive. Susan said that a gag-order or threat of a gag-order regarding the format that her family can request and retrieve

information from the City, adds difficulty to their ability to keep informed and respond to recommendations made by the City. Susan recapped that there is difficulty in communicating with planning staff who have public resource interests over private property rights. Susan requested that a public notice board be placed at the Safeway located at Roy Rogers Rd. & Hwy 99. to better inform citizens who live on the other side of Hwy. 99.

Chair Emery stated that public notice placement decisions are made by the City Council and recommended that Susan attend a Council session and make the recommendation. Currently, there are 5 approved posted notice locations and it would be up to City Council to add another.

Susan concluded by asking that the hearing for Goal 5 & Infill Standards be extended to a future date.

Jim Claus, 22211 SW Pacific Hwy., Sherwood, OR 97140 – Jim stated that he did not receive any of the postcard mail notifications on the Goal 5 public process. Jim said that protection of trees means inability to develop. Mr. Claus discussed Chicken Creek and said that it has previously been designated as polluted and should not be designated as a natural habitat area.

Matt Nolan asked Mr. Claus for the source of his testimony regarding Chicken Creek.

Jim Claus said that records for the Woodhaven development would support the information.

Julia Hajduk said that natural resource areas are identified by Metro based on scientific data, and that Metro can modify inventory based on proven changes.

Jean Lafayette asked Julia to confirm if the recommendation is to adopt the City's map or Metro's map. Julia clarified that the recommendation is to adopt Metro's map, which becomes the City's map with future flexibility for changes based on actual delineation outcomes. Future changes made by Metro would not automatically change the City's map.

Kevin Cronin confirmed that the recommended map is a policy map, not a regulatory map. Regulatory maps are in the Code, this is a policy map.

Julia reiterated that the goal is to protect natural resources over time. Julia said that in addition to the required Measure 56 notice that Metro sent to property owners, the City also sent informational mailers to properties in areas not already regulated, although this was not a requirement.

Russell Griffin asked what regulations were in place prior to Metro. Julia said that Clean Water Services standards served as a guide. Heather said that the blue areas on the map are currently regulated by Clean Water Services. Kevin added that the City was already in compliance with Goal 5 standards, but that the City is now implementing the agreements made by the Tualatin Basin last year. Russell asked for clarification on how a land use application would be treated differently after the adopted standards. Julia clarified that nothing changes, except that the applicant would then have the flexibility to use the new standards for development using the incentives if they choose. Heather added that the blue areas are already being regulated by Clean Water Services and must comply with their requirements, nothing new is added.



Jean Lafayette asked if developers had been contacted to review the recommended standards and given the opportunity to provide comments. Jean said that it is confusing for the Goal 5 & Infill Standards to be combined and suggested that changes be tracked separately, and also recommended adding clear information on the website.

Kevin Cronin said that emails have been sent to interested parties from the developer & interested parties database. Julia said that the Goal 5 & Infill Standards plan amendments have been combined largely because they parallel each other in Chapter 5 of the zoning code and would be more difficult to track if addressed separately. Julia added that there could be better communication on the website.

Russell Griffin agreed that the way public notices are worded can make it difficult to clearly understand what is being reviewed by the City, particularly the trees issue discussed earlier and recommended changes that will affect property owners in the future.

Jean Lafayette recommended continuing the hearing to the next session. There was continued discussion on public notices and the website. Julia recapped the many ways that public involvement has been solicited and added information for Goal 5 & Infill Standards has been also updated on the website throughout the process. Julia said staff will make changes to the website for a more user friendly approach. Kevin asked if the discussion on more public involvement could be postponed in order to continue with the current agenda items.

Chair Emery added that a continued hearing would allow time for Jean to review a current packet of materials and the public to further review materials. Commissioners considered the following points made in tonight's discussion and recommendations:

1. The Established Neighborhoods Map should be changed to an Infill Standards Map or should not include lots that are currently under 5,000 sq. ft. Staff recommends changing the name to an Infill Standards Map or not including lots that are currently under 5,000 sq. ft. *Commissioners recommended changing the name to Sherwood Infill Notification Map.* (No discussion was recorded regarding a recommendation not to include lots currently under 5,000 sq. ft.).
2. Keep "stories" in the language of the height requirements to include both maximum height limit and number of stories limited. Commissioners asked for explanation. Heather said that the concern may be without the "stories" language, someone may try and include 3 stories within a limit designed to accommodate 2. Heather added that 40 feet accommodate 3 stories generally and that daylight basements, which are currently allowed, are not considered a story. Heather also clarified the calculation of houses on a slope that does not apply. *Commissioners recommended keeping the current language, which states 30' or 2 stories.*
3. Side yard setbacks should remain 5 feet instead of 3 feet. *Commissioners recommended that side yard setbacks remain 5 feet.*
4. Reduce allowable lot size reduction percentage to 10% instead of 20% - making the overall minimum lot size 90% of the original size instead of 80%. *Commissioners*

*recommended the maximum allowable lot size reduction be 15%, increasing the lot size requirement from 80% to 85% of original size.*

5. Garage and parking calculations - *Commissioners recommended that the garage should not be included in the parking count.*

Jean Lafayette asked how the Area 59 project would be affected by an inability to cut trees. Julia said that the school district would be allowed to cut the trees based on an approved site plan, but would have to mitigate the trees as with any site plan application.

Jean moved to continue the hearing to the 2<sup>nd</sup> meeting in October. Matt Nolan seconded.

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

Yes – 6 No – 0 Abstain – 0

< 5-minute break was taken >

**6. New Business – Parks Master Plan Review (PA 06-04)** – Kevin Cronin recapped the process to date. Kevin introduced Parks Board member Mary Reid who was also present. Kevin said the 9/19/06 City Council work session resulted in a couple of changes, including changes to the Capital Improvement Plan to reflect better acquisition costs. The consultant originally used \$50,000 per acre as an acquisition cost, which was bumped up to \$100,000. Kevin added that the costs are without public facilities. The Council also wanted some general numbers of acres for each type of recreation area which was addressed, and replacement costs for the artificial turf at the high school. No other changes were recommended. Once the Commission makes final recommendations, staff plans to make final recommendations to the City Council on October 17<sup>th</sup> to approve the Parks Master Plan by resolution.

Chair Emery asked if Commissioners had any questions for Staff.

Russell Griffin asked for the status of the Field House. Kevin said that the consultant recommended a decision be made to either support it or sell, but that no alternatives have been decided.

Matt Nolan asked how funds would be available to support the new Parks Master Plan. Kevin said that Staff is recommending a special in-district tax. Matt said that the City made decisions 2-3 years ago that it was not possible to move ahead on a Parks Master Plan because revenue from SDC charges had been exhausted and borrowed against. Matt added at that time the Finance Director said it would likely be at least 8 years before the City could afford more parks, and that the new Parks Master Plan is inconsistent with information public received at that time. Kevin responded that the need for a Parks Master Plan still remains. Matt said that a master plan is good for 5 years, which may not be time enough for funding to be available. Matt added that the plan is an excellent one, but the concern is that the public will have expectations that are not possible to implement.

Matt discussed history of the YMCA and the services they were to provide. Kevin responded that there is an unmet market need that exists outside what the YMCA offers. Kevin added that the Parks Master Plan also identifies the need to utilize existing resources in addition to the plan.

Russell Griffin reiterated that the Parks Master Plan does not mean that funds are needed now, but provides for a plan for the City. Dan Balza agreed. Matt said that the goals for the next 5 years are high and may not be able to be met. Kevin added that the City Council will make determinations where funds are available and may include grants and donations.

Discussion on SDC charges continued. Kevin reiterated that Sherwood currently has the 2<sup>nd</sup> highest SDC charges in the state. Jean Lafayette asked Kevin if the Parks Master Plan includes the reinstatement of a Natural Resources Planner. Kevin confirmed that this is one of the recommendations made by the consultants.

Chair Emery asked if there were any further questions for Staff. Dan Balza said that he would have liked to see a skate park identified, and discussion concluded such a facility could still be easily constructed for reasonable cost. Matt commented that the cost for maintaining restrooms and parking lots is high.

Russell Griffin moved to forward the Parks Master Plan as presented to the City Council. Todd Skelton seconded.

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

Yes – 6 No – 0 Abstain – 0.

**7. Comments from Commission -** Russell discussed the training he attended at the Oregon Planner Institute conference in Eugene on September 15<sup>th</sup> & 16<sup>th</sup>. Russell discussed a procedural item discussed at the OPI conference regarding process for commission members who have missed one hearing session of a multiple hearing agenda item. Kevin said staff would consult with the City Attorney on the matter and get back to commissioners.

Chair Emery asked if there were further comments from commissioners. There was none.

**8. Next Meeting -** October 10, 2006 – High School Heights subdivision (SUB 06-03).

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

End of minutes.