



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

January 4, 2005

Regular Meeting - 7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Election of Officers** (Chair and Vice-Chair)
3. **Agenda Review**
4. **Brief Announcements**
5. **Community Comments** *are limited to items NOT on the printed Agenda.*
6. **Public Hearing**
 - A. **Sign Code Amendment:** PA 04-05 is a plan text amendment request from the City Council to amend the sign code (Section 5.701.05) to address amortization of non-conforming signs. *(Kevin A. Cronin, Planning Manager, Planning Department)*
 - B. **Sherwood Transportation System Plan:** Staff and consultants will continue taking testimony on the proposed Transportation System Plan (October 2004 Draft). A public hearing on a plan amendment (PA 04-03) to the Comprehensive Plan was continued from November 16, 2004. *(Kevin A. Cronin, Planning Manager, Planning Department)*
7. **Comments from Commission**
8. **Next Meeting** *(January 18, 2005)*
9. **Adjournment**

NOTE: *The Planning Commission will meet for pizza and a work session at 6:00 pm to discuss a work program for 2005. The meeting is open to the public, but no comments will be taken.*

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
January 4, 2005

1. Call to Order/Roll Call

Vice Chair Patrick Allen called the Planning Commission hearing to order at 7:01 PM.

Commission Members present:

Patrick Allen
Dan Balza
Adrian Emery
Kevin Henry
Jean Lafayette
Matt Nolan

Staff:

Kevin Cronin, Senior Planner
Gene Thomas, City Engineer
Heather Austin, Associate Planner

2. Election of Officers (Chair and Vice Chair)

Adrian Emery requested nominations for the position of Planning Commission Chair.

Patrick Allen nominated Adrian Emery for the position of Planning Commission Chair.

Kevin Henry seconded the nomination.

No other nominations were provided.

Vote for Election of Adrian Emery for the position of Planning Commission Chair:

6-Yes, 0-No, 0-Abstain

Adrian Emery requested nominations for the position of Planning Commission Vice Chair.

Kevin Henry nominated Patrick Allen for the position of Planning Commission Vice Chair.

Jean Lafayette seconded the nomination.

No other nominations were provided.

Vote for Election of Patrick Allen for the position of Planning Commission Vice Chair:

6-Yes, 0-No, 0-Abstain

3. Agenda Review – There were no additions or deletions to the items listed on the agenda.

4. Brief Announcements

Kevin Cronin announced that the Planning Department is in the process of scheduling interviews to fill the vacant Administrative Assistant III position. Kevin Cronin also announced that the Billboard Appeals have been moved to the January 18th, 2005 Planning Commission meeting.

Dan Balza briefed the Planning Commission on the Area 59 Citizens Advisory Committee meeting that took place on December 16, 2004. Kevin Cronin stated that the Area 59 Technical Advisory Committee would be meeting on Wednesday, January 5, 2005.

5. **Community Comments-** None.

6. **Public Hearing - Sign Code Amendment**

Patrick Allen read the hearings disclosure statement.

Chair Emery asked that Commission members reveal any conflicts of interest, ex-parte contact or bias. None were revealed. Chair Emery opened the public hearing on PA 04-05 and called for the Staff Report.

Kevin Cronin, Planning Supervisor, referred the Commission to the Staff Report dated January 4, 2005 a complete copy of which is contained in the City Planning File PA 04-05 Sign Code; Amortization. This is a city-sponsored zoning code amendment that establishes an amortization period for non-conforming signs within the city.

Jean Lafayette asked Kevin Cronin if he had received any written comments on this plan amendment.

Kevin Cronin replied that he had not received any comments.

Patrick Allen asked Kevin Cronin if this plan amendment was necessary because the five year amortization period is already called out in the zoning code.

Kevin Cronin stated that the start-time for the five year period is not documented and this change will clear up that issue.

Chair Emery asked if there was any public testimony on this matter.

Robert James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140

Mr. Claus provided a handout to the members of the Planning Commission and a book to Kevin Cronin. He noted:

- A Measure 37 claim would be easy to make against this sign code amendment.
- The sign code must be time-place-matter neutral and cannot regulate substance, but this amendment does just that.
- A similar sign code was adopted in San Diego and a lawsuit resulted.
- Mr. Claus would like the City to amortize his signs first; he is willing to waive the 5-year amortization period so he can make a legal challenge right away.
- The City must realize that planners no longer have the right to take property away.

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Because of an error with the tape recording equipment, the minutes written above were based upon the notes and recollection of the recording secretary present at the Planning Commission meeting, Heather Austin. The minutes below this point are based upon the tape recorded record of the Planning Commission meeting.
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- Appraisal of takings, retroactively – cites San Diego lawsuit and payment required by City.

Mr. Claus stated that he believes plans for roads in Sherwood are being illegally determined or changed for political benefit at the cost and detriment of property owners. Specifically referred to was Meinecke road, which Mr. Claus indicated he had already presented a legal challenge to ODOT regarding related issues and that ODOT backed out of their part of the plan. ODOT returned property to Mr. Claus and paid his legal fees. He also cited examples of negative effects on other property owners resulting from changes made to the design and implementation of Meinecke. Mr. Claus said he has informed Governor Kulongoski and the Justice Department of the situation and that he will provide further notice to the Planning Commission, including the documents provided to ODOT prior to their decision to return property to Mr. Claus.

Patrick Allen asked Mr. Claus if his concerns would change if the plan did not have any reference on maps or texts regarding access in either frontage or backage on Hwy. 99.

Mr. Claus said it would be a first step, but that he would still proceed on behalf of property owners [specifically, Mr. McFall] over damages already done that Mr. Claus indicated cannot be undone. He also indicated there probably are several solutions from this point forward.

Matt Nolan asked Mr. Claus if he had solutions to present. Mr. Claus said not at this time.

Jean Lafayette asked Mr. Claus to point out Mr. McFall's property on the map, which Mrs. Susan Claus did.

Mr. Claus gave background on the history of growth in Sherwood and cited a comment that Mr. Claus said Commissioner Patrick Allen made in favor of "forced group development".

Patrick Allen stated he wanted to clarify his intent regarding the quote referenced by Mr. Claus. Commissioner Allen said that if he literally used the phrase "forced group development", he intended to mean that if ODOT was in a position to encourage consolidating accesses - & if accesses were consolidated, that it would likely be more feasible for properties to be developed. Mr. Claus, no longer at the microphone indicated he would be back [inaudible speech during departure].

Chair Emery thanked Mr. Claus for his testimony and asked if anyone else wanted to give testimony. Chair Emery asked Kevin Cronin if he had any response.

Kevin Cronin stated that not being the City Attorney he wasn't going to comment.

Chair Emery suggested passing the issue on to the City Attorney to review.

Patrick Allen expressed agreement in asking the City Attorney to review Mr. Claus' testimony and advise the Planning Commission on the issues raised.

Chair Emery asked Kevin Cronin for the best way to refer the issue to the City Attorney.

Kevin Cronin said that tapes will be sent to the City Attorney for review.

Patrick Allen asked if the City Attorney's review could be completed by the next meeting (January 18th).

Kevin Cronin stated that would probably be too soon, but that Feb. 1st should be enough time.

Patrick Allen moved to continue the plan amendment PA 04-05, Sign Ordinance Plan Text Amendment to the Feb. 1, 2005 meeting to allow time to obtain legal advice for the public testimony.

Matt Nolan seconded the motion.

Chair Emery asked if there was any further discussion, being none a vote was taken:

Vote: 6-Yes, 0-No, 0-Abstain

Chair Emery closed the public hearing on PA 04-05 at 7:20 PM.

Chair Emery opened the public hearing on the Transportation System Plan, PA 04-03 at 7:21 PM – and asked if staff had any comments.

Kevin Cronin reviewed what commissioners should have in their packets or through other communications from staff. Kevin provided details of a summary emailed to commissioners in December of work completed by the staff at a work session on Dec. 7th. Staff completed a “to-do list” which included:

- Updated the website
- Article in the January Gazette
- Started the Code Amendment process by sending notice to DLCD
- Received a revised Chapter 10, the finance chapter for the TSP currently reviewing
- Staff revised some language in Chapter 6 that addresses access management as well as some of the coordination with neighboring jurisdictions.
- Did not come up with a decision at the work session on the Villa Rd. connection, bringing the issue to this hearing toward making that decision.

Kevin asked if there was anything not on the list that should be talked about.

Patrick Allen asked about the open houses.

Kevin Cronin had not scheduled open houses to date, but has 3 planned in February located at the police facility, field house and the YMCA.

Jean Lafayette asked Kevin Cronin for an update on his Dec. 9, 2005 memo regarding Pine Street and what happened at the December City Council meeting on this issue.

Kevin Cronin stated that the information that appeared in the Archer was current, and that the City Council asked staff to continue working with the consultant on the downtown streets project. The next questions are how the projects are to be prioritized and how or when they will be funded, but that City Council gave the green light to go ahead with the project.

Jean Lafayette wanted to clarify that the alignments and the basic information was not changing based on the December meeting. Particularly the issue of Pine Street. Kevin Cronin said there was not any new information to share on that.

Patrick Allen stated that the City Council meeting wasn't an issue so much of alignment, but what standard of improvement that was applied and to which streets. In Nov. a scenario had Pine St. from 3rd to Willamette being done to the full standard of the downtown streets plan, and then an overlay of debatable length applied to the remaining streets. Patrick said his feeling of what came out of the meeting was a commitment by the City Council to scale back the Pine St. portion from 1st to Willamette, and that we are in the first stage.

Dan Balza said they were told to start getting some bids and developing bid packages.

Matt Nolan referred to prior testimony at public hearings regarding whether or not Pine St. should even be extended through, and asked if it is still an issue or if City Council has already approved that.

Patrick Allen stated that it is still in the plans for Pine St. to cross the railroad tracks.

Kevin Cronin said that at the last work session the Planning Commission had directed staff to try and use the media to get the word out. It was his understanding that based on his contacts with the Oregonian an article would appear in the Washington County section of the Oregonian on Dec. 30th. Since it did not run, he hoped it would run this Thursday [Jan. 6th].

Chair Emery asked if there were any other questions of staff before beginning public testimony, there was none.

Eugene Stewart, PO Box 534, Sherwood OR, 97140

Eugene Stewart said he did not see any reference in the Transportation System Plan on the conditions of Hwy. 99 and Tualatin-Sherwood Rd. 20 years from now. Mr. Stewart said that although ODOT is in charge of Hwy. 99 that it was the City's responsibility to communicate with ODOT and surrounding cities about the issue of getting around as Sherwood continues to grow. Mr. Stewart asked the Planning Commission if they have had discussions with surrounding communities about tying transportation together regarding Hwy. 99

Chair Emery stated that they had discussed the issue with surrounding communities and that it is in the Transportation System Plan as a requirement. Eugene Stewart asked if the Planning Commission had discussed it with the Citizen's Advisory Committee.

Chair Emery stated they did not.

Eugene Stewart suggested going back to square one even it takes a year to make sure things are done right, and emphasized soliciting citizen involvement. Mr. Stewart said it should be in the ordinance to do so and asked why it wasn't done.

Chair Emery stated that the ordinance had been changed.

Eugene Stewart stated the ordinance supporting the citizen involvement referred to previously is #726 and asked if that ordinance had been amended.

Chair Emery asked Kevin Cronin if he knew the ordinance that appointed the Planning Commission as the Advisory Committee.

Kevin Cronin stated it was a resolution, not an ordinance.

Eugene Stewart said the ordinance for citizen involvement is still on the books and hasn't been amended that he is aware of, and was concerned that if he is wrong he has not received any communication back to indicate why he is wrong. He asked if there was an inventory of land that was up-to-date [referencing Part 1 of the Comp Plan].

Patrick Allen stated that Part 1 has not been updated, but that as discussed in past sessions it needs to be done, is an ongoing process along with the other parts and that it takes time.

Eugene Stewart said that the Citizen's Advisory Committee could help identify routes that people are taking in and out of town that would help formulate a plan, and asked if that had been done. He also stated that the Washington County bicycle map has information different than the Transportation System Plan and wanted to know why there were differences.

Patrick Allen [in conjunction with other Commissioners) stated that yes, a traffic study had been completed by traffic engineers. Commissioner Allen asked Mr. Stewart if the WACO bicycle map was a current bicycle facilities map or a long-term plan.

Eugene Stewart said it is a map that tells bicyclists how heavy the traffic is and which are safest to travel.

Patrick Allen stated the counts would likely be expected to be different because of current counts used in our report, versus more historic counts likely used for the purposes of the WACO map.

Jean Lafayette said that Chapter 3 in the Transportation System Plan had all the traffic counts and dates, along with information on how they collected the data.

Eugene Stewart concluded that in his experience over the past 10 years working in Portland is that traffic is getting worse, and will continue getting worse because Sherwood has become a residential community. Mr. Stewart also mentioned an original plan to create a beltline around the community including Sunset and back over to Tualatin-Sherwood Rd. using Murdoch St. He said that the way Sunset is developed it isn't easy to tell that is the way it was supposed to be, and asked where now we are going to put that.

Chair Emery acknowledged that Sunset separates neighborhoods and that at this point such a beltline would have to be outside the City limits.

Eugene Stewart stated that he is encouraged that there will be open houses, but suggested the YMCA is a little small for a good turnout and suggested Middleton School might be a better place to do it.

Chair Emery thanked Mr. Stewart for his testimony and asked if there were any other questions for Mr. Stewart.

Ken Shannon, 22275 SW Pacific Hwy., Sherwood OR, 97140

Mr. Shannon brought a map that he said dated from the time that Terry Keyes first started on the Meinecke intersection and gave a detailed history of his and surrounding properties; Mr. Shannon pointed to his property, the Claus' property and the Broadhurst property. Mr. Shannon stated that the Broadhurst property is a land-locked piece of land that was self-imposed as a result of Mr. Broadhurst selling other surrounding property that he owned for the development that became Orchard Hill. ODOT confirmed this information, Mr. Shannon said. Ken Shannon said he needs a transportation plan in their area and expressed concern about the ability to develop his land and allow him to take advantage of the utilities that are now available in the area. The way the property sets now his land is split into 3 pieces and expressed he can't wait a year as Mr. Stewart suggested. Mr. Shannon said his 8,000 feet of retail access on Hwy. 99 is his life-line, regardless of whatever else happens to his property. Ken Shannon said you can't destroy the frontage of the property owners, although he isn't sure a frontage road is the way to go and asked if there were any questions.

Patrick Allen said it would be very beneficial if the 3 property owners got together [Shannon, Claus & Broadhurst] and came up with a game plan and let the Commission know what their game plan is – and asked Mr. Shannon why that can't happen.

Ken Shannon said that Mr. Broadhurst will develop last because that is how it is, and that he isn't ready to leave yet. Mr. Shannon also suggested a mediator for the process.

Patrick Allen said it would be easier if the property owners involved got together and came up with a plan to suggest to the Planning Commission on what the best policy is that deals with these issues, rather than Council figuring out a policy for 3 property owners who disagree with each other.

Ken Shannon agreed, but said that he didn't know if it would happen and that Mr. Claus and he are not doing well. Mr. Shannon turned to Mrs. Susan Claus and asked her if she would attend a meeting.

Susan Claus, 22211 SW Pacific Hwy., Sherwood OR, 97140

Susan said there was a lot of history [no microphone..inaudible].

Ken Shannon said there is a lot of history and doesn't want to get into it, but that he is not attached to any politics and just wants to develop his property on his own now with the utilities in place. Ken stated he just needs the Planning Commission to tell him how to get there.

Chair Emery asked if there were any other questions and thanked Mr. Shannon for coming.

Diane Gothie, 360 S. Pine St., Sherwood OR 97140

Diane asked if a Citizen's Advisory Committee would review the improvements on Pine St.

Chair Emery said there were open houses and that SURPAC was an advisory committee that was involved.

Patrick Allen stated that SURPAC didn't deal with upper Pine from Sunset down to Division, only the portions of Pine from Willamette to 3rd.

Diane Gothie expressed concern that the upper and middle part of Pine is set to be widened 20 feet from the centerline on both sides, and that the decision to do so was made without input from the people who live there. Mrs. Gothie asked if this plan was set in stone.

Chair Emery confirmed that it presently is part of the proposal from the engineer, but that there are many proposals in the plan and that none of them are set in stone at this point.

Diane Gothie asked if there was to be any committee comprised of citizens regarding Pine St.

Patrick Allen stated there would be open houses and that the Planning Commission is comprised of citizens.

Diane Gothie expressed concern that the decision to open Pine St. and close Washington St. was a sudden decision.

Patrick Allen said that the discussion about opening Pine St. and closing Washington St. had been in process over 2 years.

Jean Lafayette stated that it has been on the table along with the Oregon St. closure.

Patrick Allen reiterated that the re-routing of Oregon St., the opening of Adams St. and opening Pine St. across the railroad has been on the map from the beginning of discussion on downtown streets.

Diane Gothie said that of the many people she talked to from over 40 homes that 70% of them were against the widening of Pine St. and expressed concern over property values being affected by the process.

Chair Emery asked Mrs. Gothie if she thought the people she talked to would show up at a committee meeting more than a Planning Commission meeting or an open house.

Diane Gothie said she wasn't certain, but that some also aren't able to get out.

Chair Emery said that the Planning Commission can take written testimony and petitions as well, and that the record will remain open for some time.

Diane Gothie asked for clarification on how much time the record would remain open.

Patrick Allen said that the Planning Commission would not be taking action or recommending anything to Council prior to March 1st.

Chair Emery agreed that it would not be any sooner than March.

Jean Lafayette asked if Diane heard that there will be open houses in February with opportunities for her neighbors on Pine St. to get more information. The dates haven't been set, but they will be announced in the February Gazette. Jean stated that the Planning Commission is also interested in hearing possible solutions from the public.

Patrick Allen stated that the Planning Commission will not take action without taking the needs of the public into consideration.

Susan Claus, 22211 SW Pacific Hwy., Sherwood OR, 97140

Susan stated that there was not a connectivity map associated with the most recent article in the Gazette and expressed that the Planning Commission should be firm in requiring maps to accompany such articles for better public understanding. Mrs. Claus also said that the current maps do not fully show all proposed road changes and that there appeared to be some disconnect of information. Susan stated that the potential workshop that was discussed for the financial logistics of Chapter 10 in the Transportation Plan was something she really wanted to happen and would attend. Concern was also expressed over the backage road budget and wanted to have a better understanding before a plan is established.

Patrick Allen said that there should be an opportunity for citizen notations on the maps provided at the open houses.

Susan Claus stated that there has been some information lost on the topography and wants to make sure that the policy and the maps say the same thing. Susan wanted to make sure her email address was on the list for receiving public submittals that go to the Planning Commission that are appropriate and informational updates on this plan. Susan also stated that if there were a committee formed on ways to get citizens involved she would like to be on it.

Kevin Cronin said he would make sure that Mrs. Claus was on the email list.

Chair Emery thanked Susan Claus for her testimony and asked if anyone else had testimony on the Transportation System Plan.

7. Comments from Commission

Commissioners agreed to carry over the meeting on the TSP to the March 22nd meeting, to allow time for scheduled open houses and to get feedback.

Kevin Cronin said that due to the time and funds already spent on the TSP and resulting budget constraints, that an extension or addendum to the existing contract would need to happen in order to pay for DKS professional services and additional professional staff time. Kevin stated that the existing plans for time and materials involved in the planned open houses are covered, but costs associated with compiling the resulting data from these events is a concern.

Patrick Allen suggested to the commission that the public hearing be continued to March 22nd, and also plan a work session on the TSP for February 1st. Commissioners also agreed with a suggestion made by Kevin Cronin that there should be at least two commissioners present at each of the open houses. Commissioner Allen addressed the following additional issues to be reviewed for the record:

- 1) Was the Meinecke interchange done in compliance with either the '91 or current draft of the TSP?
- 2) Is it fact that the McFall property land-locked?
- 3) Current development opportunities available to the Claus, Shannon or JBMC properties?
- 4) Does the plan need to address access on Hwy. 99? [including frontage & backage roads]
- 5) Can a resolution override an ordinance [to establish a separate Citizen's Advisory Council as raised by citizen Eugene Stewart], in regards to the appointment made by the City Council to the Planning Commission to act as a Citizen's Advisory Council?

Commissioner Allen further discussed the current developments on Pine Street and stated that it would be good to get the City Manager's weekly report to see which TSP [current or proposed] the work being done is consistent with. Patrick encouraged property owners who have vested interests to proposed changes to seek mediation for resolutions regarding the issues and see if a positive proposal can come from the affected property owners as a result. Commissioner Allen asked if Kevin Cronin could look into a mediation resource that may be available at Portland State University. Kevin agreed.

Jean Lafayette suggested that the access points on Hwy. 99 could be redefined based on ODOT Safety Spacing Standards, rather than continuing to show them as frontage and backage roads. Jean asked if the code language for the frontage and backage roads could be clarified pavement and green space.

Chair Emery said that the decision on parking and related issues for these roads is up to the property owners.

Matt Nolan asked if written feedback was received from ODOT on access points on Hwy. 99.

Kevin Cronin said that ODOT had already supported the frontage and backage road plan and if access were to change as suggested by Commissioner Lafayette, ODOT would be notified and want to look at it again to determine their continued support of the project.

Jean Lafayette asked that Chapter 10 be at the next work session on February 1st.

Patrick Allen moved to continue the TSP meeting to March 22nd and establish a work session on February 1st.

Kevin Henry seconded.

Chair Emery took a vote: **Vote: Yes-6 No-0**

8. Next Meeting - January 18, 2005

9. Adjournment –

Patrick Allen moved to adjourn.

Jean Lafayette seconded.

Chair Emery adjourned the meeting at 9:20PM.

End of Minutes