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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**June 14, 2005**

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**1. Call to Order/Roll Call**

**Commission Members Present:**

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

**Staff:**

Kevin Cronin, Planning Supervisor  
Cynthia Butler, Administrative Assistant

**Commission Members Absent:**

Dan Balza

**Chair Emery called the meeting to order at 7:20 PM** (following Wilsonville Water Treatment Facility presentation)

**2. Agenda Review**

**3. Consent Agenda:** April 12<sup>th</sup> & April 26, 2005 Minutes were reviewed. Patrick Allen stated that there was a correction on the April 12<sup>th</sup> minutes regarding the final vote for the Sign Permit Appeals. The corrected vote should be 4 = yes, 1 = no. Adrian confirmed his No vote. April 12<sup>th</sup> minutes will be corrected. Patrick Allen motioned to approve the Consent Agenda, Jean Lafayette seconded. Chair Emery asked if there was any further discussion. There was none.

Vote: Yes = 6, No = 0, Abstain = 0  
Motion carried.

**3. Brief Announcements** – Kevin Cronin said a second SE Sherwood Neighborhood meeting is scheduled for July 12<sup>th</sup> as part of the work program. Kevin said several developers have contracted AKS to work with the City to participate in a mini-workshop for ideas on better public improvements in the area and mutually agreeable solutions. Kevin has applied for a technical assistance grant from the State to facilitate this process. AKS will eventually submit either a Plan Map or Plan Text and Map Amendment to the City of Sherwood Planning Department for public process. Kevin said the Planning Department was contracted by the Community Services Division for an updated Parks Master Plan. The consultant search & process has begun. Kevin confirmed that the City Attorney plans to conduct training on Land Use Law at the next Planning Commission meeting on July 28, 2005, and asked for any specific areas they would like covered in the training. Patrick Allen said more information on the subject of Findings would be great. Chair Emery added that he would be interested in more information about Denials. Kevin confirmed that the Area 59 Charrette is scheduled for Saturday, July 23<sup>rd</sup>. OTAK consultants and City Staff will provide a presentation from the Charrette at the Tuesday,

July 26<sup>th</sup> Planning Commission session. Kevin stated that City Staff is participating in a regional growth allocation study with Washington County and Metro as a model for UGB expansions based on employment and household growth, and should have some follow-up information in about a month. Kevin said the Planning Department has posted a new website and invited feedback from commissioners. Kevin said the Sr. Planner position was filled today by Julia Hajduk, who will begin on July 6<sup>th</sup>.

**4. Community Comments** – Chair Emery asked if there were any community comments for items not on the agenda. There were none.

**5. Sherwood Plan and Zone Map** – Associate Planner Heather Austin has developed an updated Sherwood Plan and Zone Map, with a more user-friendly format using a universal color classification for better definition. The last Zone Map update was in 2003. Heather stated that a couple of street identifiers are missing that she will add, and that new tax lots do not appear until they are recorded. Heather asked commissioners for feedback on any other changes or additions. Chair Emery said the map looked great. Patrick Allen agreed and said that also he would like to see a “working map” available to use at commission meetings, whether it was a modification of the Zone Map or another map, that would identify flood plains, parks and dedicated greenways, and City limits. Heather stated there should be room to add more identifiers. Kevin stated he thought Heather did a great job with the project. Jean Lafayette asked if basic TSP street classifications such as principal and arterials could be added. Patrick stated he thought adding street identifications from the TSP may make the map too cluttered. Heather said she could add some of these and bring it back for the Commission to review. Kevin stated that the first priority is to address the legal mapping requirements then follow with other cartography mapping as suggested. Patrick reiterated that the purpose of a working map would be to better determine needs on an application presented to the Commission and relate information to an applicant’s site map. Kevin confirmed that this is the direction Staff is moving toward. Jean Lafayette asked if the commission needs to take any action on the map presentation. Kevin stated that it was an informational presentation only, no action necessary.

Patrick Allen read the Public Hearings Disclosure statement at 7:40 PM

Chair Emery asked commissioners if there were any conflicts of interest or exparté contact regarding the first hearing on Zoning Audit and Codification. There was none.

**Public Hearings:**

**A. Zoning Audit and Codification (PA 05-02)** – Kevin Cronin stated this item is considered housekeeping for the Zoning Code. Kevin said the Plan Text Amendment for PA 05-02 is a follow-up on two issues identified by former Planning Supervisor, Dave Wechner, that need to be codified. The remaining housekeeping issues delete information that is no longer applicable and adding citations to the Code. Kevin stated that Staff recommends approval of these items to the Planning Commission, which if approved, would be forwarded to the City Council to be adopted by ordinance.

Chair Emery asked commissioners if there were any comments.

Jean Lafayette asked Staff to confirm if the first three pages were the Plan Text Amendment.

Kevin confirmed that the first three pages were to make Findings on the items identified by Dave Wechner. The attachments indicate various aspects of the Code audit.

Jean Lafayette asked for clarification about Page 3 of 7, Code Updates to Plan Text Amendment, Part 3, Exhibit A, and if the three pages of strike-outs represented fees moving to other sections.

Kevin confirmed, and said that he also left Dave Wechner's original request to the City Recorder's office as it was. Kevin summarized Dave Wechner's request that included the proposed ordinance, summary of the Code audit, and citations added to each chapter of the Code. Kevin said he added a couple of pages from Chapter 1 as an example of what the citations would look like.

Patrick Allen asked Staff to clarify if most of Dave Wechner's original recommendations were to amend ordinances rather than amend the Zoning and Development Code.

Kevin confirmed, and stated that Dave Wechner also recommended adding other work program items. Kevin also stated that he would like to address those recommendations at another meeting.

Jean Lafayette asked Staff to clarify that there are 10 items recommended by Dave Wechner, and that 6 of the items are being reviewed for possible action this evening.

Patrick Allen addressed Jean's question by stating that the Planning Commission is being asked to make recommendations to the City Council either on ordinance or the Zoning Code.

Jean Lafayette asked Kevin to confirm the following order of items:

- 1 – addresses striking the fees and placing them in the appropriate sections
- 2 – adding an ordinance amendment regarding flood elevation
- 3 – adding multi-family back in sections where they apply
- 4 – Jean said there is no reference in the report for an item number 4
- 5 – adopt definitions for City curbs and sidewalks (to be addressed at later date)
- 6 – maximum building height unlimited if sprinkler system provided

Kevin confirmed these are correct items.

Jean said that she was unaware item #6 is in the Code.

Kevin stated it is only in the Light Industrial zone.

Jean stated she finds this surprising. Jean referenced Page 2 of the Staff Report regarding maximum height standards in relation to a prior project involving these issues.

Kevin noted Jean's reference.

Jean Lafayette said she went through Dave Wechner's notes regarding #8, Site Plan Review 5.102.04. Jean said that Mr. Wechner's notes state that this is not included in the adopted ordinance language and that it is the linkage between the CAP and the Site Plan Review.

Kevin Cronin said that when the Planning Commission recommended the TSP Codes to City Council in May 2005 and they were adopted, it was completed and removed as an action item.

Jean Lafayette clarified that items 1 through 3 are being proposed to the Planning Commission for recommendation to City Council, item 4 is non-existent, item 5 regarding definitions will be addressed at a later time...

Kevin confirmed that the definitions have not been updated in many years and will take a significant amount of time to work through these before presenting them to the Planning Commission.

Patrick Allen clarified that the Planning Commission would be reviewing and potentially approving items 1, 2, 3 & 6 this evening.

Kevin confirmed.

Matt Nolan (audible difficulty, off-mike) follow-up on Jean Lafayette's concern about item #6 on maximum building height.

Jean Lafayette said it is specified in the Code, but does not appear there was ever an approved ordinance by City Council.

Kevin Cronin said the maximum building height provision has been in the Code since 1995 and was likely reviewed when ordinance changes occurred, but perhaps was not included in the final document forwarded to City Council.

Jean Lafayette said her concern is that it's in a non-residential commercial or industrial PUD, further limited by the PUD. Maybe it didn't go to Council because it wasn't wanted.

Kevin Cronin said that the Planning Commission would have the opportunity to review a site plan if it was above 40,000 square feet and could limit height based on findings.

Jean said she would also like the topic of PUD's to be covered in the upcoming Land Use Law training to help with this process.

Kevin said that the City of Sherwood is the only jurisdiction he is aware of that uses legislative PUD's that go to the City Council for adoption. Most PUD's are quasi-judicial before a Planning Commission or Hearings Officer.

Patrick Allen stated that all of the items represent changing the Code or modifying ordinances to match past actions. The maximum building height issue would represent a substantive change in the Code and we have not laid any kind of a foundation to do that this evening.

Kevin Cronin stated that the work program includes an economic development plan or strategy, and out of that plan there would be implementation strategies for City Staff and Planning Commission to make goals on work on. Ideally, one of those strategies is to review the Zoning Code on what things need to be changed and would be the appropriate venue for this issue.

Chair Emery said he spoke to Mayor Mayes about item #3, adding multi-family sections back in where they apply, and used Woodhaven Crossing as an example of their concern. Adrian said one suggestion they had was having a percentage limit on how much residential could occur in each of those zones. Chair Emery asked Staff if this would be the time to do that, and if not would there be an opportunity at a later date if item #3 were implemented now?

Kevin Cronin said the Planning Commission could add any items to this application, but would ask if this meeting as advertised would be the appropriate vehicle for that.

Patrick Allen said that he recommends waiting and doing the proper groundwork if policy changes are being made, rather than use this meeting to do them.

Chair Emery asked if there were any other comments by commissioners. There was none. Chair Emery opened the public hearing on Zoning Audit and Codification (PA 05-02) at 7:55 PM.

There were no public comments and the public hearing portion of the session was closed.

Matt Nolan (audible difficulty, off-mike), asked to review housekeeping issues being presented.

Jean Lafayette clarified that if the Planning Commission approves items this evening, they are not changing the Code, but rather changing the ordinances that support the Code.

Patrick Allen moved to recommend to City Council to adopt items #1, 2, 3 & 6 in the Staff Report on PA 05-02 Codification and Housekeeping Plan Text Amendment, based on the adoption of the Staff Report findings and facts and Staff recommendations.

Matt Nolan seconded.

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

Yes = 5 No = 1 Abstain = 0

Motion carried.

Chair Emery asked Staff to report any changes that the City Council recommends and the priority of any such changes.

Kevin Cronin confirmed.

Chair Emery opened the public hearing for the Brucker Buildings (Artist Loft, SP 05-06) at 8 PM, and asked commissioners if there were any conflicts of interest or ex parte contact. There was none.

**B. Brucker Buildings (Artist Loft - SP 05-06)** – Kevin Cronin said the project is in Old Town at the corner of NW Railroad and Park St., and proposes to relocate an existing cottage to the rear of the lot, and construct a new building to face NW Railroad St. Kevin said the application meets all site plan review criteria and Chapter 9, Historic Resources with exception of the ground floor window coverage. Kevin stated he had attached a condition to address this, but would also take information from the applicant during this proceeding for clarification.

Patrick Allen asked Staff if the issue was whether or not doors count as window space.

Kevin confirmed, and stated that the standards need to be met on both street sides. Kevin said he received no public comments and few agency comments, and that he recommends the project with certain conditions of approval.

Chair Emery asked if there were any questions from commissioners for Staff prior to hearing from the applicants.

Jean Lafayette indicated a report from the Tualatin Valley Water District was not in the packet.

Kevin Cronin said the representative from TVWD places comments on their copy of the plan set and Staff transcribes these into the Staff Report.

Patrick Allen said that based on the Planning Commission's involvement in establishing the window & door space standard, his interpretation would be that doors do count as window space. Patrick asked Staff what other issues there were regarding windows.

Kevin Cronin opened the site plan set for review [low audibility, away from microphone] and said that the window standard on the Park St. side of the building, located at the south elevation does not meet coverage in the Code.

Jean Lafayette asked Staff if larger windows would satisfy the requirement.

Kevin Cronin confirmed.

Chair Emery asked Staff if the window issue had to be determined this evening in order to approve the application.

Kevin Cronin said it did not, and that the conditions of approval require the applicant to come back to the Planning Department with a revised elevation that meets the Code. Kevin also said the applicant's testimony this evening may clarify the window coverage standards.

Jean Lafayette clarified that the applicant would not need to return to the Planning Commission with the revisions.

Kevin Cronin confirmed.

Patrick Allen asked Staff to clarify reference in the Staff Report to one-gallon containers of blue oat grass.

Kevin Cronin said that according to Sandra Burtzos, landscape architect for the City, it is a non-native grass that is placed around the foundation to meet landscape standards.

Patrick Allen asked Staff about the metal roof and whether it met Old Town design standards.

Kevin Cronin stated that because this application came in before the new codes for the Transportation System Plan were adopted that do not allow metal roofing, it was not required that it be changed.

Jean Lafayette stated that there are concerns listed in the Staff Report about water, connectivity, a stormwater facility, hydrant placement, and the reciprocal utility easement that are not listed specifically under item #C in the conditions of approval. Jean said as listed, the reciprocal utility easement and the stormwater facility should be recommended as not approved.

Kevin Cronin stated that these issues can be addressed at the engineering phase of the project, and that Staff doesn't believe it is required at this stage based on the plans being submitted.

Jean Lafayette said her concern particularly regarding the easement was that the recommendations in the Staff Report were inadequate for the conditions of approval.

Kevin Cronin said if the primary concern is regarding an access agreement, Staff can always require this and not issue the building permit or certificate of occupancy until this requirement is met. Kevin said there are checkpoints for compliance on the application based on the Notice of Decision.

Jean Lafayette said she did not see a condition for no outdoor material storage listed.

Kevin Cronin stated the standard for no outdoor material storage is part of the Code and by default is included.

Chair Emery asked if there were any other comments for Staff. There were none. Testimony was taken from applicant, Larry Fritzie.

Larry Fritzie, 1118 Lafayette Ave., Oregon City, OR 97045 – [stepped away from microphone] Mr. Fritzie addressed easement issue regarding the fire hydrant, and stated that it will be located in the public right of way on Park St. [referred to plans].

Kevin Cronin confirmed.

Larry Fritzie [applicant away from microphone] acknowledged an error on the plans that indicate two south elevations. Larry confirmed the top South designator is correct and the bottom designator should say North (also says South).

[Mr. Fritzie was asked to restate the directional designations in the microphone for the record]

Larry Fritzie confirmed that the South elevation at C.A1.1 in the left-hand corner is the correct elevation. Larry said the elevation at the lower left-hand corner should be changed to North.

Chair Emery asked if there were any other comments from the applicant's.

Brad Brucker, 17703 SW Heatherwood Ln., Sherwood, OR 97140 – Brad said in reference to the metal roof issue, they are going to provide a standard shingled roof.

Jean Lafayette asked why a decorative fence was listed in the Staff Report as being strongly encouraged.

Kevin Cronin said it is not a requirement, but a suggestion by Staff.

Jean Lafayette asked the applicant's if they were satisfied with the Staff Report recommendations.

Brad Brucker confirmed, but stated they preferred an open environment and are not considering a fence.

Chair Emery asked if there were any other questions or comments. There were none.

Jean Lafayette moved to approve the Brucker Buildings (Artist Loft - SP 05-06) site plan based on the adoption of the Staff Report findings of fact, public testimony, Staff recommendations, agency comments, applicant comments and conditions as revised, including F2 (prohibit outside storage).

Patrick Allen seconded.

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

Yes = 6 No = 0 Abstain = 0

Motion carried.

Chair Emery closed the public hearings at 8:15 PM.

**6. Comments from Commission** – Chair Emery asked Staff if commissioners received a copy of the letter from Mr. Roderick S. Meserve.



Kevin Cronin said he forwarded copies only to those to whom the letter was addressed. Kevin said he has responded to Mr. Meserve's concerns in a letter and is planning on doing a site visit of his property. Kevin said Mr. Meserve's property is very sloped and has a street stub that needs to come back around on Meinecke. Kevin stated that the preliminary plat submitted by Colton-Fettig, potential developer for Mr. Meserve, required more connectivity and Mr. Meserve is trying to accommodate this.

Chair Emery asked Kevin to please circulate copies to the rest of the Planning Commission.

Kevin confirmed.

Jean Lafayette said that Cannery Redevelopment Committee met last night and they have made recommendations to the City Council to proceed to the next step of the process. The committee was charged with determining what the best use of the site may be. The recommendation from the committee thus far includes 20% commercial, 70% residential and 10% open or green space, subject to change. Additional funding is needed.

Patrick Allen asked Jean if the 20% commercial included office space.

Jean confirmed.

**7. Next Meeting** – June 28, 2005 – Land Use Law training session for Planning Commission and City Council members with City Attorney, Pam Beery.

Kevin Cronin said there is an appeal scheduled on the Sunset Minor Land Partition, MLP 05-02 for the July 12, 2005 Planning Commission agenda.

Jean Lafayette suggested follow-up for Staff regarding the Planning Commission's support of the Wilsonville Water Treatment Facility and the Willamette River option as a future water resource, since there will not be a regular Planning Commission meeting on June 28<sup>th</sup>.

Chair Emery agreed and received consensus from commissioners.

Patrick Allen moved that Staff draft a letter for Chair Emery's signature that places the Planning Commission on record with the City Council as being in support of pursuing a Willamette River option for the City of Sherwood's future water supply.

Jean Lafayette seconded.

Chair Emery asked if there was any further discussion. There was none. Vote taken:

Yes = 6 No = 0 Abstain = 0

Motion carried.

**8. Adjournment** – 8:25 PM.

**End of Minutes**