



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

September 27, 2005

Regular Meeting - 7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda:** *None*
- 4. Brief Announcements**
- 5. Community Comments** (*The public may provide comments on any non-agenda item*)
- 6. Public Hearing: Sherwood Oaks (PA 05-03/SP 05-09)**
An applicant is proposing a concomitant zone change and site plan review for an Alzheimer's Facility and 35 townhouses in condominium ownership on two tax lots. The subject property is located on 1210 NE Oregon Street, formerly known as the Tannery. The Commission will hold a hearing to take public testimony and consider a staff report and recommendation. Plan amendments require a hearing before the City Council for a final decision. (*Julia Hajduk, Senior Planner, Planning Department*)
- 7. Amendment to Chapter 6 – Public Improvements**
Staff will request a plan text amendment initiation for addition of fiber optic conduit standards for public right-of-way and other city property. Staff is developing standards with the IT and Engineering Departments to facilitate "Sherwood Broadband" access and integrate utility service into new development. (*Julia Hajduk, Senior Planner, Planning Department*)
- 8. Comments from Commission**
- 9. Next Meeting:** October 11, 2005 – Water System Master Plan Hearing (PA 05-01)
- 10. Adjournment**

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
September 27, 2005

(Note: Tapes beginning in September 2005 have intermittently been affected by recording equipment echo problems that have not successfully been corrected. Where there is significant audible difficulty, minutes have been keyed from recording secretary's handwritten notes).

Commission Members Present:

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

Staff:

Kevin Cronin, Planning Supervisor
Cynthia Butler, Administrative Assistant
Gene Thomas, City Engineer
Tom Pessimier, Engineer
Julia Hajduk, Senior Planner

1. **Call to Order/Roll Call** – Vice Chair Allen called the meeting to order at 7 PM.
2. **Consent Agenda** – None.
3. **Agenda Review**
4. **Brief Announcements** – Kevin Cronin received notice information from Washington County regarding a Measure 37 claim on the north side of Cougar and Hayde Rd. Kevin has requested to be noticed for follow-up information on this process. Professional Planning Dept. staff attended the Oregon Planners Institute conference in Eugene, OR on September 15, 2005. Brown bag lunches have been scheduled for staff to discuss action items from the conference. Kevin stated that the Mayor has asked that he request the Chair or Vice Chair, or other member of the Planning Commission not already committed to another committee, to represent the City on the upcoming State sponsored work group on the I-5 & Hwy. 99 connector.
5. **Community Comments** – None.
6. **Public Hearing: Sherwood Oaks (PA 05-03 / SP 05-09)** – Vice Chair Allen stated that this project application requires multiple decisions and will be addressed in sections, first the proposed plan amendment and second the proposed site plan. Vice Chair Allen gave an overview of the process indicating that after Commissioner Griffin reads the hearing rules of process, the applicant will have a couple of minutes to provide a brief general overview of the project followed by the various parts of the hearing in the standard format.

Vice Chair Allen opened the public hearing. Commissioner Griffin read the hearing rules of process.

Julia Hajduk gave an overview of the project materials and map of the project area.

Vice Chair Allen asked staff to clarify if both elements of the project require the plan amendment zone change, but that the Commission is to consider the conditions of approval for both aspects of the project.

Julia Hajduk confirmed. Julia also stated that if the Planning Commission finds it is not reasonably likely that the proposed plan amendment will be approved, that the Commission has the option of denying both projects in the application on that condition. Julia said that staff has recommended in the Staff Report that the application does not go forward if the proposed plan amendment conditions are not met.

Vice Chair Allen asked commissioners if there was any conflict of interest, bias or exparté contact to report.

Jean Lafayette stated that she lives approximately ¼ mile from the project site, has attended public meetings on the DEQ clean-up process for the tannery site, and participated in urban renewal boundary meetings that added this site as a property needing attention due to its location as the Oregon Street gateway into Old Town. Jean also stated that she has had exparté contact with citizens who have expressed that they thought the Alzheimer care facility was already approved, and that no specific conversations occurred that would cause her to be biased. Jean said that she believes she can be fair and impartial, and make a decision based on facts and evidence.

Vice Chair Allen asked the applicant, Patrick Lucas, if he wanted to add any comments to the general overview of the project.

Patrick Lucas, 23861 Dewberry Place, Sherwood, OR 97140 – stated that he believes their proposal offers benefits to the City. Patrick said that although Light Industrial (LI) zoning provides jobs to the community, his proposed Alzheimer care facility would provide 30 full-time jobs. Patrick said he has tried selling the parcel for the past five years under the Light Industrial zone requirements with no prospects. Patrick said the issue of trucks accessing the property is difficult, that the roundabout at Oregon St. and Murdock Rd. make it even more difficult, and that as Old Town further develops it would be less desirable to have LI property in this location. Patrick also stated that the closure of Oregon St. will make the site more isolated. Patrick said that the DEQ has signed off that the area is environmentally clean for residential standards and that there is approximately 3-5 months of other site clean-up remaining. Patrick did not have a letter from DEQ confirming this information.

Jean Lafayette asked staff how the Commission can obtain confirmation of statements made by the applicant that the environmental clean-up meets residential quality standards set by the DEQ.

Julia Hajduk said that when she spoke to DEQ in August the standards had not been met and suggested that a letter from the DEQ is recommended.

Patrick Lucas stated that he would not build townhomes or a care facility on land that proposed any risk to the public, and that DEQ standards would also be documented on any property owner documentation.

Vice Chair Allen said that if the Commission approved the project, one of the conditions of approval could be that a letter from DEQ is required.

Julia Hajduk confirmed.

Vice Chair Allen reviewed the next steps to begin first by hearing conditions from the Staff Report on the proposed plan amendment, followed by applicant comments on the plan amendment and any other public testimony, and then rebuttal.

Julia Hajduk stated that staff asserts there is not sufficient evidence to support approval. Julia said that staff is charged with the task of reviewing proposals against the Code, rules and regulations. Julia said based on her analysis the plan amendment did not submit enough evidence for staff to support a recommendation of approval. Specifically, items not addressed include, Metro Functional Plan Titles 1 & 4 (attachments 8 & 9) target standards regarding employment and industrial land, and Goal 9 regarding economic standards. Julia referenced a letter from Mr. Lucas (attachment 4) after she met with him to discuss items necessary for submittal to meet these requirements, and that Mr. Lucas states he has addressed the LI market. Julia reaffirmed that there was nothing in Mr. Lucas' project narrative or any other submitted material addressing this element, that takes into account required economic inventory as required in OAR 660.090-0015 (attachment 10). Julia stated that Mr. Lucas did submit a traffic study to address the Transportation Planning Rule (TPR) that was reviewed by Gene Thomas, P.E. City Engineer, and Tom Pessimier, P.E., and that Mr. Lucas' submitted traffic study did not meet the TPR. Julia asked Gene Thomas or Tom Pessimier who were present, to speak to the Commission regarding this issue.

Gene Thomas, P.E., City Engineer – Gene stated that the traffic study submitted by Mr. Lucas did not address the TPR and referred to Attachment 7 on the number of issues requiring further investigation. Gene said that some detailed items included: traffic counts for school hours are needed; counts were not done on 1st & Pine Streets or the link into Oregon Street; mitigation would be required at the intersection of Tonquin Rd. & Oregon Street that involves the County and that input from the County would be required; and a turn lane would likely be needed on Oregon Street.

Julia Hajduk said that the applicant's narrative addressed some of the Comprehensive Plan criteria, but did not meet statewide planning goals. Julia said that timeliness is one of the requirements for plan amendments and that this cannot be determined without an economic inventory that facilitates analysis to meet the requirement for providing a 20 year supply of industrial land.

Vice Chair Allen asked if an economic inventory is not available.

Julia Hajduk stated it is out of date and that it is the applicant's responsibility to provide this evidence to support the proposal, and for staff to evaluate compliance to State and regional requirements. Julia said another Comprehensive Plan standard that should be addressed it that there are other properties available for this use. Julia stated that Attachment 6 identifies other areas zoned for the proposed use, and that LI zoning accommodates a variety of uses included office and restaurants under conditional use. Julia stated that the site is part of a larger industrial picture and that approval of the site specific plan amendment without evidence available to us

that complies with local, regional and State requirements would set a precedence, that in Staff's opinion, is not good policy.

Russell Griffin asked staff why there isn't a current economic inventory study available.

Julia Hajduk stated that a grant has been applied for to do a current economic inventory study and that she does not know why it had not been done previously.

Russell Griffin asked to confirm if it was the applicant's responsibility to provide this information.

Julia Hajduk confirmed the information is needed to demonstrate requirements are met.

Vice Chair Allen reiterated that it is the City's responsibility to confirm findings either from our own reports or those submitted by the applicant.

Julia Hajduk confirmed.

Vice Chair Allen reference Page 10, policy #6 of the Staff Report regarding the Comprehensive Plan, and asked Staff to clarify how the applicant's findings were inconsistent with this goal.

Julia Hajduk stated that addressing the housing issue with the proposed plan amendment is not necessary to meet that goal.

Russell Griffin asked how there would be access to the property located above the proposed site that is zoned General Industrial (GI), if this application were approved.

Julia Hajduk said that access comes into play within the townhome section of the application, but the eastern portion of the townhome site has a private drive (granted easement) that would allow access to the mini-storage site.

Russell Griffin asked for explanation for the difference between GI & LI in that location.

Julia Hajduk said the GI zone accommodated the mini-storage use and that if the mini-storage had not been built the area would have been zoned LI.

Jean Lafayette said that previous zone changes have been site-specific, and that due to environmental land issues at the time of the mini-storage application it was determined this use was good for that location.

Russell Griffin asked Commissioner Lafayette to clarify why the Planning Commission approved site-specific zoning to the mini-storage property.

Jean Lafayette said the it had been an environmentally poor and blithe section of property that had an opportunity with the mini-storage application for an appropriate use.

Vice Chair Allen asked staff to show on the map where the wetland and Rock Creek areas are and where buildable area begins.

Julia Hajduk demonstrated these locations on the map.

Jean Lafayette asked staff to explain the TPR and mitigation requirements from the Engineering Dept. in regard to Oregon St. and Tonquin Rd.

Julia Hajduk deferred to Tom Pessimier, P.E.

Tom Pessimier said that the State requires traffic signal mitigation for intersections that are failing.

Jean Lafayette said turns at Oregon St. and Tonquin St. are already failing, and that left turns off Tonquin Rd. to Oregon St. is currently hazardous during peak hours. Jean asked for clarification on what the applicant's responsibility is within the project for an intersection that is already failing, even if the applicant's project increases traffic flow.

Tom Pessimier stated the determination involves information available in the Transportation System Plan (TSP) that provides twenty-year planning, and more traffic study information than what was provided.

Julia Hajduk said that it is unknown if the proposed project would generate more trips than the existing use for the plan amendment, as outlined in the memo from DKS, there was insufficient information available in the application to make a determination. Julia said for this reason staff is unable to confirm the applicant's compliance with the TPR.

Vice Chair Allen said that it is possible that the once it is determined the number of trips allowed by the LI and residential zones, there may be some overlap in trips generated. Patrick asked for example, if some residential uses could generate a lower trip count and some LI uses could generate a higher trip count.

Julia Hajduk said that the recommendation from DKS and the TSP requires the highest and best use of both, and asked if Tom Pessimier could confirm this information.

Tom Pessimier confirmed and stated that when considering comprehensive plan changes, it is necessary to look at what kinds of uses could be built.

Vice Chair Allen asked if an example might be to compare an apartment building to a restaurant.

Jean Lafayette said, or a site-specific use such as the General Industrial (GI) zone [previously referred to in the mini-storage application].

Julia Hajduk said that when approving site-specific zone changes which revert back to the original zone if the approved site plan is not built, or even if it is built and then later applies for a change of use, it is difficult to track over time and use the zone map for new applications without knowing the history of conditions which applied to the site-specific zone change.

Jean Lafayette said that this site is unique and carries its own burdens in [inaudible] purchasing agreement and the DEQ regulations, that these should be taken into consideration.

Julia Hajduk said the applicant however, has not provided the burden of proof.

Patrick Lucas – [inaudible, began speaking away from microphone at map easel], traffic at Oregon St. and Tonquin Rd. was already failing. Mr. Lucas said they would pay for a traffic signal at this location.

Vice Chair Allen asked Mr. Lucas to return to the testimony table so that his testimony would be more audible and could be recorded.

Patrick Lucas said that he has lived here for some time and that it is his understanding that the City prefers concomitant zone changes for control, rather than basing zone changes on twenty year plans. Patrick asked his partner Greg Roderick to provide testimony about the site.

Greg Roderick, 17400 SW Upper Boones Ferry Rd., Ste. 230, Durham, OR 97224 [signed on testimony card / gave 3811 NW Devoto Ln., Portland OR, 97229 on tape] – Greg said the he owns Frontier Management Co. that has twenty retirement, assisted living and Alzheimer's facilities, and has a family background in the business. Greg said the proposed site in Mr. Lucas' application is an ideal location for an Alzheimer's care facility. Mr. Roderick stated that some of the qualities that support the ideal location is the proximity to an existing assisted living facility, neighborhood environment, and Old Town. Greg stated that Frontier Management Co. has an excellent reputation and cited references. Greg also stated that a care facility would provide about 30 full-time jobs.

Jean Lafayette expressed concern about the proposed High Density Residential (HDR) zone change in a well-established neighborhood currently zoned Low Density Residential (LDR) or Medium Density Residential Low (MDRL) with single family homes, and said a change to HDR is a large jump that may not be the highest and best use of the site.

Patrick Lucas said he may be pushing the envelope for HDR, but that he feels 35 townhomes is not a large development and that smaller lots would allow more housing at a lower price.

Jean Lafayette stated that staff has indicated that the criteria hasn't been met and why the proposed project does not work, and asked the applicant to explain how the proposed project does meet the criteria and does work.

Patrick Lucas asked where to start.

Lean Lafayette suggested addressing the issue of timeliness.

Patrick Lucas said he does not believe that if the site were zoned today that it would not be zoned Light Industrial (LI). Patrick also said there are 5 acres of industrial-zoned land next to the site and that there would be more truck traffic associated with more industrial property in the area.

Vice Chair Allen addressed Item #D, Page 8 of the [staff] report that states other lands are suitable and asked the applicant to respond.

Patrick Lucas said the properties addressed by staff include 8 on Murdock Road, which Patrick said is too remote for this type of project. Patrick said that another property identified by staff is

the old Cannery site, which Patrick said could work there, but does not see the City being supportive of that location. Patrick said that another parcel identified by staff is on North Sherwood Blvd., a 5- acre property limited in buildable space due to wetland issues and dimensions that work not work for this project. Patrick stated another site identified is the Ice Arena and that a site close to Hwy. 99 is not conducive to this project type. Patrick also stated he already has a proposal submitted for the site identified by staff near Meinecke Rd. and Cedar Brook Way for a retirement center, and that from a marketing standpoint it is undesirable to locate a retirement facility next to an Alzheimer's care facility. Patrick said the remaining properties are along Hwy. 99 and for the same reasons outlined near the Ice Arena, this is not desirable.

Vice Chair Allen said he has noticed a market that supports continuum of care by having these facilities located in proximity of each other to support continuing care needs.

Greg Roderick said that they have proposed a retirement facility to meet a current need in the community, and that this proposed Alzheimer's care facility meets a need, but that there is not a current need for an assisted living facility in the community and that assisted living care is the link between the 2 for a continuum of care.

Vice Chair Allen asked the applicant to respond to the issues outlined by staff in the Staff Report regarding Goal 9 Metro Standards, that there was insufficient information submitted to provide evaluation or findings.

Ty Wyman, applicant's attorney, Dunn, Carney et al, 851 SW 6th Ave., Ste.1500, Portland, OR 97202 - Mr. Wyman stated that various statues and regulations can get in the way of a more fundamental question on establishing the appropriate zone for this property. Mr. Wyman said that Goal 9 has not accomplished anything in thirty years and that he would find it difficult if the City determined that Goal 9 mandates denial the proposed rezone.

Vice Chair Allen stated that the Department of Land Conservation and Development has recently spent considerable time and process to make significant changes to Goal 9 rules.

Ty Wyman expressed some agreement [inaudible], and said that in regard to the Functional Plan issue, Metro did not specifically say this could not be done, but says they would consider [inaudible]. Mr. Wyman said he believes there is a policy disagreement between staff and the applicant that is being [inaudible] by regulations.

Vice Chair Allen said the law requires that a number of findings and compliances be met for all applicants.

Ty Wyman discussed Metro Title 4 and stated he did not believe this stood in the way of the proposed plan amendment.

Vice Chair Allen discussed flexibilities in Metro Title 4 [inaudible].

Ty Wyman said he believes there is nothing in Metro's Title 4 that prevents a change from industrial to residential and that Metro's Title 4 is basically designed to keep the Walmart's of

the world from using up industrial land. Mr. Wyman also stated that Metro's Title 4 has also attempted to restrict medical use in LI zoning for his client Providence Medical Center.

Matt Nolan asked Mr. Wyman if he was saying that Metro did not want LI zoned land rezoned for both medical and commercial.

Mr. Wyman said he could not explain what Metro wants. Mr. Wyman reiterated that it is his belief that the concern is that retailers do not convert industrial land.

Vice Chair Allen stated that the applicant's argument has not been met by materials, specifically Titles 1, 4 and Goal 9. Patrick also said other findings in the Staff Report have not been specifically been addressed by the applicant to meet standards.

Jean Lafayette confirmed rebuttal materials and proof have not been provided by the applicant.

Ty Wyman suggested a continuance to return with more documentation.

Julia Hajduk said due to the extensive staff time and research involved in preparation for this application, staff recommends denial of this application and stated that a new application could be submitted at a later date which provides more substantial information. Julia also stated that the current application has already been noticed to be heard at City Council on October 18, 2005.

Kevin Cronin reiterated that it is Staff's recommendation that the Planning Commission recommends denial on the existing application and forward to City Council on October 18, 2005 for their review with that recommendation.

Vice Chair Allen asked staff to confirm that the Code provides a first continuance in an application hearing if requested by the applicant.

Julia Hajduk confirmed, and also stated that the plan amendment portion of the application is legislative, but the site plan is quasi-judicial and falls under the 120 day rule, which is effective in October following the date set for City Council.

Kevin Cronin expressed the project has been in process for a year and objected to a continuance.

Vice Chair Allen said they would take Staff's recommendation under advisement and asked if Commissioners had any other questions.

Dan Balza asked staff to clarify if the pellet factory that is located across the railroad tracks on the other side of the site is also on land zoned LI.

Julia Hajduk confirmed.

Russell Griffin asked staff to clarify if it was opposed to the proposed zone change or if it was only their position that the criteria has not been met.

Vice Chair Allen interrupted to clarify that it is Staff's role to find if an application complies with the Code.

Vice Chair Allen opened the hearing to public testimony.

Michael Morse, 5668 Victoria Court, Lake Oswego, 97035 – Mike said that he represents Sherwood Self-Storage located to the north of the applicant's site. Mike stated that in 2002 their site received approval from the City to be rezoned from Light Industrial (LI) to General Industrial (GI) for their storage business. Mr. Morse also stated that if Mr. Lucas' application is approved they believe the highest and best use for their property would also be residential and that they would plan on submitting a new application for a similar residential project with possibly 10-15 units per acre.

Jean Lafayette expressed concern over Mr. Morse's testimony and referred to the original rezone for the storage business that she heard while serving on the Planning Commission in 2002. Jean stated the property was an environmentally hazardous site and it was determined, that to be developable and safe for the future, the site required to be cleaned-up and capped with cement. Jean also stated that she was extremely surprised and concerned that Mr. Morse would consider a residential application on a site that was approved on a site-specific basis for General Commercial zoning, due to existing conditions that needed to be addressed. Commissioner Lafayette asked Mr. Morse how they would expect to sell residential zoning on their specific site.

Michael Morse said they have the property cleaned to [inaudible] standards. Mr. Morse also stated that he has received information from the DEQ that with further clean-up they could be approved for residential use.

Vice Chair Allen asked if there was any further public testimony. There was none. Vice Chair Allen closed the public hearing and adjourned for a 10 minute break.

> 10 minute break at 8:45 PM <

Vice Chair Allen reconvened the session at 8:55 PM.

Vice Chair Allen recapped the process and restated the request by the applicants for a hearing continuance to respond more fully to the Staff Report. Staff has expressed concern about the time spent in preparation for the project and articulating problems regarding the application with the applicant. Patrick asked the applicant if and how a continuance would help.

Patrick Lucas confirmed that a continuance would help. Patrick said he has been involved with the tannery site about 5 years. Patrick also stated that new City staff and turnover has made continuity of communication difficult. Mr. Lucas also stated that once the application was deemed complete he did not understand they needed a traffic study, which was submitted later. The 120 day rule was extended in order for time to respond. Patrick also stated that the Staff Report is extensive and they need more time to address it.

Ty Wyman stated his services were contracted by Mr. Lucas last Thursday and that he believes a continuance is in good faith and in the best interest of the City. Mr. Wyman suggested a couple of weeks.

Vice Chair Allen stated that 2 weeks would actually be less in order for staff to have time to prepare and Commissioners time to review materials.

Ty Wyman stated the applicant would be willing to extend the 120 day clock in order to allow time for staff to prepare and review materials.

Vice Chair Allen read hearing continuance information from the Code and asked Staff for a response on the request, and if Staff deems the request to be valid.

Julia Hajduk stated that Staff did not believe the request is valid. Julia stated that the applicant has been informed numerous times of the material that was lacking and required. Specifically on July 12, 2005, Julia said she spoke to Mr. Lucas and specifically defined items the application was not sufficient, including Metro Titles 1 & 4, statewide planning goals, TPR, and OAR 6.009. Julia said she also stated that further analysis was required to make findings. Julia stated Mr. Lucas did submit a traffic study, but no additional information was submitted. Julia restated that adequate notice had been provided to Mr. Lucas for all required materials. Julia said 2 weeks would not provide enough time to address the remaining issues, have Staff do analysis for a revised Staff Report, and receive information back from agencies.

Kevin Cronin stated that the City Council can review the existing information and make a determination based on the recommendation by the Planning Commission.

Jean Lafayette stated that the Commission has a history of allowing hearing continuance requests to allow for a better end product, and that the City Council relies on the Planning Commission to have thoroughly reviewed an application before making a recommendation to the Council for review.

Matt Nolan agreed with Commissioner Lafayette.

Todd Skelton also agreed with Commissioners Lafayette and Nolan.

Vice Chair Allen asked staff for a recommendation on a workable timetable for the continued hearing.

Kevin Cronin said that agendas are scheduled through the next 2 months, unless the Planning Commission wants to change the schedule.

Jean Lafayette recommended adjusting the schedule to accommodate the Sherwood Oaks (PA 05-03 / SP 05-09) hearing continuance.

Kevin Cronin stated that in August 2004 he worked with Mr. Lucas on the original application that still required information on the TPR, as well as other issues. Kevin said this request for information was made to Mr. Lucas and Mr. Lucas' attorney. Kevin stated that after 6 months there was still not a completed application on this project from Mr. Lucas with the information needed. Kevin said in January 2005, he and the previous senior planner, met with Mr. Lucas about the same issues. Kevin stated that more than a year has passed and we are still at this point. Kevin restated that a continuance in his opinion, would not be productive.

Vice Chair Allen asked the applicant for a specific time requested for the continuance.

Ty Wyman suggested the first session in November.

Vice Chair Allen asked staff for a confirmation of the November date and if this time frame was sufficient.

Julia Hajduk confirmed that November 8th is the first hearing in November.

Vice Chair Allen reiterated that the applicant has requested a hearing continuance to November 8, 2005 with a corresponding extension of the 120 day rule on both projects, PA 05-03 and SP 05-09. Vice Chair Allen also reiterated that staff is recommending against a continuance [inaudible], and asked if there was a motion to grant the continuance request.

Jean Lafayette motioned for the continuance.

Matt Nolan asked for confirmation that a hearing with the Planning Commission on November 8th would allow time on the calendar for the City Council to hear to proposal.

Vice Chair Allen commented that the applicant's project is currently scheduled to be heard by the City Council on October 18th.

Julia Hajduk confirmed, and stated that published notice has occurred for the October 18th Council session and would need to be renoticed. Julia recommended that the applicant cover the additional cost of \$165 to renotify the hearing.

Ty Wyman stated that the applicant will pay the renotify fee.

Julia Hajduk stated that due to the holidays, it is uncertain what dates the Council will hold sessions in November and December.

Vice Chair Allen stated there was a possibility the extension of the 120 day deadline would need to go in to January.

Ty Wyman stated the applicant recommends extending the 120 day deadline to January 18, 2006 to accommodate the possibility the hearing before City Council may need to be in January.

Vice Chair Allen asked if there was a motion to grant the continuance request.

Jean Lafayette motioned for the continuance.

Vice Chair Allen reiterated that there was a motion for a continuance of the hearing for Sherwood Oaks, PA 05-03; SP 05-09, and an extension of the 120 day clock to January 18, 2006, and asked if there was any further discussion on the motion. There was none. A vote was taken:

Vote: Yes-6 No-0 Abstain-0

Motion carried.

Vice Chair Allen stated the hearing has been continued to November 8, 2005 at 9:10 PM.

Julia Hajduk asked the Commission if the additional materials the applicant was allowed to submit include responses to both the plan amendment and site plan, or if it is confined to the plan amendment.

Vice Chair Allen stated that the applicant should have the opportunity to respond to the entire staff report, including all aspects of the application addressed in the staff report. Vice Chair Allen asked the Commission if there was consensus.

Jean Lafayette agreed.

Matt Nolan agreed.

Vice Chair Allen received affirmations of consensus from the remaining Commissioners and asked if there were any further comments by Commissioners. There were none.

7. Amendment to Chapter 6, Public Improvements - Vice Chair Allen opened the discussion for the plan text amendment for the addition of fiber optic conduit standards for public right-of-way and other City property.

Julia Hajduk said the plan text amendment is requested to update Chapter 6 on Public Improvements to include fiber optic standards that facilitate Sherwood Broadband access and also clarify existing utility requirements. Julia stated that Staff asking for direction from the Planning Commission to proceed.

Jean Lafayette moved that the Planning Commission direct Staff to proceed with a plan text amendment for the Fiber Optic Conduit Standards for public right-of-way and other City properties.

Matt Nolan seconded.

Vice Chair Allen stated the motion and been seconded and asked if there were any questions. There were none.

Vote: Yes-6 No-0 Abstain-0

8. Comments from Commission -

Russell Griffin shared some information from the Oregon Planners Institute conference that he attended on September 16th & 17th in Eugene, including a seminar specifically for Planning Commission members. Russell said it was comprehensive and informative, and recommends this venue for future opportunities.

Jean Lafayette asked if the illegal Safari Sams sign had been removed.

Russell Griffin confirmed that it was, which Staff also confirmed.

Jean Lafayette suggested that there be a 3-way stop initiated at the intersections of Langer Dr. and Baler St., due to the new traffic issues that have developed from the Arbor Terrace development. Jean also stated that the visibility of the HVAC equipment on top of the new Sherwood Lofts building at Railroad Blvd. and Main St. is not meeting Code, that the equipment and asked Staff to check into the issue.

Kevin Cronin said the Staff will look into it. Kevin also stated that a Stop Work Order had been issued by the Building Department due to the a fourth floor being added that was not initially proposed or approved.

Vice Chair Allen asked if there were any other comments. There were none.

9. Next Meeting – October 11, 2005 – Water System Master Plan hearing (PA 05-01).

10. Adjournment - 9:15 PM.

End of Minutes