



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

November 22, 2005

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 27 & November 8, 2005**
- 4. Brief Announcements**
- 4. Community Comments** (*The public may provide comments on any non-agenda item*)
- 5. New Business: Site Plan Modification Interpretation**
City staff has requested an interpretation of the site plan change standards in Section 5.102.03 of the Sherwood Zoning & Community Development Code. The Commission will consider a staff report and provide feedback to staff for future decisions on what constitutes and triggers a site plan modification application. (*Julia Hajduk, Senior Planner, Planning Department*)
- 6. Comments from Commission**
- 7. Next Meeting:** December 13, 2005 – Area 59 Concept Plan
- 8. Adjournment**

Area 59 Work Session

The Planning Commission will convene a work session immediately following the conclusion of the regular agenda. The work session will focus on the Area 59 concept planning process. It is an opportunity for the Commission to be briefed on the project and ask questions in an informal setting. For more info on Area 59, please contact the Kevin A. Cronin at 503-625-4242 or cronink@ci.sherwood.or.us.

my copies

MEMORANDUM



TO: Planning Commission

FROM: Cynthia Butler

DATE: November 21, 2005

RE: Sherwood Oaks PA 05-03; SP 05-09; LLA 05-02

My apologies for late delivery of the draft minutes for 9/27 & 11/8 hearings. Overall, there were multiple difficulties with the tapes in addition to other scheduling issues. Hopefully, you will have time to review these prior to the meeting tomorrow evening.

Secondly, Julia has asked that I remind you to please bring all of the Sherwood Oaks materials that you may have taken home with you, back tomorrow night so she can submit them to City Council. Thank you.



MEMORANDUM

City of Sherwood
22566 SW Washington St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.ci.sherwood.or.us

Mayor
Keith Mays

Councilors
Dennis Durrell
Dave Grant
Dave Heironimus
Linda Henderson
Dan King
Dave Luman

City Manager
Ross Schultz

DATE: October 24, 2005
TO: Planning Commission
CC: Kevin A. Cronin, AICP, Planning Supervisor
FROM: Julia Hajduk, Senior Planner *JPH*
SUBJECT: Planning Commission Determination

The Planning Department has been made aware of a change in Hunter's Ridge Building "C". The change involves reducing the number of bedrooms on the end units facing the parking lot to provide for a community deck. While this change does alter the exterior elevation of the approved plan, planning staff has concerns that there needs to be threshold criteria to apply fairly and consistently.

Technically, changing the appearance or location of a window changes the exterior elevations, however, this does not warrant an entirely new site plan review. The Hunter's Ridge Building "B" modification clearly required a new site plan review because the exterior alteration change impacted the entire south facing side of the building, added an additional floor of living space, increased the number of bedrooms and potentially impacted parking. However, staff has concerns that there is not a clear distinction for proposed modifications of lesser impact. We are asking for input and direction from the Planning Commission so that future modifications can be fairly and consistently reviewed. The following is our recommendation for a more streamlined and consistent review process:

Any change to approved plans, after final site plan approval, shall be submitted with the required fee of \$300 for an interpretive decision. Staff will conduct a preliminary review of the "Substantial alteration" criteria (5.102.02) to determine if:

A. The activity alters the exterior appearance of a structure, building or property.

Staff will consider:

- *if the change increases height, square footage or density; or*
- *if the change is generally inconsistent with the intent or understanding of the hearing authority after reviewing the*

notice of decision and, if necessary, meeting minutes. If there is no discussion of the detail in question, staff will assume this was not of concern to the Hearing Authority; or

- *If the change will result in violation with a condition of approval or a development code standard.*

B. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.

C. The activity involves non-conforming uses as defined in Section 2.206.

D. The activity constitutes a change in a City approved plan, as per Section 5.102.03.

Staff will consider:

- *if the change increases height, square footage or density; or*
- *if the change is generally inconsistent with the intent or understanding of the hearing authority after reviewing the notice of decision and, if necessary, meeting minutes. If there is no discussion of the detail in question, staff will assume this was not of concern to the Hearing Authority; or*
- *If the change will result in violation with a condition of approval or a development code standard.*

E. The activity is subject to site plan review by other requirements of this Code.

F. Review of any proposed activity indicates that the project does not meet the standards of Section 5.102.04.

Staff will evaluate if the change alters parking, landscaping, dimensional standards, Architectural location and design of the building and demand on public utilities and infra-structure, to determine if a more detailed review would be necessary to ensure compliance.

If, after this initial review, it is determined that the proposed modification requires a site plan review, staff will inform the applicant and they will be required to submit a Site Plan application along with the required fee.

Action requested: Review staff's recommended approach to determining if a modification to an approved site plan is significant and provide direction for staff to apply to the Hunter's Ridge Building "C" modification and future projects. If the proposed approach is reasonable approve it by voice vote until such time a code change is deemed necessary.

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
November 22, 2005

Commission Members Present:

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

Staff:

Kevin Cronin, Planning Supervisor
Julia Hajduk, Senior Planner
Cynthia Butler, Administrative Assistant

Commission Members Absent:

Vice Chair Patrick Allen

1. Call to Order/Roll Call – Chair Adrian Emery called the meeting to order at 7 PM. It was noted that Vice Chair Allen although not present, would arrive at approximately 7:45 PM.

2. Consent Agenda – Minutes: September 27th and November 8th, 2005. Delivery of minutes was delayed to the evening of November 21st due to exceptional circumstances. Not all Commissioners had time available to review minutes before meeting. A vote to approve minutes was taken:

Vote: 09/27/05 Minutes: Yes: 3 Abstain: 3 No: 0

Vote: 11/08/05 Minutes: Yes: 4 Abstain: 2 No: 0

3. Agenda Review

4. Brief Announcements – Kevin Cronin said that the City received an Economic Opportunities Analysis Grant for \$30,000 and that the RFP process will likely occur after the holidays. Kevin said there is an open house for the SE Sherwood Master Plan on November 30th located at the Sherwood Police Facility, and that Commissioners Allen and Lafayette have indicated they will also be present. Kevin said the last CAC meeting for Area 59 will be held at the YMCA in the multi-purpose room on December 1st. Kevin said that he will be attending a Legal Issues workshop sponsored by the Oregon Chapter of the American Planning Association on December 10th at Metro, and will provide an oral or written staff report on the workshop to the Commission.

5. Community Comments (not on the agenda) – None.

6. New Business: Site Plan Modification Interpretation – Chair Emery summarized that Staff is asking for guidelines from the Commission regarding future site plan modifications.

Jean Lafayette referred to Julia Hajduk's memo and asked for clarification on items listed under sections A & D, and asked Staff if any changes in height, square footage, or density would be

considered a significant modification, or if all of these would have to be met to be considered a significant modification.

Julia stated that the Planning Department will look these issues in terms of consistency within the entire picture to determine if a change is significant to trigger a full site plan review or modification. Julia stated that Staff wants to identify simple changes versus significant changes so that adjustments do not also become delayed in the process unnecessarily.

Russell Griffin said that changes in square footage should be more defined and that small amount changes in square footage should not require site plan review.

Chair Emery stated that Staff is looking for the approval to move forward in evaluating what issues should be considered for bringing site plan modifications under review, after the original site plan has already been approved through the Planning Commission process.

Julia said that Staff welcomes feedback on the direction to proceed and thanked Commissioner Griffin for his comments. Julia said that some jurisdictions have a percentage threshold for increases in square footage for example that would not impact the footprint of the site plan.

Dan Balza cited an example of the Woodhaven Church project and that it was significantly altered in terms of square footage.

Kevin Cronin confirmed and said the Woodhaven Church site plan clearly should have returned to the Planning Commission. Kevin said this project was under another Planning Department's supervision at that time and it did not occur. Kevin said Staff is currently seeking direction for site plan modifications that should come back to the Planning Commission, either by establishing percentages for measuring modifications or if the Commission prefers to evaluate on a case-by-case basis. Kevin stated that the current case-by-case basis allows Staff more flexibility to make determinations.

Jean Lafayette asked Staff to clarify whether changes would be integrated into the Code or be an internal guideline memo.

Julia Hajduk said that presently Staff would likely apply guidelines as an internal memo, but that in the future it may be incorporated into the Code if deemed necessary. Julia stated that for perspective, another municipality uses 10% as a guideline, which is a considerable change for a large building.

Chair Emery asked Julia if the 10% was for all three modifications, height, density and square footage.

Julia Hajduk confirmed it was for square footage.

Chair Emery stated that he felt height and density were more critical issues.

Julia Hajduk said a 10% square footage modification example that had considerable impact was a Fred Meyer project that resulted in a 10,000 square foot modification.

Dan Balza suggested that a guideline could be 10% or 750 square feet whichever is less, as an example.

Russell Griffin said it may be beneficial to research what other municipalities use as a guideline. Julia Hajduk asked if the Commission would give approval for Staff to proceed with the present site plan modification for Hunter's Ridge Bldg. C, which Staff has determined not to be a major modification, & that Staff will conduct more research on policies of other jurisdictions to bring back for a future meeting on this issue.

Dan Balza said that a future decision on site plan modifications would give the message to developers that if they make a significant change that another site plan review will be required. Dan asked Staff if it would be more effective for planning staff if a site plan modification guideline was more formally defined as a text amendment to the Code.

Kevin Cronin said clear & objective standards assist planning staff in doing their jobs more effectively, but that also projects taken on a case-by-case basis provide flexibility to planning staff. Kevin said the determination is up to the Planning Commission and City Council to direct Staff on a guideline.

Julia Hajduk said that over the long term a formal process lends to consistency and fairness for developers.

Kevin Cronin stated that regulations are for the 10% of the developers who do not comply with the process.

Russell Griffin asked if the majority of recent changes have been due to Staff finding modifications or if developers have informed Staff of changes.

Julia Hajduk stated that the recent discoveries have been made by the Building Department.

Jean Lafayette asked if there has been a \$300 fee to the applicant for plan review by Staff once a modification has been discovered to determine if the change is significant.

Julia Hajduk stated that no fees have been charged to date, but that Staff recommends the \$300 fee that is currently listed in the fee schedule as a Planning Director's interpretation fee.

Jean Lafayette said that she is uncertain whether or not the Planning Commission can give direction on a fee.

Chair Emery stated that the Planning Commission can recommend a fee to City Council.

Julia Hajduk said that Staff is seeking direction from the Commission on the process and not for the issue of fees.

Jean Lafayette asked if the \$300 determination fee would be applied to the fee of 50% of original site plan fee the applicant would be required to pay for new site plan review.

Kevin Cronin stated the fee issue would need further evaluation by Staff.

Mayor Keith Mays, in the audience, stated that the process could be determined first and fees decided at a later date.

Matt Nolan suggested that guidelines should also address the possibility of a developer making repeated minor changes.

Chair Emery asked for a consensus from Commissioners on Staff proceeding with research for recommending guidelines on site plan modifications made after the initial site plan has been approved through the Planning Commission process.

Consensus from all Commissioners was received.

7. Comments from Commission - Jean Lafayette thanked Staff for the tour of the new Civic Building and Library. Dan Balza asked Commissioner Griffin if he had obtained a copy of the text from the Planning Commission training he attended in Eugene in September. Commissioner Griffin said that he had contacted the Lane Council of Governments to receive permission to copy the seminar materials and has not heard back, but that he will contact them again.

8. Next Meeting – December 13, 2005 – Alto Diesel Island Appeal; Area 59 Concept Plan; Chapter 9, Historic Resources review.

9. Adjournment – Chair Emery adjourned the regular meeting at 7:35 PM and transitioned to a work session on the Area 59 Master Plan project.

End of Minutes