



**City of Sherwood  
PLANNING COMMISSION**

**Sherwood Police Facility  
20495 SW Borchers Drive**

**August 19, 2003**

**Regular Meeting -7:00 PM**

**A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Consent Agenda**
- 3. Agenda Review**
- 4. Community Comments** *are limited to items NOT on the printed Agenda.*
- 5. Public Hearings:** (Commissioners declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the procedure identified in Resolution 98-743, adopted June 9, 1998 (copies available on table):
  - A. (referred to Planning Commission by Hearings Officer on 08-11-03)**  
**CUP 03-04 Smock House Conditional Use Permit/Site Plan:** a request by the Sherwood Historical Society to house the "*Sherwood Historical Society's Living History Center*" in the Smock House, to be relocated to First & Main, further described as Tax Lot 5200, Map 2S 1 32BC. The site is zoned Institutional Public (IP). (*Dave Wechner, Planning Director*)
- 6. New Business**
- 7. Adjourn**

**ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED  
TO THE NEXT REGULARLY SCHEDULED MEETING**

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**August 19, 2003**

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

Chair Adrian Emery called the Planning Commission meeting to order at 7:00 PM.

Commission Members present:

Patrick Allen  
Dan Balza  
Adrian Emery  
Kevin Henry  
Jean Lafayette  
Ken Shannon  
Bill Whiteman

Staff:

Dave Wechner, Planning Director  
Sandra Burtzos, Senior Project Manager  
Roxanne Gibbons, Recording Secretary

**2. Consent Agenda**

There were no agenda items.

**3. Agenda Review**

There were no changes to the Agenda. *Note: Following community comments, the Commission added uses in the Light Industrial zone under New Business.*

**4. Community Comments**

Chair Emery called for community comments.

**Patrick Lucas, 23861 Dewberry Place, Sherwood, Oregon 97140**, addressed the Commission. Mr. Lucas stated that he has an application for a mini-storage facility on the old tannery site which is in the Light Industrial (LI) zone. He asked for an interpretation from the Commission regarding mini-storage facilities as a permitted use in the LI zone.

Mr. Wechner noted that the Light Industrial zone allows wholesaling, warehousing, and the storage of certain articles and products. The General Industrial zone allows commercial storage and mini-warehousing (Section 2.112.02I). The City has had a couple of requests from developers who want to build a mini-storage facility in the LI zone. The language in the LI zone discusses the storage of goods that are manufactured as a part of a light industrial operation (Section 2.111.02 P, Permitted Uses). He said that Mr. Lucas and another potential applicant are asking for clarification from the Planning Commission.

Mr. Wechner referred the Commission to his memo dated August 19, 2003 regarding the LI zone – commercial storage and mini-warehousing. A copy was distributed to the Commission and made a part of the record.

It was the consensus of the Commission that this item would be discussed under New Business tonight.

There were no further community comments.

## **5. Public Hearings**

Patrick Allen read the hearings disclosure statement and asked that Commission members reveal any conflicts of interest, ex-parte contact or bias.

Mr. Allen announced he had contact with the applicants in conjunction with his participation on the Sherwood Urban Renewal Planning Advisory Committee (SURPAC). He voted against a related proposal, but he did not believe he had any bias in relation to this conditional use permit application (CUP 03-04).

A member of the audience asked for further clarification from Mr. Allen.

Mr. Allen said he voted to recommend to the City Council to provide urban renewal funding for relocating the Smock House to the proposed general area, but the detailed site plan was not available. He voted against the Morback House proposal.

There were no objections from the Planning Commission or audience on Mr. Allen's participation in the public hearing.

### **5A. CUP 03-04 Smock House Conditional Use Permit and Site Plan (referred to the Commission by the Hearings Officer on August 11, 2003)**

Chair Emery opened the public hearing and called for the Staff Report.

Mr. Wechner referred the Commission to the Staff Report dated August 12, 2003, a complete copy of which is contained in the City Planning files. He explained that procedural changes to the Development Code in reviewing applications became effective May 22, 2003 and this application was submitted on May 27, 2003. This was why the Hearings Officer referred the application to the Commission. He noted:

- The Sherwood Historical Society (Society) is requesting approval of a conditional use permit to move the Smock House one block from its current location to 90 NW Park Street, Tax Lots 5200, 5300, Map 2S 1 32B.
- The site contains the Morback House and the remaining land is designated as Veteran's Memorial Park. The site is zoned Institutional Public (IP) and owned by the City of Sherwood.
- Two site alternatives for placement of the Smock House are being proposed. The City's landscape architect, Sandra Burtzos, is in attendance to answer questions about one of the site alternatives.
- The original site alternative (Attachment C of the Staff Report) is closer to Main Street and adjacent to the alley on the north portion of the site.
- The properties adjacent to the site are zoned Retail Commercial (RC) and Medium Density Residential Low (MDRL).

- The proposal is to convert the Smock House into a living history museum. A concrete foundation would be required as well as ADA access. The building will not be externally altered except to replace rotted and damaged siding on the rear of the building.
- The eventual use of the site is dependent on a lease agreement with the City of Sherwood.
- There are no parking requirements in the Old Town District.
- Chapter 6, the public improvements section of the Development Code (Section 6.401), requires new developments in the City of Sherwood to connect to water and sewer. The applicant does not propose to connect because currently there is no bathroom facility in the Smock House. The question is whether this development should be required to connect to water and sewer. The lateral could be stubbed to the new location of the house. If the Commission waives the water and sewer connection requirement, they would have to make a finding that the building does not qualify under this requirement.

In conclusion, Staff found that the application complies with the conditional use permit and site plan criteria. They recommend approval of the application with the conditions contained in the Staff Report, including conditions for ADA access, a final site plan that identifies the site alternative chosen for the site, limiting the use of the site to park hours and requiring that the sanitary sewer and water laterals be provided.

The Commission asked several questions regarding the connection to sanitary sewer and water.

Mr. Wechner said that assembly occupancies would require sewer and water. It would depend on the use of the building.

Mr. Allen asked if the use is not going to result in the need for the building to have running water, does the Commission have the flexibility to find that the new development sewer and water connection provision of the Code does not apply to this building.

Mr. Wechner responded that this was correct.

**Chair Emery asked if the applicant with the provide testimony.**

**Larry Koch, 21737 SW Aldridge Terrace, Sherwood, Oregon 97140, addressed the Commission.** He is a member of the Sherwood Historical Society (Society) and is representing them at this hearing. He noted:

- The Smock House is the oldest home still standing in Sherwood. They plan to restore the house to its original condition when it was constructed. At that time there was no indoor plumbing or water. Therefore, there are no plans, now or in the future, to have running water, restrooms or electricity in the house.
- The Smock House will not be occupied. They will restore the exterior and interior to its original 1868 condition.
- The house will be used for tours only.
- The placement of the Smock House will determine the landscaping. This detail has not been worked out yet. Water is available from the Morback House.

**Shelly Lamb, 18278 SW X, Sherwood, Oregon 97140**, addressed the Commission. She is also a member of the Sherwood Historical Society. She noted:

- Assuming the Society is given a lease for the Morback House, there is water available from that house.
- She did not know if the restored Smock House was going to have gutters.

Chair Emery noted that ADA and the Building Code requires exit signs. He asked if these signs would be battery powered or powered by generator. Ms. Lamb said they could be powered by generator or hard-wired at a later date.

The Commission received a copy of the Smock House Relocation Proposal – Pros and Cons by City Staff. It included Location A, the house would be located in the NE corner of the park facing the alley and Location B, the house would be located at the SW corner of the park facing Park Street (next to the Morback House).

Mr. Allen said the City Council has not considered Location B.

Mr. Wechner said if the Commission is going to disapprove one site, findings would need to be made based on the Development Code and the conditional use criteria.

Mr. Whiteman asked who wrote the “pros and cons” paper from Staff. Mr. Wechner said it was from the Public Works Staff.

Ms. Lafayette asked if the City sells the Morback House, would there be the potential that the Smock House would not be finished.

Mr. Koch said the City Council has stated that they must raise a minimum of \$15,000 and have a business plan. If the City leases the Morback house to the Society, this would make them ineligible for any Federal funds for the renovation of the Smock House. The Society is still in discussion with City representatives. If both the land and the Morback house were deeded to the Society, the issue of federal and state funding could be resolved.

Ms. Lafayette asked if the conditions should include that the Morback House be a part of the approval of the conditional use and site plan for the Smock House. She was concerned about the lack of sanitary and water service to the Smock House. Mr. Henry agreed with her concerns.

Mr. Koch said the Society would withdraw the northern alternative and request that the Commission consider only the southern alternative (Attachment D) as part of the conditional use and site plan application for the Smock House.

Ms. Lafayette asked what would happen if the support from the community did not continue. Is there a contingency plan?

Mr. Koch responded that part of the private support includes pledges over a number of years. The Society plans to continue to apply for funds from both federal and state agencies.

Mr. Whiteman asked if the Society had looked at any local funding, such as the Meyer Group.

Mr. Koch said they are aware of this private foundation. Ownership of the property would still be of prime importance to the Society.

**Sandra Burtzos, Senior Project Manager, City of Sherwood, 5600 SW Radcliff Lane, Portland, Oregon 97219, addressed the Commission.** She is also the staff liaison for the Parks Board. She noted:

- She has been working on the Downtown Streetscape Master Plan Project (Plan).
- The Plan has Veterans Memorial Park as a civic greenspace.
- On August 4, 2003, the Parks Board considered the location of the Smock House. They unanimously voted for the southern alternative location (Attachment D).
- The Plan will have more on-street parking. The current parking spaces in Veterans Memorial Park will be removed.

**Patrick Lucas addressed the Commission.** Mr. Lucas is a member of SURPAC. He supported the relocation of the Smock House to Veterans Memorial Park. He noted that Attrell's Funeral Home purchased the land where the Smock House is located more than a year ago. They have been very accommodating while the relocation of the Smock House is determined.

**Mr. Koch addressed the Commission.** He noted that hypothetically, once the property is deeded over to the Sherwood Historical Society, they do not plan to come back to the City for any resources or funding for the Smock House. He said a tour bus company will be coming to Sherwood to determine whether Sherwood could become a destination stop as part of the tour bus company regular route.

**Clyde List, 21235 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission.** Mr. List noted:

- Representatives from the Washington County Visitors and Convention Center will be coming to Sherwood on September 30, 2003.
- He has walked the tour bus route with the person who is organizing the event.
- They are trying to put the Smock House and Morback House together as the highlight of Sherwood's Old Town Heritage Trail. The Heritage Trail cover the nine block of the original Old Town that extends from 3<sup>rd</sup> Avenue to Railroad Avenue, and from Park Street to Pine Street. It includes 150 years of history.
- They have landmarks and he wished the City would place some brass plaques to identify these landmarks. There is an extension of the Oregon Trail running right through Sherwood.
- There is also a very interesting relationship to the Robin Hood legend which has been with Sherwood since 1891.

**Chair Emery asked if there was any further proponent or opponent testimony. There being none, Chair Emery closed the public hearing on CUP 03-04 for discussion and deliberations by the Commission.**

Mr. Allen said the Commission needs to be clear on what they are looking at. They are not looking at the Morback House proposal or the feasibility of it operating as a museum. The Commission is considering a conditional use permit request that has criteria in the Development Code and a Staff Report with findings. He would support the applicant's request to remove the northern alternative from the application. He would recommend a finding that the purpose of Section 6.401, required improvements for sanitary sewer, is to insure adequate treatment of wastewater and not for the renovation for historical demonstration purposes of a pre-1900 building, and that it does not apply. He would remove Condition C.2 from the Staff Report.

Mr. Whiteman said he agreed with Mr. Allen. He would support the relocation of the Smock House as an exhibit building.

Ms. Lafayette said if the Commission considered the Smock House as a destination building, they could not approve the conditional use permit without having the ability to provide water and sanitary sewer.

Mr. Allen said because the Smock House is not being rated as a building for assembly, the Commission cannot require the building to have restroom facilities. It is not being rated by the Building Official for assembly.

**Patrick Allen moved the Planning Commission approve CUP 03-04 Smock House Conditional Use Permit and Site Plan, reflecting applicant's intent to withdraw Attachment C, northern alternative, incorporating Staff recommendations, public testimony, and additional findings as noted below:**

- The applicant has withdrawn the original site plan alternative location, noted as Attachment 'C' in the staff report, and requested the Commission review only the southern alternative, known as Attachment 'D'.
- The requirements of Section 6.401 and 6.501 of the SZCDC should not apply in this case, and specific to this use, as the original structure was not designed or built with accommodations for modern utilities; and, the provision of sewer and water utilities in this historical structure would reduce its historical value as a living history museum. Furthermore, that Condition C.2. of the Staff Report be deleted, to satisfy this finding.
- Added a condition (noted as A.5. which reads: "Use of the Smock House as a living history museum shall not be construed to allow residential or assembly use, as defined by the Uniform Building Code."

**The Motion was seconded by Bill Whiteman.**

The Commission discussed the use of the building and how it would be rated. If the building is rated for assembly, then the sanitary and water services must be provided. The Commission agreed to take a 5-minute break to review the findings and language for the additional condition of approval.



**Chair Emery recessed the meeting at 8:20 PM for a 5-minute break and reconvened the meeting at 8:25 PM.**

The Commission voted on the motion.

**Vote for passage of motion: 7-Yes, 0-No, 0-Abstain**

**Chair Emery reopened the public hearing and asked the applicant if they wished to have the written record left open for 7 days to respond to the decision. The applicant declined leaving the record open for 7 days and supported the Commission decision. Chair Emery closed the public hearing.**

## **6. New Business**

The Commission reviewed the August 19, 2003 memo from Dave Wechner, Planning Director, regarding commercial storage and mini-warehousing in the Light Industrial (LI) zone. It was the consensus of the Commission that the Development Code was clear that mini-warehousing and commercial storage is not an allowed use in the LI zone. The LI zone should remain oriented towards businesses that would increase the employment base of Sherwood. The Commission did not feel any further action was required in clarification of the Code.

The Commission reviewed their work program and added the following items:

- Code interpretation and discretionary decision for Planning Director, Hearings Officer and Planning Commission.
- LED or alternative lighting signs.

## **7. Adjourn**

**There being no further business to discuss, Chair Emery adjourned the regular Commission meeting at 9:15 PM.**

Respectfully submitted,

Planning Department