



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

October 7, 2003

Regular Meeting -7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda**
 - A. September 16, 2003 Planning Commission Meeting Minutes**
 - B. PUD 02-03 Madeira Townhomes Final Development Plan**
- 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. PA 03-01 Accessory Uses & Changing Image Signs Plan Text Amendments.** Amend Section 5.702 Prohibited Signs by adding Section 5.702.07 Changing Image Signs as a prohibited sign. Amend Section 2.207 Accessory Uses by allowing accessory buildings in required side and rear building setbacks as defined. No accessory building over 3 feet that requires a building permit shall be located closer than 5 feet to any side or rear property line and 6 feet from any accessory or primary structure. Add "Accessory building see Section 2.207" to Sections 2.101.04B VLDR, 2.102.04B LDR, 2.103.04B MDRL, 2.104.04B MDRH, 2.105.04B HDR zones. (*Laura Pekarek*)
- 6. New Business**
 - A. Discussion of Neighborhood Commercial (NC) zoning districts.**
 - B. Special Council/Boards & Commission Meeting – October 22, 2003**
- 7. Adjourn**

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

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
October 7, 2003

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
Jean Lafayette

Staff:

Dave Wechner, Planning Director
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Kevin Henry
Ken Shannon
Bill Whiteman

2. Consent Agenda

Patrick Allen moved the Planning Commission approve the September 16, 2003 Planning Commission meeting minutes and PUD 02-03 Madeira Townhomes Final Development Plan as presented. Seconded by Jean Lafayette.

Vote for Passage of Motion: 3-Yes, 0-No, 1-Abstain (Emery)

3. Agenda Review

There were no changes to the Agenda.

4. Community Comments

There were no community comments.

5. Public Hearings

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

Jean Lafayette announced that she had a potential conflict of interest. She has an accessory structure (shed) in her back yard that was built prior to her purchase of the property. She did not know if it meets the current or proposed accessory use setback criteria.

The Commission agreed that because Ms. Lafayette had a “potential” conflict of interest, there was no issue with her participating and voting on the proposed plan text amendment regarding accessory uses.

Chair Emery opened the public hearing on PA 03-01 Accessory Uses and Changing Image Signs Plan Text Amendments and called for the Staff Report.

Dave Wechner referred the Commission to the Staff Report (accessory uses) dated September 24, 2003, a complete copy of which is contained in the City Planning files and noted:

- The existing code requires that detached sheds (accessory structures) be a minimum of 10 feet from the house and 5 feet from the side or rear property line.
- There are many existing accessory use structures that do not meet the Code criteria, but they do meet or exceed the requirements of the Uniform Building Code and Fire Marshal.
- Staff proposes that accessory structures that have less than 720 square feet of ground floor area and are no taller than 25 feet in height, shall be located not less than 3 feet from the rear or side yard property line and 6 feet from the primary structure.
- The recommended language is consistent with the regulations of the Fire Marshal and Uniform Building Code.
- Attached accessory structures that do not require a building permit shall be setback a minimum of 3 feet from any side property line and 15 feet from the rear property line.

Ms. Lafayette read Section 2.207.01B, “No accessory structure over 3 feet in height shall be allowed in any front yard or side street yard.” Mr. Wechner noted that the wording should read, “street side yard”.

Mr. Wechner read Section 2.207.01D, “No accessory building or structure over 3 feet in height that requires a building permit per the Building Code shall be located closer than 5 feet to any side or rear property line and 6 feet from any accessory primary structure.”

Mr. Allen recommended that the City provide a diagram or table for the public to help explain the placement of accessory structures.

Chair Emery called for proponent or opponent testimony.

Zan Zoske, 22407 Dewey Drive, Sherwood, Oregon 97140, addressed the Commission. She and her family have lived at this location for about one year. She talked to Mr. Wechner about their deck 6 months ago. When they bought their home they were told that Dewey Drive would not be a through-street. However, Dewey Drive was extended to Meinecke Road and this has changed the dynamics of the street. They wanted to make the best use of their very small back yard for the safety of their children. Like their other neighbors, they built a retaining wall, put in a fence and deck. The City Building Inspector advised them that they would need a building permit for the deck. They thought they lived in Woodhaven and were told that their setbacks were 10 feet. When they applied for the permit, they were informed that they were not a part of Woodhaven, but were in the Nottingham Subdivision. This subdivision has different setbacks, with a rear yard setback of 20 feet. Their back yard is not 20 feet to the property line.

Mr. Wechner suggested she present her situation to the Planning Commission and request consideration of uniform setback criteria for all homes that are adjacent to a greenbelt in Sherwood.

Mr. Wechner asked if she was proposing a deck that was over 3 feet in height. In his previous conversation Ms Zoske, he advised her that because their home was next to a greenbelt, maybe a lesser setback would be in order for their rear yard.

Ms. Zoske said their deck is over 3 feet in height.

Ms. Lafayette asked how the proposed accessory use text amendments would relate to the regulation of decks.

The Commission agreed that proposing additional language to cover decks would not be appropriate without having a work session to review the overall effect of reducing setbacks. They spent 3-4 months reviewing and preparing the code language for accessory uses and did not look at reducing the greenway setbacks.

Mr. Wechner said Staff could prepare language for the October 21, 2003 Regular Commission meeting.

It was the consensus of the Commission that there is a broader City-wide policy issue that would need to be looked at in reference to reducing rear yard setbacks for properties adjacent to a greenspace.

Mr. Wechner asked if the Commission could take a 5-minute recess so that Staff could review Code language regarding decks.

Chair Emery recessed the meeting for a 5-minute break and reconvened the public hearing at approximately 7:30 PM.

Mr. Wechner stated that the Code does not include a definition for “decks”, nor does the Code make a distinction between decks and other types of structures under “definitions”. Section 2.305 Yard Requirements includes a subsection entitled Decks. He read this section. The proposed language before the Commission would treat a deck that is attached to the foundation of the home as having to meet the same setback as the home. If the deck is not attached, and it is less than three feet in height, it may require a building permit and could be within five feet of a side or rear property line, but has to be six feet from the primary structure. The Commission has several options – do nothing, address the issue in the proposed language, calling it an accessory structure and expanding the definition to deal with decks, or propose a new amendment under Yard Requirements, Section 2.305 of the Code, Decks.

The Commission agreed that Section 2.305 Yard Requirements would be the appropriate section of the Code to deal with decks. They would not propose any additional language referencing decks for the plan text amendments they were reviewing tonight. They directed Staff to bring back language that would comprehensively deal with decks at a future work session. This language would include a definition for decks.

Ms. Zoske noted that their deck was already built. Staff will notify the Code Compliance Officer that the Commission will be reviewing additional language for decks.

There being no further public testimony, Chair Emery closed the public hearing on PA 03-01, Accessory Uses Plan Text Amendments, for Commission deliberations.

The Commission made the following changes to the Accessory Uses Plan Text Amendments:

- Section 2.207.01 Standards, Item B, first sentence, should read, “No accessory building or structure over 3 feet in height shall be allowed in any required front yard or street side yard.”
- Section 2.207.01 Standards, first paragraph, “For uses located within a residential zoning district, accessory uses, buildings, and structures, **excluding decks, which are subject to Section 2.305.05**, shall comply with all requirements for principal uses,”.

Patrick Allen moved the Planning Commission recommend to the City Council, approval of PA 03-01 Accessory Uses Plan Text Amendments, as amended, based on the Staff report, public testimony and Commission deliberations. Seconded by Jean Lafayette.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

Chair Emery opened the public hearing on PA 03-01 Changing Image Signs Plan Text Amendments and called for the Staff Report.

Dave Wechner referred the Commission to the Staff Report (changing image signs) dated September 24, 2003, a complete copy of which is contained in the City Planning files and noted:

- The Commission directed Staff to draft Code language that would address changing image signs as identified in the Staff Report.
- The proposed language prohibits changing image signs.

Chair Emery noted that he reviewed information available on LED lighting. The use is growing so rapidly that there is not any industry standard for lumen ratings. There is a move to have consistent ratings through several industrial codes, but it is not yet available.

Ms. Lafayette asked for clarification regarding the one candlefoot measurement. Chair Emery stated that this rating does not refer to light output, it references the reflector behind the light and where the light is directed.

Chair Emery called for public testimony. There being none, Chair Emery closed the public hearing on PA 03-01 Changing Image Signs Plan Text Amendments for Commission deliberations.

Mr. Wechner stated that any regulation of signs must be reviewed very carefully, because signs are protected under the Constitution.

Ms. Lafayette favored more comprehensive language, but would support the proposed text amendment.

Patrick Allen moved the Planning Commission recommend to the City Council, approval of PA 03-01 Changing Image Signs Plan Text Amendments, based on the Staff report and Commission deliberations. Seconded by Dan Balza.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

6. New Business

The Commission deferred the discussion on neighborhood commercial zoning districts to a future Commission meeting.

The special City Council meeting with the City Boards and Commissions is scheduled for October 22, 2003. The date, time and location will be confirmed. Staff will provide the Commission with a copy of their Work Program at the October 21, 2003 Regular Commission meeting.

Mr. Allen asked if the public notice signs or lettering on the signs could be larger. The public notice signs that are posted on site are not large enough to read without actually stopping your car and going up to the sign.

Mr. Wechner said he has found that the placement of the sign is more important than the size of the sign.

Ms. Lafayette discussed the process used by Washington County and City of Tualatin wherein these jurisdictions have neighborhood meetings on proposed developments.

Mr. Allen suggested the Commission add “improving public engagement” to their work program. The Commission concurred.

7. Adjourn

There being no further business to discuss, Chair Emery adjourned the regular Commission meeting at 8:20 PM.

Respectfully submitted,

Planning Department