



**City of Sherwood
PLANNING COMMISSION**

**Stewart Senior/Community Center
855 N. Sherwood Boulevard**

April 16, 2002

**Regular Meeting -7:00 PM
Work Session after Regular Meeting**

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – March 19, 2002 & April 2, 2002 PC Minutes**
- 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. SP 01-08 Juniper Ridge Sherwood Retail Site Plan (cont'd from 04-02-02)** a request by Juniper Ridge Investments LLC to construct two retail buildings (7,872 sq ft and 10,067 sq ft) at the southeast corner of 99W and Tualatin-Sherwood Rd, Tax Lots 700 and 1100, Map 2S 1 29B. (*Keith Jones, Senior Planner*)
 - B. PA 02-01 Home Occupation Plan Text Amendments:** to Part 3 Zoning & Community Development Code, Chapter 2, Section 2.203 Home Occupations, in particular adding specific regulations to include periodic inspections or review of home-based business and include enforcement measures. (*Laura Anderson, Code Compliance Officer*)
- 6. New Business**
 - A. Report from Council Liaison** (*Ken Shannon*)
- 7. Adjourn to Work Session to continue review of proposed Old Town Design Guidelines and Sign Ordinance Plan Text Amendments.**

**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
April 16, 2002

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
Adrian Emery
Kevin Henry
Jean Lafayette
Lee Weislogel
Bill Whiteman

Staff:

Dave Wechner, Planning Director
Keith Jones, Senior Planner
Laura Anderson, Code Compliance Officer
Terry Keyes, City Engineer
Shannon Johnson, Legal Counsel
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Ken Shannon

2. Consent Agenda – March 19, 2002 & April 2, 2002 PC Minutes

Chair Emery asked if there were any additions or corrections to the minutes. There were no changes to the minutes.

Bill Whiteman moved the Planning Commission accept the March 19, 2002 and April 2, 2002 Planning Commission meeting minutes as presented. Seconded by Patrick Allen.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

3. Agenda Review

Adrian Emery requested that the issue of churches being allowed in the Light Industrial (LI) zones be placed under New Business. The Commission concurred.

Dave Wechner requested that the Commission review the Sign Ordinance Plan Text Amendments first and then the Old Town Design Standards Plan Text Amendments during the scheduled work session. The Commission concurred.

4. Community Comments

There were no community comments.

5. Public Hearings

5A. SP 01-08 Juniper Ridge Sherwood Retail Site Plan (continued from 4-2-02)

Chair Emery announced the public hearing was continued from the April 2, 2002 Regular Commission meeting.

Shannon Johnson 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 attended the Hearings Officer public hearings on April 15, 2002, and someone mentioned that a TGIF restaurant would look good on the Juniper Ridge site.

There were no other Commissioner disclosures or objections from the public.

Chair Emery asked if the applicant wished to provide testimony.

Jim Morse, 17147 Old River Road, Lake Oswego, Oregon 97034, addressed the Commission. New colored renderings of the buildings were placed on display. He reviewed the changes that were made to the site plan since the April 2, 2002 public hearing.

- A metal truss was placed on the front and back of the building peaks.
- New light fixtures were placed on the columns of the buildings.
- Landscape dividers were added to the parking layout.
- Striped loading zones were added to the ends of each building.
- The landscaping on the rear of the buildings was enhanced with trees and shrubbery.
- The trees shown are about 18-20 feet tall and it would be about 10 to 12 years for the trees to reach this height.
- Glass will be wrapped all around the four sides of the buildings giving them a more continuous look around to the rear of the building.
- The columns will be popped out 8-16 inches for more depth.
- There will be a 2-foot overhang on the building which will give it a nice shadow effect on the back. The roof structure truss has been continued.
- The number of rear exit doors have been decreased from 8 to 4 doors. The doors will be a painted to blend in with the concrete block. The concrete block will be brown in color with stucco.
- The front and back of the buildings have been designed to look the same as much as possible.
- The visual corridor criteria has been met.
- There will be 8 bicycle racks to meet code requirements.
- The loading areas are designed to meet the need for any grease traps.

Mr. Morse said the revised building plans have been greatly improved from the previous submittal.

Mr. Allen said he appreciated the applicant's efforts to improve the design of the buildings and respond to the Commission concerns. He asked if the applicant would consider placing larger trees in lieu of the minimum code requirements of 2-inch DBH, such as a 4-inch DBH tree.

Mr. Morse said it would depend on cost and availability. In response to Mr. Whiteman's question, he said the garbage enclosure areas would be 16 feet by 10 feet.

Mr. Whiteman distributed pictures he had taken of several different garbage collection enclosures throughout the City. The pictures showed good and bad examples. He said that the

garbage collection areas need to be adequately planned to meet the needs of the businesses that will be located in the two buildings.

Mr. Jones said the code requires that all uses must provide solid waste storage receptacles adequately sized to accommodate all solid waste generated on site and screened by a 6-foot high masonry wall or sight-obscuring fence.

Mr. Morse said the site would allow expansion of the proposed garbage collection areas to twice the proposed 16 x 10 foot size.

Steve Pinger, WPH Architecture, 513 NW 13th Avenue, Portland, Oregon 97209, addressed the Commission. He said the trash enclosure will be a masonry enclosure on three sides with an opaque gate. It can be expanded to twice the size shown.

Mr. Lafayette said the Commission did not have any revised building elevations for review. She asked if the Commission could accept the colored rendering as new building elevations.

Mr. Wechner suggested the Commission reference in their decision that architectural elevations should be consistent with the three schematic designs that were presented at the April 16, 2002 public hearing. This will include a revised site plan showing the parking area and landscaping. The existing conditions of approval could be updated to reflect the date of the revised site plan.

Mr. Jones noted that Condition C.1 was revised to include, "...and the revised architectural elevations presented at the April 16, 2002 hearing". The date on the plans could be included in the condition.

Ms. Lafayette said the applicant did not address in their application how they met the requirements for transit facilities (Tri-Met) as per Section 6.305.12.

The Commission noted it was part of the record that the applicant had contacted Tri-Met. Mr. Wechner said there is an existing Park & Ride located on the site.

Chair Emery asked if there was any proponent or opponent testimony. There being none, Chair Emery closed the public hearing on SP 01-08 for discussion and deliberations by the Commission.

Mr. Weislogel asked if there was an omission in the second sentence of Condition C.1. on page 3 of the Draft Notice of Decision.

The Commission agreed to place a "comma" after the word "standards" to read, "...and other applicable standards, preliminary plans dated September 28, 2001, the amended site plan....".

Ms. Lafayette noted that an "s" should be added to the word "condition" in Condition A.1.

In response to the Commission's concern regarding the sidewalk along Highway 99W, Mr. Jones said prior to occupancy improvements have to be built per the engineering plans.

Mr. Johnson said Condition C.1 is very clear. The sidewalk is a condition of approval, even if it is not shown on the various plans.

Mr. Wechner said the previous Act III Notice of Decision noted that it is the property owner's responsibility to construct the sidewalk along Highway 99W.

Patrick Allen moved the Planning Commission approve with conditions SP 01-08 Juniper Ridge Sherwood Retail Site Plan based on public testimony, findings of fact, Staff recommendations, conditions as amended, and incorporating the revised architectural materials presented on April 16, 2002. Seconded by Lee Weislogel.

Vote for Passage of Motion: 5-Yes, 1-No (Lafayette), 0-Abstain

5B. PA 02-01 Home Occupation Plan Text Amendments

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

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

Mr. Whiteman said he has a business license with the City of Sherwood with his home as the address. He did not know if his business qualified as a Home Occupation. There were no other Commission disclosures.

Mr. Johnson noted that this is a *legislative* public hearing and there is no prohibition on ex-parte contacts.

Laura Anderson referred the Commission to the Staff Report dated April 9, 2002, a complete copy of which is contained in the City Planning File PA 02-01. She noted:

- Revisions to the Home Occupation section of the Development Code were made to address the potential impacts home occupations could have on a residential neighborhood.
- As the City's population has grown, so has the public desire for "at-home" businesses.
- The current home occupation code language lacks the definition to successfully limit the impacts of home occupations on neighboring properties.
- Significant changes to the code language are the addition of Type I and Type II permits. These permits are defined by the level of impact they represent to the neighborhood.
- Type I home occupations must not exceed the established boundaries listed in the general conditions.
- Type II home occupation impacts are controlled by listed criteria with the possibility of additional conditions being assigned by the Planning Director. Type II home occupations will be assigned an additional permit fee. This fee has not yet been determined.
- Prohibited uses have been added to the home occupation language that define the type of businesses that have the greatest potential to endanger the neighborhood or infringe on the rights of nearby residences.

- Another change to the language is the addition of the expiration and revocation process. Type I permits would be renewed every 3 years and Type II permits would be renewed annually. This will allow the City to better regulate the size and conditions of a home-based operation prior to there being a neighborhood problem.
- One addition to the report should be Section 2.203.10 Appeals that identify the ability to appeal revocations and referencing Section 3.400 that regulates the appeal process. “The action of the Planning Director may be appealed as per Section 3.400.”

In conclusion, Staff recommends the Planning Commission recommend approval of the proposed home occupation plan text amendments to the City Council.

Mr. Allen asked if telecommuting for a job would be considered a home occupation and where the term “home occupation” is defined.

Mr. Johnson read from Chapter 1, under *definitions* for Home Occupation, “An occupation or profession customarily carried on in a residential dwelling unit by a member or members of the family residing in the dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes.”

Ms. Anderson said that telecommuting or working for someone else would not fall within the intent of a home occupation based on the criteria set forth for a Type I or Type II home occupation permit and the general conditions for a home occupation permit.

Mr. Wechner said the general conditions (Section 2.203.04A.7) state that the occupation or profession shall be carried on wholly within the principal building and shall be clearly incidental and accessory to the use of the property as a dwelling.

Mr. Allen asked if the language should make reference that if you are not required to obtain a business license, you would not be considered a home occupation.

Mr. Whiteman said he did not know if a “permit” was the same as a business license. The only reference in the proposed language to a business license is under Section 2.203.09C.3, Expiration and Revocation of Home Occupation Permits, “Failure to pay the City business license fee in a timely manner.”

Mr. Allen suggested adding to the beginning of Section 2.203.02 Authority, “The provisions of this Code are intended to apply to those businesses required under Section X to obtain a business license.”

Mr. Whiteman said he has a business license, but none of his business takes place in his residence. If he has to comply, part of the criteria for a Type I states you cannot use your home address on a business card (Section 2.306.06A, #7). His business license has his home address on it. To do business in the City of Sherwood he has to have a City business license, and to get a Metro business license, he must have a City business license.

Mr. Wechner said Mr. Whiteman probably should have a home occupation permit.

Mr. Whiteman said the form he fills out for the State of Oregon requires an address.

Ms. Anderson said the purpose of #7 in Section 2.203.06, Type I and Type Criteria, is to eliminate people advertising their address in the newspaper so that customers would come to their home and cause a traffic problem. She has had two such complaints during the last year. One of the businesses had the potential to become a high traffic business.

Mr. Wechner said the intent of #7 is relative to placing an advertisement inviting people to come to your home address, and not just having letterhead or a business card with the home address.

The Commission suggested adding the word “advertising” to #7, “...and any other advertising media.”

Mr. Whiteman said there are a lot of people in the community who have a business similar to his, have a business card with a home address, and leave the neighborhood to conduct their business. He said he would abstain from voting on the decision for this plan text amendment. He planned to appear before the City Council when this proposal is heard because he could be affected by the decision.

Mr. Allen referred to Section 2.203.01 Purpose and if a business is sustainable would not have anything to do with the requirement for a home occupation permit. He suggested removing the end of the first sentence, “which could not be sustained if it were necessary to lease commercial quarters.”

Mr. Wechner said the *purpose* language tries to identify a threshold when a home occupation has grown to the size where neighbors begin to complain about disruption in the neighborhood cause by the home business.

Ms. Lafayette asked about a home occupation, such as a landscaping business, where employees meet at the home address and go elsewhere to perform their business.

Mr. Whiteman cited an example of someone who has a home business where once a month all the employees meet at this home address for a monthly meeting.

Ms. Anderson said the intent of the proposed home occupation language is to eliminate negative impacts to the residential area surrounding where the business is taking place. If there is limited parking in the neighborhood, this could become a problem. If your business is run from an address in the City, then you must obtain a Sherwood business license.

Mr. Whiteman asked why not use the business licenses as a means to identify any problems and eliminate the home occupation permits. He thought that the home occupation permit was just a revenue generator for the City. The City business license states that it is a revenue generator for the City of Sherwood.

Ms. Anderson said fee for a City Business License is \$65.00 and a Type I Home Occupation Permit is currently \$25.00. The fee for a Type II Home Occupation Permit has not been determined. A business license is renewed annually. The Type I permit would be renewed every three years and a Type II permit would be renewed annually.

The Commission discussed and agreed to revise the language for Section 2.203.06A, #11, to read, "One allowed volunteer or employee on-site who is not a principal resident of the premises."

The Commission agreed to revise the language for Section 2.203.06A, #8, to read, "The occupation or profession shall not require additional off-street parking nor upset existing traffic patterns in the neighborhood."

Chair Emery asked if there was any proponent or opponent testimony. There being none, Chair Emery closed the public hearing on PA 02-01 for discussion and deliberations by the Commission.

Mr. Whiteman said the majority of his income does not come from the small business he operates out of his home. However, he is the President of a corporation, whose place of business is not within the City of Sherwood. His corporate office is identified on business cards as his home address. He has a business license for his small business. He asked what other jurisdictions have a home occupation permit program.

Ms. Anderson said the cities of Tigard, Tualatin, West Linn, and Wilsonville all have home occupation permit program licensing. In preparing the proposed revisions to the code, she reviewed all of the standards for these jurisdictions. It is standard that if you have a business license addressed to your home within the jurisdiction, you are required to have a home occupation permit.

Mr. Wechner said oftentimes the floor plan is required to be submitted with the home occupation identifying the space being used for the home-business. The purpose of the home occupation criteria is to capture most businesses that could become offensive to a neighborhood and produce a lot of traffic, noise, glare or odors.

Mr. Weislogel said it would be a good idea to revisit the home occupation permit language on a regular basis to assure it meets the needs of the community and the changing home business system.

Mr. Wechner said the home occupation plan text amendments would be passed by an ordinance with an effective date. The renewal of business licenses would be reviewed under the current language after the effective date.

The Commission recommended the home occupation criteria be applied as the business licenses are renewed following the effective date of the ordinance.

The Commission agreed to change the proposed plan text amendments as follows:

- Section 2.203.01 Purpose, delete the end of the first sentence beginning with, “which could not be sustained if it were necessary to lease commercial quarters.”
- Section 2.203.02 Authority, add the following language to the beginning of the first paragraph, “The provisions of this Code are intended to apply to those entities required to obtain a Sherwood business license under the provisions of (*insert appropriate Municipal Code reference*).”
- Section 2.203.05A, #8, insert the word “traffic”, “The occupation or profession shall not require additional off-street parking nor upset existing *traffic* patterns in the neighborhood.”
- Section 2.203.06A, #7, insert the word “advertising”, “...television and any other *advertising* media.”
- Section 2.203.06A, #11, insert the word “on-site”, “One allowed volunteer or employee *on-site* who is not a principal resident of the premises.”
- Add Section 2.203.10, Appeals, “The action of the Planning Director may be appealed per the provision of Section 3.400.”
- The Commission recommends the proposed plan text amendments become effective with renewal of existing Sherwood business licenses.

Patrick Allen moved the Planning Commission recommend approval to the City Council of PA 02-01 Home Occupation Plan Text Amendments as revised based on Staff recommendations and findings. Seconded by Jean Lafayette.

Vote for Passage of Motion: 5-Yes, 0-No, 1-Abstain (Whiteman)

The Commission thanked Staff for the work done on the proposed Code amendments.

6. New Business

6A. Report from Council Liaison

There was no report.

Other Business

Mr. Allen asked if the Commission should include in their work program that there are sufficient transit facilities to support land use applications such as a service provider letter.

Mr. Wechner said the City has on-going conversations with Tri-Met regarding proposing a study to look at in-town service for Sherwood. Tri-Met does not normally respond to land use application proposals. They usually determine the bus routes after the facilities are constructed.

In response to Ms. Lafayette, Mr. Johnson said the City is required to accept a land use application with the appropriate fees. If the application does not meet the criteria, Staff may recommend denial. The City does not have the authority to require an applicant to provide a written response to the appropriate criteria with their submittal.

Ms. Lafayette asked if future Staff Reports could include a cross-reference in the findings for the applicable condition of approval, and whether the findings comply and do not comply. This would be helpful for the Commission during their review of the application.

Mr. Whiteman asked when the City Transportation System Plan would be updated.

Mr. Keyes said he anticipated the updated transportation plan may be adopted in early 2003. The Meinecke/99W improvements are included as a part of the current 1991 Transportation Plan. The plans for the Meinecke/99W intersection improvements are available for viewing at the Sherwood City Library.

Changing Uses in the Light Industrial (LI) Zone to include Churches

Chair Emery asked the Commission if they wished to take a position regarding uses in the Light Industrial zone, in particular churches, prior to any plan text amendments to the Code being proposed and adopted. Mr. Wechner said the Commission is scheduled to have a work session on May 7, 2002 on changes to use designations. The Commission agreed that their position regarding uses in the Light Industrial zone should be:

“The City of Sherwood industrial zones should be preserved as centers of employment for primary jobs that bring dollars into the economy. This would distinguish these zones from the residential and commercial uses because those kinds of uses tend to be a lower economic use of the ground itself, they need to be preserved and protected.”

It was the consensus of the Commission that without formal adoption of the statement, that this is the position of the Planning Commission.

7. There being no further business to discuss, Chair Emery adjourned the regular meeting at 9:05 PM to a work session to continue review of Old Town Design Standards and Sign Ordinance Plan Text Amendments.

The Commission recommended the Old Town Design Standards Plan Text Amendments be scheduled for public hearing. The proposed Sign Ordinance Plan Text Amendments will be presented to the Chamber of Commerce for comments.

The work session was adjourned at 10:15 PM.

Respectfully submitted,

Planning Department