



**City of Sherwood
PLANNING COMMISSION**

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

July 2, 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 – June 18, 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. 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 enforcement measures. (*Laura Anderson ,Code Compliance Officer*)
- 6. New Business**
 - A. Report from Council Liaison** (*Ken Shannon*)
- 7. Adjourn to Work Session**
 - A. Review Scope of Highway 99W Sub-Area Plan**
 - B. Continue discussion of Use Designations**

**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
July 2, 2002

1. Call to Order/Roll Call

Vice-Chair Patrick Allen called the Planning Commission meeting to order at 7:00 PM.

Commission Members present:

Patrick Allen
Kevin Henry
Jean Lafayette
Lee Weislogel
Bill Whiteman

Staff:

Dave Wechner, Planning Director
Keith Jones, Senior Planner
Laura Pekarek, Code Compliance Officer

Commission Members absent:

Adrian Emery
Ken Shannon

2. Consent Agenda – June 18, 2002 PC Minutes

Vice-Chair Allen 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 June 18, 2002 Planning Commission meeting minutes as presented. Seconded by Lee Weislogel.

Vote for Passage of Motion: 4-Yes, 0-No, 1-Abstain (Lafayette)

3. Agenda Review

Dave Wechner noted there was one citizen in attendance to provide community comments. He also submitted a letter from J.C. Reeves Corporation for discussion under Community Comments.

4. Community Comments

Vice-Chair Allen asked if there was anyone who wished to provide comments.

Tim Voorhies, Steel Tek, PO Box 909, Sherwood, Oregon 97140, addressed the Commission. (Note: the audio was not clear on the recorded tape. The following is a summary of comments from Mr. Voorhies and the Commission.)

Mr. Voorhies was concerned about the height of the sound attenuation wall that is to be built between his property and Woodhaven Phase 8C. He said if the wall is not high enough future residents will complain about the noise from his business.

Vice-Chair Allen asked Staff if this was a Planning Commission issue and if so, how any noise-related complaints could be avoided.

Mr. Wechner responded he was not sure there was anything the Commission could do. The City does not have any standards for “sound attenuation walls”. The Commission could develop standards for these types of walls that could be applied to future applications. In this case, the City approved the subdivision. Any noise complaints would be groundless because it was determined that a sound attenuation wall would be appropriate and the applicant has complied with the conditions of approval. The Woodhaven Homeowners Association may wish to make sure future residents are aware that there is an industrial use next to this phase of the subdivision.

The Commission asked Staff to review the conditions of approval for Phase 8C regarding the height and decibel levels required for the wall.

Mr. Voorhies was concerned about the stormwater runoff from Phase 8C. He read from the general conditions of approval for the Woodhaven PUD regarding stormwater runoff (Condition 3D). He did not agree with the hydrological report prepared by the applicant.

Mr. Wechner said Mr. Voorhies concerns should be addressed to the City Engineer. He has discussed this issue with Terry Keyes, City Engineer. It was the City Engineer’s opinion that the post development runoff was the same as the pre-development runoff.

The Commission asked if there was some way to determine the facts regarding the level of stormwater runoff from this phase.

Mr. Wechner said Mr. Voorhies could file a lawsuit against the developer. The City’s role is to assure that developer has met the conditions of approval. Clean Water Services usually requires a pre-development runoff assessment. The hydrological report states that this system can handle 0.4 cubic feet per second and Mr. Voorhies is measuring it at 0.7 cubic feet per second. If the City Engineer finds that an error was made in the calculations, the calculations could be challenged.

The Commission asked Staff to review the issue further with the City Engineer and report back as the next meeting. They did note that the letter read by Mr. Voorhies from the City Manager stated that the stormwater issue is closed.

Mr. Whiteman said he has known Mr. Voorhies for several years and has visited Mr. Voorhies’ property. It may be that the letter from the City Manager responds to the issue, or it may be the role of the City Council to determine if any further action is required by the City.

Vice-Chair Allen said there is a citizen coming before the Commission stating that the conditions of approval have not been met.

Mr. Voorhies said it is the City’s responsibility to assure that the stormwater runoff does not adversely affect surrounding property owners.

Ms. Lafayette said the fact that stormwater runoff may be complicated to determine should not be held against Mr. Voorhies.

Mr. Wechner said recording of the final plat means that the City has accepted the public improvements. The stormwater is an engineering call and should be addressed to the City Engineer. The stormwater is also reviewed by Clean Water Services.

Mr. Voorhies said Clean Water Services takes the word of the City Engineer and does not do their own calculations.

City Staff will provide a copy of its Stormwater Master Plan to Mr. Voorhies.

The Commission agreed that the sound wall requirements would be reviewed under New Business at the next regular Commission meeting. The stormwater runoff from Phase 8C should be heard as an agenda item at City Council. Mr. Whiteman suggested Mr. Voorhies request this item be placed on the City Council agenda through the City Recorder. The Council would then have time to review the pertinent materials prior to the meeting.

J.C. Reeves letter requesting VLDR rezone

Mr. Wechner referred the Commission to a letter dated June 24, 2002 from J.C. Reeves requesting that the VLDR zoning districts be changed to LDR. He met with Mr. Reeves, who asked why the VLDR zone had not been changed to LDR. He explained to Mr. Reeves that this would require a plan map amendment. Mr. Reeves did not want to pursue one, but wanted the City to initiate such a plan map amendment. Mr. Wechner said the comprehensive plan states the VLDR zone is used in the presence of the Tonquin Scab Lands, due to the difficulty in getting urban services through this area and to serve as a buffer to the Rock Creek floodplain.

It was the consensus of the Commission that any request for a rezone should be made by the applicant through the current plan map amendment process.

5. Public Hearings

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

Mr. Whiteman noted that he appeared before the City Council as a citizen when the first draft of the Home Occupation Plan Text Amendments was reviewed. This may be a potential conflict of interest.

The Commission did not have any concerns with Mr. Whiteman participating in the public hearing for this plan text amendment.

There were no other Commissioner disclosures.

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

Vice-Chair Allen opened the public hearing on PA 02-01 and called for the Staff Report. Laura Pekarek referred the Commission to the Staff Report dated June 4, 2002, a complete copy of which is contained in the City Planning File PA 02-01. She noted:

- The City Council remanded this text amendment to the Commission.
- Recommended changes to the language are that the Type I permits will be exempt from the permitting process. There is general criterion for determining Type I and Type II permits.
- Language has been added to Section 2.203.04 that states both Type I and Type II home occupation permits are required to apply for and maintain a City of Sherwood business license.

Vice-Chair Allen asked why the City Council did not make changes to the text amendments and adopt it. He was not clear why the Council sent it back to the Commission.

Ms. Pekarek said some of the changes were major and the Council wanted the Commission to review the rewritten language prior to adoption.

Mr. Wechner said the Council wants to have the Commission included in any major changes to legislation that was brought forward from the Commission to the Council.

Ms. Lafayette questioned requiring someone who has a home business pay more by requiring a home occupation permit in addition to a business license, than a business that is just required to have a City business license. She recommended Section 2.203.02 Authority, the first sentence be revised, "The provisions of this Code are intended to apply to those entities required to obtain a Sherwood business license and shall be obtained in conjunction with a business license."

Ms. Lafayette proposed Section 2.203.10, the last sentence, the home occupation permit will not be issued to the applicant for a period of six (6) months or until such violation is remedied.

Mr. Whiteman said the revised text amendments are better than the first language the Commission recommended approval on to the Council.

Vice-Chair Allen asked if there was any testimony from proponents or opponents. There being none, Vice-Chair Allen closed the public hearing on PA 02-01 for discussion by the Commission.

The Commission discussed the meaning of paying a business license within a "timely manner".

Ms. Pekarek said if someone receives a second notice of payment with two months of expiration while still running a home business she would personally go to the home advising the person that the business license renewal was required. The words "for up to" 24 months could be added to the revocation language. This would allow for more discretion in determining when the permit would be pulled.

Mr. Wechner said generally the grounds for revocation of the home occupation permit would be that the person never applied for either a Type II home occupation permit or a Sherwood business license.

The Commission agreed to revise the last sentence of Section 2.203.10 to read, "...a new Type II home occupation permit will not be issued to the applicant or other persons residing with the applicant for a period up to 24 months."

The Commission agreed to revise Section 2.203.09, the first sentence, "An application for a Type II Home Occupation Permit shall be filed, according to the application procedures of Chapter 3.200, and in conjunction with filing of a business license, with the City and accompanied by the appropriate fee as per Section 3.302.

Mr. Whiteman referenced Section 2.203.08 Prohibited Uses, whether there are any other uses that should be prohibited such as a business that stores flammable or hazardous materials or firearms.

Mr. Wechner noted that the list of prohibited uses was not in response to any particular business or individual.

Bill Whiteman moved based on the findings, Staff recommendation, and changes to Sections 2.203.04 business license required, 2.203.09 application process, and 2.203.10 revocation up to 24 months, the Planning Commission recommend to the City Council approval of the plan text amendments for PA 02-01 Home Occupation Plan Text Amendments. Seconded by Lee Weislogel.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain

Ms. Pekarek noted that the City Council is scheduled to hold a public hearing on this plan text amendment at its July 9, 2002 Regular meeting.

6. New Business

6A. Report from Council Liaison

There was no report.

7. Adjourn to Work Session

There being no further business to discuss, Vice-Chair Allen adjourned the regular meeting at 9:00 PM to a work session.

During the work session the Commission reviewed:

- Scope of Highway 99W Sub-Area Plan
- Continued discussion of use designations in zoning districts

The work session was adjourned at 9:30 PM.

Respectfully submitted,

Planning Department