



**City of Sherwood
PLANNING COMMISSION**

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

October 1, 2002

Regular Meeting -7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – September 17, 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. (Continued from September 17, 2002, public hearing closed and written record left open until September 30, 2002, 5:00 PM) PA 01-06 Changes to Use Designations Plan Text Amendments:** to Part 3, Zoning & Community Development Code, Chapter 2, Section 2.109 Retail Commercial, 2.109.06 Community Design, 2.110 General Commercial, 2.110.06 Community Design, 2.111 Light Industrial, 2.112 General Industrial. Churches as a permitted and conditional use in commercial and industrial zones; chemical production as permitted use in GI zone; recreation facilities as a permitted use in the LI zone; and define allowed mixed uses in commercial zones.
(Dave Wechner, Planning Director)
- 6. New Business**
 - A. Report from Council Liaison**
 - B. Highway 99W Sub-Area Study Update**
- 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 1, 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
Ken Shannon
Lee Weislogel
Bill Whiteman

Staff:

Dave Wechner, Planning Director
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Adrian Emery

2. Consent Agenda – September 17, 2002 PC Minutes

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

Lee Weislogel moved the Planning Commission accept the September 17, 2002 Planning Commission meeting minutes as presented. Seconded by Jean Lafayette.

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

3. Agenda Review

Vice-Chair Allen recommended that the Commission take a 15-minute recess prior to continuing deliberations on PA 01-06 to review the additional written comments. The Commission concurred.

Mr. Whiteman thanked the Commission for the card and said that he appreciated their good thoughts.

4. Community Comments

There were no community comments.

5. Public Hearings

5A. PA 01-06 Changes to Use Designations Plan Text Amendments

Vice-Chair Allen announced that the public hearing for PA 01-06 was closed and the written record was left open until 5:00 PM, on September 30, 2002. The Commission would continue

with their deliberations. He asked that Commission members reveal any conflicts of interest, ex-parte contact or bias.

There were no Commissioner disclosures.

Mr. Wechner said the following additional written comments were received and will be made a part of the record:

- September 27, 2002 letter from Brenda Bernards, Senior Regional Planner at Metro, addressing any regional restrictions on lands designated as Industrial or Employment Areas on the Growth Concept Map and potential changes to Title 4: Retail in Employment and Industrial Areas of the Urban Growth Management Functional Plan.
- September 30, 2002 letter from J. Patrick Lucas regarding proposed changes to the LI Zone allowing recreational facilities as a permitted use.

Vice-Chair Allen noted that as agreed to at the last meeting, he submitted additional language for the plan text amendments. This language is a summation of the changes that were recommended at the last meeting.

Ms. Lafayette asked if the Commission needed to review the e-mail sent on September 18, 2002, by Mr. Wechner regarding the definition of hazardous waste and the DEQ regulations.

Mr. Wechner said the e-mail was sent as general background information for the Commission in response to the role of state and local agencies and fire districts in regulating chemicals. This was the response from DEQ.

Vice-Chair Allen recessed the meeting at 7:10 PM to allow the Commission time to review the additional comments. The meeting was reconvened at 7:25 PM wherein the Commission continued their deliberations on PA 01-06.

Vice-Chair Allen reviewed the issues the Commission would be discussing.

Mr. Whiteman said he was not in favor of churches as permitted uses. He asked for clarification regarding including the word “parsonages” within the definition, e.g. “churches and parsonages”. He thought the residential component that discusses community design would include the opportunity for parsonages.

Mr. Wechner stated that the “mixed-use” definition could be used. The word “parsonage” is not defined in the Code. Under the “mixed-use” definition, you would have to be clearly secondary to commercial uses in mixed-use developments.

It was the consensus of the Commission that the word “parsonage” should be removed from the proposed text amendments in the general commercial and retail commercial zones.

Vice-Chair Allen reviewed the following issues of discussion in the industrial zones:

- Churches as a permitted use in the industrial zones.
- Recreational facilities as a permitted use in the light industrial zone.
- Other non-industrial uses in the GI and LI zones.
- Chemical production as a permitted or conditional use in the GI zone.

Mr. Wechner reviewed the letter from Metro. The City does have some regionally significant industrial areas. There are two categories in the Metro Functional Plan on the design-type maps – Employment Areas and Industrial Areas. Sherwood’s employment areas are mainly in the industrial areas. The City’s regionally significant industrial areas are primarily the GI zoned properties and some of the LI zoned properties. The employment base properties are some of the LI zones, essentially west of the new Tualatin-Sherwood Business Park on Tualatin-Sherwood Road. The City has not yet sent the most recent map being proposed to Metro. The Metro has proposed a number of changes to Title 4 of the Functional Plan. The City has not yet adopted Title 4.

Ms. Lafayette said she agreed with protecting the City industrial land. Because the City has not adopted Title 4, it would be hard for the City to determine whether it is a regionally significant or insignificant industrial land.

Mr. Wechner noted that until the map is adopted by Metro, it is just a map. The Commission must use the Development Code.

Ms. Lafayette said the City does not currently have the tools to allow churches, recreational uses or any non-industrial use in to the industrial zones.

Mr. Whiteman asked if the Commission could place time limits on the use, if Metro adopts a regionally significant industrial area designation. He could support allowing churches under the conditional use criteria if there were time limits. The conditional use criteria would allow the review of current Metro regulations (Functional Plan).

Mr. Wechner recommended that the Commission not place time limits on certain uses. The non-conforming portion of the Code states that if your use becomes prohibited, you can’t expand or enlarge and if more than 60% of your business is destroyed, you cannot rebuild. It is good that the Commission is recognizing the Functional Plan in their deliberations.

Mr. Henry said he would be hesitant to allow churches, even as a conditional use in the industrial zones. The industrial zone is to be used as an employment base and to bring business into the City. He did not see churches or recreational facilities as that type of use. Potentially, a landowner could lease the property at a much higher rate than an industrial use would be able to pay. This could take away the City’s employment base.

Ms. Lafayette said she appreciated Mr. Whiteman’s comments regarding conditional uses and non-conforming uses. If churches were to be allowed under the conditional use criteria, she would like to see limits on building size and lot size.

Vice-Chair Allen said he would not support placing these uses under the conditional use criteria, if the reason for doing so was because some agency may change the rules in the future. If this is the case, then everything could be classified under the conditional use criteria. The issue is not about churches or recreational facilities it is about industrial uses and about non-industrial uses. An industrial land use designation is a precious and not replaceable commodity.

Mr. Shannon agreed with Mr. Allen and Mr. Henry. He has given a lot of thought to allowing churches in the industrial zone. As tenants, they would not want to lease a space with the concept that they may have to relocate within three years. Protecting the City's industrial land as an employment base is very important. Some industrial uses may not be compatible with having a church as a neighbor.

Vice-Chair Allen reviewed his proposed changes that were distributed to the Commission. These changes included removing non-industrial uses from the current permitted uses in the industrial zone. He changed the term "government offices" to "government facilities". The Commission agreed that these should be moved to the conditional use criteria under the LI zone.

Mr. Weislogel said he could support churches in the industrial zone as a "conditional use".

Ms. Lafayette said she is undecided. A church as a "conditional use" in the industrial zone is easier to support, including the stipulation that it is within the existing industrial park or facility. She would support the 5,000 square foot limitation in the commercial zone. Recreational facilities should be considered the same use as a church in size limitation.

The Commission also discussed glass installation and determined that it should remain as a permitted use in the LI zone. They also agreed to the additional definition for daycare centers.

Mr. Wechner explained the process used to determine what chemical compounding could be included under conditional uses. The Commission was in agreement with the proposed changes under the conditional use criteria in the general industrial zone.

Vice-Chair Allen recessed the meeting at 8:30 PM for a 5-minute break and reconvened the meeting at 8:35 PM.

Kevin Henry moved the Planning Commission recommend approval of PA 01-06 Changes to Use Designations Plan Text Amendments to the City Council based on the findings of fact, Staff Report, public testimony, written comments, and changes discussed by the Commission. Seconded by Ken Shannon.

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

The following changes were made to the proposed plan text amendments contained in the Staff Report for PA 01-06:

- Section **2.109 Retail Commercial (RC) Zone:**
 - 2.109.02.N, **remove** the word "parsonages".

- 2.109.03,C, **remove** the word “parsonages”.
- Section **2.111 Light Industrial (LI) Zone**:
 - Section 2.111.02D, **change** the wording to “Governmental facilities, including police and fire stations,” and **add** to Section 2.111.03 Conditional Use, as the next item number.
 - Section 2.111.03, **remove** Item P, churches and Item Q, public or private recreational facilities from the Conditional Uses.
 - Section 2.111.03, **change** Item O wording to, “Daycares and pre-schools if fully integrated with and secondary to a use elsewhere permitted in Section 2.111.02 or 2.111.03.”
- Section **2.112, General Industrial (GI)**:
 - Section 2.112.03A, **change** the wording for Item A to, “Government facilities, including but not limited to police and fire stations.”
 - Section 2.112.03H, **change** the wording for Item H to, “Daycares and preschools, if fully integrated with and secondary to a use elsewhere permitted in Section 2.112.02 or 2.112.03.”
 - Section 2.112.03 Conditional Uses, **add**:
 - Item L, “Compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following particles or products, except that outside storage of these materials shall be prohibited: 1. Abrasives, acids, disinfectants, dyes and paints, bleaching power and soaps and similar products. 2. Ammonia, chlorine, sodium compounds, toxins, and similar chemicals. 3. Fertilizer, herbicides and insecticides.”
 - Section 2.112.04 Prohibited Uses, **remove** Items 2.112.04D1, 2.112.04D2 and 2.112.04D6.
 - Section 2.112.03, **add** Item M, “Manufacture of biomedical compounds as regulated by the US Food and Drug Administration.”
- The proposed definition of mixed uses in commercial zones, as recommended by Staff, was included in the motion.

Mr. Whiteman noted that anyone who disagrees with the action of the Planning Commission has the opportunity to address the City Council when they hold the public hearing on the plan text amendments recommended by the Planning Commission.

Mr. Weislogel said he supported the recommendation with the exception of removing churches from the Light Industrial zones as a conditional use.

Ms. Lafayette said she supported the discussion that churches fall into the same category as recreational facilities and should be classified as a commercial use rather than an industrial use.

Vice-Chair Allen noted for the record that at the September 17, 2002 public hearing, there was testimony from a citizen who advised the Commission that they should not adopt the proposed plan text amendments and asked that the record be left open for additional comments. This individual did not submit any additional written comments. Mr. Allen did not find any of the verbal comments to be competent or persuasive in terms of the arguments to not adopt the amendments.

Ms. Lafayette asked that the Staff Report to City Council reflect the Commission deliberations in the findings of fact. The plan text amendments are part of an on-going process that will enable the Sherwood community to have more economic diversity.

The Commission asked that the September 17, 2002 Planning Commission meeting minutes be included with the submittal to the City Council.

Mr. Whiteman noted that the discussion the Commission had on the plan text amendments was very detailed and he was proud to be a part of the process.

6. New Business

6A. Report from Council Liaison

Ms. Lafayette announced that the City Council agreed to hold a joint work session with the Planning Commission on October 29, 2002, beginning at 6:30 PM at the Senior Center. It was noted that no meal would be provided.

The Commission will work on agenda items for this meeting at their October 15, 2002 Regular Commission meeting.

Mr. Wechner reported that the proposed Sign Code amendments for portable and temporary signs were adopted by ordinance by the City Council at their September 24, 2002 meeting.

Mr. Wechner noted that the City Council asked Staff to prepare an ordinance for adoption of the Heron Ridge Planned Unit Development. There is an easement for drainage and slope for Roy Rogers Road that was acquired by Washington County during the realignment of this road. The applicant showed this easement on the existing conditions plan, but it was not identified. The applicant said that Washington County was going to vacate the easement. Because this portion of the property goes below Roy Rogers Road, the County wanted the slope easement to make sure that there was no construction activity that could undermine the road. The Council decided to incorporate the findings of the Commission and allow the applicant to move forward with the project and plat in stages. The applicant will work with Washington County on this issue. If the plat has to be changed it would have to come back before the City Council for approval.

Ms. Lafayette said the Council approved the issuance of a grading permit by the City Engineer for this project, knowing that the applicant would be taking on the liability of the easement not being vacated.

6B. Highway 99W Sub-Area Study Update

Mr. Wechner reported that he sent out a preliminary request to three planning consulting firms for an estimate of the costs to do this study. He received two responses ranging from \$30,000 to \$80,000. He asked another planning consultant, who has done this type of work before, and his response was that the study would be about \$50,000. Mr. Wechner thought that the higher estimate included some civil engineering.

Mr. Shannon said he spoke with Mayor Cottle and Council President Keith Mays regarding this study. The CAP Ordinance was supposed to allow all of the property owners an equal opportunity for development. If the sub-area study creates zone changes and the CAP Ordinance is changed, some property owners will be affected negatively. He said that any zone changes would change the uses of the property.

Mr. Wechner said the Capacity Allocation Program (CAP) does assume that the commercial acreage will remain static. Zone changes change occur, but somebody wins and somebody loses. Mixed-use may lower the amount of commercial acreage devoted to commercial uses and therefore, soften the effect on some parcels that are zoned general commercial.

Mr. Wechner said he would be taking a proposed budget to the City Council for the 99W Sub-Area Study for review and acceptance.

7. Adjourn

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

Respectfully submitted,

Planning Department