



**City of Sherwood
PLANNING COMMISSION**

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

April 17, 2001

Regular Meeting -7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – April 3, 2001 PC Minutes**
- 3. Agenda / Work Plan 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 04-03-01 PC Mtg) MLP 00-04/PA 00-08 Sherwood HD LLC Minor Land Partition and Plan Map Amendment:** request to by Willamette Landing Investments for a minor land partition to divide a 24.35 acre parcel into 2 lots located on the Home Depot site, Tax Lot 800, Map 2S 1 29A. The plan map amendment request is to rezone the 1.64 acre site at the southwest corner from Light Industrial (LI) to Retail Commercial (RC). (*Gary Pierce, Associate Planner*)
- 6. New Business**
 - A. Report from Council Liaison** (*Ken Shannon*)
- 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
April 17, 2001

1. Call to Order/Roll Call

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

Commission Members present:

Patrick Allen
Jean Lafayette
Jeff Schroeder
Ken Shannon

Staff:

Dave Wechner, Planning Director
Gary Pierce, Associate Planner
Shannon Johnson, Legal Counsel
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Adrian Emery
Jeff Fletcher
Lee Weislogel

2. Consent Agenda – April 3, 2001 Minutes

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

Patrick Allen moved the Planning Commission accept the April 3, 2001 Planning Commission minutes as presented. Seconded by Ken Shannon.

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

3. Agenda Review

Dave Wechner reviewed the work program for the Commission. On May 1, 2001, the Commission will be reviewing the proposed revisions to the sign code and code clean-up language in draft form prior to the public hearing. The public hearing for the code clean-up is scheduled for May 15, 2001 before the Commission and June 12, 2001 before the City Council. Mr. Wechner will either e-mail or surface mail a copy of the draft language to the Commissioners prior to the work session on May 1st.

Jean Lafayette announced she would not be available for the May 15, 2001 meeting.

Mr. Wechner reported on the four Langer Market Place application. The proposed Target Store Site Plan application will be scheduled for public hearing on May 15, 2001. The Hearings Officer is scheduled to hear the two Type III Langer applications on May 21, 2001 (4-lot subdivision and small retail site plan). The high density site plan application has not yet been deemed complete.

4. Community Comments

There were no comments.

5. Public Hearings

Vice-Chair Schroeder asked if the applicant wished to make any comments regarding their request for a continuance. The Commission was provided a copy of a memo dated April 17, 2001, from Staff regarding this request, along with a copy of a letter from the applicant, dated April 17, 2001, requesting a continuance.

Pete Rowe, Willamette Landing Investments, 4380 SW Macadam, Suite 295, PO Box 6059, Portland, Oregon 97201, addressed the Commission. He represents the landowners, Sherwood HD LLC. They would like more time to respond to the Staff Report and would ask that the Commission continue the public hearing for PA 00-08 Plan Map Amendment to a date uncertain. They would request that MLP 00-04 the Minor Land Partition application move forward as a Type II application.

Gary Pierce noted that, as pointed out in the April 17th memo, Staff is ready to move forward with their review of the partition. The partition was included in the Staff Report due to its relevance to the Plan Map Amendment. The partition is a Type II application that is reviewed administratively by Staff. Staff is ready to issue a Notice of Decision on the partition. The 120-day deadline on this application is May 17, 2001 and without a continuance on the partition, a decision will be need to be issued no later than May 3, 2001.

Ken Shannon asked for clarification on how the partition is related to the request for a zone change. The applicant's report states they want to do a land partition, but this partition, as currently zoned, would be too small to develop as Light Industrial. The applicant is requesting a zone change to Retail Commercial for the proposed 1.64 acre parcel. He asked if the applicant was creating a hardship by partitioning the property?

Mr. Pierce responded that the partition is related to the zone change, but it does not affect the zone change. As Staff pointed out, the applicant's arguments are self-created. If the applicant is willing to move ahead with the partition, Staff is ready to issue a notice of decision with conditions. Staff has also pointed out that there are other developed industrial properties in the City of similar or smaller size than the 1.64 acre site.

Mr. Shannon said he has a hard time separating the partition from the request for a zone change.

Patrick Allen said that the City would not have much of a basis to deny the partition, but this does not mean that he has to give the size of the parcel much weight in considering the request for a zone change.

Mr. Wechner said even though the partition is not dependent on the zone change, they are related and it makes sense for the Commission to see the two applications.

The Commission asked Mr. Rowe to further explain the request for another continuance.

Mr. Rowe commented:

- The applicant is not prepared to address the concerns made in the Staff Report. They are a little confused on how to react to the Staff Report. He counted 11 times that the report stated there are single uses in the LI and the RC and you can do the same thing in the LI and RC zones.
- There are uses in the LI zone that are permitted outright, but do not seem to fit with what they should do with the property. He did not think a radio communications tower, sewage treatment plant or chemical processing plant on the parcel would be appropriate.
- They do not know how to respond as to what they are trying to accomplish and what the City is trying to accomplish.

Mr. Allen said Mr. Rowe did not have to go into the merits of the application. He asked about the rationale to request a continuance to a date uncertain.

Mr. Rowe clarified and rephrased the request. They do not want to set a time for two weeks from tonight. They would request a date two months out in order to address the Staff Report properly.

Mr. Pierce said the Commission has the following options:

- Deny the applicant's request for a continuance and hold the public hearing tonight.
- Grant a continuance to a date certain.
- Grant an open-ended continuance to a date uncertain. This would require re-noticing. Staff does not recommend this option.

Mr. Wechner said a continuance to a date certain would avoid any confusion and assure a deadline for providing any additional comments.

The Commission discussed the available dates for the hearing and determined that the June 19, 2001 Commission meeting would work.

Mr. Shannon said he did not support a continuance and felt the applicant has had enough time to provide comments in response to the Staff recommendations contained in the Staff Report. He said the applicant's narrative and application seem to be quite complete. He did not see a need for a continuance.

Mr. Rowe said they are not playing any games. He wanted to know the Commission's concerns about the zone change. There are things that are allowed in the LI zone that cannot occur in the RC zone. The only things that can happen in the RC zone are gas stations and a drive-through restaurant. They are more than happy to sign these rights away and they would agree that they will not go for a drive-through restaurant or a gas station. When you go to the LI zone, you are saying that as the gateway to Sherwood on Highway 99W there is the potential for a radio tower. He does not want to make this an option for this property. They are not going to argue about the size of the partitioned parcel. The only difference with the RC zone is a gas station or drive-through restaurant are allowed uses and they are willing to sign these rights away.

Mr. Rowe said he is not prepared to argue point by point the very detailed Staff Report. The Staff Report recommends that the Commission deny their request for zone change to Retail Commercial. The only allowed uses in the RC zone that are different would be a bank, drive-through restaurant or a gas station. They would like to keep the bank option, but would give up the other two options.

Mr. Allen said he would like to provide the applicant every opportunity to respond to the Staff Report. However, this would not be an open-ended timeframe.

Jean Lafayette said she would save her detailed comments for the public hearing. However, the application refers to Chapter 7, Section 7.2 Preliminary Plat rather than Section 7.5 Land Partitions of the Development Code.

Mr. Pierce said the Staff Report addressed the criteria at Section 7.5 for minor partitions rather than the incorrect criteria at Section 7.2 for preliminary plat as the applicant argued in their application.

Mr. Rowe said they would submit written arguments prior to the June 19, 2001 public hearing, if the Commission granted the continuance.

Mr. Pierce said the Staff Report would remain the same. However, Staff will respond to the applicant's written arguments to the Staff Report.

Patrick Allen moved the Planning Commission continue PA 00-08 Home Depot Plan Map Amendment to the June 19, 2001 Regular Commission meeting and extend the 120-day deadline to August 28, 2001, as requested and agreed to by the applicant. Seconded by Jeff Schroeder.

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

Mr. Rowe agreed to send written confirmation to the City regarding the continuance of the public hearing and 120-day deadline.

6. New Business

There was no new business.

Vice-Chair Schroeder asked if there was report from Mr. Shannon, Council Liaison.

Mr. Shannon distributed a copy of a letter dated April 10, 2001 to the City Council from Adrian Emery regarding the Safeway Service Station land use application. Mr. Shannon attended the April 10th Council meeting prepared to present a report as Council Liaison to the Council. The Mayor asked the Council if they had any questions of Mr. Shannon and there being none, Mr. Shannon was not asked to provide a report. He discussed the actions of the Council at this hearing.

Mr. Shannon did not support Mr. Emery sending a letter to the Council as Planning Commission Chair, without the knowledge and consensus of the Commission. He did not feel the Commission was heard by the Council as a group. If the Commission is not together as a unit, their actions do not mean anything.

Ms. Lafayette noted that she serves as Chair of a finance committee and she is not authorized to write letters under her Chair title without the full knowledge and consensus vote of the Committee as a whole. She asked Mr. Johnson for clarification.

Mr. Johnson said there is nothing wrong with an individual person speaking individually, as a private citizen, in a public hearing. There seems to be two separate issues here. One issue is the philosophy of the Commission generally. This is something that the Commission needs to decide. The other issue is that it would probably not be advisable to send a letter in the form used by Mr. Emery.

Mr. Allen noted that the Commission should discuss this item as a group with all Commission members in attendance. The question is what is the appropriate way to operate as a member of the Planning Commission versus as an individual.

Mr. Wechner said the split of someone's opinion as an individual and as part of a group has always been a dilemma. He suggested the Commission review the following points:

- Define the role of the Commission and its statutory requirements.
- How are Commission recommendations/decisions relevant to the Council.
- How much weight should Commission recommendations/decisions carry.
- What is the role of the Council Liaison.
- What is the role of the Commission Chair.

It was the consensus of the Commission to discuss this item at the May 1, 2001 Work Session.

7. Adjourn

There being no further business to discuss, the meeting adjourned at 8:00 PM.

Respectfully submitted,

Planning Department