



City of Sherwood PLANNING COMMISSION

Stewart Senior/Community Center
855 N. Sherwood Boulevard

May 15, 2001

Regular Meeting -7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Consent Agenda – Approve PC Minutes of April 17, 2001**
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):
 - 5A. **PA 01-01 Sherwood Development Code Plan Text Amendment:** proposed amendments to Section 2.202 Planned Unit Developments (PUD), Section 2.111 Light Industrial, Section 3.200 Processing Development Permits, Section 3.400 Appeals, Section 4.300 Conditional Uses, Appendix J Recommended Street Trees and Section 8.305 Wetland, Habitat and Natural Areas. (*Dave Wechner, Planning Director*)
 - 5B. **SP 00-22 Langer Marketplace Large Retail Site Plan:** request for approval of a 125,000 square foot Target Retail Store & 3,200 square foot Wendy's fast food restaurant. The site is located southeast of the intersection of Langer Drive & Tualatin-Sherwood Rd, Tax Lot 1700, Map 2S 1 29C. (*Gary Pierce, Associate Planner*)
6. **New Business**
 - 6A. **Report from Council Liaison** (*Ken Shannon*)
 - 6B. **July 3, 2001 Commission Meeting – Cancel due to Holiday**
7. **Adjourn**

<p>ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED TO THE NEXT REGULARLY SCHEDULED MEETING</p>

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
May 15, 2001

1. Call to Order/Roll Call

Chair Adrian Emery called the Planning Commission meeting to order at 7:00 PM.

Chair Emery presented a Certificate of Appointment to Bill Whiteman as a member of the Planning Commission. Mr. Whiteman was appointed to a four year term by the City Council. The Commission welcomed Mr. Whiteman back to the Commission.

Commission Members present:

Patrick Allen
Adrian Emery
Ken Shannon
Lee Weislogel
Bill Whiteman

Staff:

Dave Wechner, Planning Director
Shannon Johnson, Legal Counsel
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Jean Lafayette
Jeff Schroeder

Chair Emery asked the Commission for consensus to hear Agenda Item 5B under public hearings prior to Item 5A. The Commission concurred.

2. Consent Agenda – April 17, 2001 Minutes

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

Patrick Allen moved the Planning Commission accept the April 17, 2001 Planning Commission minutes as presented. Seconded by Lee Weislogel.

Vote for Passage of Motion: 3-Yes, 0-No, 2-Abstain (Emery, Whiteman)

3. Agenda Review

Dave Wechner referred the Commission to his memo dated May 15, 2001 regarding continuances for land use hearings. This draft memo was in response to their May 1, 2001 work session to guide the Commission on requests for continuances. Both the Commission and City Council have identified the need for such a policy. He asked the Commission for their comments. He will prepare a final draft for presentation at the June 5, 2001 Regular Commission meeting.

In response to Mr. Allen's questions, Mr. Wechner said the language in the first request is somewhat broader than the language for subsequent requests for continuances.

Mr. Allen said the language in the first request seemed to be more restrictive than what it should be.

Mr. Whiteman asked for clarification whether the policy for continuances would make it more restrictive for applicants to ask for continuances. He suggested the language for the first request be specifically related to the original application.

Mr. Wechner said generally, requests for continuances are not made until after the Staff Report is written.

Mr. Shannon said he did not have a lot of tolerance for second and third requests for continuances from the applicant. When the application is presented to the Commission all parties should be well aware of what is being presented and the Staff recommendation.

The Commission agreed to the following language for the first request:

“First request: Applicant(s) shall show good cause, by stipulating reasons for continuance that are reasonable and related to the original application.”

Mr. Wechner advised the Commission that there is a request for continuance from the applicant on SP 00-22 Langer Marketplace Large Retail Site Plan public hearing scheduled for tonight.

4. Community Comments

There were no comments.

5. Public Hearings

Chair Emery read the hearings disclosure statement and requested that Commission members reveal any conflicts of interest, ex-parte contact or bias regarding any issues on the agenda. Mr. Shannon said he and Jean Lafayette reviewed her list of questions regarding SP 00-22 Langer Marketplace Large Retail Site Plan because she would not be in attendance tonight. There were no further Commissioner disclosures.

5B. SP 00-22 Langer Marketplace Large Retail Site Plan

Chair Emery opened the public hearing and asked if Staff wished to make any comments.

Dave Wechner entered into the record the following items:

- Letter dated May 14, 2001 from the applicant’s attorney, Mark D. Whitlow, requesting a continuance.
- Memo dated May 15, 2001 from Gary Pierce, Associate Planner, regarding the applicant’s request for a continuance.

Mr. Whiteman asked if the storm drainage issue was the reason for the request for continuance. Mr. Wechner responded that the storm drainage capacity was never confirmed by Washington County. The County agreed to take the storm drainage, but there were no calculations or evaluation whether the ditch along Tualatin-Sherwood Road could handle this the storm drainage. This is something the City needs to know because flooding to Tualatin-Sherwood

Road would result if there is not enough capacity. Both the City and applicant agree that this issue should be resolved. The applicant would like additional time to work with the City to demonstrate there is sufficient storm drainage capacity to service the proposed use.

Mr. Wechner said the standards are USA's, but the facility (Tualatin-Sherwood Road) is Washington County's.

Shannon Johnson said if the Commission grants the request for continuance he would suggest the 120-day deadline be continued to a date certain. He would recommend the Commission extend the 120-day deadline to August 28, 2001.

The applicant is in attendance to address the Commission.

Chair Emery asked if the applicant wished to provide testimony.

Alisa Brodhay, WRG Design, representing the applicant, Willamette Landing Investments, 10450 SW Nimbus Avenue, Beaverton, Oregon 97223, addressed the Commission. Ms. Brodhay said the applicant would agree to continue the 120-day deadline to August 28, 2001 and continue the public hearing to the June 19, 2001 Regular Commission meeting. This will allow them to determine the storm drainage capacity for the proposed development.

Mr. Wechner noted for the applicant that the report or memo to the Commission would need to be available seven days prior to the June 19th hearing (June 12, 2001).

Mr. Allen asked if the Commission adopts the policy for continuances at their June 5, 2001 meeting, would it be applied to this application.

Mr. Wechner said this policy would be a guideline and is essentially an internal policy. The Code stipulates that it is up to the Planning Commission to grant continuances.

Mr. Allen said the applicant should be aware that further continuances would need to adhere to this internal policy. Staff provided a copy of the draft continuance policy to the applicant.

Adrian Emery moved the Planning Commission continue SP 00-22 Langer Marketplace Large Retail Site Plan to the June 19, 2001 Regular Commission meeting and continued the 120-day deadline to August 28, 2001. Seconded by Lee Weislogel.

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

**5A. PA 01-01 Sherwood Development Code Plan Text Amendments
Chair Emery opened by public hearing and called for the Staff Report.**

Dave Wechner referred the Commission to the Staff Report dated May 8, 2001, a complete copy of which is contained in the City Planning File SP 00-22. He reviewed each of the categories and noted:

- He entered into the record a letter dated May 15, 2001 from Joel D. Marshall, Pastor, The Gathering, requesting consideration to allow churches as a permitted use in the Retail Commercial (RC) zoning district. Currently, churches are a conditional use in this zone. Copies of the letter were distributed to the Commission. This was not one of the plan text amendments that were considered during the previous work sessions.
- The following plan text amendments are being proposed:
 - Consider quasi-judicial Type IV application be subject to conditional use criteria and that the conditional use criteria be updated to better address potential impacts of development and community needs.
 - Clarify the applicability to residential development of Chapter 8, Section 8.305.01 Wetlands, Generally.
 - Shorten the appeal period for land use applications to ten (10) days from the current twenty-one (21) day appeal period. Chapter 3, Section 3.400 Appeals.
 - Consider adopting a “fast track” site plan review process for expansion or changes less than 20% of the original structure, seating capacity or parking. Chapter 3, Section 3.200 Processing Development Permits.
 - Add to the list of street trees in Appendix J of Chapter 8, a list of trees titled “Street Trees Approved Under Powerlines” as published by the PGE.
 - Consider changing certain Conditional Uses in the Light Industrial (LI) zone to Permitted Uses. Chapter 2, Section 2.111 Light Industrial.
 - Establish a minimum 5,000 square foot lot size for single-family detached residential uses in all zones. Chapter 2, Section 2.202.05C. Residential PUD, Residential Standards.
- In conclusion, Staff recommends approval of the proposed Plan Text Amendments as stated in Attachment A of the May 8, 2001 Staff Report.

Mr. Whiteman asked how these amendments would affect appeals to City Council.

Mr. Wechner said the proposed text amendments would require that the appeals be based on the record. If adopted, the applicant would not be allowed to present new evidence at the appeal Council hearing.

The Commission discussed the letter from Mr. Marshall and his request. They asked how the Development Code defined a “church”. Mr. Wechner read the definition from the Code. He noted the letter was received today and that Staff did not have a recommendation regarding the request. According to land use law and zoning, churches are “uses” not “structures”.

The Commission concurred that this request should be identified as an item for discussion in their work program. They would review the request at one of their future work sessions on proposed Development Code amendments.

Patrick Allen moved that the Planning Commission recommend to the City Council adoption of PA 01-01 Plan Text Amendments as presented in Attachment A of the May 8, 2001 Staff Report. Seconded by Adrian Emery.

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

6. New Business

6A. Report from Council Liaison

Ken Shannon reported that the Council discussed the Urban Renewal District at their last meeting. The urban renewal plan is moving forward. He suggested that the Commission consider including some additional citizens in the work sessions for design review standards. Staff will invite comments from citizens for urban design review guidelines for the Old Town District through a letter from the Commission under the signature of Chair Emery. The Commission agreed.

6B. July 3, 2001 Regular Commission Meeting – Cancelled

It was the consensus of the Commission that the July 3, 2001 Regular Commission meeting be cancelled due to the Fourth of July holiday.

7. Adjourn

There being no further business to discuss, the meeting adjourned at 7:45 PM.

Respectfully submitted,

Planning Department