



**City of Sherwood
PLANNING COMMISSION
Stewart Senior/Community Center
855 N. Sherwood Boulevard
June 6, 2000 - 7:00 PM**

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Community Comments** *are limited to items NOT on the printed Agenda.*
- 4. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the following procedure (Resolution 98-743, adopted June 9, 1998):
 - Staff Report--15 minutes
 - Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
 - Proponents—5 minutes each (applicants may not also speak as proponents.)
 - Opponents—5 minutes each
 - Rebuttal—Balance of applicant time (see above)
 - Close Public Hearing
 - Staff Final Comments—15 minutes
 - Questions of Staff/Discussion by Body—no limit
 - Decision (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)
- A. PA 00-01 2040 Plan and Code Text Amendments:** Comprehensive Plan and Zoning Code amendments to: 1) Reference compliance with Unified Sewerage Agency Water Quality Rules R&O 00-7 for all new development, and 2) To prohibit large-scale retail uses larger than 60,000 square feet in the Light Industrial (LI) and General Industrial (GI) employment zones. The purpose of the amendments is to clarify water quality rules and to reserve industrial zones for industrial jobs. The amendments reflect the requirements of the Metro Urban Growth Management Functional Plan Title 3, Title 4 requirements. (*Carole Connell*)
- 5. New Business**
- 6. 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
June 6, 2000

1. Call to Order/Roll Call

Chair Angela Weeks called the meeting to order at 7:10 PM.

Commission Members present:

Adrian Emery
Sterling Fox
Keith Mays
Jeff Schroeder
Ken Shannon (7:15 PM)
Angela Weeks

Staff:

Carole W. Connell, Planning Consultant

Commission Members absent:

Jeff Fletcher

2. Agenda Review

There were no comments.

3. Community Comments

There were no comments.

4. Public Hearings

Chair Weeks 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.

There were no disclosures.

4A. PA 00-01 2040 Plan and Code Text Amendments

Chair Weeks called for the Staff report. Carole Connell referred the Commission to the Staff Report dated June 2, 2000, a complete copy of which is contained in the City Planning Files. She discussed Titles 3 and 4 in detail and noted the following:

- Metro adopted the Urban Growth Management Functional Plan in February 1997. Local jurisdictions were given two years to come into compliance with the Plan.
- This Plan contains eleven titles. Any city within the Portland Urban Growth Boundary is under the jurisdiction of Metro which is the regional governing body.
- Sherwood submitted its compliance report in August 1998 and requested an extension of Titles 1 and 6 from April 1999 to June 2000.
- The Metro Council granted a further extension for Title 4 until June 2000.

- The City requested another extension to December 2000. In that request, the City said they would try and meet the previous June 2000 extension for Titles 3 and 4. The City is now on track and intends to meet these deadlines and all of the work will be completed by December 2000.
- Title 3 is for Water Quality and Flood Management.
- Title 4 is Restrictions on Retail Uses in Employment and Industrial Areas.
- Titles 3 and 4 will amend the Community Development Plan Parts 2 and 3 as described in Exhibit A.

Title 3 – presentation by Carole Connell

- The Unified Sewerage Agency (USA) is the City’s technical overseer of stormwater, erosion control, and water quality.
- She referenced the USA Design and Construction Standards R&O 00-7, which became effective on February 4, 2000. This standard contains new water quality rules. After February 4, 2000, all new development within the City has to comply with these new rules.
- These rules are designed to protect water quality in Sherwood’s waterways.
- USA will review each new development application and send comments back to the City.
- The Commission will review the land use application that includes comments from USA.
- Metro has determined that the USA R&O 00-7, meets Title 3 protection of water quality as determined in the Metro 2040 Plan.
- Sherwood’s compliance with Title 3 is included in Exhibit A. This title requires jurisdictions to amend their comprehensive plans and implementing ordinances to protect water quality and to improve flood management.
- The City’s Design and Construction Standards have already been revised to reflect the new USA standards.
- Ms. Connell reviewed the proposed changes to the Comprehensive Plan, Part 2 and Development Code, Part 3.
- These changes included Part 2, Chapter 5, pages 7, 12, 18 and Part 3, Section 6.600 Storm Water Design Standards, and Section 8.202 and 8.305 Wetland, Habitat and Natural Areas.

The Commission took a few minutes to look at the map.

Ms. Connell briefly discussed the requirements of ORS 227.160 to 227.185. She advised the Commission that Brenda Bernards from Metro was in the audience.

Chair Weeks announced the Commission would hear testimony regarding Title 3 first and asked if there was anyone who wished to provide testimony.

Tom Aufenthie, 15674 Highpoint Drive, Sherwood, Oregon 97140, addressed the Commission. He said the public notice did not fully explain how these amendments may affect the value of property. Neither did the Staff Report. It is not written in plain English and leaves people wondering how these amendments would affect their property. He said the notice of public hearing is inadequate. On that basis, he asked that the hearing be continued and another flyer sent out. He made reference to the Staff Report, Exhibit A, the notice of public hearing, and specifically:

- Referenced compliance with USA Water Quality Rules R&O 00-7.
- Exhibit A, A1, A1e, regarding establishing buffers and what they will be.
- Exhibit A, page 3, flood plain and wetland ordinances does not discuss what the buffer requirements might be.
- Exhibit A, page 4, Zoning Code page 49 and 50, Chapter 8, Standards, an area determined by the USA R&O 00-7, or its replacement.

He did not think the citizens who received a copy of the public hearing notice could understand what was being proposed. He did not know, until he saw the map, what all of this might mean.

Ms. Connell responded the rules will not tell you how far back a certain development must be set back from certain waterways until someone from USA reviews the specific plan. The rules provide an outline on how the setback is determined.

Chair Weeks clarified that the regulations would be specific for each development.

Ms. Connell said in the future there will be new rules established in response to the Federal Endangered Species Act and fish protection. In this context, they are talking about buffers possibly being up to 200 feet.

Ms. Connell said the Comprehensive Plan itself is a general document and it does not specify buffers. The USA R&O 00-7 specifies that they will look at a new development very carefully to find out what the contours are and how far they are from any waterway and then determine how far they have to be set back in order to protect water quality. They cannot say it is going to be 5 or 10 feet in a document.

Brenda Bernards, Planner with Metro, 600 NE Grand Avenue, Portland, Oregon 97222, addressed the Commission. The buffers or setbacks from the edge of the stream or wetland depend on the steepness of the slope and nature of the stream. An intermittent stream would have different setbacks than a perennial stream. Generally, for an intermittent stream, USA standards are 25 feet for protection of water quality. For streams that are year round, with slopes less than 25% and are 1-4 feet wide the setback would be 50 feet. For other streams with a very steep slope, the setback could be up to 200 feet for the buffer. These are the standards and within the standards there are opportunities for flexibility and encroachment or making the buffer wider in another area. The goal is to have the least impact on the area they would like to see protected. This is the general standard and it would be applied to each specific site.

Mr. Aufenthie said this should have been explained in the public notice.

Ms. Connell reiterated that USA R&O 00-7 meets the Metro requirements for Title 3. She explained the limitation of the City-wide notice that was mailed to 3,800 residents. She said it could have been better.

Mr. Emery brought up the issue of requiring connection to City sewer. Ms. Connell explained that any new urban development must connect to City sewer. The Commission concurred.

Ms. Bernards discussed in detail how USA applies their standards, what the potential penalties would be and how the requirements of the Clean Water Act are met.

Chair Weeks asked if there was anyone else who wished to testify regarding Title 3.

Jean Lafayette, 230 SE Nottingham Court, Sherwood, Oregon 97140, addressed the Commission. When Metro made their presentation on stream corridors to the City Council, she was confused about the liability the City of Sherwood would have after they adopt this plan.

The Commission said it would be the responsibility of USA to see that these standards are met and the liability was theirs.

There being no further testimony on Title 3, Chair Weeks announced that Ms. Connell would review Title 4.

Title 4 – presentation by Carole Connell

- Title 4 places Restrictions on Retail Uses in Employment and Industrial Areas.
- This title requires a plan policy in the industrial section stating that lands planned for industrial use should be reserved for employment uses and that large-scale retail uses (over 60,000 sq ft) with large parking requirements and significant traffic impacts should not be located in those areas. For the City of Sherwood, this would be in the Light Industrial (LI) and General Industrial (GI) zones.
- The General Commercial (GC) zone in Sherwood is exempt, even though it is a designated employment area.
- Local ordinances may make exceptions for low traffic generating, land-consumptive commercial uses with low parking demand, which have a community or region-wide market. Although the Code no longer permits general commercial uses in the industrial zones, for clarification the Code should specifically prohibit them. The City has requested Metro to amend their map by removing the employment designation for the Rail District adjoining downtown. This request should be processed separately from the Functional Plan compliance work.
- In implementing Title 4, the Comprehensive Plan, Chapter 4, Land Use, “The City will prohibit the development of large-scale retail uses with significant traffic impacts and large parking requirements on industrially zoned land.”
- Chapter 2, pages 46 and 51 of the Zoning Code, Sections 2.111.04 LI and 2.112.04 GI, Prohibited Uses, “Large-scale retail uses larger than 60,000 square feet of gross leaseable area per building or business.”

Chair Weeks asked if there way anyone who wished to provide testimony on Title 4.

Tim Voorhies, owner of Steel-Tek Industries, PO Box 908, Sherwood, Oregon 97140, addressed the Commission. He read the proposed language and asked whether this would be a legal document.

Mr. Mays said the Commission will make a recommendation to the City Council based on this document. The Council decision would amend the City Comprehensive Plan and Development Code.

Ms. Connell said the City Attorney would prepare an Ordinance for adoption of any amendments to the Comprehensive Plan.

Mr. Voorhies said he read the amendment to mean that now you can have a building up to 60,000 square feet of retail in the Light Industrial (LI) zone. If Metro states the City must abide by Title 4, this means he can now have a retail use up to 60,000 square feet on his property.

Mr. Mays said he understood Title 4 to mean if the zoning allowed retail uses in Light Industrial, you could not have a retail use larger than 60,000 square feet. If the underlying zoning did not allow retail uses, then this Title does not affect what is permitted.

Mr. Voorhies referred to the sustainable living project the City went through a few years ago. This project basically stated they wanted satellite communities. By taking away the commercial uses from the light industrial zones, this cannot occur. He asked if this recommendation would contradict the sustainable living study.

Ms. Emery said there are several contradictions in the Metro 2040 Plan.

Ms. Connell said there may be other ways to achieve the standards of the sustainable living study such as having a Planned Unit Development (PUD) with commercial and residential uses.

Chair Weeks asked if there was anyone else who wished to provide testimony on Title 4. There being none, Chair Weeks closed the public hearing on PA 00-01 2040 Titles 3 and 4 Plan and Code Amendments for discussion by the Commission.

Mr. Schroeder are for clarification regarding the 60,000 square foot restriction. Ms. Connell stated this covers the “gross leaseable” area.

Mr. Emery asked where an office complex use would fall under the Code. He asked if the City was being too specific with restrictions that may affect future options to develop along Highway 99W. In particular, limiting some type of office uses.

Ms. Connell said the Code has an Office Commercial (OC) zone for these uses as well as Retail Commercial (RC) and General Commercial (GC) zones.

Mr. Shannon said that the requirements of Title 3 will affect a lot of property owners in Sherwood.

The Commission reviewed the stream designation map from USA.

The Commission asked Ms. Connell to ask for a legal opinion from the City Attorney regarding the ramifications of Title 4.

The Commission discussed clarifying the recommendation with regard to the retail space not exceeding 10% of the total building usage. They agreed to add language to the Conditional Use Section for the General Industrial (GI) and Light Industrial (LI) zones, "10% of the floor space in an industrial business could be used for retail sales of their product, up to a maximum of 60,000 sq. ft. (gross leaseable area per building or business)."

The Commission directed Ms. Connell to prepare revised recommended language in Exhibit A and place it on the consent agenda for the June 20, 2000 Regular Commission meeting.

Mr. Emery asked if the City Staff could place an announcement in the next issue of the *Sherwood Gazette* regarding the City Council public hearing on July 11, 2000 for Title 3 and Title 4.

Adrian Emery moved the Planning Commission recommend approval of PA 00-01 Title 3 and Title 4 Comprehensive Plan and Code Amendments, with the noted changes, to the City Council. Seconded by Angela Weeks.

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

5. New Business

There was no new business.

6. Adjourn

There being no further business to discuss, the Commission meeting adjourned at 8:45 PM.

Respectfully submitted,

Planning Department