



**City of Sherwood  
PLANNING COMMISSION  
Stewart Senior/Community Center  
855 N. Sherwood Boulevard  
August 15, 2000 - 7:00 PM**

**A G E N D A**

**1. Call to Order/Roll Call**

**2. Consent Agenda - Approval of Minutes – August 1, 2000**

**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 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. Recognize that substance, not length, determines the value of testimony. Endorse rather than repeat testimony of others.)

**A. SP 00-01 Sherwood Industrial Park Site Plan (Oregon-Washington Lumber, owner) (cont'd from 07-18-00):** a request for site plan approval to develop a 52-acre site with 390,466 sf of industrial flex buildings for use in warehouse, mfg, & incidental office use, located at 14890 SW Tualatin-Sherwood Rd, west of RR tracks and 1-mile east of Hwy 99W. Tax Lots 100, 101, 102, Map 2S 1 29D. (*Dave Wechner, Planning Director*)

**B. PA 00-02 US Bank Zone Map Amendment (TL 3100):** a request by US Bank Trust for a plan map amendment to rezone Tax Lot 3100, Map 2S 1 30D located at 21650 SW Pacific Hwy from Medium Density Residential Low (MDRL) to Office Commercial (OC). (*Keith Jones, Associate Planner*)

**6. New Business**

- A. Urban Reserve Area 45 Study** (*Dave Wechner*)
- B. 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**  
**August 15, 2000**

**1. Call to Order/Roll Call**

Vice-Chair Mays called the meeting to order at 7:00 PM.

Commission Members present:

Adrian Emery  
Jeff Fletcher (7:05 PM)  
Sterling Fox  
Keith Mays  
Jeff Schroeder  
Ken Shannon

Staff:

Dave Wechner, Planning Director  
Keith Jones, Associate Planner  
Shannon Johnson, Legal Counsel  
John Morgan, City Manager  
Terry Keyes, City Engineer  
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Angela Weeks

**2. Minutes of August 1, 2000**

Vice-Chair Mays asked if there were any additions or corrections to the minutes of August 1, 2000. There were no comments.

**Sterling Fox moved the Planning Commission accept the August 1, 2000 minutes as presented. Seconded by Adrian Emery.**

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

**3. Agenda Review**

Dave Wechner advised the Commission that the applicant for PA 00-02 US Bank Zone Map Amendment had requested a continuance of the hearing for at least a 30-day period. This continuance will have a concurrent extension of the 120-day deadline. Vice-Chair Mays noted that the Commission may allow citizens in attendance tonight the opportunity to provide testimony on this application.

Mr. Wechner advised the Commission that one item had been added to the Agenda under New Business. John Morgan, City Manager, will present the Sherwood Urban Renewal Plan to the Commission. The Commission is not required by statute to review the Plan, but the Council wanted them to review the proposal. The Commission will be asked to make a recommendation to the City Council. The Council will hold a public hearing on the Plan on August 29, 2000.

**4. Community Comments**

There were no comments.

## **5. Public Hearings**

Vice-Chair Mays 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. Mays said he spoke briefly with the Mayor about the two applications on the Agenda. The Mayor made the comment that he did not remember the City ever approving an applicant's request to fill wetlands. Mr. Mays mentioned the US Bank Zone Map Amendment and the Mayor said he was not aware of this application. This was the extent of their conversation.

There were no other Commissioner disclosures.

### **5A. SP 00-01 Sherwood Industrial Park Site Plan (Oregon-Washington Lumber, owner), continued from 7-18-00, public hearing open**

Vice-Chair Mays asked if Staff wished to provide further information on SP 00-01.

Mr. Wechner said at the last hearing the Commission asked the applicant to address the criteria under Section 8.305.02 of the Development Code. On August 8, 2000, the applicant faxed a response addressing Section 8.305.02 of the Development Code. This information was included in the Commission's packet and made a part of the record. He reminded the Commission that this application is being reviewed as a Type IV land use application and any decision by the Commission will be a recommendation to the City Council.

Shannon Johnson, City Attorney, stated that the testimony given should be directed at the criteria that was set forth in the Staff report. Failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the Commission or Council with a reasonable opportunity to respond, will preclude appeal, to the State Land Use Board of Appeals (LUBA).

**John Brooks, VLMK Engineers, 3933 SW Kelly, Portland, Oregon 97201**, addressed the Commission. He noted the following:

- The plans and application have been submitted to the Division of State Lands (DSL) and U.S. Army Corps of Engineers (Corps).
- The applicant has completed the traffic study and this has been submitted to Washington County. The City Engineer will also receive a copy. The study concludes that the road will be adequate for the first building and no major improvements would be required. When the second building is built, this will require a signal and right-turn lane coming from the west.
- Two major concerns from the last public hearing were that the applicant needed to address the City of Sherwood requirements and criteria more clearly.
- In addressing the reduced buffer, they propose to be 25-feet from the major wetland and it will not be impacted by any development. They would begin filling from that point and create a bank. The top of the bank will be 65-feet back from the wetlands. They will plant natural materials and establish new erosion control 65-feet from the wetlands. In effect, this will provide more wetland buffer than what is required.

- He referenced Section 8.305.02A1c, “A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.” These requirements are addressed in their application to the Division of State Lands. The concern was there are some upland wetland areas that will be filled. He pointed out that their wetlands report identified the majority of the wetlands as being “emergent” wetlands and not of a very high quality. They are proposing to fill about 70,000 square feet of what is considered scrub-shrub wetlands. One-half of this is under the BPA power lines and BPA maintains this area. About 3,500 square feet is scrub-shrub, higher quality wetlands that they propose to fill.
- The issues raised would be fairly easy to condition the application on for development. If the applicant did not believe they were going to get approval from the DSL and Corps, they would not be before the Commission.
- They have been working on this project for over one year. They are confident they will be approved. They expect to have some modifications from DSL, but overall, the plan will remain as submitted.
- It was their understanding that if they wanted to fill the wetlands or change them, they are automatically in the DSL process. If they get turned down in this process, they have two choices 1) stay 65 feet away from the wetlands and come back with a new application or 2) the project does not proceed after that point because it is not economically viable.
- Since they have submitted to the Corps and DSL, it would seem very reasonable to condition the project that approval from the DSL and Corps is required before they can proceed with the next phase of the project.

Mr. Wechner said the Code does allow for reducing the setbacks if it complies with federal and state permits or standards that will apply to state and federal permits, if required. The second part of Section 8.305.02A2, standards for wetlands states, “Where existing wetlands are eliminated by the facility, the applicant will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.” One of the issues at the last hearing was that enhancement of the wetland areas might involve changing the hydrology of the upland wetlands and this may lead to the release of contaminants. Staff’s position has been that they cannot determine whether the applicant has complied with the standards of Section 8.305.02 regarding federal and state permits, as these agencies have not responded with an evaluation.

Mr. Brooks said it seemed like the project could be conditioned to meet these standards. He continued with his testimony.

- If the application is denied, they will have to wait until the DSL and Corps process is complete before they go to the City Council. He did not believe there was any risk to the City to condition the project to meet these standards.
- With regard to changing the hydrology, when they asked the US Fish & Wildlife Refuge representative, he could not say with any certainty that what they were proposing would change the hydrology. There is not enough information in the report to make this determination. There are a lot of other factors that would change the hydrology that are out of their control. There are a number of factors that would change it worse than what they are

proposing. They are not adding any material that would change the hydrology. They are not creating any open waterways. They are simply planting materials in that space.

- The law states you cannot have a net fill in the floodplain area that could possibly cause flooding in another area. If you are filling floodplain on your site, you may be creating a flooding hazard on another site. This is not clear in their application. A condition could be added that the applicant demonstrate that they comply with the net fill 100 year floodplain.

Vice-Chair Mays said one of his concerns is allowing any enhancement on this site considering all of the unknowns regarding off-site conditions upstream. The Commission heard testimony that enhancing the site would attract more wildlife to the contaminated neighboring site.

Mr. Brooks said he and Mr. Schott talked about this issue at great length. He was not sure how there is justification for any concern. Part of what they are required to do on-site is plant 200 trees in the upland area of the site. Any time you plant a tree you create habitat for wildlife. It is an arbitrary statement to say that they will attract more wildlife. There is going to be a lot more vegetation than what is on-site now.

Vice-Chair Mays asked if the applicant would be opposed to a condition which states any enhancement has to be off-site. Mr. Brooks said if the enhancement was done off-site, this could be in the Wildlife Refuge. When the problem is resolved at the DEQ (tannery) site, the Wildlife Refuge could enhance this side of the site, or the applicant could post a bond for the value of the mitigation.

**Vice-Chair Mays asked if there was anyone who wished to provide testimony on SP 00-01 Sherwood Industrial Park Site Plan.**

**Bob Michaud-Tradd, 26 Hall Street, Sherwood, Oregon 97140, addressed the Commission.** Mr. Tradd had some concerns about this project and noted:

- He was concerned about the contaminants in the ground at the Frontier Leather site. This site is located a little bit downstream from the Oregon-Washington Lumber site.
- The applicant could not guarantee that there would be no contaminants released from their site during the construction process.
- The applicant proposes to fill wetlands while the City is spending funds on the Tualatin River National Wildlife Refuge. The President of the United States has signed legislation restricting wetlands infill because of problems with water quality.
- He would like to see a copy of any hydrology report regarding contaminants.
- Until the City knows a lot more about how much and the kind of contaminants there are in the ground and what the hydrology will be with this project, that the Commission should not move forward with a decision.
- The City has spent a lot of money on the Wildlife Refuge and he would not want to spend more money to clean up a mess that could have been avoided.
- He is a property owner and he does not want his investment to be threatened by a development that has no specific schedule. There are other property owners who may be at risk.

- It would be a lot easier and less expensive to clean up the contaminants now than it would be after the project is developed.

Mr. Wechner advised the Commission that a representative of the Wildlife Refuge submitted a hydrology report that is a part of the record. It is available for review by the public and a copy could be made at a reasonable fee.

**Robert J. Claus (opponent), 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission.** He noted:

- The application should be turned down on its face because the City has not allowed any wetlands fill. He referenced the Kay Apartments project, Lou Fasano and Kathy Park project. These projects were developed when the City did not have a wetlands inventory. Now the City has a wetlands inventory.
- The City Council made a decision not to allow any wetlands fill in the City. He is not talking about floodplains, he is talking about wetlands.
- This application has to go to the Council because the policy from City Council is that there be no fill in the wetlands. Any change in policy must come from the Council.
- He was concerned about this project affecting the hydrology.
- The applicant has the burden to show they will not be affecting the wetlands.
- This appears to be a “paper development”, i.e., they will get the project approved and then they will sell it. Any issues must be dealt with prior to approval.
- If there are contaminants on the site, the property owner will have liability.
- He would recommend the Commission deny the application subject to certain criteria.

**Ralph Webber, USFWS, 16340 SW Beef Bend Road, Sherwood, Oregon 97140, addressed the Commission.** He noted:

- The USFWS Biologist presented testimony at the last hearing that the site will be enhanced and attract water dependent migratory bird species. The point is that this will attract wildlife that is adjacent to a known contaminated site. The USFWS cannot prove or disprove that the enhancement will cause the release of contaminants into Rock Creek. They know that contaminants have migrated from the Frontier Leather site into Rock Creek on the property that is just upstream from the applicant’s property.
- With regard to the permitting processing with DSL and Corps, the DSL has a permit process. The jurisdiction lies within the US Army Corps of Engineers. The Corps have not delegated that authority to the State exclusively.
- It has been determined that there are jurisdictional elements on the applicant’s site. They have hydrated soil, seasonal flooding, hydrology and the presence of wetland plants. The Corps does not look at whether the wetlands are high, medium or low quality. The Corps reviews whether there is to be mitigation at the jurisdictional levels.
- The applicant has had an adequate amount of time, since they have had their jurisdictional report, to submit their application to the Corps for review.
- The applicant has stated that they feel quite sure that the permitting process will be approved. He asked the applicant what justification is there to be sure the permit will be approved?



- Have conceptual plans been sent to the Corps?
- Have the Corps has seen the site?
- Have there been discussions of potential problems with the Corps?
- Have the Corps said “We think this project will go under these conditions.”
- The applicant has not demonstrated that this process has occurred.
- The applicant has indicated they went through a planning process looking at alternatives to filling wetlands. He has not seen any demonstration of this in writing with their application or in the record.
- The USFWS knows what the contaminant trails are. They know what the heavy metals are that are located on the Frontier Leather site. They know there has been migration into the floodplain. They do not know what the contaminants are on the applicant’s property.
- If this land had already been purchased by the USFWS and there were a proposal to fill across this site, the USFWS would go through a process, in addition to the Corps permits, of determining compatibility with the Wildlife Refuge. The standard for mitigation is very high and is one of the highest in the United States. He cited as an example the Beef Bend/Elsner Road project in Washington County and the high standards that had to be met.

**Vice-Chair Mays asked if there was any further testimony. There being none, Vice-Chair Mays asked if the applicant wished to provide rebuttal testimony.**

**John Brooks** addressed the Commission. He referred the Commission to the site map and noted:

- The contaminated site is on the other side of the railroad tracks from their site. They are not changing the hydrology on their site. They are not excavating or creating any more floodplain area. They are not adding any more storm water to their site. They are only going to plant trees and shrubs. To change the hydrology they would have to cut a deeper channel and block off certain areas. They are not going to do any of these things.
- The contaminated site is very isolated by the railroad tracks and grading that is beyond their site. Nothing that occurs on their site could change the ground water on the other side of the site.
- There are other things that could cause the pollution to move. A 100-year storm has a much bigger potential to release pollution.
- He knows the contaminated site is a problem and that someone will have to deal with it. He understands that the property owner has been told if they don’t react on it, the DEQ has the ability to move in and fix it. This has nothing to do with the applicant’s site.
- The applicant conducted a site visit with representatives of the US Fish & Wildlife Service.
- When the Corps of Engineers does their review, the USFWS will be part of this review.
- With regard to wetlands being filled in the City of Sherwood, it is allowed by the City Code and it happens all of the time. It is allowed and it has occurred with other developments.
- The mitigation of wetlands is straightforward. You can either create new wetlands or enhance existing wetlands. He cited the ratios. Part of the mitigation is that you have to ensure that it survives for at least a period of five years.
- The report from Schott & Associates addresses the wetlands rules.

- The applicant's design criteria and standards are contained in the DSL and Corps application. They submitted 4-5 different project designs to the State.
- The limits of their development is dictated by their mitigation area.
- The applicant meets all of the criteria and that is why the project is going to be approved.
- With regard to doing mitigation off-site or posting a bond, he understands that neither of these would likely be allowed by the Corps. The mitigation has to happen on-site and concurrent with the development.

Vice-Chair Mays said there is concern because tests for contaminants have not been done on the applicant's site.

In response to Mr. Schroeder's questions, Mr. Brooks said Rock Creek runs in a channel from south to north past their site. The applicant is not going to change the hydrology.

Mr. Emery asked if any monitoring for contaminants would occur during the development of the applicant's site. Mr. Brooks said he did not believe any monitoring would occur. The USFWS did test downstream from the applicant's site and they did not find any contaminants.

**Vice-Chair Mays closed the public testimony portion of the public hearing on SP 00-01 Sherwood Industrial Park Site Plan for discussion by the Commission.**

The Commission asked Staff if the Site Plan criteria had been met by the applicant.

Mr. Wechner reviewed the Wetlands criteria in Section 8.305.02. It is not whether the applicant has met the standards, but the absence of a response from DSL and the Corps. The applicant is not compelled to apply for the permit from DSL prior to submitting their land use application.

Mr. Shannon said he had concerns about the Linke site. The applicant has not shown that their development will not cause the movement of possible contaminants. The Wildlife Refuge is very important to Sherwood and everyone worked hard to get it. The chance of disturbing it in any way must be looked at. The problem with the Linke site must be solved.

Mr. Schroeder said he asked if there was any pollution on the applicant's site and was told no. Mr. Fletcher clarified that he asked if they found any pollution on their site and the applicant responded "no", but the applicant did not look for any pollution on their site.

Shannon Johnson said the Development Code really does not specifically discuss contaminants. There is no provision for criteria to review in terms of contaminants or any environmental hazards. The Section of 8.305 talks about wetland habitat and natural areas. The focus has been on the wetlands. There is no direct criteria and the Commission should concentrate on what the criteria are. There is no policy with regard to filling of wetlands in the Development Code. There is no provision against filling the wetlands, although there is the second section, 8.305.02.2 about development and enhancement of the wetlands.

Mr. Emery said the proposed use of the property is a good use for Light Industrial. He liked the fact that the applicant was going to enhance the wetlands. However, he had concerns about what the enhancement will do to the wetlands. The Commission does not know how this development will affect the Wildlife Refuge and the wetlands.

Mr. Fletcher said he agreed with Mr. Emery. He would favor some type of bond for mitigation of the wetlands, but it is not allowed by the Corps.

Vice-Chair Mays said he agreed with Mr. Fox. He would like to see comments from DSL and the Corps prior to making a decision on this application. He agreed with Mr. Shannon regarding the importance of the Wildlife Refuge.

Mr. Schroeder said from a traffic standpoint, this was not a good plan. There are already problems on Tualatin-Sherwood Road. This plan would generate more traffic. He was also concerned about emergency vehicle access on Tualatin-Sherwood Road during high traffic volumes. This is a bigger issue than the Wildlife Refuge.

**Adrian Emery moved the Planning Commission recommend to the City Council denial of SP 00-01 Sherwood Industrial Park Site Plan based on the following in reference to Section 8.305.02, Items A, B and C, of the Development Code:**

- **Concerns for the wetlands and environmental effect this project may have.**
- **The lack of information regarding the contaminants.**
- **The lack of information from DSL and Corps of Engineers.**
- **Traffic concerns.**
- **Whether the filling of wetlands is against the City Policy.**

**The motion was seconded by Sterling Fox.**

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

**Vice-Chair Mays recessed the meeting at 8:22 PM for a 10-minute break. The Regular Commission meeting reconvened at 8:35 PM.**

**5. PA 00-02 US Bank Zone Map Amendment (Tax Lot 3100)**

Vice-Chair Mays announced the applicant had requested a continuance of the hearing for their application for at least 30 days.

**It was the consensus of the Commission to continue the public hearing for PA 00-02 US Bank Zone Map Amendment (Tax Lot 3100) to the September 19, 2000 Regular Commission meeting.**

**Vice-Chair Mays asked if there was anyone in the audience who wished to provide testimony tonight. Susan Claus said she would wait until the September 19<sup>th</sup> hearing.**

**Robert J. Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission.** He noted:

- There is a tainted history with this property (Smith Farm Estates). They have locked up the entire neighborhood by refusing to finish the sewer. The City Engineer did some research and found that intent of the record is clear and the sewer in Smith Farms Estates was to be public.
- The Smith Family refused to comply and they sold the property. If you read what the current owner states, they were misled. This is a matter of public record.
- The Meinecke/Highway 99W intersection re-alignment will also have an effect on this property. The intersection crossing 99W that goes to the Claus property is going to be taken out.
- The Commission recently approved the High Tech Graphics Site Plan. This site is adjacent to the US Bank Trust site.
- The applicant has requested a rezone of this property that was supposed to be housing to Office Commercial. You have four acres that could potentially do nothing but cause trouble.
- The Commission should reject this application for six months so the applicant gets the idea that this kind of behavior is going to stop.
- He would appeal any decision by the Hearings Examiner on the High School, unless it is a denial.
- A series of properties have been held hostage for five years, partially because of the sewer issue and Smith Farms Estates. If this application for a rezone is approved prior to the Meinecke/Highway 99W intersection and ODOT doing the traffic survey, he would appeal it to LUBA.

Vice-Chair Mays stated that this concluded those who wished to testify tonight and the hearing would be continued to September 19, 2000.

## **6. New Business**

### **6A. Urban Reserve Area 45 Study**

Dave Wechner advised the Commission that the report was included in the Commissioners packets. A copy of the final draft is also available at the City Hall and City Library.

### **6B. Report from Council Liaison**

Ken Shannon reported that the City Council remanded the Drennan Estates Planned Unit Development to the Commission. The applicant submitted revised plans to the Council. Mr. Wechner said the applicant will be allowed sixty (60) days to refile the application and a public hearing will be scheduled before the Commission. The applicant will pay one-third of the review fees when submitting the revised application.

### **6C. Sherwood Urban Renewal Plan (this item was added to the Agenda at the beginning of the Commission meeting)**

John Morgan, City Manager, referred the Commission to the Sherwood Urban Renewal Plan (Plan) which was placed on the table. The report consists of two parts – Part 1, the text and Part

2, exhibits. The City Council acts as the Urban Renewal Agency of the City of Sherwood. The Plan has been prepared pursuant to ORS Chapter 457, the Oregon Constitution and all applicable laws and ordinances of the State of Oregon and City of Sherwood. The proposed maximum indebtedness for the Plan is \$35,347,600, over a 20-year period. Copies of the Plan are available at City Hall.

Mr. Morgan said a goal of the City Council and the City is the major re-development of the Old Town Area as well as the Six Corners Area. The Council is considering for adoption an urban renewal plan. The Council would like the Commission to consider the Plan and make a recommendation to the City Council. The Council intends to take this matter up for adoption on August 29, 2000. There are some important deadlines with regard to the tax year and August 31, 2000 is one of these dates. Urban renewal establishes a taxing base and it is in the City's interest to establish that base as of January 1, 2000. To do this, the Plan has to be adopted by August 31<sup>st</sup>.

Mr. Morgan said the Urban Renewal Advisory Committee will meet on August 17, 2000 to review the proposed Plan. A public forum will be held on August 24, 2000 at the Senior Center to look at the Plan. The Council will consider the Plan at a Special City Council meeting on August 29, 2000 at 7:00 PM at the Senior Center. He introduced Charlie Kupper, Spencer & Kupper, who was in attendance to answer any technical questions. They are the principal consultants who prepared the report.

Mr. Morgan presented an in-depth review of the Plan and the process. In addition to this Plan, the Old Town Master Plan is also being developed as a part of the Plan. The proposed Urban Renewal Plan encompasses Old Town, the Washington Hill neighborhood, all of the Six Corners area and the links on both sides. It excludes the middle of these areas; Sherwood Village and the schools. He identified the area on the map. An urban renewal district has two thresholds it cannot exceed. It cannot exceed 25% of the land area of the City, and it cannot exceed 25% of the assessed valuation of the City. It is important to note that if the list of projects is adopted, the Council would still be required to approve each project, year-by-year, through the budget process.

Dave Wechner reviewed the policies and implementing strategies of the Comprehensive Plan, Part 2 and how they relate to the Urban Renewal Plan. The Plan is an extension of the Comprehensive Plan. Any recommendation to the City Council should refer to the Comp Plan policies.

Mr. Morgan said the Urban Renewal Plan is a legal document that establishes a financing tool, it does not build anything. The Commission will be involved in reviewing and approving specific projects.

Vice-Chair Mays said it is important to note that this Plan would not be taking any money away from schools. Mr. Morgan concurred that this Plan would not impact the operational budget of the School District. The Plan is asking the community to make an investment over a period of years that will pay off with much improved property values in the future.

Mr. Shannon discussed the importance of maintaining the Old Town District.

Mr. Fox asked how the Commission could act on this Plan when it was not posted 72 hours in advance and the Commission did not vote to add it to the Agenda tonight. He asked for clarification regarding the process. He said if this Plan was being presented by anyone but the City, he would vote against it. He was concerned that he was being asked to make a decision on the document in the short time period. He would like to have had more time to review the Plan.

Shannon Johnson said his understanding is that the Commission needs to make a recommendation to the Council. Mr. Kupper clarified that the Commission is invited to comment on the Plan. Mr. Johnson said there is no specific requirement for a public hearing by the Commission. Unless there are specific, required procedures, the Commission can make a recommendation on the Plan tonight. He was not aware of any procedures.

Mr. Fox said he thought that urban renewal is a fine thing and this may be a good Plan, but he said the procedure being used was very poor to expect the Commission to review the Plan in 30 minutes and make a recommendation.

Mr. Wechner said the Council made a very deliberate decision last week to move forward with the Plan.

Mr. Morgan said the Plan was just completed. However, the Commission could take more time to review the Plan and have a Special Commission meeting to make their recommendation.

Mr. Fletcher said he agreed with Mr. Fox. This Plan appears to be a “grab” for money.

Mr. Morgan said if the Plan is not acted upon by August 31, 2000, the City would lose the tax base from the skating rink, the theater and the assisted living facility. The Council made a decision to deal with the Plan in a short timeframe.

Mr. Shannon said he has watched for years the business people trying to revive the Old Town District. This Plan is going to be an effective way to do this. This is a very good Plan and very good idea. The Plan is for the City. He supported recommending approval of the Plan to the Council.

Mr. Emery asked Staff how this Plan would affect Metro’s goals regarding density and jobs?

Keith Jones said Metro would like to see mixed-use. They have looked at the Six Corners area and Old Town Area as that kind of hub with mixed uses; residential and business. This is addressed in Title 1 of the Functional Plan.

Mr. Emery asked how the improvements would be maintained? Mr. Morgan responded that it is important to understand that Urban Renewal Districts make capital investments. They do not

maintain anything. It would be the responsibility of the City to find a way to maintain the improvements. This will also be addressed in the Old Town District study.

Mr. Schroeder asked how long it would take to implement the Plan? Mr. Morgan said the plan is to issue a bond that would give the City enough capital to get started in 2002.

Mr. Schroeder said he moved to Sherwood because of the atmosphere of Old Town. Maintaining this small town atmosphere is very important to him. He would support the Plan. He would like to be able to review the Plan and make further comments.

**Adrian Emery moved the Planning Commission recommend to the City Council adoption of the Sherwood Urban Renewal District Plan based on the goals and policies of the Comprehensive Plan, Part 2. Seconded by Ken Shannon.**

**Vote for Passage of Motion: 4-Yes, 1-No (Fletcher), 1-Abstain (Fox)**

## **7. Adjourn**

There being no further business to discuss, the Regular Commission meeting adjourned at 10:05 PM.

Respectfully submitted,

Dave Wechner  
Planning Director