



**City of Sherwood
PLANNING COMMISSION
Masonic Hall, 60 NW Washington Street
Tuesday, May 4, 1999
7:00 PM**

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes - April 20, 1999**
- 3. Agenda Review**
- 4. Work Session to discuss the Land Use Application Review Process**
- 5. 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. (Continued from April 20, 1999) PA 99-3 Hearings Officer Plan Text Amendment (Type IV)** to the Community Development Code, Part 3, amending Zoning Code Section 1.202.01 to include a definition for “Hearing Authority” and Zoning Code Chapter 3 to establish a Hearings Officer for the review of Type III decisions which include conditional uses, variances, major site plans (greater than 15,000 sf of building area) and major subdivisions (greater than 3 acres of land area).
- 6. Community Comments:** are limited to items NOT on the printed agenda under Public Hearings.
- 7. Other Business**
- 8. 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
May 4, 1999

1. Call to Order/Roll Call

Chairman Whiteman called the meeting to order at 7:00 PM.

Commission Members present:

Adrian Emery
Sterling Fox
Ken Shannon
Angela Weeks (7:05 PM)
Bill Whiteman

Staff:

Greg Turner, City Planner
Roxanne Gibbons, Secretary

Commission Members absent:

Keith Mays
Paul Stecher

2. Minutes of April 20, 1999

Chairman Whiteman asked if there were any additions or corrections to the minutes of April 20, 1999. There were none.

Sterling Fox moved the Planning Commission accept the April 20, 1999 minutes as presented. Seconded by Adrian Emery.

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

3. Agenda Review

There were no changes to the Agenda.

4. Work Session to discuss the Land Use Application Process

Chairman Whiteman said Mr. Claus advised that he had not had the time to prepare his comments, but if the Hearings Officer Plan Text Amendment was continued, he would certainly have comments prepared by that time. Chairman Whiteman asked Greg Turner if he had a plan for the Commission to review the current land use application process. Mr. Turner presented an overhead flow chart showing the current land use application process. The flow chart was divided into the following application types: Type I, Type II, Type III, and Type IV. The Commission discussed each of the types.

The following comments were made regarding the **Type I** process:

- Discussed what uses would be considered Temporary Uses. The Temporary Use Permit is valid for one year and it can be renewed.

- Minor Site Plans under the Type I process are tied to the Temporary Use Permit. The fee under the Type I process is \$175.00
- The Type I process would not change if the Hearings Officer Plan Text Amendment was adopted.
- Property Line Adjustments were previously done by Staff and this has not changed.
- Staff would not recommend any changes to the Type I process. However, the Commission may wish to review the Interpretation of Similar Uses (ISU) or Staff decisions in this area. The City does not receive many requests for ISU review. The ISU does not include the approval for a site plan or subdivision. These would still be heard by the Commission.

The following comments were made regarding the **Type II** process:

- The Commission agreed that the current Type II process which includes minor site plans 15,000 sf of building or less, minor land partitions and minor subdivision of 3 acres or less, should be heard by a Hearings Officer in lieu of being a Staff decision.
- The Expedited Land Division process could be included as a separate Type or category. This process is mandated by State statute.
- The current fee schedule does not differentiate between the current Type II or Type III process. The fee is based on the valuation of the project.
- Mr. Turner reviewed the current fee schedule for site plans, subdivisions and minor land partitions.
- The Hearings Officer would also be available to answer questions from Staff or the Commission.
- Grouping the Type II and Type III applications together would allow for more consistency through the hearings officer process.

Chairman Whiteman said after hearing the comments at the last meeting from citizens and the Mayor, he would support having a hearings officer as long as the individual was hired by the City Council and not by a member of the Staff. The Council is supposed to reflect the attitude of the community and the administration may not reflect anybody's attitude, but their own. The City Charter states the Council hires the City Manager and Municipal Judge. If the Commission's recommendation is to have a hearings officer that is selected in the same way, this would probably mean an amendment to the City Charter. He also likes the fact that a hearings officer would allow the Commission to spend some real time on fine-tuning the Development Code as well as long range planning.

Chairman Whiteman asked if the City was seeing a decrease in the amount of land use applications being received. Mr. Turner said the Planning Staff is beginning to receive more applications, although there has been a little bit of a lull because some applications have been deemed incomplete.

Adrian Emery favored the hearings officer because they would be an expert on land use laws. The hearings officer would be able to control the meeting without any "political agenda". This would help remove some of the antagonism from Commission public hearings.

Mr. Turner said, at this time, if someone asked for a review under the Expedited Land Division process, Staff would make the decision and any appeal would be to a hearings officer.

The following comments were made regarding the **Type III** process:

- If the Hearings Officer Plan Text Amendment were adopted, all of the applications under the Type III process would be reviewed by the Hearings Officer with appeals being heard by the City Council and final appeals to the Land Use Board of Appeals.
- The Commission reviewed the Appeals language being recommended for the Code.
- The City has a form appellants fill out which states their reason for appealing a land use decision to the City Council.

The Commission briefly discussed private streets. Mr. Turner said the Code allows private streets. Mr. Emery said the Code should be more specific regarding private streets.

Angela Weeks asked what the time frame was to hire a hearings officer. She asked how the Commission could fine tune the Code prior to the hearings officer being on board. Mr. Emery said the hearings officer would review the Code prior to hearing a land use application. Chairman Whiteman said the hearings officer probably would not be in place much before the end of 1999. Ms. Weeks asked if the Commission could have a representative participate in the hiring process for the hearings officer.

The following comments were made regarding the **Type IV** process:

- This process would remain the same.

Sterling Fox asked who would set the criteria for the Hearings Officer. Mr. Turner said generally hearings officers are attorneys with an expertise in land use laws. The City would probably advertise for the position. Mr. Emery asked how the hearings officer would deal with ex-parte contacts and conflicts of interest. Chairman Whiteman said there would probably be a pro-tem hearings officer to hear these cases.

Chairman Whiteman asked if it was the consensus of the Commission that the planning process should be restructured. If the process is restructured, the Commission would remain in place and any change may allow them to perform their duties with just one meeting per month. Another part of the Planning Commission purview is long range planning.

The Commission asked how the Fred Meyer application would meet the Comprehensive Plan and clarification regarding the ratio for each zone in general. Mr. Turner said the periodic review done by the State assures each jurisdiction is meeting land use goals and zoning ratios. He explained the allowed use in the Light Industrial zone.

The Commission discussed what process would be used to hire the hearings officer, either on a contractual basis or by changing the City Charter. Chairman Whiteman said if the individual could be hired without changing the City Charter, this would be fine and it would speed up the

process. Mr. Turner said the criteria for the hearings officer would be determined by the City Council. The Commission reiterated that they would like to have a representative involved in the process.

The Commission asked Staff to look at how the Municipal Judge and City Attorney positions are defined.

It was the consensus of the Commission that the following changes be made to the land use application process:

- Type I will remain the same.
- Type II will be Expedited Land Divisions.
- Type III will be a combination of the current Type II and Type III.
- Type IV will remain the same.

Staff will prepare an updated flow chart and Code language for the Commission to review.

The Commission discussed the pre-application conference. Mr. Turner said Staff is starting to prepare minutes from the pre-application conferences. These minutes are public record and could be made available to the Commission.

The Commission discussed how the Planning Commission Agendas could be made more accessible to the public, in addition to posting. Mr. Turner stated that as the City Web Page is developed, the Commission Agendas and Public Hearing Notices would be placed on this page. The public notices would continue to be published two weeks prior in the legal section of The Times Newspapers. The notices are also mailed to surrounding property owners and the property is now being posted with a sign. The public notices state that the Staff report and materials for each application are available at City Hall at least seven days prior to the hearing. The Staff contact names are also included in the notice with a telephone number.

The Commission asked Staff to check with the League of Oregon Cities to find out what other jurisdictions of 10,000 or less in population use a hearings officer.

Chairman Whiteman asked what applications are scheduled for upcoming Commission meetings. Mr. Turner said Woodhaven Phase 8C is scheduled for the May 18, 1999 meeting.

5. Public Hearings

The Commission concurred that PA 99-3 be continued to the next regular Commission meeting.

5A. PA 99-3 Hearings Officer Plan Text Amendment (continued from April 20, 1999)

Adrian Emery moved PA 99-3 Hearings Officer Plan Text Amendment be continued to the May 18, 1999 Regular Commission meeting. Seconded by Sterling Fox.

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

6. Community Comments

There were no comments.

7. Other Business

There were no comments.

8. Adjourn

There being no further business to discuss, the meeting was adjourned at 8:30 PM.

Respectfully submitted,

Planning Department