



**City of Sherwood  
PLANNING COMMISSION  
Masonic Hall, 60 NW Washington Street  
Tuesday, October 6, 1998  
7:00 PM**

**A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes - September 1 & September 15, 1998**
- 3. Agenda Review**
- 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. MLP 98-5/VAR 98-2 John K. Seeley Partition:** A request for approval of a minor land partition to divide a 0.96 acre lot into 2 parcels and a variance to allow a 5,903 sf lot where the minimum lot size requirement is 7,000 sf. Tax Lot 3100, Map 2S 1 31DD.
  - B. SP 98-11 BMC West Site Plan:** a request by VLMK Engineers for construction of 2 mfg buildings, one approximately 119,000 sf and the other 36,000 sf to be used for the manufacture and distribution of wood roof systems and other wood products. The site is located on SW Cipole Road, Tax Lots 600 and 603, Map 2S 1 28A.
  - C. PA 98-3 Rail District Plan Map Amendment:** a City-initiated request to rezone certain properties along the railroad tracks east of the Old Town Overlay District from Medium Density Residential High (MDRH), General Commercial (GC), and Light Industrial (LI) to High Density Residential (HDR) and Retail Commercial (RC).

- 5. Community Comments:** are limited to items NOT on the printed agenda under Public Hearings.
- 6. Other Business**
  - A. Report on SUB 97-6 Edgewood Subdivision Conditions of Approval.**
- 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**  
**October 6, 1998**

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

Chairman Whiteman called the meeting to order at 7:05 PM.

Commission Members present:

Susan Claus (7:10 PM)  
Adrian Emery  
Scott Franklin  
Angela Weeks  
Bill Whiteman

Staff:

Greg Turner, City Planner  
Scott Clark, Assistant Planner  
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Keith Mays  
Paul Stecher

**2. Minutes of September 1, 1998 & September 15, 1998**

Chairman Whiteman asked if there were any additions or corrections to the minutes of September 1, 1998 and September 15, 1998. Scott Franklin said the word "road" on page 5 of the September 1, 1998 minutes, second paragraph from the bottom of the page, where he was speaking, should be "railroad". Susan Claus said on page 9 of the September 1, 1998 minutes near the bottom of the page where she was asking for clarification, the sentence should be in the form of a question and the word "said" be replaced with "asked". She asked if the Mr. Turner's comments were correct on page 11 of the September 1, 1998 minutes. The Commission and Mr. Turner agreed the statement as presented in the minutes reflected his intent. There were no other comments regarding the September 1, 1998 or September 15, 1998 minutes.

**Angela Weeks moved the Planning Commission approve the September 1, 1998 Commission minutes as revised. Seconded by Adrian Emery.**

**Vote for Passage of Motion: 4-Yes, 0-No, 1-Abstain (Claus)**

**Adrian Emery moved the Planning Commission accept the September 15, 1998 Commission minutes as presented. Seconded by Scott Franklin.**

**Vote for Passage of Motion: 4-Yes, 0-No, 1-Abstain (Weeks)**

**3. Agenda Review**

There were no comments.

Chairman Whiteman announced that prior to opening the public hearings, he and another Commissioner (Susan Claus) had questions concerning whether the Commission should be the public body to hear MLP 98-5/VAR 98-2 Seeley Partition and Variance. There was a question whether this application was a part of the PUD or a new partition. Ms. Claus said Lot 31 is part of the underlying PUD zone for Arbor Lane. The question, from a Code standpoint, is you have the Arbor Lane PUD with specific conditions of approval. She asked at what Staff level was it determined to have this application presented as a partition and variance.

Greg Turner said the decision was based on Condition #13 of the Notice of Decision for the Arbor Lane PUD. As stated in the condition, it was anticipated that this partition would come in at some point in time. This partition was part of the Arbor Lane approval. Because the partition came in with a lot size which was less than the 7,000 sf as required in the underlying Low Density Residential (LDR) zone, a variance was also needed.

Ms. Claus referred to the Code regarding Planning Unit Developments, major and minor changes to a PUD. The Code states, "Any minor changes to the final development plan of a PUD may be approved by the City Council without further public hearing or Commission review provided that such changes do not increase densities, change boundaries, or uses, or change the location or amount of land devoted to specific uses." The conditions of approval are for a PUD and Lot 31 is a part of the PUD. The change being requested is for a smaller lot size than the underlying LDR zone allows. The Code does not allow the Commission to make changes to the conditions of approval for a PUD.

Mr. Turner said a minor change would not involve a public hearing. Since this application also needed a variance, which requires a public hearing and are typically reviewed by the Commission, the application was being presented as a whole to the Commission. The PUD section of the Code does not address variances. It is Staff's perspective this would involve a minor change and a variance. The Commission could take action on this application and the Council could be asked to confirm the Commission decision and approve the minor change to the PUD. It was his decision to have this application reviewed by the Commission.

Ms. Claus said if the Council determined this is a minor change to the PUD, it would not need the variance. Mr. Turner said Staff could have asked the Council to change the condition so that a variance would not be required. At the time this application was submitted and deemed complete, prior to the variance being included as a part of the application, minor land partitions were reviewed by the Commission. Variances have been and still are reviewed by the Commission.

Chairman Whiteman said the Commission could deal with the variance, but because the application does cause a minor change to the PUD, it should really have the approval of the City Council. Ms. Claus said there are conflicting parts of the Code and she is concerned with procedure. The Commission discussed when the application was deemed complete in relation to the new streamlined plan review process. Assuming the Council approved the change to the condition, the need for a variance would be removed. Any action by the Commission on the partition or variance would still be subject to approval of the Council because of the change to

the PUD. Ms. Claus said the minor land partition was submitted with the original application. The variance was submitted after the application was scheduled for a public hearing. Mr. Turner said the variance was submitted based on what the Commission said at the previous meeting. Therefore, the application was deemed complete a second time on September 16, 1998 at which time the new streamlined planning process was in place. Ms. Claus said if the Council approves a minor change to the PUD, the minor partition would be dealt with at the Staff level and the need for a variance would be removed.

**Susan Claus moved the Planning Commission refer MLP 98-5/VAR 98-2 John K. Seeley Partition and Variance to the City Council for their consideration as a minor change to the conditions of approval for the Arbor Lane PUD. If the Council approves a minor change to the PUD, the Commission would recommend consideration by the Council to return the planning fees for the variance, if it is deemed by the Council that a variance is not necessary. This should be scheduled as soon as possible for the next Council meeting. Seconded by Adrian Emery.**

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

Mr. Franklin said if it is deemed that the completion date requires a public hearing for the minor land partition, this should be scheduled as soon as possible with the Commission.

#### **4. Public Hearings**

Chairman Whiteman read the hearings disclosure statement and requested that Commission members reveal any conflict of interest, ex-parte contact or bias regarding any issues on the agenda. There were no Commissioner disclosures.

#### **4B. SP 98-11 BMC West Site Plan**

Chairman Whiteman called for the Staff Report. Scott Clark referred the Commission to the Staff Report dated October 6, 1998, a complete copy of which is contained in the Planning Commission's minutes book. He identified the site location on the map and noted:

- The site is located on SW Cipole Road directly southeast of the Southern Pacific Railroad tracks and north of SW Tualatin-Sherwood Road. Tax Lots 600 and 603, Map 2S 1 28A. The site consists of 18.86 acres.
- The site is zoned General Industrial (GI) and the proposed use is permitted outright in the zone. The use would be categorized as manufacturing of cabinetry, lumber and similar products.
- Two buildings are proposed on the site, one 119,600 sf and one 36,000 sf. The proposed storage shed has been removed from the application.
- The proposed use meets the minimum lot dimensional standards, setbacks and height requirements for the zone.
- The landscape plan indicates approximately 17% of the lot area used for display or parking will be landscaped.
- The applicant is proposing part of the perimeter chain link fence will have slats and the other part will have an evergreen landscape buffer.

- The applicant is providing two access points 40 feet in width and two-way. This meets Code requirements.
- Pride Disposal and the City are not requiring that the solid waste receptacle be located in a specific area. Adequate access to this receptacle shall be required and has been included as a condition of approval.
- The applicant is proposing to construct a 5 foot sidewalk along the west side of SW Cipole Road. They are not proposing to construct a curb along SW Cipole Road at this time.
- The applicant is not proposing public improvements on SW Cipole Road or within the public right-of-way at this time, with exception of the sidewalk extension. The City is recommending the applicant improve SW Cipole Road to three (3) lanes, one turn lane and two travel lanes, and to provide a 15 foot easement along the required water line along SW Cipole Road. Three lanes are required due to the amount of traffic on SW Cipole Road and the potential increase of both cars and trucks as a result of this proposed. This has been included as a condition.
- The applicant will have a traffic engineer present their recommendation regarding SW Cipole Road improvements.
- The plan provides a 100-year detention pond on the northern corner of the site and a water quality swale on the southeast corner abutting SW Cipole Road.
- The applicant requests removal of all existing trees on the site. They will be required to provide the necessary mitigation for any tree removal.

In conclusion, based on a review of the applicable code provisions, agency comments and Staff review, Staff recommends approval of SP 98-11 with the conditions contained in the Staff Report.

In response to the Commission question regarding water usage being from the City of Sherwood or City of Tualatin, Mr. Turner said as development occurs, water will be brought up to the area by Sherwood. The City of Tualatin has reviewed the plans for this application. This application will be using water from the City of Sherwood lines.

**Chairman Whiteman opened the public hearing on SP 98-11 BMC West Site Plan and asked if the applicant or their representatives wished to provide testimony.**

Greg Blefgen, VLMK Consulting Engineers, 3933 SW Kelly Avenue, Portland, OR 97201, representing the applicant, BMC West, addressed the Commission. He noted:

- BMC West is a truss manufacturer. They also manufacture doors and sashes. The main building will consist of a door manufacturing plant as well as storage for their materials. The smaller building will be used for truss manufacturing. The office up front will house the engineering staff and office manager. There will be a small contractor outlet in the lower portion of the office available for design.
- The site lends itself very well to BMC's operations. There will be material storage outside.
- With regard to circulation, trucks will primarily come off of Tualatin-Sherwood Road into the site with materials, or will go out of the site with materials to projects located throughout the area.

- The applicant is complying with all recommendations by Staff with the exception of the proposed public improvements on SW Cipole Road regarding the left hand turn refuge lane entering into the site. The applicant has consulted with Kittelson & Associates and they have provided an addenda to the traffic report which states that a left hand turn lane is not required. City Staff met with Kittelson to discuss the report.
- Cipole Road is under the jurisdiction of Washington County (WACO). Doug Norval, the traffic analyst for Washington County has not yet reviewed the BMC project. The applicant will comply, however, they would ask that the condition of approval be changed to recommend the applicant follow Washington County's recommendations. If WACO recommends a left turn lane, the applicant will be mandated to do this.
- The applicant is extending the water line. There seems to be some confusion in the City of Tualatin letter. The City of Sherwood line extends to the southeast corner of the site. There is a City of Tualatin line that runs along SW Cipole Road and there is also a 24-inch Bull Run line in this area. The Engineering Staff recommends the applicant extend the existing 12-inch line up to the end of the site for future property development. They are actually tapping into a 10-inch line which comes up SW Wildrose Court. They will transverse the line across their site in providing a looped system, per the recommendation of City Staff.
- They are extending the sanitary line to the north property line.
- Everything for their storm systems will be retained on-site. This is an updated plan and City Staff has not yet seen this plan. They previously submitted a 25-year detention pond and now they have the capacity to do all on-site detention.
- They will extend the sidewalk up and across the railroad tracks and dedicate an easement for the 12-inch water line.
- They plan to improve and maintain the ditch. He identified the area on the map.

Mr. Blefgen said he would answer any questions. The display areas will be primarily for contractors to see what products are available. This will not be a retail type of outlet. The City has reviewed the Kittelson report. The review by Washington County should take place within the next month. The County has not seen the Kittelson report. BMC is based in Boise, Idaho. They have plants in Wilsonville, Beaverton and one in Vancouver, Washington. The site in Sherwood will allow some consolidation.

Mr. Franklin asked for clarification regarding the sensitive area. Mr. Blefgen said he believed it is on the opposite side of the site. Mr. Turner said USA provided a map which shows the area which he identified on the Zone Map for the Commission. He distributed a copy of the map from USA, which is provided by Metro, to the Commission. Mr. Blefgen distributed photos of the site to the Commission. Mr. Turner said it is the applicant's responsibility to meet the requirements of USA to remove the condition regarding the sensitive area. This is something USA looks at and not the City. Mr. Blefgen said the map shows an existing stream going through an existing residence. The applicant may be required to hire an environmental consultant to provide a letter discounting this map. It was agreed that the Metro maps may not be up-to-date. In response to Mr. Franklin's question, Mr. Blefgen said there is an on-site septic tank which will be removed. There are some on-site wells which will be decommissioned.



**Chairman Whiteman asked if there were any other representatives of the applicant who wished to provide testimony.**

John Ringert, Traffic Engineer, Kittelson & Associates, 610 SW Alder, Suite 200, Portland, Oregon 97205, addressed the Commission. Mr. Ringert noted:

- They performed the traffic study for the proposed development. They did two studies. The first study looked at a general industrial site and did not include specific data on the operation. They later received specific data on how the plants operate and the number of employees and they updated their study.
- The traffic analysis looked at the traffic operating from Herman Road down to Tualatin-Sherwood Road. They found the traffic operations will continue to be acceptable. They agree with the City Staff comments, with the exception of the need for a three lane section for trucks turning into the driveways on the site. They did a detailed analysis of the traffic volumes and found that it is always nice to provide extra lanes, but there is not enough traffic to warrant the third turn lane in this case.
- The site will have a fairly low intensive use. The major movements which would cause the need for a left turn lane would be employees arriving in the morning. A very low volume of trucks will arrive at the site during the morning peak hour. Using standard procedures, a left turn lane is not warranted.
- As Mr. Turner mentioned, the County is the owner of the facility and they are in the process of reviewing the report. At this point, the Kittelson analysis shows the left turn is not warranted for this development. They would like to work with the County on this issue.

Mr. Ringert said he would answer any questions. The traffic is composed mainly of employees during the peak hours. The truck traffic would occur during the middle of the day. Based on the distribution, most of it would be off of Tualatin-Sherwood Road. Tualatin-Sherwood Road has the closest access to the highway and freeway. They focused on the peak hours which be in the evening. They do not disagree with the benefit of providing a left turn lane, the question is whether this development triggers the need for this lane. This is what they focused their report on.

In response to Ms. Claus's question, Mr. Turner said the City can require something more stringent on a County facility than the County may require. It is the City's position that three lanes would be required. The City has reviewed both of the Kittelson traffic studies. There is a lumber facility across Cipole Road from this site which would also have large trucks. This facility was recently approved by the City of Tualatin and they did not require a left turn lane with this application.

In response to Mr. Franklin's question, Mr. Ringert said they are not required, in this case, to look out too far in the future as it is currently zoned correctly. There are two ways to look at the need for a left turn lane. First you would look at the operation and how long someone making a left turn into the top driveway has to wait on average to get across this traffic stream. Their analysis showed about a 3 second delay, on average. This means a lot cars may not have to wait at all and some may have to wait 6-9 seconds. Based on this, the chances of backing up traffic is

pretty minor. The second thing they look at is more of an operational than safety factor. This is based on speed of the facility and how many interruptions you can cause. From a level of service on the first part they found no operational need. Assuming this is a 50 MPH roadway, what would happen? They found it is slightly below the warrants. This is a very conservative procedure because they do not really have vehicles going 50 MPH in this area. Based on these two factors, a left hand turn lane is not warranted.

In response to Mr. Franklin's question, Mr. Blefgen said the County did require the applicant to increase the radius of their property line and they aligned their driveways with the adjacent lumber facility. Kittelson's initial report was based on the previous layout which would have had a bigger need for the left turn lane. The current site configuration would not warrant this left turn lane. There is not a lot of on-coming volume traffic flow in the 50 MPH analysis and in this case still not merit a left turn lane. The final Kittelson report is based on what the Commission is reviewing tonight.

**Chairman Whiteman asked if there was anyone else representing the applicant who wished to provide testimony. There was no further testimony from the applicant or their representatives. Chairman Whiteman said since there were no proponent or opponent cards filled out, he would dispense with the rebuttal portion of the hearing, and closed the public hearing on SP 98-11 BMC West Site Plan for discussion by the Commission.**

Chairman Whiteman summarized that the applicant agrees with the Staff conditions with the exception of the left turn lane requirement. The applicant would like to defer this to a recommendation from Washington County because Cipole Road is a county facility.

In response to Ms. Weeks' question, Mr. Turner said the condition the Commission imposes would override any County conditions because the City can apply more stringent conditions. There is adequate right-of-way on the other side of the road.

Mr. Turner said the left turn lane would in a sense be used by traffic going in both directions and basically be a storage lane. Curbs would not be required where the ditch runs along the property. The center lane would be required all the way up to the railroad tracks.

Mr. Emery said if this applicant was conditioned to be responsible for a left turn lane, the lumberman's should also be required to participate in the costs of the left turn lane. Mr. Franklin said the applicant has shown, based on the traffic analysis, that warrants are not generated for the left turn lane. There does not appear to him to be a nexus behind requiring this left turn lane. However, now is the time to ensure that the proper road right-of-way is there for the ultimate roadway. The Commission concurred. Staff said there is enough right-of-way there now if the left turn lane is required by Washington County.

There being no further discussion,

**Bill Whiteman moved the Planning Commission approve SP 98-11 BMC West Site Plan based on Staff recommendations, findings of fact, public testimony and agency comments,**

**with the exception of Item #15, from Condition #2E which would be deferred to the Washington County Engineering Department as to whether or not three lanes would be constructed. The applicant will abide by the County recommendation. Seconded by Adrian Emery.**

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

Susan Claus said the fencing with and without slats will be handled with the final landscape plan under Condition #4. The Commission was aware of this.

The Commission welcomed BMC to the Sherwood Community and wished them the very best of luck.

**Chairman Whiteman recessed the meeting at 8:35 PM and reconvened the meeting at 8:40 PM.**

#### **4C. PA 98-3 Rail District Plan Map Amendment**

Chairman Whiteman announced this is a city-initiated request to rezone certain properties along the railroad tracks east of the Old Town Overlay District from Medium Density Residential High (MDRH), General Commercial (GC), and Light Industrial (LI) to High Density Residential (HDR) and Retail Commercial (RC). He called for the Staff Report. Greg Turner referred the Commission to the Staff Report dated October 6, 1998, a complete copy of which is contained in the Planning Commission's minutes book. He identified the proposed rezone area on the map and noted:

- Due to the industrial and general commercial zoning and the conflicts the zoning has with the City's Old Town retail commercial and residential areas around it, there have been a lot of concerns about the possible expansion of industrial uses in the area and the impacts on the Old Town area and residential area. In 1997, the City requested assistance from the Department of Land Conservation and Development to study the subject site. The Rail District study was completed in August 1997 and is attached to the Staff Report.
- Part of the plan is rezoning the property to Retail Commercial (RC) and High Density Residential (HDR) and expanding the Old Town Overlay zone.
- With the completion of the Rail District Study, the City Council directed Staff to initiate the subject rezone of the properties.
- He reviewed the required findings for a Plan Map Amendment.
- Due to the growing population within the City, there is an increasing need for commercial services as well as varied housing types. The rezoning of the subject site from GC, LI and MDRH to RC and HDR will provide additional areas for commercial development and higher density housing to serve the growing population of Sherwood. Commercial development will be closer to residential areas which will provide greater opportunities for people to live close to where they work.
- The attachments in the report show that the HDR will primarily be located along Willamette Street. The intent is to eventually take Columbia Street and bisect the properties so that retail

commercial will be on the northwest side as well as where the general commercial is now. The HDR would be located along Willamette Street.

- The subject rezone provides added commercial and residential areas which are a step towards meeting the market demand for goods and services as well as varied housing types.
- The current zoning of the property is primarily general commercial and light industrial which is incompatible with the surrounding residential zoning. The subject site has the potential to be an expansion of the Old Town retail and office area. The portion of the property that is proposed to be rezoned HDR will provide a residential buffer as well as a compatible land use to the neighboring residential properties to the south across Willamette Street.
- The subject site is adjacent to the Old Town area and the proposed rezone is a logical extension of the existing Old Town retail and housing district areas.
- On February 19, 1997, Metro adopted the Urban Growth Management Functional Plan and all cities are required to comply with the plan by February 19, 1999. Responses from Metro and DLCDC have been provided regarding the proposed rezone. Both agencies support the Plan Amendment.
- Based upon the Functional Plan, Sherwood has an estimated capacity deficit of 1,098 dwelling units and a surplus of 1,815 estimated jobs. To meet the target numbers, the City is required to look at areas to increase residential densities.

In conclusion, based upon the findings of fact, Staff recommends approval of PA 98-3 Plan Map Amendment.

Mr. Emery asked what would happen if the City did not meet the dwelling deficit as determined by the Metro Functional Plan. Mr. Turner said he did not have an answer. Some cities are choosing not to comply with the Functional Plan. The penalty for not complying is not known at this time.

Chairman Whiteman asked if the zoning was changed, how many properties would be non-conforming uses? Mr. Turner said if the zoning was changed, there would be non-conforming uses in the Light Industrial area. Staff did not determine how many businesses would be impacted. All of the affected property owners have been notified of the proposed plan amendment and received a copy of the non-conforming uses portion of the Development Code.

Mr. Emery asked if Staff had reviewed how property values would be impacted. Mr. Turner said Staff does not look at property values with this type of plan amendment.

In response to Chairman Whiteman's question, Mr. Turner said part of the attached plan shows two other pedestrian crossings. If this plan amendment is adopted, it does not mean the concept plan in the packets would be used. If the plan amendment is approved, Staff would come back with a change to the Old Town Overlay District. The Landmarks Advisory Board would be a part of this process. It would also be necessary to make changes to the Old Town Design Guidelines which would apply to this property. Any changes to the boundaries of the Old Town Overlay District are reviewed by the Landmarks Advisory Board. This would include a design review. This information is included in Chapter 9 of the Development Code.

Susan Claus said it looks like the City is trying to get a specific set of zoning in place. Mr. Turner said the City would not be adopting this concept plan when they come back with the change to the Old Town Overlay. They would make changes to the Code regarding design guidelines. Ms. Claus said if this is being done in a two-step process, the City could potentially come back and say even though you are zoned HDR and the Code allows a single family residence, we are not necessarily going to allow this. Mr. Turner said the purpose of the proposal is to allow high density residential. The amendment tonight is only dealing with the rezoning of the properties. The proposal includes about 2.5 acres on the north side in the general commercial zone and the area on the south side of the tracks is about 14.0 acres.

**Chairman Whiteman opened the public hearing on PA 98-3 Rail District Plan Map Amendment and asked if there was anyone who wished to speak in favor of the proposal.**

Jim Jones, 9855 SW Garrett Street, Tigard, Oregon 97223, addressed the Commission. Mr. Jones said he is speaking on behalf of Bob Jones Enterprises which is currently the owner of Tax Lots 100 and 200. These two tax lots represent just a little over 6.36 acres of the total property on the south side of the tracks (14.0 acres). They stand in favor of the proposal to change the zoning that exists on their property, e.g., from Washington Street along the railroad tracks, north to the boundary of their property with Newnes Manufacturing and to Willamette Street from Newnes Mfg back to Orcutt Street. The majority of the warehouse buildings on the south side of the railroad tracks, with the exception of Newnes and Product Manufacturing, are on their property. Mr. Turner and City Staff has been in contact with them and the other property owners over the last year or so and have done a good job in presenting the proposals with regard to the development of the properties. There are some older warehouse facilities in the area that are nearing the end of their economic life. The proposal came to them at approximately the time when they were considering what they were going to do with the property in the next few years. The City and Staff have addressed the needs of the non-conforming uses in allowing the current owners to continue their businesses under the guidelines set out by the non-conforming uses ordinance. Therefore, they stand in favor of the plan map amendment.

Mr. Jones responded to Commission questions. In the building facing Washington Street, they have a combination building that houses a tenant, Sherwood Travel, and the remainder of the building is a storage warehouse. The buildings behind it are a mix that encompass their business and a company called Natural Structures. They also have another tenant who is preparing to sign a lease for a business which is similar to theirs. Their business is a wholesaler of used automotive parts. They sell these parts to rebuilders across the United States. If this property is rezoned and something happened to more than 50% of their building which would be a non-conforming use, they would have to relocate their business. They have discussed the subject of relocation, but not in any great detail. A larger portion of the property they own is currently a vacant lot. This is about 3 acres. Whether it is developed for light industrial or retail commercial is just a matter of choice and would not directly impact their business. Their business falls in the light industrial category.

Lloyd Njos (he and Joy Larson, 180 SW Willamette Street have adjoining properties), 210 SW Willamette Street, Sherwood, Oregon 97140, addressed the Commission. Mr. Njos said their

concerns are when Willamette Street was developed, they lost about 20 feet in the front of their property. They noticed the alleys on the back side of these lots along Willamette Street and they don't want to sacrifice any more footage to streets. They want to keep their lots the size they are. He asked where the footage for the alleys would come from without coming into their property. He lives in a residential property.

Mr. Turner said Staff has not discussed what they would do with the roadways. What would probably happen if there was development, is lots would have to be combined to do some of these things shown. There is no intention of pushing existing buildings or taking up more roadway or fronts from some of the residential units.

Mr. Franklin said the improvements along Willamette Street would keep the same horizontal alignment that is there.

Mr. Njos identified his lot on the map for the Commission. He liked the concept of the rail district, but he and Ms. Larson did not want to lose any more property off of their lots. Mr. Emery said alley-ways, unlike a road, could not be imposed upon them. Mr. Franklin said in order for them to put an alley on the back of Mr. Njos's property, a developer would have to buy that from him. Mr. Njos said this answered his questions.

Bob Jones, Bob Jones Enterprises, 9855 SW Garrett Street, Tigard, Oregon 97223, addressed the Commission. Mr. Jones said he is in favor of the concept, not because of any effect it would have on their business, but because Sherwood has needed an expansion of the Old Town for a long time. He said they have had the property for a number of years. They enjoy being able to walk to lunch and the bank. They would not be able to do this when they get to the point they have to move. They would like to continue to have their business in Sherwood, but he does not know any other sites that would fit their needs considering the square footage they need. Their total building square footage is 70,000 sf. They are currently using 38,000-40,000 square feet of the total area and they are still expanding. They have five employees. He favors the proposal and he is looking for space and would prefer to stay in Sherwood. He feels at some point this rezone would require him to move the business. He said the community has needed something like this proposal for a long time and for that reason he would support it.

**Chairman Whiteman asked if there was anyone else who wished to speak in favor of the application. There was no more proponent testimony. Chairman Whiteman asked if there was anyone who wished to speak in opposition to PA 98-3 Rail District Plan Map Amendment.**

Harrey Richardson, 300 SE Highland Drive, Sherwood, Oregon 97140, addressed the Commission. Mr. Richardson said he lives right across the street from the lots being discussed. He wanted to know what would happen to the property value when this rezone happens. Is it going to go up or down, especially if you put apartments in. He asked if it was going to be zoned for apartments.

Chairman Whiteman said the High Density Residential (HDR) zone allows for apartments, town houses, duplexes and multi-family housing.

Mr. Richardson said Willamette Street would not be able to handle the traffic from apartments. There are problems now on Willamette Street with kids using it as a drag strip. He would favor something other than apartments being put in. He lives on the corner and he sees cars coming down two at a time drag racing.

Chairman Whiteman asked Mr. Richardson if he was aware of the open house the City had last year regarding the conceptual drawing for the Rail District. Mr. Richardson said this was the first he heard of it. Mr. Turner said along Willamette Street, they are talking about doing town houses and duplexes. The apartments would occur on the top floors of the retail commercial spaces along the railroad tracks and an extension of Columbia Street. The intent of the design guidelines would be to make sure apartments are not placed on Willamette Street. The City wants to have something that is compatible with the area. The City has not looked at what effect this would have on the value of existing residences in the area. Mr. Emery said it would really depend upon what type of dwellings are built and what the City allows to come in. Chairman Whiteman said the Landmarks Board would carry a lot of weight on the recommendation to the Council on what would be allowed to be built in the area. Mr. Richardson said he received a public hearing notice for this application tonight.

In response to Mr. Franklin's question, Mr. Turner said there would need to be modifications made to the Old Town Overlay guidelines. Surrounding property owners would be notified of this public hearing. Mr. Richardson would be a part of this group. Ms. Claus said the City is trying to eliminate apartments from being located across the street from Mr. Richardson. However, this decision is not a part of the plan map amendment.

**Chairman Whiteman asked if there was anyone else who wished to testify.**

Paula Connelly, 190 SW Willamette Street, Sherwood, Oregon 97140, addressed the Commission. She asked what was going to happen to the residential homes along Washington and Pine which did not appear to be in the boundary of this proposal redevelopment. It looked like there were two lots not included in this plan. Some of the maps show these two lots being in the redevelopment.

Mr. Franklin said according to one map it would fall within the HDR zone and not the Old Town Overlay. The Old Town Overlay would extend all the way to Willamette Street. The development plan has a first phase which does not show any changes to her property. These plans are still conceptual. Ms. Connelly asked how the City was going to deal with the increased traffic. Washington Street is already very busy and the additional number of homes would increase traffic. Mr. Turner said Highland, Pine and Columbia would bisect this property to help divert some of this traffic. Ms. Connelly said Washington Street and Willamette cross and are the main entrance into Old Town. They are seeing an increase in traffic with the temporary closure of South Sherwood Boulevard and it is hard for them to get out of their driveways.

Mr. Turner said a part of this plan would include taking Adams Avenue from Willamette Street all the way up to Tualatin-Sherwood Road and eventually up to Highway 99W behind the proposed Act III theater. The entire transportation plan is not shown on the small plans presented tonight.

Ms. Connelly asked if the City could come through and condemn property. Mr. Turner said the design guidelines for the properties along Willamette Street would still allow single family homes along the area since there are single family homes across the street,

Mr. Franklin said the Commission needs to keep in mind that what is being shown on the conceptual plan is not necessarily what will be built in the area. Mr. Turner said the design guidelines would try to achieve the ideas that are shown and not necessarily the same plan.

**Chairman Whiteman asked if anyone else wished to testify.**

Don Parsons (representing Newnes Manufacturing), 400 SE Willamette Street, Sherwood, Oregon 97140, addressed the Commission. Mr. Parson said he was not intending to speak, but he did want to let the Commission know that employees of Newnes were in attendance tonight. They are listening and have been talking with the City regarding the study for the Rail District. Newnes employees about 60 people in a manufacturing operation which manufactures saw mill equipment. Prior to purchasing the building where they are located, they looked throughout the four county area and were unable to find a suitable facility other than the one they were already in which they were leasing at that time. They were unable to find a suitable piece of property to build on for any reasonable price in the area. They ultimately ended up purchasing the building which they were leasing. They are not necessarily opposed to this rezoning. They have the assurances from the City that they can continue to do their business as they are doing it now. They have put a lot of money into improvements for their facility over the last couple of years. They hope to get a lot of years use out of this building to make it pay for itself. Like Mr. Jones stated at some point they would probably have to relocate and if and when that happens, it would have to be outside of the City. There is just no where in Sherwood where they could relocate.

In response to Chairman Whiteman's question, Mr. Atkinson said being located in Sherwood was part of the deal because it did have an impact, customers requested that the company have a presence in the Northwest. Mr. Parsons said the parent company is in British Columbia and they have been purchased recently by another Canadian conglomerate.

Bob Atkinson, Newnes Manufacturing, addressed the Commission. Mr. Atkinson said better than 50% of the work force lives within a 15 mile radius of Sherwood. This also impacted their decision to buy the property in Sherwood rather than somewhere else.

**Chairman Whiteman asked if there was any further testimony. There being none, Chairman Whiteman closed the public hearing on PA 98-3 Rail District Plan Map Amendment for discussion by the Commission.**



Mr. Franklin said the Commission needed to get a map that shows exactly what is being proposed and which properties would be included in the plan map amendment. The Commission agreed and asked for further information on the impact on the businesses in the area and what businesses are there. Mr. Franklin said some of the maps may not be correct in showing all of the properties within the Old Town Overlay. Mr. Turner said this would be provided with the proposal for expansion of the Old Town Overlay District. Right now the Commission is dealing with the request to rezone properties within the proposed Rail District.

Mr. Turner said he did not know what the projected employment would be for this particular area. The numbers in the Staff Report are the surplus of jobs Sherwood currently has as far as Metro is concerned.

Chairman Whiteman said he would like to continue the hearing to see what the non-conforming uses are in the area and what the impact on these businesses would be. He said the question of traffic circulation for this area was also brought up during the public hearing.

Angela Weeks asked if the applicant was someone other than the City, would a traffic impact analysis being required prior to it being submitted to the Commission. Mr. Turner said he would need to look at the Code.

Mr. Franklin said the concept of doing the Old Town renovation is long overdue, but not necessarily at the expense of all the traffic headaches if you are going to look at this correctly. Washington Street is the main connection to Old Town and the Commission needs to see how the streets would be configured. He said the proposal and the example shown with the study is favorable and he applauds the concept, but the Commission needs to make sure they do not put the cart before the horse.

Mr. Turner said with regard to transportation for a map amendment, the requirements are to look at the street location, dimension and traffic volumes. If the traffic volumes were to a certain point, then a traffic study would need to be done.

Susan Claus read Section 4.203.02C of the Code regarding map amendments, "The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district." She said what is lacking is the availability of utilities and services to serve the area.

The Commission discussed what additional information they would like to have to review. They asked for the following information:

- What are the number of non-conforming uses and the number of employees in the affected area for the proposed Rail District rezone.
- What is the traffic circulation plan of the Rail District and the traffic impact for the proposal. This would include a map for the whole area.

In response to the Commission's questions, Mr. Turner said the Landmarks Advisory Board would make recommended changes to the Old Town Overlay District as per Chapter 9 of the Code. Angela Weeks asked if this Board was active. Mr. Turner said the Board had not been active for a while. Ms. Weeks asked if the Board was aware of the proposed Rail District. Mr. Turner said they have seen the study. Ms. Weeks asked if the Commission would receive a response regarding the proposed Rail District rezone from the Board. Mr. Turner said the Board would review the expansion of the Old Town Overlay District.

The Commission agreed they definitely wanted to move forward with this proposal, but they would like more information prior to proceeding with a decision.

There being no further discussion,

**Bill Whiteman moved the Planning Commission continue PA 98-3 Rail District Plan Map Amendment to a timely date pending the Commission review of the information requested. Seconded by Susan Claus.**

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

This application will need to be renoticed for another public hearing with the Planning Commission.

#### **5. Community Comments**

There were no comments.

#### **6. Other Business**

The packets included a memo dated September 24, 1998, from Sue Engels, Development Director, regarding Condition #3 for SUB 97-6 Edgewood Subdivision Preliminary Plat. The memo summarized that Condition #3 had been fulfilled.

Chairman Whiteman discussed preparing a letter to the City Manager regarding Commissioner Claus's ability to speak to City Planner Greg Turner regarding Planning Commission issues which do not have a direct effect on the personal business of the Claus family. Mr. Franklin said it is imperative that every member of the Commission be able to contact the City Planner by telephone and not have to put it in writing. A copy of this letter will be sent to the Commission and Mayor. The Commission agreed that this letter should be prepared.

Susan Claus said she had a clarification regarding the Seeley Partition application. If the Commission recommendation to the City Council was for a minor change for this lot, and the City Council allowed smaller lots on the remainder of the parcel, then there would be the possibility of a density change that could occur between two and three lots. The Council could decide whether or not this is a major change. She wanted this clarified for the record. Mr. Turner said the application is to divide the lot into two lots and not three lots.

Susan Claus asked if the color of the cards used for public comments and testimony could be changed. Staff will respond to this request.

The Commission asked if they could receive a copy of the Planning Monthly Report. Staff will respond to this request.

Mr. Turner discussed the status of the Oregon Trail PUD modifications and preliminary plat for Phase 4.

Chairman Whiteman advised he would be out of town and not in attendance at the October 20, 1998 Commission meeting.

## **7. Adjourn**

There being no further business to discuss, the Commission meeting was adjourned at 10:15 PM.

Respectfully submitted,

Planning Department