

City of Sherwood
PLANNING COMMISSION MEETING
855 N. Sherwood Blvd
Tuesday, August 20, 1996
7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Approval of Minutes of August 6, 1996**
3. **Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
4. **Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
 - A. **SP 96-4 Woodhaven Apartments Site Plan:** (Continued from August 6, 1996) for 140 multi-family units on the corner of 99W and Sunset Parkway in the Woodhaven PUD. Tax Lot 9100, Map 2S 1 32CB.
 - B. **MLP 96-3 Hays Partition:** a request by Builders Drywall Service for a minor land partition to divide an existing three acre parcel into three lots. Tax Lot 800, Map 2S 1 33CB.
 - C. **SP 96-10 Hollabaugh Bldg Site Plan:** a request by Mildren Design Group for construction of an 18,450 sq ft light industrial building on Galbreath Drive in the Industrial Park of Sherwood, Lot 3. Tax Lot 300, Map 2S 1 28BC.
 - D. **SP 96-6 Texaco Site Plan:** a request by W&H Pacific for construction of a Texaco Service Station, Convenience Store, Quick Serve Restaurant at N. Sherwood Blvd and Pacific Highway 99W. Tax Lot 2501, Map 2S 1 3OD.
5. **Other Business**
6. **Adjourn**

**ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED
TO THE NEXT REGULARLY SCHEDULED MEETING**

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
August 20, 1996

The Commission concurred that Rick Hohnbaum chair the meeting until Mr. Corrado arrived.

1. Call to Order/Roll Call

Rick Hohnbaum called the meeting to order at 7:15 PM.

Commission Members present:

Allen Baker
George Bechtold
Susan Claus
Chris Corrado (7:25 PM)
Rick Hohnbaum

Staff:

Sue Engels, Development Director
Jon Bormet, City Manager
Jason Tuck, Assistant Planner
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Angela Weeks
Bill Whiteman

2. Minutes of August 6, 1996 Commission Meeting

Mr. Hohnbaum asked if there were any corrections, additions or deletions to the minutes of August 6, 1996. There were no comments.

George Bechtold moved the Planning Commission accept the August 6, 1996 minutes as presented. Seconded by Susan Claus.

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

3. Community Comments

Mr. Hohnbaum called for comments from the audience regarding any items not on the printed agenda. There were no community comments.

4A. SP 96-4 Woodhaven Apartments & 4C. SP 96-10 Hollabaugh Site Plan

Mr. Hohnbaum announced that requests for continuance to dates specific on Agenda Items 4A and 4C had been received. The Commission had no comments regarding these requests.

Susan Claus moved the Planning Commission continue SP 96-4 Woodhaven Apartments, at the joint request of the applicant and City, to the September 17, 1996 Planning Commission meeting and reschedule SP 96-10 Hollabaugh Site Plan, at the request of the applicant, to the October 1, 1996, Planning Commission meeting. Seconded by Allen Baker.

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

4. Public Hearings

Rick Hohnbaum 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.

George Bechtold announced that he does business with Builders Drywall Service (Agenda Item 4B MLP 96-3 Hays Partition). He would not have any financial gain or loss involved with the decision regarding this application. However, he would not participate in the discussion, but did plan to vote on the application.

There were no other Commissioner disclosures.

4B. MLP 96-3 Hays Partition

Mr. Hohnbaum called for the Staff Report. Sue Engels referred the Commission to the Staff Report dated August 13, 1996, a complete copy of which is contained in the Planning Commission's minutes book. The applicant is requesting a minor land partition to divide a 3 acre parcel into three lots, each lot proposed to be at least one acre in size. Ms. Engels highlighted the main points of the report, and noted:

- The site is zoned Very Low Density Residential (VLDR) wherein the minimum lot size is slightly less than one acre (40,000 sq ft).
- The application meets the criteria for a minor land partition.
- Staff recommends approval of the application subject to the conditions of approval.

Mr. Hohnbaum explained the public hearing process and opened the public hearing on MLP 96-3 Hays Partition, calling for testimony from the applicant.

Dennis Moyer, 200 SE Hall Street, Sherwood, Oregon 97140, the owner of Builders Drywall Service, and currently the owner of the property, addressed the Commission. Mr. Moyer said he did not have any problems with the conditions and had nothing further to add to the Staff Report. He plans to build his own house on Parcel 2 of the partition and at some time in the future may want to build houses on the other two parcels.

There was no further testimony from proponents or opponents.

Mr. Hohnbaum closed the public hearing on MLP 96-3 Hays Partition for discussion by the Commission members.

There were no specific comments from the Commission. Mr. Corrado apologized for being late and assumed chairmanship of the meeting.

Susan Claus moved the Planning Commission approve MLP 96-3 Hays Partition based on Staff recommendations, public testimony and comments, subject to the conditions as stated in the Staff Report. Seconded by Allen Baker.

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

MLP 96-3 Hays Partition was approved subject to the following conditions:

1. Designate on partition plat a 25-foot buffer from the wetlands area on Parcel 1.

2. Execute and record a non-remonstrance agreement to provide construction of public improvements on Murdock Road.

This approval is valid for one (1) year.

4D. SP 96-6 Texaco Site Plan

Vice-Chairman Corrado called for the Staff Report. Sue Engels referred the Commission to the Staff Report dated August 13, 1996, a complete copy of which is contained in the Planning Commission's minutes book. Ms. Engels noted:

- The critical issue on this application is whether or not the use is permitted in the zone. The property is zoned General Commercial (GC).
- Staff has determined that the proposed use is not allowed in the General Commercial zone. Therefore, no further Staff Report was prepared analyzing the actual site plan.
- The discussion tonight will be limited to the issue of the zoning.
- Staff recommendation is for denial of SP 96-6 Texaco based on the following:
 - Automotive service stations which are permitted as conditional uses in both the Neighborhood Commercial (NC) and Retail Commercial (RC) zones are not mentioned either as a permitted or conditional use within the General Commercial (GC) zone.
 - General retail trade is permitted both in the RC and GC zones, however, the scale or intensity of the use is not quantified other than alluded to in the purpose statement for each of the zones.
 - The proposed project consists of three integrated elements: a store, a restaurant, and an automotive fueling station. The first two elements, the store and restaurant, are permitted uses within the GC zone. The third element, the automotive fueling station (or automotive service station) is neither listed as permitted outright nor as a conditional use.

Ms. Engels referred the Commission to two letters in opposition to the application from different attorneys. These letters were included in the packets. For the record, a letter dated August 20, 1996 from Stoel, Rives, attorney for Texaco, and a letter dated August 19, 1996 from Laurie Nicholson, ODOT, were placed on the table for each Commissioner.

Vice-Chairman Corrado asked if the applicant wished to provide testimony.

Stuart Hitchen, W&H Pacific, lead consultant representing Texaco, 8405 SW Nimbus Avenue, Beaverton, Oregon 97008, and Steve Abel, Stoel, Rives, attorney representing Texaco, 900 SW 5th Avenue, Portland, OR 97204, addressed the Commission. Mr. Hitchen stated that typically they would come to the hearing prepared to go into great detail about the specifics of their proposal and outline the detailed site plan information. The main topic being considered tonight is whether the proposed use, automobile service station, is an appropriate use in the General Commercial (GC) zone. Therefore, their presentation will focus on that matter only. Mr. Hitchen noted:

- If the Commission decides the application is an allowed use, City Staff will need more time to prepare a complete staff report relative to the site plan application.
- The applicant has worked on the project for 11 months. They began working on the project on September 19, 1995 in a pre-application meeting with Carole Connell, Planning Director. Discussion involved design standards, the review process, development requirements, fees, schedules, the zoning code and whether or not the use was appropriate. It was related to them by Ms. Connell that the proposed use was allowed for the property.
- Based on the information received from the pre-application meeting, Texaco purchased an option to acquire the property from the present owner on January 5, 1996.
- Texaco continued to work closely with City Staff to develop the application package and complete the preliminary design and layout of the site.
- On April 2, 1996, Texaco completed the application package and submitted it to the City.
- On May 8, 1996, Texaco received a completion notice from Ms. Connell indicating that their application was complete and they were scheduled for the July 2, 1996 Planning Commission meeting.
- Shortly after that, Ms. Connell left employment with the City. Lisa Nell, Assistant Planner, took over the project and was to generate the Staff Report. An oversight by the City Planning Staff caused the Texaco application to be moved to the August 6, 1996 Planning Commission meeting. Shortly after that notice, on June 28, 1996, Texaco's option expired and they purchased an extension to acquire the property. Then Lisa Nell left employment with the City, the City had no planning staff, and no one who had experience with their application.
- On July 6, 1996, Texaco received notice indicating that the August 6, 1996 hearing had been canceled and Texaco was moved to the August 20, 1996 Planning Commission meeting.
- In subsequent meetings with City Staff, it was revealed that there was some concern with their site plan, building design plan and issues raised by the ODOT traffic report. The applicant met with Sue Engels to address these issues prior to the August 20 meeting. Ms. Engels indicated that if they provided the information by August 5, it would be included in the Staff Report.
- On August 5, 1996, Texaco transmitted new building elevations, landscape plans and site plans to the City.
- On August 6, 1996, Texaco received letters from two attorneys representing concerns of citizens outlining what they felt were the inappropriate use of the proposal relative to the zoning code.
- On August 15, 1996, Texaco received the Staff Report dated August 13, 1996, recommending denial of the application.

In conclusion, Texaco feels very strongly that the use does meet the zoning code requirements. There is no chicanery on behalf of the applicant and they are not trying to pull a fast one on anybody. They would like to get the application back on track and proceed forward.

Mr. Abel said the Commission received a letter dated August 20, 1996 from Peter Mostow an attorney at Stoel, Rives. Basically, the letter outlines his testimony tonight. The case is simpler than some may want it to be and that is the most disturbing aspect. Whenever you look at a zoning code, you need look at the total language of the code before you get into questions of interpretation. Throughout the last 20 years of Oregon land use law there are a series of cases. He referred to *Crater v. Jackson County* from 1995. This case says to look at the language of the

code, determine its plain meaning and only when you have some ambiguity about what the allowed use is, then you go to the question of interpretation. Mr. Abel noted:

- The use is proposed in the General Commercial (GC) zone. There are two places where this use can be pigeon-holed as an appropriate use in the GC zone. These are Sections 2.109.02B, and 2.109.02M, Permitted Uses in the GC zone.
- The opponents will attempt to use a number of interpretation arguments.
- The GC zone is the most intense commercial zone. It does allow these particular uses along with a variety of other commercial related uses.
- In the less intense commercial zones, Neighborhood Commercial (NC) and Retail Commercial (RC) you have taken the use out of the GC zone and have called it a “prohibited use”. It has been added as a restricted use of service stations in Section 2.107.03B Conditional Uses in NC zones and 2.108.03A Conditional Uses in RC zones.
- In the GC zone, service stations are allowed as permitted uses and in the RC and NC zones, allowed as a conditional use. The allowance of the stations in the GC zone was made at the legislative level when the code was adopted.
- How can service station uses be allowed in the NC and RC zones as conditional uses, but not be allowed anywhere in the GC zone? This leads to an absurd result and one that is not intended by the code.

Mr. Abel concluded that he would answer any questions and would like the opportunity to rebut any opponent testimony.

Mr. Hohnbaum asked where Mr. Abel envisioned the precedence in this discussion since current service stations in the City are in zones which are different than this particular application proposes. Mr. Abel responded that precedence is not binding upon any Planning Commission or City Council. Then the question is how to view the code in terms of what has gone on in the past. The service stations in the City are in the Retail Commercial (RC) zones. He did not know the facts and circumstances of these cases or been given any guidance in terms of how they may relate to the General Commercial (GC) zones. The GC zone is more intense in its uses than is the RC zone. It does not appear to make sense to allow service stations in the RC zone as a conditional use, but not allow them at all in the GC zone.

Mr. Hohnbaum asked Mr. Abel how he reached the conclusion of one zone being more intense than another commercial zone. Mr. Abel responded this comes from the purpose statements of the respective zones and the uses that are permitted outright.

In response to Mr. Bechtold’s question, Mr. Abel said he is also referring to Section 2.107.02B Permitted Uses in the NC zone, “...distribution is limited to retailing on the premises only.”

Vice-Chairman asked if there was any further proponent testimony. There being no further proponent testimony, Vice-Chairman Corrado called for testimony from opponents.

Vance Croney, 1191 Capitol Street, NE, Salem, Oregon 97301-1102, representing Norma Oyler, who is opposing this site plan application, addressed the Commission. Mr. Croney distributed copies of the Zoning Code referencing the applicable section definitions of Neighborhood

Commercial (NC), Retail Commercial (RC), and General Commercial (GC) zones. Mr. Croney noted:

- Although the opposition may have come late in the game, it is not unusual. However, he can appreciate the time and effort the applicant has put into the application with the expectation that it would be approved. Unfortunately, when it comes to the public hearing process, this does not always happen, as is the case tonight.
- The critical question which must be addressed and answered is whether the GC zone is proper for siting the gas station. They believe the code supports this opposition.
- The GC zone is simply not proper zoning for service stations.
- Section 2.109.02B Permitted Uses states, “General trade,”. This same provision is included in Sections 2.107.02B and 2.108.02B. General retail trade, including bakeries where produce distribution is limited to retailing on the premises only, is allowed in every zone.
- There are three gas stations in Sherwood; two functioning and one under construction. Each of these stations is found in the Retail Commercial (RC) zone. The BP and Texaco gas stations recently went before the Commission for site plan and conditional use application approval.
- If the general retail trade provision allowed outright a gasoline service station, why are applicants required to submit a conditional use application? The answer is in Section 2.108.03A, Conditional Uses in the RC zone, “Automotive service stations....” are a conditional use in the RC zone. This same provision is found in the NC zone, Section 2.107.03B Conditional Uses.
- The City has determined that the conditional use process and allowances are the correct place for the automotive service stations. The general retail trade provision is not correct. It has been determined that this provision is inapplicable to service stations.
- The language specifically states, “automotive service stations” which is key language that enables an automotive service station in a specific zone. This specific definition is not found in the GC zone language, not as a permitted use and not as a conditional use.
- Section 2.109.02M, Permitted Uses in the GC zone, “Automobile, recreational vehicle, motorcycle,and other equipment sales, parts sales, repairs, rentals or service” does not relate to automotive service stations. The applicant is arguing that “automobile service” means “automobile service stations”. This is incorrect and can be shown in Section 2.108.04F Prohibited Uses in the RC zones. There are two different definitions, automobile service and automobile service stations, one which is allowed and one which is not allowed.
- The precedent indicates the City believes automobile service stations are conditionally permitted in the RC and NC zones and are prohibited in the GC zone.

Mr. Croney said he would answer questions from the Commission. In response to Ms. Claus’s question, Mr. Croney said it is his position that because it is only stated in the RC and NC zones, these are the only two zones for service stations. His interpretation is that it was the drafter’s intent of the code to take a look at automotive service station applications to see if the neighborhood could support it, if it is warranted in the zone, and if the traffic area is proper. An outright use in the zone would allow it to be put anywhere that the zone allows. A gasoline service is a little more sensitive, both commercially and residentially. This is why gasoline service stations are not allowed outright anywhere in the Code, but only as a conditional use in certain zones, RC and NC.

Vice-Chairman Corrado asked if there was any further opponent testimony.

Jill Laney, 888 SW 5th, #1150, Portland, Oregon 97204, addressed the Commission. Ms. Laney said she is testifying on behalf of local residents, Jill Ekerson and Adolf Eppich. They would both like to make some comments. Ms. Laney stated that she concurred with Mr. Cronney's testimony. She referenced Sections 2.108.03 Conditional Uses in the RC zone, subparts A and B. "Automotive service" and "automotive" are two different definitions. The applicant's interpretation of the code seems to allow circumvention of what the code intended and that is there be a demonstrated need for automotive service stations in the community.

Adolph Eppich, 24616 SW Ladd Hill Road, Sherwood, Oregon 97140, addressed the Commission. Mr. Eppich said he has been a resident of Sherwood for about 25 years. He was surprised when he discovered that there were going to be two Texaco stations proposed within a couple blocks of each other. This sounded very strange. The City Planner needs to look at what message people driving by the City are going to be seeing by having two Texaco service stations within a two block vicinity. His concern is what type of a message is Texaco trying to send out and what type of a process is really going on here. Why would Texaco compete with each other? This is very unusual. The technical issues of the zoning have been very well presented.

Jill Ekerson, 22286 Friars Lane, Sherwood, Oregon 97140, addressed the Commission. Ms. Ekerson said she has lived in Sherwood for 11 years. She fears that Sherwood will become a community of gas stations and fast food restaurants. There needs to be sufficient commercial space available for other community resources, such as office space, stores, sit down restaurants, etc. It is unclear whether Sherwood can support four gas stations. The Commission should be concerned about the likelihood of one of the stations going out of business. If this happens it will present a similar situation to that of the Union station which went out of business about 7 years ago, sat vacant with the site not being maintained. This affected the environment as well as aesthetic concerns. The City of Gearhart spent \$70,000 of lottery funds to clean up an abandoned gas station. It is likely that taxpayers will be burdened with the problem of cleaning up gas stations which go out of business. Currently, there is already a Texaco station is being built in Sherwood which will be owned and operated by a local Newberg resident. The Texaco station being proposed tonight will be company-owned and operated. Therefore, corporate Texaco will be competing with a local franchise. It is absurd to have two Texaco stations across the street from each other. It sets a precedent that Chevron or BP could try open a second branch in Sherwood. Can the City of Sherwood support four gas stations?

There was no further opponent testimony. Vice-Chairman Corrado asked if the applicant wished to provide rebuttal testimony.

Steve Abel responded to the testimony. They came to the hearing tonight prepared to talk about the provisions of the zoning code and the appropriateness of this use in the particular zone. There was testimony given about other issues and they are fully prepared to talk about those issues as they move forward in the process. He will restrict his comments to the zoning code provisions and noted:

- One of the hallmarks of the Oregon land use system is that you should be able to read and to rely on the code. You should be able to rely not only on the language, but also the administration of that code over a period time.
- It has been 11 months during which time there was no question that these were uses that were allowed.
- In looking at Sections 2.109.02B and M, Permitted Uses in the General Commercial zone, he cannot see any reason to go back and make that reversal.
- It is important to understand how the conditional use provisions work in the Retail Commercial (RC) and Neighborhood Commercial (NC) zones. The automobile service is allowed in the GC zone and as a conditional use in the RC and NC zones.
- In the GC zone, you have the general uses allowed and in the RC and NC zones, that general use is taken away as prohibited use, but put back in as a conditional use.
- The drafters of the code intended that it be allowed as a permitted use in the GC zone.
- What you don't find in the prohibited uses in the GC zone are any references to service stations.
- This leads to the conclusion that the drafters, if they intended to preclude these uses, why would they put those uses in the permitted uses and fail to take those uses away in the prohibited use section.
- If you make the interpretation that these uses are not allowed at all in the GC zone, it completely flies in the face of the uses that are allowed in the NC and RC zones as conditional uses. This is upside down code work.
- The code does not define an automotive service station. He believes it to be a gas station use which services automobiles and does the incidental repair work that is a part of gas station service of automobile use.
- Mr. Abel said he would answer any questions.

Ms. Claus's said she had a question that was not relative to the zoning, but that everyone has a general question of why there are two Texaco service stations being proposed. Mr. Hitchen, W&H Pacific, stated they would like to discuss this further and look forward to moving the project forward. The only reason there are two Texaco's proposed to be located in Sherwood, is because the one which Texaco RMI has been looking at for 11 months is proposed to be a salary operated location and you have an open dealer who came across a piece of property, decided to buy the piece of property. The local dealer who has other Texaco service station meets Texaco's design criteria and requirements. Texaco cannot legally restrict trade if the individual meets the criteria. The City of Sherwood cannot restrict trade of any type of product to one source. Carole Connell contacted W&H Pacific when the other Texaco application was submitted.

Mr. Bechtold said it is important for the Commission to consider all of the testimony which has been provided tonight.

Vice-Chairman Corrado closed the public hearing on SP 96-6 Texaco for discussion by the Commission.

Sue Engels reported John Darling, who is on contract with the City and has an extensive planning background, prepared the Staff Report on SP 96-6. City Staff reviewed the report prior to presenting it to the Commission. There is nothing in the file other than the application content

regarding the events surrounding this application and the City has no reason to doubt the applicant's testimony relative to the chain of events.

Jon Bormet said the testimony of the applicant should be relied upon as fact and accepted in good faith. Mr. Bechtold said that the times sometime change faster than the code may be changed. Mr. Bormet said his understanding of the code is that General Commercial (GC) is for wholesale and commercial uses. The uses which require larger parcels of land, typically not something you would associate with a service station and Section 2.109.02M Permitted Uses, probably refers to a car dealership type of use.

Sue Engels explained the chain of events regarding the subdivision of this piece of property. Mr. Bormet said the owners of this property, which was approved by the Commission as a 6-lot preliminary plat commercial subdivision (SUB 96-2), by parceling this property into smaller lots, are going against the true intent of General Commercial zone. However, they will be coming back to the Commission with a full site plan for the shopping center. The Commission had some concerns regarding the use of this property.

Rick Hohnbaum moved the Planning Commission deny SP 96-6 Texaco Site Plan application, based on the Staff Report, findings of fact and public testimony. Seconded by George Bechtold.

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

Steve Abel said the applicant is entitled to bring the complete application forward and asked if the decision just made was an interim ruling as a part of that case. He asked if the interim ruling would be reduced to writing, and if so, would a copy be provided to the applicant. Mr. Bormet said this question would be referred to the City Legal Counsel. Typically a "Notice of Decision" would be provided to the applicant based upon what the Planning Commission acted upon. If the applicant wishes something other than this, the City would need to contact legal counsel. Mr. Bormet said he thought the Commission action on SP 96-6 Texaco hearing was final. If the applicant filed a petition for review with the City Recorder, it would go through the appeal process as defined in the zoning code. Mr. Abel said if there are going to be findings, he would like the opportunity to review those findings.

Other Business

Rick Hohnbaum discussed the City Council public hearing and review of PA 96-3, the recommended plan text amendments regarding fences. The City Council continued this hearing to allow new testimony. Mr. Bormet reported City Staff will be modifying the proposed fence ordinance to include that a fence on top of a mound is measured with the mound, the landscaping provision will be removed because it is unenforceable, and use the term "administrative variance". The revised ordinance will be heard by the City Council, the date of the hearing to be determined.

Susan Claus said she was very upset about the lot line adjustment relative to the Texaco site plan. She said that it did not follow the intent of the Commission's approval of the original subdivision. There are very few parcels available on Highway 99W which are zoned general commercial. Sue Engels explained that the lot line adjustment was handled administratively by Staff. Ms. Claus said she was not blaming Staff, but did want to state her concern for the record.

Mr. Bormet discussed possible remedies to keep this type of situation from occurring in the future.

SP 96-9 Allied Systems Site Plan

Mr. Bormet advised the Commission that following a review of the conditions of approval placed on SP 96-9 Allied Systems site plan, Staff and the applicant have met and come to a consensus. It is recommended that Condition #19 be deleted from the conditions of approval. The applicant has indicated that this property would be gifted to the City.

Rick Hohnbaum moved the Planning Commission approve amending the conditions of approval by removing Condition #19, “ If the Rock Creek flood plain portion of the Allied property is within the City Open Space Master Plan, those properties would be dedicated to the City”, from the SP 96-9 Allied Systems Site Plan. This provision will be settled administratively by City Staff. Seconded by Susan Claus.

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

PA 96-1 OneComm Plan Text Amendment

Sue Engels discussed PA 96-1 OneComm Plan Text Amendment which would allow an outright permitted use for certain types of communications towers in Light Industrial and General Industrial zones. On June 4, 1996, the Commission recommended approval of this plan text amendment to the City Council. At the July 23, 1996 public hearing, the City Council had some concerns with the ordinance as written and asked that it be clarified in several areas. Staff will be working on these modifications for Council review at their September 10, 1996 meeting. The Commission asked what type of presentation was made to the Council. Ms. Engels said the Council heard the same presentation as the Commission. The amendments will be made available for the Commission to review.

September 3, 1996 Planning Commission Meeting

Sue Engels reported there are no land use applications scheduled for this meeting. The Commission agreed that this meeting could be canceled.

Introduction of Assistant Planner

Jon Bormet introduced Jason Tuck, the Assistant Planner for the City.

Sue Engels reported City Staff has been in contact with the School District regarding obtaining more current information on school district statistics.

There being no further business to discuss, the meeting was adjourned at 9:25 PM.

Respectfully submitted,

Planning Department