

City of Sherwood, Oregon  
Planning Commission Meeting

May 17, 1994

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:30 p.m. Commission members present were: Chairman Eugene Birchill, Marge Stewart, Glen Warmbier, Chris Corrado, Susan Claus, and George Bechtold. Rick Hohnbaum was absent to attend a campaign party. Planning Director Carole Connell and Secretary Kathy Cary were also present.

2. **Approval of minutes of previous meetings:**

Mr. Warmbier moved, seconded by Mr. Corrado, that the minutes of the May 3, 1994 meeting be approved as presented. The motion carried unanimously.

3. **SP 93-1 Gray/Garrigus Building Remodel, Request for one-year approval request:**

Ms. Connell advised that the Planning Commission's packets contain a copy of decision notice dated March 17, 1993, and a letter from the applicant requesting an extension of the approval to allow them sufficient time to complete negotiations to purchase the Garrigus building from the Southern Pacific Railroad. Ms. Connell pointed out that the Code allows a one-year extension upon request of the applicant showing cause for the request. She noted that the Commission approved the proposed remodel more than one year ago; however, the applicant did not own the building and was planning to abandon the project; subsequently the building owner recently entered into negotiations to sell the building to the applicant.

Ms. Connell remarked that the Commission felt that since the applicant was not the owner, they could not be required to dedicate right-of-way to Oregon or Pine, or require significant road improvements, therefore the original decision does not include standard requirements for dedication. She noted that with the up-coming change in ownership, the Commission should consider if dedication and road improvements should be required.

Chairman Birchill requested that the applicant provide any comments he may have.

Russell Leach, Architect, Robert Gray Partners, Inc., P.O. Box 1016, Sherwood, addressed the Commission. Mr. Leach

commented that after the previous approval, he had approached SPRR to renegotiate their lease because they have a short-term lease (month-to-month) and the costs involved in the remodel were extensive. However, SPRR indicated they were not interested in a long-term lease, nor were they interested in selling the property. Mr. Leach stated that subsequent to their initial contact, SPRR had then contacted him and they are currently in very complicated negotiations with SPRR to purchase the building. He commented that in order to consummate the sale of the property, an extension of the approval is necessary, and requested that the approval be extended for an 18-month time period without requiring dedication of right-of-way or other improvements.

In response to Mr. Warmbier's statement that to not require road dedication and/or improvement would be inconsistent with City requirements, Mr. Leach pointed out that the applicant is only remodeling the building, not building a new facility.

Robert Gray, Robert Gray Partners, Inc., P.O. Box 1016, Sherwood, addressed the Commission. Mr. Gray pointed out that he intends to remodel the Garrigus building, not change the size of the building. He noted that the inside will be remodelled into office space and he will fix-up the outside.

Mr. Leach pointed out that the applicant is still the lease holder and cannot agree to any dedication or improvements until the purchase has been completed. He requested that the extension be granted with the original conditions of approval.

Chairman Birchill inquired as to whether there could be a condition requiring the applicant, upon purchase of the building, to dedicate necessary right-of-way? He noted that the applicant has been asked to only fill in the ditch and install a culvert and suggested that rather than requiring the applicant to make those improvements they be required to participate in improvements on Oregon Street when the City makes the necessary major repair in that area. Mr. Leach commented that he is still concerned about the requirement for additional right-of-way. He pointed out that the required 10-foot dedication would move the right-of-way ten feet inside of the building.

After extensive discussion of problems involving the widening of Oregon Street, Chairman Birchill requested that the request for an extension of SP 93-1 approval be tabled until a future meeting of the Commission. He requested that Mr. Leach meet with Ms. Connell to resolve right-of-way dedication. Commission members concurred with the request to

table extension of SP 93-1.

Chairman Birchill advised that prior to proceeding with the remainder of the agenda, he wished to make two announcements:

1. Planning Director Carole Connell has been chosen City Employee of the Year; and,
2. Glen Warmbier has been elected the City Volunteer of the Year.

Chairman Birchill commented that he is proud of both, and congratulated them on their awards.

4. **Public Hearings:**

Chairman Birchill read the hearing disclosure statement and requested that Commission members reveal any ex-parte contact, conflicts of interest or bias with regard to any issues on the agenda. There being no disclosures, Chairman Birchill requested that Ms. Connell proceed with a staff report.

**A. MLP 94-3 Novak:**

Ms. Connell advised that MLP 94-3 is being resubmitted as a Subdivision and will be on the agenda for the June 7, 1994 meeting. She requested that the item be removed. Commission members concurred and no action was taken.

**B. PA 94-3 Drennan: A Plan/Zone Map Amendment to re-zone 26 acres from MDRH to MDRL, located on Sunset Boulevard.**

Chairman Birchill called for a staff report.

Ms. Connell noted that Mr. Drennan has submitted a request to rezone a 26-acre site consisting of three tax lots, which contains floodplain and wetlands. Ms. Connell provided a review of the Staff report dated May 10, 1994, a complete copy of which is contained in the Commission's minute book. Ms. Connell pointed out that at one time the parcel had been zoned for mobile homes; however, the previous owner requested a rezone from MDRH to MDRL, but the site was never developed.

Ms. Connell noted that in 1990 the City completed a zoning update of the City and at that time the zoning was zoned MDRH, which was intended more specifically to be for multi-family housing. She indicated that the City's inventory identifies the parcel as an area where higher density housing is needed.

Ms. Connell reviewed the Code criteria and noted that a previous request to rezone the parcel had been denied. Ms. Connell remarked that approval of the request will remove as much as 15 percent of the available land for multi-family, or apartment housing. Ms. Connell noted for the record a letter had been received from the DLCD stating the City's findings were lacking on how the change will affect compliance with the Metro Housing Rule. Ms. Connell pointed out that an identical request to rezone a parcel immediately across the street from Mr. Drennan's property had been denied for the same reasons outlined in the staff report, and recommended that PA 94-3 also be denied.

Chairman Birchill opened the public hearing for testimony from proponents.

Hal Keever, 8405 SW Nimbus Avenue, Beaverton, addressed the Commission. Mr. Keever advised that he is representing John Drennan, one of the property owners. He provided a brief history of the property and its rezones. Mr. Keever addressed the zoning criteria and noted that there are two issues: density versus affordable housing and subdivision versus mobile home park. Mr. Keever commented that it would be in the community's best interest to approve the application, which would help the City come closer to its housing goal. Mr. Keever pointed out that the parcel could be developed as a subdivision or a mobile home park, the only difference being that the subdivision roads are a burden to the applicant and more land will be lost whereas a mobile home park offers more affordable housing.

John Drennan, 11495 SW Greenbrug Road, Tigard, addressed the Commission. Mr. Drennan provided a chart demonstrating the re-zone time relationship of the parcel, a copy of which is attached as part of these minutes. He noted that the property had been zoned for manufactured housing at the time of purchase, and he was not aware of the fact that the zoning had changed and his previous request for a manufactured housing park was denied based on the density issues. Mr. Drennan reviewed the Staff report and provided a history of his applications before the Planning Commission, and pointed out that he is not interested in submitting a Subdivision. He stated that his desire is to develop a mobile home park to offer affordable housing to citizens of Sherwood. Mr. Drennan stated that he had no interest in building an apartment house since the vacancy rate in Sherwood is high and it is nearly impossible to obtain financing for construction of apartments. Chairman Birchill suggested that Mr. Drennan conduct a study of the vacancy rate in Sherwood

since he did not believe Mr. Drennan's statement to be correct. Chairman Birchill pointed out that there is a lack of apartments in Sherwood and as soon as one is built, it is rented.

There being no further proponent or opponent testimony, Chairman Birchill closed the public hearing. He noted that the public hearing could be reopened at any time at the request of one of the Commission members.

Ms. Connell remarked that it was unfortunate that Mr. Drennan's property was included in the rezone of the entire area without his knowledge, and pointed out that one of the reasons the area was re-zoned is the existence of floodplain and wetlands.

Ms. Stewart pointed out that LCDC requires the City to provide its share of housing and the City must assure that that happens; otherwise, the City is not in compliance with LCDC or Metro's rules. She noted that if the City is out of compliance and attempts to extend the urban growth boundary, it will not be allowed to do so.

After a brief discussion, Mr. Warmbier moved that PA 94-3 Drennan be denied based on the findings of fact and staff's conclusion and recommendations. The motion was seconded by Ms. Stewart and carried with four yes votes (Chairman Birchill, Ms. Stewart, Mr. Warmbier, and Mr. Bechtold), and two no votes (Ms. Claus and Mr. Corrado voting no).

5. **F.Y.I.**

Ms. Connell advised that the City had received a \$20,000 grant to help implement the State Transportation Planning Rules. She noted that a list of consultants is being developed to do the work and the work will be done under the parameters of the State. She noted that after May 8, 1994 the transportation rules must be addressed when considering any new development applications.

Mr. Connell commented that members of the Planning Commission are invited to attend the formal dedication of the Tualatin Commons at 11:00 a.m., Friday, May 20.

Ms. Connell advised that at future meetings, the Commission will be considering: a shopping center at Highway 99W and Tualatin-Sherwood Road; a new elementary school; the second and third phases of Sherwood Village on the Langer property and an apartment complex on the Langer property.

Ms. Connell reported that Commission Member George Bechtold had attended the LUTRAC meeting on May 14 and requested that he provide a brief review of the meeting.

Mr. Bechtold stated that he found the LUTRAC bike-pedestrian sessions to be very informative. He commented that there was a debate among the Metro executives, however, there was no one who did not support the LUTRAC plan. Mr. Bechtold pointed out that a great deal of the LUTRAC plan could be applied to Sherwood in order to make it a more livable area. He indicated that the trend is toward pedestrian-friendly, mixed used development; i.e. Old Town. Mr. Bechtold stated that the thrust of the plan is development as it was done prior to 1950 with the hope of discouraging use of the automobiles and improving air quality.

6. **Director's Report:**

Ms. Connell noted that a copy of her report to the City Council had been included for informational purposes.

7. **Adjournment:**

There being no further items before the Commission, the meeting adjourned at approximately 9:55 p.m.

Respectfully submitted,

Kathy Cary  
Secretary