

City of Sherwood, Oregon
Planning Commission Meeting

October 4, 1994

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:40 p.m. Commission members present were: Chairman Gene Birchill, Chris Corrado, Susan Claus, Marge Stewart, George Bechtold, and Rick Hohnbaum. Ken Shannon was absent on vacation and excused. City Manager Jim Rapp, Planning Director Carole Connell and Secretary Kathy Cary were also present.
2. **Minutes of August 20 and September 20, 1994 meetings:**

Mr. Hohnbaum requested that the third from the last sentence in second paragraph on Page 9 of the September 20, 1994, minutes be revised to read: "Mr. Hohnbaum suggested that the storm water pond be fenced at Mr. Kohl's discretion."

There being no further changes, Chairman Birchill advised that the Minutes of the August 30 meeting stand approved as distributed, and the minutes of the September 20 meeting stand approved as corrected.

Chairman Birchill noted that applicants or representatives from the Baptist Church and Pacific Lumber had not arrived and therefore the Commission will proceed with Agenda Item 5, Discussion of a proposed Environmental Business Overlay Zone. He requested that City Manager Rapp provide a report.

Mr. Rapp directed Commissioners' attention to his report dated September 21, 1994, a copy of which is contained in the Commission's minute book, and advised that the concept of an environmental business zoning began approximately four years ago. He pointed out that the idea was originally begun to support the Tualatin River National Wildlife Refuge and preservation of the floodplain, and noted that there are benefits beyond the wildlife refuge; i.e., the potential of attracting environmental businesses or branch offices of governmental agencies to Sherwood. Mr. Rapp stated that the Council had directed staff to develop an environmental business overlay zone, including proposed changes to the City's codes to accommodate that zone. Mr. Rapp proceeded to review the proposal, explained the background and concept of the proposal, benefits and incentives to property owners and the proposed changes to the code.

After a discussion, question and answer period, the Commission concurred that an environmental business overlay zone is an appropriate and desirable change. Chairman Birchill suggested that a worksession be scheduled, notification be sent to property owners advising of the proposed environmental business overlay, and inviting the property owners to attend the worksession to provide input for the proposed code changes.

On another issue, Mr. Rapp advised that Allied Systems, a company which is located in the proximity of the proposed environmental business overlay zone, had apparently misunderstood a verbal agreed with the City to not remove the large fir trees adjacent to the proposed wildlife refuge area. He commented that the owner of the company had cut down the trees adjoining the floodplain and was not questioning prior discussions about floodplain dedication. Mr. Rapp pointed out that Allied is in the process of expanding their plant, they own the trees, and since they were only grading, there was no recourse with which the City could save the stand of firs.

3. **SP 92-4 Sherwood Baptist Church Addition, Request for a second one-year extension:**

Chairman Birchill noted that representatives from the Sherwood Baptist Church has not arrived, and requested that Ms. Connell proceed with a report on Agenda Item 4, SP 93-4, Pacific Lumber. Discussion and action covered elsewhere.

4. **SP 93-4 Pacific Lumber, Site Plan modification request:**

Ms. Connell reported that Pacific Lumber's Site Plan had been approved by the Planning Commission in January 1994, at which time the plans approved by the Commission depicted an entry with wooden beams incorporated into the doorway. She noted that subsequently, the project got underway and during the rush to complete the structure the entry was changed. Ms. Connell noted that during inspections, she inquired of the owner about the entry and was assured that it was being constructed as planned. Ms. Connell pointed out that the structure has been completed, the business has opened; however, the entry to the structure was not built as approved. She commented that the applicant, Jim Morse, is pleased with the facade as it was built and is now requesting that the Commission accept the facade as is.

Chairman Birchill commented that at the initial consideration of SP 93-4, he had expressed concern about the aesthetics of a metal industrial building. He noted that the applicant

indicated that the building would have a facade and it would blend in. Chairman Birchill stated that he feels the entry should be as originally approved by the Commission.

In response to Ms. Claus' questions, Mr. Morse stated that the approved plans did not have an elevation drawing and when he submitted plans for a building permit, he simply forgot about the wooden facade, and the plans were drawn differently. Mr. Morse commented that prior to submitting his request for a site plan approval, he had been approached by Mr. Langer and Frank Weigel who advised that they would stop the project and not allow it to go forward unless it was designed to blend with their proposed project, that was designed as a New England style. Mr. Morse stated that they did not know if the covered walkway would be an awning, with a post or what; however, the main thing was that the entry was to be the main point of entry. Mr. Morse commented that when Ms. Connell showed him the elevation plan which had been approved, he did not remember where the plan came from and advised Ms. Connell that the as-built plan is the one they had been using. Mr. Morse commented that he had spent extra money to construct the front of the building in such a manner as to enhance the building. Mr. Morse commented that the incorrect set of construction plans had been reviewed and approved by the City staff. He stated that the covered walkway would not look as good and would require more maintenance. Mr. Morse commented that during construction of the building, he felt that he knew he was going to have the building constructed the way it is, but what he was really concentrating on was the 30-foot wide facade as has been built, the materials, trim, appearance, and type of materials with which to build the structure. He pointed out that it would cost approximately \$15,000 in materials and \$5,000 to \$6,000 in labor to rebuild the entrance to comply with the plan approved by the Commission. Mr. Morse remarked that he is pleased with the appearance of the building as is, he has no excuse for the oversight other than he simply goofed up, and urged that the Commission approve the change to the plan. Ms. Connell agreed that the incorrect set of plans had been processed through Staff in a rush; however, she had informally discussed the different facade with Mr. Morse, Sr., while it was being built as well as prior to occupancy.

Chairman Birchill requested that Commission members advise of their thoughts.

Mr. Hohnbaum commented that it was his feelings the Commission was discussing procedures and processes and requested that the Chair and Vice-Chair provide recommendations.

Mr. Bechtold commented that there was a situation with the Marketplace in which the incorrect set of plans went to Metro and a different set to the Commission, and Metro made recommendations based on the plans they had, not the once the Commission has. Mr. Bechtold stated that the developer commented that if Metro had a different set of the plans, Metro's comments were not applicable to the project. He commented that he was uncomfortable with that situation and stated that Metro should have the same set of plans as does the Planning Commission. He pointed out that it makes it difficult for the Commission to take Metro's recommendation in that particular case and make a decision, especially when the applicant is pointing out that Metro's comments are irrelevant.

Chairman Birchill stated that he looked at the plans, which are hand drawn, and cannot see any erasures or changes that had been made. He commented that he felt the applicant developed their elevation and not the plan review and when the construction plans were developed, the elevation did not get transferred. Chairman Birchill stated that he is still of the opinion that the additional wooden facade would soften and improve the looks of the building and plans to vote in favor of the change.

Mr. Hohnbaum moved that the construction of the facade as shown on Drawing C submitted for approval by the Planning Commission be upheld. The motion was seconded by Mr. Bechtold and carried. Messrs. Corrado, Hohnbaum, Birchill and Bechtold voted yes; Ms. Stewart abstained; and Ms. Claus voted no.

Mr. Corrado commented that it was very unfortunate that an oversight occurred; however, as the Commission reviewed the particular proposal he was very excited about the presentation and looked forward to seeing the building. He noted that it seemed to fit the theme and to be something that was good. Mr. Corrado remarked that as far as the process of the Planning Commission, the Commission should uphold their own decision and to not do so would set a very bad precedent.

Ms. Stewart suggested that procedures be reviewed to prevent a similar oversight from occurring in the future.

Mr. Morse inquired as to whether there were any appeals procedures to the Council of the foregoing decision. Ms. Connell replied that the site plan appeal period was over. Ms. Connell pointed out that she had discussed the facade with Mr. Morse prior to completion of the building.

Chairman Birchill suggested that Mr. Morse develop another canopy-type facade and present it to the Commission for review.

SP 92-4 Sherwood Baptist Church Addition: Request for a second one-year extension.

Chairman Birchill noted that there were no representatives from the Sherwood Baptist Church in the audience, and requested that Ms. Connell provide a report.

Ms. Connell advised that the Baptist Church had a Site Plan approved for an addition in 1992, and had appealed one of the conditions, dedication of Pine Street, to the Council as well as LUBA. Ms. Connell noted that in both cases the condition was upheld, and the condition for dedication still stands. Ms. Connell pointed out that since that time there have been new subdivisions develop around the site and the need for Pine Street to be further developed is no longer there. She noted that there are also some physical difficulties with the extension of Pine Street. Ms. Connell commented that the applicant believes the condition should, therefore, be deleted. Ms. Connell advised that the applicant had been given a one-year extension last year in August and are now asking for second one-year extension. Ms. Connell noted that the Code provides for a one-year extension for due cause. She pointed out that the circumstances had changed, the need for the street dedication is no longer there, and recommended that the condition be deleted and that the applicant be given a one-year extension.

Ms. Stewart that she did some questioning on the project and the man who sold the property to the church was Milton Turner, who had provided an additional 25 feet for the purpose of building Pine Street. Ms. Stewart commented that she had no problem with Pine Street not being developed; however, she does have a problem in that there are three other lots on the unimproved parcel. Ms. Stewart remarked that the church uses that unimproved road, which belongs to the three homes, as an entrance to the church parking lot. Ms. Stewart stated that when first approved, the Church had an entrance to Sunset, which is not being used at this time. She pointed out that at present there are no problems between the church and the home owners; however, she is concerned that problems over the access might develop in the future when one piece of the property might be sold. Ms. Stewart urged that the Commission look ahead and at least require dedication for Pine Street

back to the homes adjacent to the church. Ms. Connell pointed out that the Commission's approval of the Crestview development provides for an easement and road maintenance agreement for use by the existing adjoining homes and the Church.

Mr. Hohnbaum moved that the request for a second one-year extension of SP 92-4 be denied as per Code Section No. 5.02.06. The motion was seconded by Ms. Claus and carried unanimously.

5. **Discussion of a proposed Environmental Business Overlay Zone:**

Covered elsewhere in these minutes.

6. **Director's Report:**

Ms. Connell advised that she had nothing further to report.

7. **Adjournment:**

There being no further items before the Commission, the meeting adjourned at approximately 8:50 p.m.

Respectfully submitted,

Kathy Cary
Secretary