

City of Sherwood, Oregon
Planning Commission Meeting

October 18, 1994

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:30 p.m. Commission members present were: Chairman Gene Birchill, Chris Corrado, Susan Claus, Ken Shannon, Marge Stewart, George Bechtold, and Rick Hohnbaum. Planning Director Carole Connell and Secretary Kathy Cary were also present.

2. **Minutes of August 20 and September 20, 1994 meetings:**

Ms. Stewart requested that the last paragraph on Page 5 of the October 4, 1994, minutes, the name "Milton Turner" be corrected to "Wilton Turner".

Ms. Claus requested that the last sentence in the third paragraph on Page 4, be corrected to read: "Ms. Claus voted no because the applicant has a set of plans on which the City has signed-off their approval, and the City should work with the applicant on the facade."

There being no other corrections, Mr. Hohnbaum moved, seconded by Ms. Stewart, that the minutes of the October 4, 1994, meeting be approved with the foregoing corrections. The motion carried unanimously.

Prior to considering the remainder of the agenda, Chairman Birchill advised that Item 4a, SUB 94-6 Burck Estates Preliminary Plat, was being postponed until the December 6, 1994, meeting. He requested that a motion to that effect be made. Ms. Connell advised that the proposal has not been completely annexed into the City and the applicant is proceeding with an "expedited annexation"; however, there will be a Metro 2040 presentation on November 15 and Mayor Hitchcock requested that no other items be scheduled for that meeting. Mr. Hohnbaum moved, seconded by Mr. Shannon, that SUB 94-6 be removed from the agenda and tabled until the December 6 meeting. Motion carried unanimously. Mr. Hohnbaum suggested that the City obtain a waiver of the 120-day approval deadline, if necessary.

3. **SUB 93-7 Crestwood Heights Phase 2 Final Plat:**

Chairman Birchill called for a staff report.

Ms. Connell advised that the Commission is reviewing a final plat for Crestwood Heights, which is not a public hearing. She pointed out that Phase 2 consists of 52 lots, Phase 1, had been previously reviewed and approved by the Commission.

Ms. Connell commented that the project will consist of three phases, the third phase will be reviewed at a later date for a total of 176 lots. Ms. Connell remarked that there are a few conditions of approval which need to be carried over to each phase in order to assure compliance.

Ms. Connell provided an in-depth review of the Staff report dated October 11, 1994, a complete copy of which is contained in the Commission's minute book. Ms. Connell pointed out that Condition No. 1 contains a typographical error and should state that the sanitary sewer easement is between Lots 71 and 72. Ms. Connell noted that the Commission had discussed the looping of water through the cul-de-sac and pointed out that the water cannot be looped because of the 32% slope in the area, therefore, the water line will dead-end at Eagle Court. Ms. Connell remarked that all construction drawings have been approved by USA and the City, and do not need to be carried over.

With regard to the Baptist Church and the flag-pole lot, Ms. Connell noted that the plat removes the "pole" portion of the lot. Ms. Connell remarked that the applicant would like to donate the that to the church, and there is no reason for the Planning Commission to become involved. She stated that the residents along that lot have access through a legal easement; however, if the Commission wished to follow the situation, the condition should be restated.

Ms. Connell advised that the City plans to purchase two lots in the project for a future park. She noted that lots 75 and 76 had been chosen since they abut two lots in the adjacent project, Highpointe, which will also be purchased for a future park area.

In conclusion, Ms. Connell recommended that SUB 93-7 Crestwood Heights Phase 2 Final Plat be approved subject to the four conditions outlined in the Staff report, with an amendment to Condition No. 1 to correct the lot numbers to 71 and 72.

Chairman Birchill opened the meeting for discussions, questions and comments among the Commission members.

Mr. Hohnbaum inquired as to whether the CC&Rs for Crestwood Heights will have the verbiage regarding parking on one side of streets as had been imposed on CC&Rs for other

developments. Ms. Connell advised that the City's Public Works Department now has a policy that all required signs will be installed before the City signs-off on the project. She noted that if the signs are installed during construction and are damaged or knocked down during the construction, they were never re-installed; in the future, the City will not sign-off until the signs have been re-installed. Mr. Corrado pointed out that the conditions on other developments require that the purchaser be informed of the "no-parking" prior to purchase. Mr. Hohnbaum requested that the same requirement be imposed on Crestwood's CC&Rs. Mr. Wellborn, the applicant, also suggested that the words "on one side of the street, as approved by the City" be added.

Ms. Stewart commented that she is concerned about transportation around the City, which seems to be getting worse instead of better. She pointed out that the City is not looking 20 years into the future, but is looking back 20 years. Ms. Stewart noted that there are two north-south major streets for the entire City, traffic is forced onto streets that will not carry the increased traffic. Ms. Stewart remarked that 20 years ago Pine Street was to be a through street and when the Adair property was developed, the Adairs gave one-half to develop Pine; however, we are now looking at the City limits and Pine still does not go through. Ms. Stewart commented that she is concerned that there will be a problem for the next generation of Sherwood residents, and inquired if there is something that the Commission can do to assure that Pine Street will eventually be extended. Ms. Stewart stated that extension of Pine Streets needs to be better studied.

Ms. Claus pointed out that Chairman Birchill had previously requested that there be two stubbed streets at the Clackamas County line to accommodate future growth or expansion. Mr. Wellborn pointed out that there will be a stubbed street at the Clackamas County line in the next phase, and noted that Pine Street is too steep to extend.

Mr. Hohnbaum moved that based on Findings of Fact and the conditions, as amended and outlined in the Staff report, SUB 93-7, Phase 2 Final Plat be approved subject to the following conditions:

1. Provide a 15-foot wide sanitary sewer easement between Lots 71 and 72.
2. Provide a one-foot non-access reserve strip on lots adjoining Ladd Hill Road.

3. Install "no parking" signs on one side of all 32-foot wide streets, prior to any home occupancy, and so include this provision in the Subdivision's CC&Rs to provide notice to the home owner.
4. Plant one street tree (two on corner lots) in the front yard of each lot within five feet of the sidewalk and near the center of the lot, prior to home occupancy. Trees shall be of a type listed on the City's approved street tree list.

The motion was seconded by Mr. Shannon and carried unanimously.

4. **Public Hearings:**

- A. **SUB 94-6 Burck Estates Preliminary Plat: a 17-lot single-family subdivision on Sunset Boulevard.**

This item was covered elsewhere in these minutes.

- B. **PA 94-7 Environmental Business Overlay Zone: a Plan Text Amendment creating new zoning provisions, options and incentives for industrial, commercial and residential land adjoining the Tualatin River National Wildlife Refuge.**

Chairman Birchill read the hearings disclosure statement and requested that Commissioners reveal any conflict of interest, ex-parte contact or bias with regard to the Environmental Business Overlay text amendment.

Mr. Hohnbaum stated that he is a member and a founding member of the Friends of the National Wildlife Refuge and wants to make that association in connection with and support of the refuge known. He remarked that he plans to participate in the discussion and voting.

Ms. Stewart commented that she too is a founding member of the Friends of the National Wildlife Refuge; however has not attended any of the Board meetings.

Mr. Corrado stated that he received a notice regarding the business overlay, but does not feel there is a conflict in his participation.

Ms. Claus stated that she has also received notice of the business overlay which impacts property owned by her family; her family has been active in selling property for the refuge; and, she plans to participate in discussions and

voting.

Chairman Birchill pointed out that the Commission will review the proposal, and possibly forward the text amendment to the City Council with a recommendation. He then called for a staff report.

Ms. Connell reported that the Commission is reviewing a proposed text amendment, of which property owners had been notified. She pointed out that the Commission's recommendation will be forwarded to the City Council, and that property owners would not necessarily appeal anything recommended by the Commission since a formal decision is not being made. Ms. Connell noted in the event of an appeal, it would be directed to the City Council and/or LUBA. Ms. Connell then provided an in-depth review of the proposed text amendment to those in the audience. (Note: a complete copy of the text amendment is contained in the Commission's minute book.)

Chairman Birchill advised that, with consent of the Commission, the public hearing will be opened for comments from those in the audience, rather than hearing opponents, proponents and rebuttal. He then opened the public hearing for testimony.

Erick Anderson, 16235 SW Scholls-Sherwood Road, addressed the Commission. Mr. Anderson stated that he is representing his mother, Vivian Anderson, and would like clarification of his understanding, which is the document before the Commission is a recommendation of a guideline that does not affect zoning, it is something that offers incentive to attract clean businesses to Sherwood, and is something that down the line would be less restrictive on zoning? Ms. Connell responded that the document is meant to be positive. Mr. Anderson advised that he works for a research facility, which brings many benefits to people; however, there are a number of research products that are hazardous and that an "environmental" business does not necessarily mean that the business is "clean", and some environmental technology produces toxic waste.

Mr. Anderson requested that the term "consulting" and "governmental" types of businesses be clarified. He pointed out that those terms do not necessarily mean the same thing, and there are several "environmental businesses", which are not necessarily related to the environment. Mr. Hohnbaum responded that there are a number of governmental agencies and private businesses that do environmental work that may see benefits of locating their offices in the Sherwood area

rather than downtown Portland; for example, the State Fish and Wildlife Agency, which would be compatible with the proposed Environmental Overlay. Mr. Hohnbaum stated that the City has also received indication of interests from firms that do environmental research. He noted that environmental business parks have been built in other states.

Ms. Stewart commented that she felt that a tax incentive is a more effective way to retain renters of office spaces, and would be a better incentive than a 50% reduction of SDC fees.

Ms. Claus pointed out that waiver of an SDC fee as an incentive will benefit only the developer at the beginning of the project and does not offer any continuing incentive to retain environmentally clean businesses.

John Galbreath, 19935 S. Cipole Road, Sherwood, addressed the Commission. Mr. Galbreath pointed out that benefits and incentives were made available to developer and future property owners, and inquired as to what incentives are being considered for the current property owners in the proposed environmental overlay zone. Mr. Galbreath commented that Staff is saying that the zoning would remain the same as it currently exists; however, after the new zoning has passed his property will be affected. He inquired as to whether there would be any prohibited uses since one use not defined is agriculture, and 90 percent of his business is agriculture. Ms. Connell responded that nothing will change in terms of the current status of the zoning that is in place; the only change added is that there becomes a benefit to owners or developers in that they will receive tax or SDC credits if they decide to locate an environmentally friendly business, and the incentive is an option.

Don Balsiger, 15025 S Tualatin-Sherwood Road, Sherwood, addressed the Commission. Mr. Balsiger commented that the map which he received from the City was not legible. He asked if a decision made by the Commission affects properties that are immediately adjacent or abut the City limits and the environmental refuge area, and will it have any effect on the properties not within the City? Chairman Birchill responded that the recommendation of the Commission is to the City Council for their use. He pointed out that the Commission could indicate the Commission does not favor the change and to forget the change; the Commission could simply recommend approval, or could recommend approval with changes to the verbiage. Chairman Birchill commented that the Commission is a "recommending body" to the City Council and the proposed business overlay goes to the City Council for public hearing. He noted that citizens will also have an opportunity to

appear for a public hearing before the City Council.

After an extensive discussion, question and answer period, the Commission recommended that the following items be considered for inclusion and/or expansion of verbiage:

1. Better define "environmental" businesses, and eliminate industries which create pollution.
2. Revise City's business license to better track businesses, specifically after they are located on the site.
3. Contact other state agencies who have environmental business parks and obtain input as to how they are developed and controlled.
4. Explore a tax incentive as an effective way to retain renters in lieu of a reduction of SDC charges.
5. Confer with State agencies which solicit businesses to relocate to the state, and determine their techniques and incentives.
6. Clarify how various renters of office space will be controlled to assure compliance with zoning.
7. Identify how waste will be controlled, specifically adjoining the proposed wildlife refuge and include tighter controls on waste water.
8. Include increased waste water controls for "unclean" businesses, and reduced water waste rates for those businesses which are clean.
9. Contact "clean" businesses and determine what it would take to motivate location in Sherwood.

Mr. Hohnbaum also requested that City Manger Rapp include his comments, which he previously provided.

Chairman Birchill directed staff to revise the proposed text amended to include the foregoing comments and suggestions and re-schedule the items for a future meeting. He also requested that staff provide a draft of the revised amendment to all homeowners within the area indicated on the City's map.

After extensive discussion, Mr. Bechtold moved, seconded by Mr. Hohnbaum that PA 94-7 be tabled in order to obtain

additional information, and rescheduled for hearing at Staff's discretion. Motion carried unanimously.

5. **Director's Report:**

Ms. Connell advised that City Manager Rapp had directed Staff to require developers, prior to acceptance of applications, to hold "neighborhood" meetings to better inform the citizens of the development and provide an opportunity for the citizens to meet and review a proposal. Ms. Connell commented that it is hoped that by holding these meetings, the developer will work more closely with the citizens in order to minimize the negative impact in the public hearing process. She pointed out that the requirement is not currently in the code, and summarized the requirements.

Ms. Claus commented that she would like Mr. Rapp to repeal his directive since the development process should be through the Planning Commission.

Mr. Corrado inquired as to what part of the process is not provided at the Planning Commission meeting that the neighborhood meeting process will provide?

After a brief discussion of the neighborhood meeting process, Chairman Birchill polled the Commission members, all of whom concurred that the neighborhood meeting requirements should be rescinded.

Ms. Connell advised that Wednesday, October 26, will be a two-hour work session with the City Council to review the proposed historic preservation report. She encouraged Commission members to attend.

6. **Adjournment:**

There being no further items before the Commission, the meeting adjourned at approximately 9:30 p.m.

Respectfully submitted,

Kathy Cary
Secretary