

City of Sherwood, Oregon  
Planning Commission Meeting

March 16, 1993

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:35 p.m. Commission members present were: Eugene Birchill, Chris Corrado, Glen Warmbier, Marian Hosler, Marty Ruehl, Marge Stewart, and Chris Saxton. Planning Director Carole Connell and Secretary Kathy Cary were also present.
2. **Minutes of March 2, 1993, meeting.**

Mr. Ruehl requested that the minutes of the March 2, 1993, meeting be corrected as follows: Page 8, change the sentence reading: "Mrs. Scott felt that the speed bumps would create an additional hazard" to read: "Mrs. Scott stated that the County felt the speed bumps would create a liability and a greater hazard."

Ms. Stewart moved, seconded by Mr. Corrado, that the minutes of the March 2, 1993, meeting be approved as amended. Motion carried unanimously.

Chairman Birchill announced that a letter from Bowen Real Estate Group requesting extension of SP 91-6 had been placed on the table. He requested that Planning Director Carole Connell provide a verbal report.

Ms. Connell reported that this project is continuing to experience management problems and that two extensions for the associated partition have already been granted. She noted that the Site Plan approval has expired, but the applicant is now ready to proceed with the project and is requesting a short extension. Ms. Connell indicated the applicant anticipates requesting a building permit in July and recommended that a 120-day extension be granted since there have been no substantial changes to the site or Code.

After a brief discussion, Mr. Ruehl moved, seconded by Ms. Hosler, that SP 91-6 be extended for 120 days and that no further extensions will be approved. Motion carried with Ms. Stewart abstaining.

3. **Public Hearing.**

**A. SP 93-1 Gray/Garrigus Site Plan to remodel existing building on Pine and Oregon Streets.**

Chairman Birchill read the Hearing Disclosure Statement and requested that Commissioners advise of any conflict of interest or ex-parte contact affecting the two items on the Public Hearing portion of the agenda. No disclosures were made, and Mr. Birchill requested that Ms. Connell provide a staff report.

Ms. Connell reported that SP 93-1 Gray/Garrigus Site Plan is an opportunity to have a building that has been sitting vacant and deteriorating for several years to be significantly improved. She noted that the building is zone General Commercial (GC), but is not within the Old Town Overlay. Ms. Connell stated that the building includes 1.15 acres of railroad right-of-way and is owned by the Southern Pacific Rail Company. She indicated that the applicant is proposing to remodel the building in two phases and includes a new office area as well as exterior improvements.

Ms. Connell reported that the new use of the building is permitted in the GC zone. She noted the building is not being changed, therefore no setback requirements are involved. Ms. Connell pointed out that the applicant plans to remodel the interior of the building, and will install new windows, doors and awning and well as landscape that portion on Pine Street. The applicant also plans to add windows and siding on the Oregon Street side of the building and will move the existing fence as well as provide landscaping and graveled parking spaces. Ms. Connell commented that the off-street parking, which consists of eight spaces, is sufficient for employee parking and the business does not attract incidental visitors. Ms. Connell noted that a handicapped parking area is required and suggested using a space on Pine Street as a temporary handicapped parking spot until a permanent space is made available in Phase 2.

Ms. Connell reported that public facilities exist at the building and no changes are planned, and suggested that a requirement of approval be that the applicant connect to the existing culvert on Oregon Street. Ms. Connell suggested that the applicant not be required to install sidewalks on Oregon Street since they will need to be replaced in the future when Oregon Street is fully improved, and because Fisher Roofing was not required to do so. Further, the applicant does not own the property.

In conclusion, Ms. Connell recommended that SP 93-1 be

approved subject to the conditions in the Staff Report dated  
March 8, 1993.

Chairman Birchill agreed that the applicant should not be required to provide sidewalks since they are not the building owners. It was noted, however, that two means of access may be required. Chairman Birchill next opened the hearing for testimony from the proponents.

Russell Leach, Architect, 9675 Tualatin-Sherwood, Tualatin, addressed the Commission. Mr. Leach stated that his firm is leasing the building from Southern Pacific Railroad to use as a storage yard and warehouse, and will eventually relocate their office to the site. He noted that all improvements are being made at the expense of Robert Gray Partners, Inc., and that Southern Pacific declined to participate in the improvements. Mr. Leach indicated that the applicant agrees with the recommendations in the Staff Report and will comply. He directed the Commission's attention to a series of drawings and explained the scheduled improvement phases as well as the landscape plans. Mr. Leach stated that the applicant would like to have one year to complete the second phase since the company is not financing the project. Mr. Leach offered to answer any questions the Commission may have.

Jack Harper, 90 SE Hall, Sherwood, addressed the Commission. Mr. Harper stated that he has been in Sherwood since the subject building had been built and that any improvements would be appreciated. He requested that the applicant consider continuing the tradition of advertising on-going events at the building site and suggested that a more aesthetically pleasing method could be utilized. Mr. Harper inquired as to the whether the underground gas storage tank had been removed from the storage yard.

Chairman Birchill stated that the DEQ would have to be contacted to determine if the tank should be removed and the soil tested. Mr. Leach stated that the applicant was not aware that an underground tank existed at the site and would not be pleased about having signs affixed to the building.

There being no further proponent or opponent testimony, Chairman Birchill closed the public hearing and opened the hearing for comments or questions from the commission.

Chairman Birchill pointed out that the Code requires removal of the underground tank and he will check to determine the requirements. He noted that the occupant will probably receive a notice to comply and then the occupant will have to negotiate with the owner to have the tank removed. Chairman Birchill inquired if the parking on Pine is sufficient for

clients. Mr. Leach responded that Pine Street parking should be sufficient. Ms. Connell pointed out that the area on Pine Street is partially in the right-of-way and may technically be on-street parking. She noted that backing out of the parking area on Pine will create a hazard and recommended that parallel parking be required. Mr. Ruehl suggested requiring parking spaces in the back lot by the overhead door. Mr. Leach responded that the applicant would like to keep the overhead door to accommodate the use of their forklift.

Chairman Birchill requested that the applicant consider, when moving the fence on Oregon Street, installing an alcove gate so that vehicles entering the parking lot will be sufficiently off of the street and will not create a traffic hazard.

Mr. Corrado questioned the timing of construction and noted that the applicant may not be able to finish the project in the requested one year span between construction phases. Mr. Leach responded that the applicant would like to have the one-year time period since they are not financing the project, but they anticipate completing the project sooner provided cash flow is available. He noted that Southern Pacific must approve any changes that are made.

Mr. Corrado stated that the suggestion for signs advertising the events in the city is good, but that the applicant should not be responsible for the signs. He suggested the City Parks Board consider sponsoring some type of calendar sign in the general area.

Mr. Robert Gray, President, Robert Gray Partners, Inc., P.O. Box 1016, Sherwood, addressed the Commission. Mr. Gray noted that new windows are to be installed in the front of the building near the corner. He stated that the firm is not interested in posting signs on the building; further, the building is being resided with vinyl siding and posting of signs will damage the siding. The Commission members concurred that the applicant should not carry the burden of posting community signs.

Mr. Warmbier moved, seconded by Ms. Stewart, based on the findings of fact that SP 93-1 be approved subject to the following conditions:

1. A storm drain pipe shall be installed on the Oregon Street frontage that connects to the existing culverts at each end of the site. The ditch shall then be

covered, all in accordance with City standards.

2. Phase 2 parking lot improvements shall include catch basins to City standards.
3. Locate the loading area on the site plan.
4. Prepare a plant materials list for the Pine Street landscape strip and the parking area landscaping, and submit to the city for approval.
5. If additional signage is proposed on the Oregon Street side of the building, include on the final site plan in accordance with the Sign Code.
6. Provide a temporary handicapped parking stall until the permanent stall is provided in Phase 2.
7. Provide a bicycle parking rack with at least two spaces.
8. Parallel parking shall be provided and marked on the Pine Street frontage.
9. Phase 2 shall commence within 18 months of a building permit request for Phase 1.

Motion carried unanimously.

**B. MLP 93-1 Beeler/City Minor Land Partition to create one (1) new lot on West Villa Road.**

Chairman Birchill determined there was no conflict of interest or ex-parte contact regarding the issue of MLP 93-1 and called for a Staff report.

Ms. Connell reported that the City is pursuing purchase of the partition located in the greenway to add to the Stella Olsen Park area. Ms. Connell stated that documents have been prepared for the partition being presented for approval. She noted there are no new roads, 25-feet of road has been dedicated on the North side of Villa and five feet have been dedicated on the south side. The remaining portion of the parcel complies with the minimum lot size and no other dedications are required since the area will be used as public parks space, nor will a connection to the sewer or water be required for the new, vacant parcel. Ms. Connell recommended that a non-remonstrance agreement for Parcel 2 be required in the event public facilities may be necessary in

the future.

Ms. Connell recommended that MLP 93-2 be approved subject to the conditions outlined in the Staff Report dated March 8, 1993.

Jack Harper, 90 SE Hall, Sherwood, addressed the Commission. Mr. Harper indicated he had no objection to the project; but questioned if the remaining portion of the parcel is a buildable lot. Ms. Connell responded that it is a building lot.

There being no further proponent or opponent testimony, Chairman Birchill opened the hearing for comments and questions from the Commissioners.

Mr. Warmbier inquired about the proposed golf course and whether the developer is considering development of Villa Road as a public street. Ms. Connell responded that Villa Road is being considered as a pedestrian and bicycle route to down-town, but probably should not be upgraded to a fully improved approved street due to the wetlands.

Mr. Ruehl moved, seconded by Mr. Corrado, that based on the findings of fact, MLP 93-2 be approved subject to the following conditions:

1. The owner shall dedicate twenty-five (25) feet to Villa Road from Parcel 2, and five (5) feet to Villa Road from Parcel 1 simultaneously with the partition plat recording.
2. The owner shall enter into a non-remonstrance agreement with the City for Parcel 2 in the event that public facility improvements through a local improvement district are necessary in the future.

Motion carried unanimously.

4. **Briefing on ORS 660-12-045, Oregon Transportation Planning Rule.**

Ms. Connell introduced Mr. John Fregonese, Metro's Land Use Supervisor, and former City Planner at the City of Ashland. Ms. Connell advised that Mr. Fregonese was in attendance to brief the Commission members on the Oregon Transportation Planning Rule, which must be incorporated into the City's Comprehensive Plan. Ms. Connell noted that the purpose of the Rule is to provide an alternative means of transportation

and reduce the use of vehicles.

Mr. John Fregonese addressed the Commission. He noted that he had also been a Planner for the City of Woodburn, so is very familiar with the Sherwood area. Mr. Fregonese advised that he is working with small cities to develop plans to assist cities in becoming more transit-pedestrian oriented and controlling vehicle congestion. He noted that the key component in reaching that goal is planning how to use land. He noted that vehicle transportation has increased significantly more than has the population growth. Mr. Fregonese requested that the Commission members view a 15-minute video explaining how cities may become vehicle oriented and suggesting methods that may be used to become more pedestrian-transit oriented.

At the conclusion of Mr. Fregonese's video presentation, he requested an opportunity to again appear before the Commission to report on the progress of implementing OAR 660-12, and the Region 2040 Plan.

5. **Continued discussion of Draft Code changes regarding Industrial Uses and Solid Waste Facilities.**

Ms. Connell reported that it is now necessary for the Commission to review the proposed code changes, amend as necessary, and schedule a public hearing for review of the changes. She recommended the first public hearing be scheduled for April 20, after which the proposed code change drafts will be forwarded to the Council. Ms. Connell requested that the Commission review the changes and provide recommendations for any suggested changes.

Mr. Warmbier suggested that public hearings be better publicized in order to involve more citizens, and that an effort be made to involve the CQL group.

Ms. Stewart suggested that some type of remuneration be considered for persons who are donating property in greenways for City use.

Mr. Warmbier noted that approximately five percent of the City's area is scheduled to be greenways or water treatment facilities. He expressed concern about the loss of the land and tax base, maintenance, and the liability involved with the development of water treatment ponds.

Ms. Stewart suggested development of better guidelines for evaluating the services of professional engineers to avoid



the possibility that an applicant might be responsible for hiring more than one engineer should the City determine the applicant's engineer is biased or unqualified.

The Commission made the following suggestions to the proposed code changes in Chapter 8.

Page 17, Section 8.303.07 A.1 - correct the typographical error to read "shall" rather than "hall".

Page 17, Section 8.303.07A3. - clarify the time frame for a fee requirements (see Section 8.303.08.F); review for possible conflict with Section 8.303.08.F.

Page 19, Item 5.a.c.(a). - if possible, simplify verbiage.

Page 26, Item G. - add requirements to conditions covering retention ponds.

Page 28, Item K.1. - include a subsection regarding testing of ground water for possible contamination, air pollution and other inspection issues.

Commission members concurred the first public hearing should be scheduled for April 20.

6. **Director's Report.**

Ms. Connell directed the Commission's attention to a letter from City Manager Rapp to John Hinman of LCDC. She requested that Mr. Warmbier proceed with the establishment of an Historical Advisory Board.

Chairman Birchill stated that he had received a letter from Metro regarding a Greenspaces meeting on March 31, 1993. He noted that he is unable to attend, and if desires to attend to do so. It was noted that either City Manager Rapp or Mayor Hitchcock received the same letter and will represent the City.

7. **Adjourn:**

There being no further items before the Commission, Ms. Stewart moved, seconded by Mr. Saxton that the meeting be adjourned. Motion carried, and the meeting adjourned at approximately 10:30 p.m.

Respectfully submitted,

Kathy Cary,  
Secretary