

MINUTES
SHERWOOD PLANNING COMMISSION
January 6, 1983

In attendance at the meeting were: Chairman Gene Stewart, Norma Oyler, Clarence Langer, Jr., Ron Tobias, Joe Galbreath, commission members; and Todd Dugdale, City Administrator.

I. The minutes of the meeting of December 2, 1982, were corrected to include Ron Tobias as being in attendance and in each place "Ron Gothie" is used, "Ron Tobias" is inserted. The minutes were approved as corrected.

II. Todd Dugdale made announcements concerning the following: Uptown Sherwood (shopping center) development; Willamette Street improvements; Lincoln Street storm sewer nearing completion; Murdock Road bid in February; Sunset Boulevard bid in February; block grant programs; meeting of Citizens Task Force; Town Hall Meeting February 2, 7:00, Senior Center, to continue Washington County Urban Planning process (of particular interest to people living outside city but within urban growth boundary).

The following three separate actions were brought before the Commission, each anticipating the next:

III. Public Hearing, PMA-82-05. A request by Michael Elton for a Plan Map Amendment changing a .9 acre portion of tax lot 2S 1 32 BD: 400 from MDRH (Medium Density Residential) to LI (Light Industrial).

IV. MP-82-06. A request by Michael Elton to partition tax lot 2S 1 32 BD into three parcels.

V. Public Hearing, V-82-04. A request by Michael Elton to allow a variance from lot frontage standards pursuant to partitioning of tax lot 2S 1 32BD: 400.

Spencer Vail, planning consultant, presented proponent testimony on behalf of Michael Elton. Mr. Vail began his presentation with an explanation of the proposed project as a whole: an existing duplex fronts on Willamette Street and they propose to make that a legal, saleable lot; they propose to build a fourplex on another parcel of the property with access and egress from Willamette Street; and at the back of the acreage build an industrial complex of small warehouse/office spaces. He indicated the industrial complex would be suitable for use by jobbers, wholesale brokers, or a business without a lot of inventory but that needs space to store materials and an office. He indicated the driveway coming off of Pine Street meets the code requirements of 24' and is adequate for access and egress to the industrial complex as they do not anticipate it being used by large vehicles (i.e., nothing larger than small delivery trucks). He said there was sufficient room for parking spaces to meet code requirements. He spoke to the condition attached to V-82-04, that the improvements to Pine Street consistent with City standards be made prior to issuance of a building permit for industrial development on Parcel A. He indicated options were available to modify that condition: posting a bond to do it concurrently; participating in an LID; or doing it at the same time the property was under development.

Mr. Vail asked if there were any questions from the Commission. Chairman Stewart asked for opponent testimony. There was a question from the audience concerning the traffic on Pine Street and whether it could be guaranteed that large vehicles would not be using the street. Mr. Vail responded that Pine Street is the only access and egress at the site and that the space is not suitable for large industrial uses. Discussion followed.

A question arose from the Commission regarding the change of designation to MDRH to LI. It had been designated MDHR to protect residential uses on the other side of the lot and it would act as a buffer. Mr. Dugdale said he thought the applicant had sought to preserve the intent of that by proposing site residential uses on Willamette. Discussion followed.

Questions arose concerning design, attractiveness, height, fire hazard if hazardous material is stored there, change of use by change of occupants - discussion followed.

PMA-82-05. A motion was made by Norma Oyler that the Planning Commission accept the change from MDRH to LI, with the following conditions (as recommended by Staff Report): (1) That the owner record a waiver of remonstrance for any future street or utility improvements locally benefitting the site; (2) that the applicant submit a metes and bounds legal description for the subject area. Joe Galbreath seconded the motion. The motion was carried.

MP-82-06. A motion was made by Clarence Langer to approve the minor land partition, with the following conditions (as recommended by Staff Report): (1) That the owner record a waiver of remonstrance for future street and utility local improvement district projects locally benefitting the site; (2) that case Nos. V-82-04 and PMA-82-05 are approved. Norma Oyler seconded the motion. The motion was carried.

V-82-04. A motion was made by Joe Galbreath to grant the variance subject to the following condition: That the improvements to Pine Street consistent with City standards be made or acceptable improvement guarantees be provided prior to issuance of a building permit for industrial development on Parcel A. Clarence Langer seconded the motion. The motion was carried.

VI. Public Hearing, PTA-82-01. A Planning Commission initiated amendment to the Community Development Code amending planning review fees and modifying the plan amendment, PUD and conditional use review procedure.

Chairman Stewart opened the public hearing. Todd Dugdale said that there are three general parts to the Code amendment: (1) A process amendment; (2) certain land development review action amendment; and (3) certain land development review fee amendment. The first is a modification of the requirement that there be two public hearings (one before the Planning Commission and one before the City Council) for conditional use reviews, planned unit development reviews and for all kinds of plan map amendments. The proposal is to revise the two hearing procedure to eliminate the mandatory hearing before the Council for conditional uses, planned unit developments, and a newly defined

category called "minor plan map amendments." A distinction is being made between a minor plan map amendment and a major plan map amendment. A major plan map amendment is a legislative action and involves a large, potentially far reaching impact on the city, or has certain issues attendant to it that affect a large number of people; a minor plan map amendment is a quasi-judicial action and would be heard and decided by the Planning Commission without involvement by the City Council, subject to appeal or review. Todd said there is a legal interpretation needed on the minor plan map amendment, i.e., whether or not additional language needs to be adopted to allow the Commission to make plan amendments by resolution and order without benefit of an ordinance adopted by the Council. If the Planning Commission can take quasi-judicial actions, if that is delegated to them by the Council, the important thing is adopting adequate findings supporting the decision. Discussion followed the foregoing staff report.

Ron Tobias said that he thought the minor plan map amendment designation should be more fully defined to include property size limitation. He also said that he thought the Planning Commission at the first hearing, on its own initiative by majority vote, should designate whether an amendment was a minor or major plan map amendment. Discussion followed. The Commission agreed that a size limitation of ~~four acres~~ was appropriate for a minor plan map amendment, and that the Planning Commission have the right by majority vote to designate it a major plan map amendment. Todd Dugdale suggested the following wording: A minor plan map amendment amends the comprehensive plan map of only one or parts of one lot of record and is determined by the Planning Commission to be of a quasi-judicial nature.

Todd gave the staff presentation regarding the amendment of the fee schedule. He said that he was relating actual costs to the City in his report and suggesting that those costs be passed on to the beneficiary of the action. Todd said that basically it's a question of whether the taxpayer subsidizes it or the applicant pays for it. Discussion followed.

When the question of fees for planned unit developments arose, Ron Tobias indicated that he would not vote for PUD's going to a one hearing process due to size and impact of PUD's. Discussion followed. Ron informally moved that insofar as planned unit developments are concerned, that the two hearing process remain in effect. The Commission voted in agreement with him.

The Commission voted in favor of accepting the staff's fee schedule amendment as suggested.

A motion was made by Ron Tobias that the staff report recommendations be adopted, except that all changes to the planned unit development process will be eliminated; that a minor plan map amendment amends the comprehensive plan map of one or part of one lot of record, 4 acres or under in size, and is determined by the Planning Commission to be of a quasi-judicial nature; and the decision of the Planning Commission shall include a determination of the nature of the plan amendment, whether major or minor, and shall be subject to review according to procedures described. Norma Oyler seconded the motion. The motion was carried.

The meeting was adjourned.