

SHERWOOD PLANNING COMMISSION
AGENDA

December 2, 1982

- I. Reading and Approval of the Minutes of November 18, 1982.
- II. Announcements and Correspondence.
- III. Case No. PMA-82-01 - S.W. Industrial Area
Consideration of Additional Testimony.
- IV. MP-82-07
Request by the Washington County Housing Authority to Partition two
Lots at Lincoln St. and Oregon St.
- V. PD-81-02 - Gregory Park Estates Phase 2
A request by Alpha Engineering for approval of the Preliminary Plat
for Phase 2 of an approved Manufactured Housing Planned Unit Development
on Sunset Blvd.
- VI. PTA-82-01 - Fee and Process Revision's
A Planning Commission Initiated Text Amendment changing planning review
fees and the procedure for reviewing certain quasi-judicial land use
actions.
- VII. Next Meeting Agenda.

APPROVED MINUTES

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SHERWOOD PLANNING COMMISSION
December 2, 1982

In attendance at the meeting were Gene Stewart, chairman; Clarence Langer, Norma Oyler, Diane Gothie, Norma Borchers and Joe Galbreath, members; and Todd Dugdale, City Administrator.

I. The minutes of the previous meeting of November 18, 1982, were read and approved.

II. Announcements were made by Todd Dugdale as follows: The Sherwood Senior Community Center will have a grand opening ceremony on December 5, 1982; the Commission is especially invited to attend. The Rock Creek Sewer was dedicated and is operational. The Washington County urban planning formal process is resuming, which will lead up to the adoption of an urban plan (a plan covering the unincorporated areas of Sherwood's planning area). On December 7 the Planning Commission will receive some testimony and primarily are meeting to present the draft plan for the Tualatin/Sherwood area; in February the County will hold a Town Hall Meeting in Sherwood on the Tualatin/Sherwood Community Plan; and in March the Planning Commission will present the final draft of the community plan and implementing ordinances to the Board and the Commission and Board will hold joint formal hearings leading up to adoption. They hope to have an adopted plan for submission by June 1, 1983. The Cedar Creek bid was awarded at 20% under engineers' estimate and there is confirmation that the Unified Sewage Agency Advisory Committee will recommend 25% participation in the line, or approximately \$58,000 of the cost of \$535,000 so there will be some considerable reduction in assessments. There was discussion concerning the Cedar Creek sewer project and the Unified Sewage Agency.

III. PMA-82-04, SW industrial area, consideration of additional testimony. A summary of testimony was presented by Staff.

Diane Gothie said the proponents' arguments as summarized can be challenged because of the location of the proposed site and quoted the Comprehensive Plan, Policy 1: Industrial use will be located in areas where it will be compatible with adjoining uses and where necessary services and natural amenities are favorable. She stated she is not against industrial areas, but questioned the proposed site and asked if there are other areas to be looked at for industrial development. There was discussion concerning the proposed site.

Chairman Stewart suggested first analyzing the opponent testimony; Ron Gothie objected to that technique and stated that the people wanting change bore the burden of proving their argument, that the burden was not on the people that want the status quo. Mr. Tobias suggested the Commission first go to the proponent arguments, that it was up to them to show why the Comprehensive Plan should be changed, and he further said

he didn't think they had shown why a change should be made. Chairman Stewart then proposed that the Commission go through the proponent arguments and attempt to determine what was valid and what invalid. Ron Tobias said that staff should go through it with them and give the reason behind why the proponent arguments were set forth the way they were. Todd Dugdale said he had compiled the outline for and against the proposed site in objectively and uncritically; that the arguments were not necessarily substantiated in fact or findings, but in most cases were conclusions drawn and presented by the person testifying; that the staff findings are an attempt to cast light on whether various points are substantiated or are not, based on the information the staff has gathered; but in the last analysis the Commission will have to determine based on the oral arguments presented and the outline of testimony, whether or not the arguments are substantiated. He said it was crucial how the Commission weights factors presented and that it is one thing to establish a need for land use and another to appropriately locate it.

Ron Tobias questioned whether a need for additional industrial land was recognized when the Comprehensive Plan was written. Todd Dugdale responded that the need was established and identified that was in excess of the actual amount of land allocated. He said he didn't think the land use plan adopted fully met the target or goal for the balance; that land use policies in this area clouded the issue of whether this area would be urbanized and whether or not this area would receive any kind of allocation, residential, industrial, or otherwise.

Ron Tobias said that then upon the adoption of the plan there was an imbalance; that the imbalance was in the plan or in the goal, and neither one was necessarily correct. Todd Dugdale responded that it could be said that the goal was excessive or that there was an under-allocation depending on your point of view, and that there were other appropriate areas to allocate for industrial purposes. Ron Tobias questioned the 60% residential to 40% industrial/commercial goal; that it then may be out of balance if the comprehensive plan and goal are out of balance; that then it is an arbitrary goal and has no iron-clad significance. Todd Dugdale said that other conclusions could also be drawn; that it is a substantiated goal and that the initial adoption of the plan did not result in a clear consensus by the Council as to where that goal should be satisfied; and that the issue, like alot of site specific issues in the plan, were deferred and that the push for economic development in the region creates a climate for emphasis on one goal or another. There was discussion concerning the foregoing and Todd Dugdale further responded that the issue is what Sherwood wants to be; that the numbers could be viewed as arbitrary but they represent a policy statement about what the city wants to be, i.e., development of Sherwood as a full service city where people can live, work, play and shop, as opposed to being a bedroom city. He said that if there is a change in position then the goal would have to shift along those priorities.

Mr. Dugdale said that the process had revealed that the area will be urbanized; that the question is not whether or not it will be, and the question remains what urban use is most suitable there given the competing needs. Joe Galbreath asked if Todd was sure it would be urbanized; that he had heard a rumble around that they want to keep it exactly the way it is. Todd responded that there has been that feeling and that's why that area has been such a football because we were the focus of the dispute over the size of the urbanizable area in the Portland area. Joe Galbreath said he thought the mistake that had been made in the planning process was that Sherwood hadn't taken in more territory like Tualatin, Tigard and the rest of them had.

Chairman Stewart asked if the majority of the Planning Commission felt the 60-40 ratio was still a viable goal. Joe Galbreath said he thinks so because with the present 80-20 ratio, the 20% includes commercial as well as industrial and it probably stands at about 10% industrial. Ron Tobias said he didn't disagree with Mr. Galbreath that Sherwood needs a goal to shoot for, but that his main objection to the argument is that if he agreed that more industrial land is needed, that argument will be applied to the particular, small piece of land in question; that perhaps more land of that particular classification is needed, but why does it have to be this particular piece of land that he considers to be inappropriate. Joe Galbreath said that he doesn't think there is another big block of land that could handle industrial use in our urban growth area. Ron Tobias said he doesn't feel the City of Sherwood is limited to its present urban growth boundary and that there is other land available for light industrial outside the present boundary. There was discussion concerning the boundary and Todd Dugdale said that the boundary, under the current policy of the region, is a "hard" boundary in that it is relatively inflexible to encourage and protect agricultural use. There was discussion concerning the foregoing.

Chairman Stewart asked if there was agreement among the Commissioners that there is a need for change in plan designation, not specifically speaking to the proposed SW light industrial area. There was discussion concerning this among the Commission members and some questions from the audience.

Chairman Stewart said there were three options available to the Planning Commission regarding the proposed SW light industrial area: (1) Reaffirm the previous action taken; (2) recommend denial; and (3) recommend approval with conditions. There was discussion concerning conditions that could be applied. Todd Dugdale explained some possibilities: That the City could designate the area as a special area and initiate an industrial planned development overlay zone that would bring with it more stringent land use and environmental standards, such as limitation of site size, buffering and other mitigating standards and restriction of range of land uses. He said that there are dangers in restricting the market that you're seeking to attract and may lessen the chance of attracting anything. Norma Oyler asked if recommending restrictions would be fair to the land

owners. Todd responded that if the process was fair and open as provided in the code that one possible allegation is that it is overly restrictive beyond what's reasonable and in effect you're being exclusionary or limiting the property owner's vested right to develop his land. Ron Tobias asked if Todd would comment on the difficulties cities have had in attaching such restrictions and that they can be readily removed; Todd responded that land use policy generally is in a state of flux but that comprehensive plans give a super structure to build on; that changes in a plan should never be spurious. Gene Stewart raised the question of compatibility and asked if there could be written requirements so that the visual effect would be park-like settings for the industrial use; Todd Dugdale responded that the development could not be planned for the user, but that performance zoning could be set up and the user would be required to develop the setting within the performance standards. Mr. Dugdale said the City now has a mixed approach to development regulations and does not have strict, hard and fast zoning without more flexible performance standards; Sherwood has the PUD concept that allows the standards to be varied. He said it is envisioned in the plan, but is normally initiated by the parties and not by the City in the public interest.

Joe Galbreath suggested that a motion be made that the Commission recommend approval with conditions; Gene Stewart said that general recommendations about what the conditions would be would have to be made; Todd Dugdale said that if that approach is followed that the motion should include that the area will be developed for industrial uses only pursuant to a process which defines specific performance standards dealing with range of use, reduction of land use conflicts, addressing the environmental concerns and site size. Ron Tobias said that the Commission was being asked to pass on something it had a vague concept of, i.e., attaching conditions to land in the Comprehensive Plan; that they would be actual conditions that would exist and that they need to be defined. Norma Oyler raised the question of residential owners in the area that want to be excluded from the industrial zoning; it was noted that the Commission does not have written requests for exclusion from the owners and that the City Council does so it should be left to the Council to exclude them.

Joe Galbreath made a motion that the Sherwood Planning Commission recommend approval with conditions on specified actions to reduce possible land use conflicts in the area beyond those required by the Comprehensive Plan and the area be subject to special design and use standards to be incorporated into the proposed development plan as denoted by the Staff and City Council. Todd Dugdale noted that what is being tested in the motion is a compromise, or middle way, and that there is nothing specific that can be stated in the motion about what standards pertain, only that development of light industrial use in that area would be subject to standards to be determined by the City through an open public process. Ron Tobias asked how the conditions attach to the land; Todd Dugdale responded that it would be an overlay zone, i.e., a light industrial planned unit development and it would modify the standards of the underlying designation.

He said the legal implications of the question of undue limitation of development options would have to be explored. The motion was seconded, question was called for, and Ron Tobias requested that the record reflect a roll call vote: Joe Galbreath, aye; Norma Borchers, aye; Gene Stewart, aye; Clarence Langer, aye; Norma Oyler, aye; Ron Tobias, nay; Diane Gothie, nay.

A request by Washington County Housing Authority to partition two lots on Lincoln Street and Oregon Street. There has been no street plan here because they are local streets, Todd Dugdale said. He said that the owners, the Werts, have approached the City about platting the property; the designation for that property is a mixed bag of medium density housing; their intent is to reserve some larger parcels for multi-family along Oregon Street with the single family platting pattern being extended north on Merriman Court. Dugdale said the WCHA had submitted a site plan for the five units they proposed to build on the site and they didn't have a minor partition to build; that the tax account has been segregated, but until the Commission creates the lot formally they won't be issued building permits. Discussion followed concerning access and street plans. It was determined that the WCHA had met all requirements under existing codes and ordinances. Design standards were discussed. Joe Galbreath made a motion that the Planning Commission recommend approval subject to very strong looking at it by the Design Review Board on the question of right of way. The motion was seconded and carried.

PDA-1-02, Gregory Park Estate Phase II, request by Alpha Engineering for approval of plat for Phase II, with an approved manufactured planned unit housing development on Sunset Boulevard. Carl Jenson of Alpha Engineering represented Chuck Ortiz in seeking approval of the second phase of Gregory Park Estates in accordance with the general plan approved by the City Council and the Planning Commission last fall. He said the condition that was left open for consideration was which two streets would be stubbed through; that through discussions with Staff they show Gregory Way coming through (basically by Council request), and not to show Orchard Street stubbed through; and that the other thing modified from the original general plan was to move the street that went through on the north/south over to Ortiz Way. He said that Staff had requested that they put Stewart Court through as Stewart Drive and that Ortiz Way become a cul-de-sac. They request approval with the conditions as stipulated by Staff. There was discussion concerning the foregoing. Discussion was held concerning a pedestrian walkway from the development into Sherwood; Tod Dugdale said that the Oregon Traffic Safety Commission has funds and this might qualify as it is heavily traveled street with safety problems and that the City does have a Systems Development Fund and funds could be allocated out of it as funds developed. It was suggested that perhaps when the equipment was brought into the development for grading that the City could arrange to also use the equipment at that time to lower cost of the walkway.

A motion was made, seconded and carried to approve the plat for Gregory Park Estates, Phase II, adopting staff findings and recommendations

The meeting was adjourned.