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**City of Sherwood, Oregon  
Planning Commission  
Work Session Meeting Minutes  
October 8, 2013**

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**Planning Commission Members Present: Staff Present:**

Chair Jean Simson

Vice Chair James Copfer

Commissioner Michael Cary

Commissioner John Clifford

Commissioner Beth Cooke

Commissioner Russell Griffin

Commissioner Lisa Walker

Tom Pessemier, Assistant City Manager

Brad Kilby, Planning Manager

Bob Galati, City Engineer

Michelle Miller, Senior Planner

Michelle Burchfield, Administrative Assist I

**Planning Commission Members Absent:** None

**Council Members Present:**

Mayor Bill Middleton

**Legal Counsel:**

None

**1. Call to Order/Roll Call**

Chair Simson called the meeting to order at 7:03 pm.

**2. Agenda Review**

Chair Simson adjusted the agenda by moving the Community Comments to follow the two public hearings. The public hearings consisted of and Landmark Alteration for the development of property within the Old Town Overlay and a Major Site Plan Modification for the Sherwood Community Center.

**3. Consent Agenda:**

a. **August 27, 2013 Planning Commission Minutes**

b. **September 10, 2013 Planning Commission Work Session Minutes**

Planning Manager, Brad Kilby pointed out a typographical error in the August 27, 2013 Planning Commission Minutes changing the word “were” into “where”.

**Motion: From Vice Chair Copfer to accept the minutes with the corrections as indicated. Seconded By Commissioner John Clifford. All Commissioners voted in favor (Commissioner Lisa Walker abstained from the August 27th Planning Commission Minutes because she was not in attendance and communicated her approval for the September 10th Work Session Minutes).**

**4. Council Liaison Announcements**

Mayor Middleton announced that the Sherwood Town Center Plan had been adopted and thanked the Commission for the hard work. He said there would be a resolution at the next City Council

meeting organizing a Charter Amendment Committee which would include a member of the Planning Commission.

## **5. Staff Announcements**

Brad Kilby informed the Commission that applications had been received for the Transportation System Plan Citizen Advisory Committee through October 4, 2013 and Commissioners Cook, Clifford and Russell had agreed to review them. He said that the committee would consist of members of the community with varied interests and asked for a Planning Commissioner to be a liaison to the committee.

Brad announced an Open House by Washington County for the Tualatin Sherwood Road Improvement plans on October 16, 2013 from 5 to 7 pm at the Sherwood Police Department. He commented that the County is in the process of updating their Transportation System Plan (TSP) with more information on their website at [www.co.washington.or.us](http://www.co.washington.or.us).

Brad said that there was no video for tonight's meeting, only audio and introduced Michelle Burchfield, the new Administrative Assistant for the Community Development Department.

## **6. Community Comments to follow the public hearings.**

### **7. New Business**

#### **a. Public Hearing - 16045 SW 2nd Street Old Town Overlay (LA 13-01)**

Chair Simson read the public hearing statement for a quasi-judicial hearing and asked for clarification that the Planning Commission would be making a decision for a variance on the requirements on the Old Town Overlay district. Senior Planner, Michelle Miller explained that the request was to apply the infill standards to the application and that it requires a review from the Planning Commission because it is within the Old Town Overlay.

Michelle began her staff report by indicating that the property was a vacant lot located on 2<sup>nd</sup> Street that was one tax lot with two separate buildable lots. She said the applicant is proposing a 2400 square feet (sf) single dwelling unit with a rear loaded alley garage. Michelle said the infill standards would be applied to the front yard setback and the nine Old Town Overlay design criteria for residential properties. Michelle explained that the applicant had provided site plans showing building materials and a picture of a house, similar in nature, built in Bend, Oregon. Michelle said the applicant will propose two townhomes next to this single family dwelling on property zoned retail commercial, however said that portion is not part of the application and will be reviewed separately. To answer a question from Commissioner Copfer, Michelle explained that the one tax lot was platted with the original Smockville Plat and contained to buildable lots; one zoned Retail Commercial, one Medium Density Residential Low (MDRL). The application is the lot zoned MDRL.

Michelle explained that the Planning Commission should evaluate the house compared to the residential design standards for the Old Town Overlay. She noted that the Old Town Overlay requires that all windows open, but that the dormer windows on the second floor do not open.

Michelle explained that the windows were a design element and it was impractical for them to be operable. She explained that the applicant proposes using the infill design standards with a reduction of 5 feet in the front yard to accommodate the front porch. Michelle drew attention to the Engineering comments (see Exhibit B in the packet) that proposed an improved curb and gutter with a five foot planter strip and five foot sidewalk, as well as a driveway drop for the alleyway, but no improvements to the alley. Michelle asked for any questions from the Commission.

Commissioner John Clifford asked regarding the fixed dormer windows and emergency egress. Michelle said that it was only the front windows that would be fixed.

With no other questions from the Commission, Chair Simson asked for testimony from the applicant.

Larry Wright, C & L Properties, LLC came forward and said they were a custom home builder. He said they were proposing a house that would fit in with the neighborhood with an old Portland style front porch. Mr. Wright said the windows are above the porch to bring in light for the dining room and great room that are obscured by the front porch and the pictures provided in the packet of houses in the immediate area have fixed windows as well. He said the pillars at the front porch would have stone instead of wood and the house is 2159 sf with a master bedroom on the main floor and a rear loaded garage. He said the landscaping will be provided in the back and the five foot planter strip instead of eleven foot is to provide more room for landscaping in the front. Mr. Wright said the two townhomes will be striking and upgrade the area.

Before any questions from the Commission, Chair Simson asked for any ex parte contact, conflict of interest, or bias regarding the application.

Commissioner Russell Griffin commented that he lived in the Old Town Overlay and it would not affect his decision.

Chair Simson and Commissioners Griffin, Clifford, and Beth Cooke indicated that they had driven by the site.

Commissioner Clifford asked regarding the distance of the Symposium Coffee to the street because it was similar in style to the proposed building. Mr. Wright said he did not know. Discussion followed.

With no other questions for the applicant, Chair Simson asked for citizen comments.

**R.J. Claus, 22211 SW Pacific Hwy** commented that the City has two standards and has gone back to the 1995 standard that includes the building code, engineering, and land use planning. Mr. Claus commented about Marshall and Swift and that discounts given on some subdivisions and urban renewal were amounting to a gift of the land. He commented that the other standards were used as a block and there was no reason to turn anybody down. Mr. Claus commented that standards have varied and said the City will have a 14<sup>th</sup> amendment problem. He commented on the cost of houses in Atherton, California and that if the neighbors don't object, the application should be approved. Mr. Claus commented on a conversation he had with the State building inspector about

developments in Sherwood and commented on the code standards. He commented that design and landscaping standards had been dropped and suggested that people will be forced to go to court. Mr. Claus commented that the Planning Commission was more responsible for that with the exception of the City Council. He commented that the citizens should be told that if it looks good and nobody complains then it is okay and then to call the state building official to get rid of City officials in order get a house built safely.

Chair Simson closed the public hearing and reopened the public hearing to hear testimony from the applicant. There was none.

Chair Simson asked if the five foot sidewalk met ADA requirements.

Bob Galati, City Engineer, responded that it did and explained that the Old Town is a conglomeration of sidewalks that range in width from three feet to six feet. He said the five foot sidewalk is similar to existing on either side of the street and that the City would accept it because it meets ADA standards.

With no further questions, Chair Simson closed the public hearing and the Commission moved to deliberation.

Commissioner Cary asked if it was common to see setback variations. Michelle explained the standards for an infill lot were intended to encourage development in areas that have been overlooked by larger subdivisions and said that the maximum allowed setback reduction is to 6 feet. She explained that the lot dimensions may also be reduced by up to 85% of the total dimensions, but the application meets the minimum lot size.

Chair Simson commented that the applicant meets in the infill standards completely and the question was if the application complies with the Old Town design standard. She said her opinion regarding the windows was that they were secondary in nature to the building.

Vice Chair Copfer commented that the windows were more like skylights and other commissioners conquered. He asked regarding the zoning of the two lots again. Michelle clarified that the single family lot was zoned MDRL and the other property was zoned Retail Commercial where townhomes are a conditional use.

Commissioner Griffin enquired about existing trees on the lot and if there was a tree abatement program in the infill standards.

Michelle responded that there were no standards for single family. She said there was a large tree to be retained in the back yard and street trees in the planter strip that will replace some of the trees in the front yard.

Commissioner Griffin asked for clarification of the height of the house and pointed out two locations where it was different.

Michelle explained that per the definition 16.10 the height can be the midpoint of the gabled roof and the height had been determined by the submitted building plans to be just less than 24 feet.

Commissioner Clifford asked regarding staff report (page 11) under the Community Design Standard where it states that the applicant has not proposed a home occupation.

Michelle clarified that Home Occupations, or to work from your home, are allowed in the Old Town Overlay and the applicant has not proposed this; the standard is not applicable.

**Motion : From Commissioner Lisa Walker to approve the application for LA 13-01 based on the applicant testimony, public testimony received and the analysis, findings and conditions of the staff report. Seconded By Commissioner Russell Griffin. All Commissioners voted in favor.**

Chair Simson moved to the next agenda item.

**b. Public Hearing – Community Center Major Site Plan Modification (SP 13-02/ VAR 13-01)**

Chair Simson did not read the full public hearing statement again, but asked for any ex parte contact, conflict of interest or bias regarding this application.

Commissioner Griffin repeated that he lived in the Old Town district where the Community Center his planned to be built.

Commissions Griffin, Cooke, Cary, Clifford indicated they had driven by or walked the site.

Chair Simson disclosed that she was a member the Planning Commission during the original Planned Unit Development (PUD) process, had driven passed the site and was present for a portion of the City Council meeting where the applicant was presenting to the Council. She commented that the Council seemed generally pleased, but that did not change her ability to make a decision.

Brad Kilby, Planning Manager gave a presentation (see record, Exhibit 1) and said the application was for a SP 13-02 and VAR 13-01 for the property located at 22832 SW Washington Street and includes taxlots 2S132BD00151, 800, and 900. He said the application was for the Community Center that the Planning commission approved in 2012 for a retrofit of the Machine Works building, but a failing roof truss was found during inspections and the consulting structural engineer, hired by the City, determined that the building could not be repaired without significant cost. Brad said the building was declared a dangerous building and demolished therefore, the application was for a major modification to the site plan for a new design.

Brad explained that the site has street frontages on Columbia Street, Pine Street and Washington Street. He said the design north of the site is called a paseo and is intended to tie in the Plaza across the street. Brad showed the previously approved elevation and the proposed new elevation and said the application for the major modification to approved Site Plan 12-01 would still be subject to the approved PUD 09-01. Brad said there was request for a variance to reduce the required amount of glazing on the south side of the building.

Brad showed a drawing of the approved site plan and said the new building will generally occupy the same footprint. He said in the original configuration the building went over the Pine Street right-of-way and the new proposed building will not. Brad said the parking on the south along Columbia Street, the water quality facility, and the loading areas fronting Washington Street would remain the same. He said the modification did not include parking or circulation, but the building and some landscaping.

Brad said that the variance speaks to the Old Town Design Standard that requires that windows occupy at least 50% of the length and 25% of the total ground wall level area. He explained that the site abuts a residential neighborhood and the applicant suggests that the original approved pattern book stated that they would not meet the standard. Brad said he would argue that it was allowed for the retrofit but they have made the case for a variance based on the fact that the property has frontage on three streets. He said they were limited in being able to meet the standard without compromising the residential neighborhood's privacy and there were areas such as a theater that needed dark spaces and a kitchen and dressing rooms that required privacy inside the building.

Brad explained that the PUD has a standard that no more than 40% of the building could be occupied by retail space and the rest was required to be public space. He said the current configuration has 19.6% of the building as retail space.

Brad commented that the Planning Commission is not looking at parking or circulation because the application is for a modification of an approved site plan. He stated that the Planning Commission and City Council had set up a system where a site plan could have a major or minor modification for site plans and he felt that this modification was a major one because it was proposing a new building, but the scope of the review is limited to what the applicant is amending.

Brad said he recommended that the Commission approved the proposed site plan and variance, that the applicant had met the standards or can be conditioned to meet them. He proposed that condition A.9 be amended to say that *the applicant shall continue to comply with the conditions of approval for PUD 09-01* adding "and SP 12-01 where not modified by site plan approval SP 13-02". He proposed striking condition B.1 and said the applicant provided an email to clarify the retail/ public split and calculations on landscaping, specifically (see record, Exhibit 2). Brad suggested amending condition B.4 to reference standard 16.162.080K and provided additional written comments from Clean Water Services, Pride Disposal, Oregon Department of Transportation (ODOT), and email from the applicant (See SP 13-02/VAR 13-01, Exhibits G-J. He added that the packet only captured every other page of the Engineering comments and that they addressed issues primarily in SP 12-01 and areas outside of the modification.

There were no questions for staff. Chair Simson turned the time over to the applicant.

**Tom Pessemier, Assistant City Manager**, 22560 SW Pine Street, representing the Urban Renewal Agency as the project manager for the Community Center project came forward and said this project has been discussed for a long time and the City was looking forward to completing it. He said favorable cost estimates had been received, design drawings are submitted to the Building Department for review, funding is available for the project and the City is hoping to have it go out to bid in November. Tom said that the project is part of the larger Cannery Development which

includes the Plaza and was purchased from the Cannery as a whole. He explained some of the process there has been for the project; a Request for Proposal to obtain a development partner, planning and design efforts that led to a Planned Unit Development (PUD), and the Subdivision. He said the PUD allowed for modified design standards, grouping densities, and other items that are approved as part of the PUD. Tom commented that there was more than just the poor condition of the building, but the discovery that cost for a new building was roughly equivalent to retrofitting the existing building. He said the committee was struggling with fitting some of the elements [into the Machine Works building] and there was only a 10-15% cost difference in changing it to what would be seen tonight. Tom reminded that the discussion was about a major modification and would be limited to the elements that have been changed; not elements that have already been decided through the other site plan process.

Tom presented Keith Jones, Planner with Harper Houf Peterson Righellis Inc.( HHPR) who would present some of the planning features and Scott Wagner from Ankrom Moisan who would discuss some of the exterior architectural features and other modifications.

**Keith Jones, HHPR**, said that he has been involved with the project since 2009, as HHPR did the planning and engineering for the project. Mr. Jones referenced Exhibit \_\_\_ the email sent to staff regarding the cannery design standards: the building base requirement and the requirement to put a cornice or parapet on the entire building. Mr. Jones opted to turn the time over to Mr. Wagner to discuss building design before addressing the issue.

**Scott Wagner, Ankrom Moisan Architects**, introduced Landscape Architect Kurt Lango and Project Manager Jason Fifield,. Mr. Wagner gave a presentation (see record, Exhibit \_\_\_) and showed the development plan commenting that it was a privilege to take six acres and reshape it with the help of the Steering Committee. He said the standards have been set up for what happens on the site; the streets are in, the Plaza, apartments and the machine shop was the next thing. Mr. Wagner commented on the benefit of starting over and said that classrooms were added and the building is no longer rectangular but an “L” shape. He said that SW Pine Street was an important element to Old Town and the new design responds to that with the retail area and a lobby. Mr. Wagner said the assembly space is virtually the same except it was moved to accommodate retail and the loading docks off of Washington Street. He said many problems were fixed with the new design including function and some internal elements and the “L” shape created a mini plaza to the community center that should be beneficial to the site. Mr. Wagner said there was space for another building and called it the “Pine Street Experience”. He said they looked at the neighborhood and considered that all four sides of the building should not be the same; from more detailed and decorated to less detailed on the west side adjacent to multi-family and the service entrance side.

Mr. Wagner showed an illustration of the Main Entry facing Washington Street and pointed out the one story retail space on the Pine Street side with a two part parapet showing detail at the top. He commented that almost all historic buildings have some sort of top, this takes some elements of Old Town across the tracks in appropriate places on the building, and the design creates a base, middle and top. Mr. Wagner explained that because of the budget brick cannot be used on all of the building and the design utilizes ground face block, modified cement plaster, metal panels, and brick. The

brick is used between the storefront windows at the retail space. He said there were fabric canopies over each storefront and main entrance.

Mr. Wagner said at the middle of the site is the mini plaza and lobby. He stated brick was used to make it look like a civic building, to recall downtown, and to frame the glass entry. Mr. Wagner said the glass corner was to draw you into the space. He explained that the lobby was about 60 feet long and there were other windows in the space that were tall and high to drop light into the space. Mr. Wagner said the metal panels were about breaking up the scale of the tallest walls of the building on the west side where the assembly space is. He commented that it is a two stories on the inside at the edges of the building which should be broken up on the residential side. Mr. Wagner pointed out other elements of main elevation that included ground face block and clear glass with black frames. He commented that the glass was in reference to the industrial buildings that used to be on the site.

Mr. Wagner showed elevations of the east side that faces Pine Street and front side. He commented that the detail decreases from the more detailed by the retail spaces to less detail on the Washington Street side. Mr. Wagner remarked that the later side was a service zone and not a pedestrian world; a feeder space without windows, enclosed and controlled and the design reflects that.

Mr. Wagner showed the west (Washington Street) and south (Columbia Street) elevations. He explained that on the west side there were doors to the kitchen, two stage doors, dressing rooms, and roll up doors that load directly onto the stage. Mr. Wagner explained that there will be landscaping between the entrances plus existing trees. He described the south side where there are two private single family homes across the street and there will be trees added by the parking on Columbia Street. He discussed the use of the metal, masonry, and windows to break up the walls into smaller pieces and said the windows at the retail space activates that part of the site at Columbia and towards Pine.

Keith Jones commented on the changes to the staff recommendation that were asked for in the email dated October 7, 2013.

- Condition B1 - 10% landscaping requirement in the parking area. Mr. Jones said Kurt Lango had recalculated the percentage and meets the requirement by over the 10%. He commented that the west phase parking lot had an option for a drive thru and those minimums have been met. Mr. Jones requested that Condition B1 be removed.
- Condition B4 - Building Base standard requires a base of at least two feet above grade goes around the base of the building with a different [color and] material. Mr. Jones showed illustrations of the proposed building elevations that had a cement base that follows along the bottom of the building. He said that the base would be interrupted by glazing and at the entry. Mr. Jones commented that the code does not require the base to be continuous and he believed the standard was met. Mr. Wagner added that in the more public places stone was used for the base and painted concrete was used where fewer people will walk by. Chair Simson received confirmation that there were two different materials used for the base and main part of the wall. Mr. Jones requested that Condition B4 be removed.

- Condition B3 – Parapets required. Mr. Jones commented that the intent of the design was to activate Pine Street, and the paseo facing into Old Town, to be pedestrian friendly and draw people in. He remarked on transitioning from a single family neighborhood and simplifying the design where the theater is. Mr. Jones said it did not make architectural sense to provide a parapet on that part of the building but it did on the retail portion facing Pine Street and the paseo. He affirmed that it was required by the code, but the Cannery Square was approved as a Planned Unit Development with an architectural pattern book where on page 12 of the pattern book it says the requirement was not intended to be met fully for the Machine Works building. Mr. Jones suggested this gave the Commission the discretionary authority on how that was applied and said they submitted language, for the Commission to consider, where the condition would apply to lower portion of the commercial area of the building.

The applicant reserved two minutes for rebuttal.

Chair Simson asked for questions from the Commission for the applicant.

Vice Chair Copfer asked how many retail spaces were provided in the building. Mr. Wagner replied that there was 3000 square feet of retail space available that could be divided to up to three spaces he added that there was also a classroom that could be reached from the outside of the building.

Chair Simson commented that the Commission had an opportunity to put something in the community that looks good from all sides and should hold the City to a higher standard. She said the question before the Commission was if the 50% glazing should be required and asked regarding architectural features can be put on the back wall to make it more appealing.

Mr. Wagner explained that the design was trying to relate to the lines of the building and the retail space creates a line that becomes a block element. He described how the use of metal breaks up the space and draws the eye to various places. Discussion followed about the large blank spaces on the southwest corner of the building.

Commissioner Griffin commented that the dressing room was in that area and opened onto the stage. He suggested a narrow band of fixed windows at the top of the dressing room to break up the space. Mr. Wagner responded that the theatre consultant used advised against it because of the potential for the light to leak onto the stage. Discussion followed.

Chair Simson said the design guidelines require street frontage to have architectural features and asked if the Commission could allow not having the glazing if it could be substituted with interesting architectural features. She expressed her concern for the south elevation saying that the west side had landscaping that creates a pedestrian scale interest.

Vice Chair Copfer asked what the walls were made of and was informed that they were a concrete base with veneer faced framed walls. Vice Chair Copfer asked about the material on the west side and was informed that it was stone.

Commissioner Michael Cary enquired about the seating inside and the occupancy load. He was informed that it was the same plan and the occupancy load had not changed.

Commissioner Griffin asked if the materials chosen matched City offices or the Plaza and how they were connected to what is existing. Mr. Wagner responded that the buildings in old town had various colors of brick and masonry buildings as well as non-masonry buildings. He said the brick chosen will give the community center its own distinctive look and still refer the masonry buildings in town. Mr. Wagner added that in order to be responsible to the budget we cannot cover the whole building in brick and the next durable substantial material is ground faced block which is used on the back services side and cost a lot less per square foot. Mr. Wagner spoke of brick pavers remaining from the Cannery Square Plaza that will be used to connect the two sites.

Commissioner Griffin asked regarding signage for the retail spaces. Mr. Wagner said that signage has not been addressed by the Steering Committee, but there are some options such as above or on the awning. There is also the community center sign that has not been addressed.

Commissioner Griffin asked about the material used around the tall windows spaces on the west end of the front of the building. Mr. Wagner responded that it was a thick panel that fits in the window system and was opaque with metal on the outside and drywall on the inside.

Commissioner Clifford asked about the *Addition at Back of Stage -Alternate #5* shown on page A1.00 on the plans. Mr. Wagner explained that it was an option to add onto the building later should there be a need for more “back stage” space for the theater. Chair Simson asked staff if an approval by the Planning Commission would be an approval for this option. Brad Kilby, Planning Manager said that it would and could come in as a Minor Modification at a later date.

Vice Chair Copfer asked if other color options were explored. Mr. Wagner confirmed and said that high contrast and low contrast schemes were explored and the one that was chosen was a palette that was more friendly and fit the character of Old Town Sherwood. Discussion followed.

Commissioner Clifford asked regarding the materials the canopies were made from. Mr. Wagner replied that the canvas canopies are over a steel frame and the front door has a steel canopy.

Vice Chair Copfer commented about having a ticket booth and asked if it was still considered. Mr. Wagner replied that it was not part of the scope, but there was a will call area at the end of the lobby.

Chair Simson asked for Citizen Comments

Note: Julia Hajduk, Community Development Director commented that if witnesses would like to receive a decision in the mail then their address must be on the testimony form.

**Lori Randel**, Sherwood resident commented that the blank side of the building could have a mural. She said it did not have to cover the whole side, it was something residents have wanted as well as

something that Main Street was looking at. She said that murals above the plantings and tree line would take care of the blank space and would be pleasant for neighbors to look at. Ms. Randel said she was curious if the building would be Americans with Disabilities Act (ADA) compliant with 388 seats and if there would be an elevator in the building. Commissioner Griffin responded that the requirement was 400. Ms. Randel asked if the texture of the walls would allow for a mural to be painted on in the future.

**Robert James Claus**, Sherwood resident commented that the design would carry the theme of the [public works building]. He made the Commission aware that the money required to bring the Robin Hood Theater “state of the art” was \$900,000 and it was torn down. He requested a two week continuance so he could submit written comments. Mr. Claus commented that colored renderings are misleading and asked for a model of the building. He said the City Hall was like an orange box with a roof on it and suggested that it had a contract signed three years earlier. Mr. Claus commented that if the Community Center was a done deal the public should know about it. He said that rule one in any public project is do no harm financially and said there were no answers or analysis regarding the retail space so it was a liability. He commented that the space would be used by staff and take money out of our budget. Mr. Claus commented on the use of tin sheet metal as architectural and the building of Walmart. He commented on financing for the building, PUD changes, and wrecking funds for a building without a structural report. Mr. Claus suggested the Commission get a model of the building and look at it. He commented on planning against the automobile in a suburban community and the use of cars and transportation.

**Nancy Taylor**, Sherwood resident commented that she wanted to talk about other civic centers she has observed in her life. She commented on appearance and asked how it would play out in 100 years. She said she has seen beautiful centers including the Hult Center in Eugene where they use lighting to make a nice building beautiful. Ms. Taylor explained that inside it is exquisite and looks like Christmas candy on the walls with amazing acoustics. She commented regarding the center in Edmonds, Washington, Fiddlers green in Denver Colorado and Red Rock Amphitheater. Ms. Taylor commented that when she looked at the drawings she thought of a place where she would park by the side of the road to go inside to look at rocks,. She said she saw no pride in the building and hoped for better. She suggested looking for grant money and thinking outside of the box. Ms. Taylor commented about using murals on the blank walls and the urban art scene found in big and small downtowns. She said Sherwood is a marvelous place. Let’s keep it that way.

**Susan Claus**, Sherwood resident commented that it was a tragedy that when the City started urban renewal it was supposed to be for \$35 million with \$20 million committed for the arts center that was supposed to be a big, beautiful, signature part of our old town. Ms. Claus said [urban renewal] started in 2000 and that in 2003 at a SURPAC meeting Jim Patterson and Ross Schultz changed the direction of urban renewal by deciding that instead of working on the arts center it has turned into a bunch a projects for staff overrides and to put money in the general fund. She commented on the \$2 two million for the projects and said it was a poor excuse, looked like a

museum in Russia, and not an arts center. Ms. Claus suggested using metalwork artists in Sherwood.

Ms. Claus asked about providing adequate parking and commented on nearby apartment parking and 80 parking spaces for 394 seats in the arts center. She commented about the activity at the center after staff leaves and attracting people from other towns. Ms. Claus said that visitors won't ride the rail system or the bus, but come in cars and staff is anti-automobile. She said as a town that values the arts community we need to be successful and the high school has more parking but overflows into the residential areas. Ms. Claus suggested that the Planning Commission is part of the checks and balances and has the ability to open the question of parking to ensure that the eighty spaces are used for the art center and not used by tenants of the apartment building. She asked the Planning Commission not to let anybody bully them into not doing what is best of the citizens.

**Eugene Stewart**, Sherwood property owner commented that the design looked too modern for downtown. He commented on metal awnings and said that a few years ago the Mason's were not permitted metal awnings and asked why it changed. Mr. Stewart commented that there is too much glass and does not match anything. He said he gave Brad Kilby a picture of a new and old building in downtown Portland that blended in well but this does not blend in. Mr. Stewart stated that he owned property across the tracks and parking is going to come up as a problem. He acknowledged that the Planning Commission was not supposed to look at that, but if you get 390 people in an average of three people to a car you have 130 cars, plus cars for support staff. Mr. Stewart asked what happens if another event is going on downtown and suggested that it be studied. He said a 3D model would help envision more and the current design does not look like downtown Sherwood. Mr. Stewart commented that not enough of the community gave input and questioned if Goal 1 for citizens involvement was met.

Chair Simson called for a recess and reconvened the meeting. She reminded that a continuance was requested and explained that the hearing would be continued to the next Planning Commission meeting on October 22, 2013. Chair Simson explained that the record would remain open and anyone could submit written testimony up until the hearing.

Chair Simson gave the applicant an opportunity for rebuttal.

Keith Jones commented that he wanted to remind the Commission that it was a major modification and the scope of what is being reviewed was limited. He said that the commission had authority to look at the approval criteria and the code and apply it to the project. Mr. Jones commented that he did not hear anything in the testimony that directly addressed any of the criteria approval of the code that is not met by the project. He said that staff agrees that the approval criteria is met .

Tom Pessemier, Assistant City Manager, requested that the comment period be staged so the applicant has time to respond to comments and agreed with the October 22, 2013 meeting date. Tom said he hoped the Commission would consider the requests for the condition changes.

Chair Simson asked for clarification on the process regarding if the record remained open for a continuance.

Chris Crean, legal counsel for the City, responded that when somebody requests a continuance there are two options: Continue the hearing to a date certain which cannot be less than seven days, or hold the record open for a period of not less than seven days. He explained that the Commission could hold the record open for additional written evidence or argument and anyone would have an opportunity to respond by the 22<sup>nd</sup>.

Chair Simson asked the commission what they would like to do. Discussion followed. Chair Simson said that it was important to allow people to speak and she wanted the community to have an opportunity to speak at that time and new evidence would be accepted at that the meeting on October 22.

Vice Chair Copfer commented on some of the testimony received regarding budget and other concerns and said that the role of the Planning Commission was to ensure that the project met the criteria and those concerns were not within the scope of the Planning Commission.

Tom Pessemier asked for clarification on the process and asked how the time would be divided. Chair Simson confirmed that verbal testimony would be accepted [at the next meeting] and the same time guidelines would likely be used unless there were objections from the Commission.

Vice Chair Copfer asked if it was within the Commissions scope to decide based on whether it likes the aesthetics of the building or only if the modification meets the criteria.

Chair Simson explained that the Commission was acting in a Quasi-Judicial capacity which meant it was reviewing the application as if it was a judge in a hearing. She said the Commission compares the evidence against a set of criteria and if it meets the criteria that is what is used to base the decision on. She said the Planning Commission cannot look at the budget or how many seats it has.

Commissioner Walker asked if parking can be considered.

Chris Crean responded that the Commission can only bring up issues that are implicated by the requested change; unless the new structure will generate more [traffic] trips then the old one then parking is not an issue. Chair Simson added that the traffic engineer had indicated that it would not.

Commissioner Walker commented that in terms of aesthetics saying aesthetics is not code, but subjective and based on the architectural pattern book. She asked if the Commission can decide that they don't like the look of the building and want a different color or more interest on the outside.

Chair Simson responded that the pattern book says earth tones and there is variance request specific for the glazing. Discussion followed.

Commissioner Walker commented that the modification looks completely different from what was previously approved.

Chair Simson said the Commission would have to apply the criteria of the pattern book to a building that did not exist when it was adopted and decide how much of it has to comply.

Commissioner Cary asked if the Commission can request that the design be modified to reflect public comment within reason. He expounded that perhaps the design could be spruced up according to what the public would like to see.

Brad Kilby explained that if the applicant is conditioned to do something there has to be a finding back it up and the finding has to respond to specific criteria that was not met.

Staff was directed to craft a finding that would enable the replacement of the 50% glazing standard with architectural features that resembling the same pedestrian type scale and interaction that the glazing would have been. Then the applicant would have to prove how the architectural features on all sides of the building adjacent to the public right of way meet that criteria.

**Motion: From Vice Chair Copfer that the Community Center Major Site Plan Modification (SP 13-02) public hearing be continued to October 22, 2013, leaving the record open and accepting written and verbal testimony on the 22<sup>nd</sup>. Seconded by Commissioner Beth Cooke. All Commissioners voted in Favor.**

## **6. Community Comments**

**Andy Tiemann, DR Horton Project Manager** said his company was currently building a subdivision in Sherwood called Daybreak Subdivision. He commented that DR Horton was interested in proposing a code amendment to allow different or additional setbacks requirements in the Medium Density Residential Low (MDRL), Medium Density Residential High (MDRH), and High Density Residential (HDR) zones which have a twenty foot front setback. Mr. Tiemann said that DR Horton's building designs, common in the Portland Metro area, are pedestrian oriented, porch forward designs and an extra front yard setback would allow their homes to be closer to the street which would allow variable rear yard sizes and larger homes to be built in those zones. He said his company has looked at proposing a code amendment for Sherwood that would allow a different setbacks to the porch, to the front of the home and maintaining a 20 foot setback to the garage. Mr. Tiemann remarked that in September Ryan O'Brien submitted a letter that was emailed to the Planning Commission regarding changes to the front yard setbacks and showed pictures of homes in Sherwood and in other jurisdictions that have that flexibility for front setbacks (see record, Exhibit \_\_\_\_). He asked for some initial feedback regarding proposing a code amendment, because there are costs and time associated with requesting the change. Mr. Tiemann said they build in the Portland Metro area and every jurisdiction he has worked with has flexible front yard setbacks to allow porches and houses to be more dominant forward and the pictures show that decent front yards, larger rear yards, and bigger homes are possible.

Chair Simson said the builder would need to go through the code amendment process works where there would be a public hearing with the Planning Commission making a recommendation to the City Council who is the final decision maker. She said that from personal experience, the City of Sherwood has worked to try to make things work and the development behind Target is an example of that. Chair Simson said she could not predict what would happen but did not see a problem with approaching the subject with an open mind .

Vice Chair Copfer asked what the timeframe was. Mr. Tiemann answered that they hoped to start building homes in the spring and take advantage of those setbacks. Vice Chair Copfer asked how big of a variation they would be asking for. Mr. Tiemann answered that the current setback is 20 feet and they would suggest 10 feet to the porch and 14 feet to the front of the home. He acknowledged that it might be aggressive but they have built homes in Hillsboro and Happy Valley with similar setback and it still affords a good street scene. Discussion followed with the Planning Commmsion showing interest in Mr. Tiemann's suggestion.

**Ann Reid and Katy Boedigheimer from Rose's Restaurant and Bakery** commented regarding the traffic signal between the Regal Cinema and Albertsons. Ms. Reid said she oversees operations and Ms. Boedigheimer grew up in Sherwood and is the General Manager. Ms. Reid said the restaurant has been at the Sherwood Cinema Center for over 10 year, serves this community whole heartedly from amazing customers who come into the restaurant to those who have food catered and delivered. She said Rose's supports the Sherwood community through local school events, athletics, and local non-profits with weekly specials for veterans, seniors, and kids. Ms. Reid stated that Rose's sponsors the Robin Hood Festival and the Onion Festival and is promoting the 80 year history of Rose's through the Sherwood location, as the last Rose's in the area. She said they are working with local bakeries and the chef to promote the original Rose's recipes. Ms. Reid said that with over forty employees they are a local business that is highly concerned about access to their restaurant for customers, employees, and fellow tenants in the Cinema Center and across the street. She expressed concern about the light removal and accessibility to the Sherwood Cinema Center and wanted to do all that was possible to save our signal or have a good alternate option on the table. Ms. Reid commented that she did not see the sense in having the hundreds of cars that come for lunch or dinner, a movie or other business to use Baler Way past the Les Schwab. She explained that the parking lot is full at times and expressed concern for traffic and pedestrian safety. She said that going somewhere else may be more convenient to their customers, gaining new customers will be more difficult, and if revenue drops it will affect employees. Ms. Reid said they needed the Planning Commission's help in contacting Washington County and having them reopen the decision to remove our signal and give the citizens an opportunity to review options with the county to give better option for accessibility.

Ms. Boedigheimer added that she graduated from Sherwood High School and her parents still live here. She said she was speaking on behalf of Rose's employees and customers . Ms. Boedigheimer said she had been told that this is not a city issue and maintained that it is. She said that the people

that live here do not want the light taken out and wanted to have the support of the people that can control that. Ms. Boedigheimer commented that it was upsetting that their voices regarding how they feel were not being heard. She said she wanted to make sure that everyone knows that if the light is taken out it will affect us. Ms. Boedigheimer commented on the different approach that is planned and said that the main point is that they need the light.

Chair Simson asked if they were invited to any of the other meetings.

Ms. Reid answered that their first meeting was on October 1st after the decision was made and they were never approached as a business regarding the effect on them.

Chair Simson asked staff how the Planning Commission can act, stating that it was a Council decision. Brad said it was a good question and staff would discuss it. He explained that it is up to the City Council to decide whether to advocate for or against it, as a city .

Vice Chair Copfer commented that the road and the light belong to the county and he had heard a number of people about the light. He suggested that people want the City to get behind the citizens and go to bat against the County and indicated that from the City's prospective we want the light left alone.

Chair Simson asked if the Planning Commission could provide a document to Council that will be affective. Brad said he was unsure and would need to discuss with other staff. He asked if the Planning Commission was comfortable that it was representing the choice that 18,000 people wanted to make.

Vice Chair Copfer said he had heard from a great number of people who want the light to stay and verbally we should say to our mayor that the City should take a stance one way or the other.

Chair Simson pointed out that the Planning Commission was appointed, not elected and needed the support of the City Council.

Commissioner Cooke commented on the condition of development that was placed on the owner at the time of development. Chair Simson said staff could be directed to review the application regarding the condition and obtain information and stated that support for action comes at the City Council level.

Julia Hajduk, Community Development director offered that staff had examined the application and it was determined that the County could proceed without needing any land use action. Staff has worked with the County through the process and made clear to the County that access to the businesses is extremely important. She explained that the County has gone through the process with alternatives, evaluations, and open houses and it is their decision on how they proceed with the design. Julia said there was still room to discuss the design, not necessarily the light, but how those businesses are accessed. She said the City wanted the intersection to improve and the businesses have to have access.

Chair Simson asked if Council could approach the Oregon Department of Transportation (ODOT) regarding a right in/ right out access on Hwy 99 and asked if the Planning Commission had a vehicle that could inform council in a formal setting.

Mayor Middleton responded that the project was a County program and the County could choose to remove all funding and not do the project. He said the City could take a stand, but is trying to work through the process with the County to find alternatives. Mayor Middleton expressed that in his opinion the worse thing would be to make demands of the county. He said that when dealing with other organizations we give suggestions, but aren't often influential.

Julia added that City staff is working to with them explore options and they have submitted for a Transportation System Plan amendment to help facilitate the Baler Way extension. We also heard a citizen comment at the last council meeting about emergency access and that is why we want public involvement. We will make sure that we are conveying those concerns to the county through this process. We support and encourage where we can but ultimately it is their decision.

Discussion followed when Commissioner Griffin commented on the County's process and the input that the City should have about work that will be done in the City. Vice Chair Copfer supported Commissioner Griffin's efforts for the City to take a stance and commented on the impact that removing the light will have on the businesses. Chair Simson reminded that it was up to Council to do so. Julia commented that, as the liaison, the Mayor could express the Commission's wishes to the Council. Mayor Middleton added that rather than taking a stance, the City was trying to work the project in a way that was best for everybody and is concerned about those businesses.

Commissioner Cooke asked if the City provided funding in circumstances like this for business relocation. Julia responded that it would be part of the private negotiations that the County would do with property owners, but she was not aware of any funding.

**Chris West**, Sherwood resident for 13 years, said he spoke to Council the previous week regarding the same signal and like many of the residents, heard about the decision to remove the light in the last couple of weeks. Mr. West said he recognized that things need to change as the City grows and commented on limiting factors for the interchange; the signal timing at Hwy 99W driven by ODOT, a single lane of traffic from Teton Avenue to passed Les Schwab, and a single lane that crosses Roy Rogers. He said anyone could stand by the Burger King at 5 o'clock any night and see that the problem is not the traffic light that accesses Albertsons and Regal Cinemas and commented that removing the light would not change the traffic problem; adding more through lanes will, especially crossing 99W to Roy Rogers. Mr. West said there was a requirement for the signal with two left hand turn lanes and now the County says none are needed . He commented that he did not receive notice because the noticing requirement of the County is to notify property owners within 500 feet of the project. Mr. West said he did not see anything in the Gazette or Oregonian until he saw an article about the upcoming Open House to tell us about the County's decision. Mr. West asked who would pay for the Baler Way extension and where it was in the process. He submitted a draft letter

for the City Council to send to the County Board of Commissioners (see record, Exhibit \_\_\_ ) and asked the Planning Commission to recommend that City Council send a letter asking the County to withdraw the decision to remove the light. Mr. West commented on the County's plan to put in a pedestrian light at that location and asked how it would improve the flow of traffic. He commented about issues with public involvement and having to wait to the end of the meeting to voice his concerns. He said there was an active Facebook page with over 800 likes in a week's time called Save Our Signal and commented that the City and County needs to learn about that kind of public involvement.

Chair Simson responded that the Planning Commission could accept the letter, but would not be able to take action if it was not on the agenda.

Eugene Stewart, property owner in Sherwood, one of the things that I remember when land use planning was first involved Washington county came to Sherwood and said that within the urban growth boundary that is your responsibility and we will accept whatever you say. I am sure we must have some sort of IGA and we are not looking at what that agreement is and maybe we do have say on transportation within our city. I do remember where the County was proposing an amendment to the TSP on how people will get to their property on a road which isn't even funded to be built yet. You are going to create an island of property that will not be able to be accessed on Roy Rogers road. I don't understand what the thought process is other than the fact that we have to get the road improved. We should look at a long range program we can go on to make it a much better solution than what we have. I have heard that that intersection is one of the busiest intersections in the state of Oregon. It is a major problem and I realize that it is the only access for trucks to get to I-5, it is a major truck route the only other access for trucks in where 99W meets I-5. I understand that we are not going to get the best solution, but we need to look seriously at the long range plan and not the short term. Why isn't that road four lanes and do we need to start talking about having a bypass around Sherwood now so that as development comes we can get around. I think one of our traffic studies showed that Saturday and Sunday are the busiest times because of people going to the casinos and the cost. Traffic going through is not stopping. The system is failing someplace.

Mayor Middleton indicated that he had to leave and invited public input at the City Council meetings. He said that he was the liaison to the Council and the entire Council makes decisions on actions before them.

Chair Simson said there were no more public comment cards. She asked staff to provide an agenda item for Planning Commissioner Announcements so that Planning Commission liaisons to the Charter Committee, TSP Update, and Cedar Creek Trail could provide feedback.

Chair Simson noted that she went to Planning Commissioner training recently and it would be worth the time for the Commission to learn from them. She asked if Chad Jacobs from Beery, Elsner, Hammond could provide the presentation regarding ex parte contact.

Brad Kilby added that there was a need for a Planning Commission Liaison for the TSP update and gave details. He said the TSP update will come before the Planning Commission for a

recommendation to City Council. Julia added that the Charter Committee has not been formed yet. Commissioner Griffin was selected by consensus to be on the TSP Citizen's Advisory Committee.

## 8. Adjourn

Chair Simson adjourned the meeting at 9:49 pm.

Submitted by:

Kirsten Allen

Kirsten Allen  
Planning Department Program Coordinator

Approval Date: December 10, 2013