City of Sherwood
Oregon
Home of the Tualatin River National Wildlife Refuge

City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
June 12, 2012 – 7PM

Business Meeting – 7:00 PM

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda: 2/28/12 Planning Commission Minutes, 3/13/12 Planning Commission Minutes**
4. **Council Liaison Announcements**
5. **Staff Announcements**
6. **Community Comments**
7. **Old Business**

   a. Continued Public Hearing – Commercial, Industrial & Public Uses Code Update (PA 12-01)
   The Planning Commission will consider proposed revisions to the Sherwood Zoning and Community Development Code. The proposed changes will update and consolidate Chapters 16.22 Office Commercial, 16.24 Office Retail, 16.26 Neighborhood Commercial, 16.28 Retail Commercial, 16.30 General Commercial, 16.31 Employment Industrial, 16.32 Light Industrial, 16.34 General Industrial, and 16.36 Institutional and Public. Specifically, the proposed changes will include consolidation of the chapters into their respective zone type (i.e. all commercial zones under one chapter), ensure that the vocabulary is consistent throughout the use tables, and will further clarify what uses are permitted outright, conditionally permitted, or prohibited in each zone. Changes will also include the addition of a use classification chapter to aid staff and the public in interpreting and categorizing uses within the code. Where discovered, housekeeping edits to ensure that scribner's errors, and grammar are correct will also be included in the proposal. The Planning Commission will make a recommendation to the City Council who will make the ultimate decision.

8. **New Business**

9. **Adjourn**

Work Session – Following the Business Meeting

Transportation connectivity refinement study – Cedar Brook Way/Meinecke/Elwert

Next Meeting: June 26, 2012

Meeting documents may be found on the City of Sherwood website or by contacting the planning staff at 503-925-2308.

City of Sherwood, Oregon
DRAFT Planning Commission Minutes
February 28, 2012

Commission Members Present:

Chair Allen
Commissioner Griffin
Commissioner Cary
Commissioner Walker
Commissioner Clifford

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Brad Kilby, Senior Planner

Commission Members Absent:
Commissioner Copfer
Commissioner Albert

Council Liaison – Councilor Clark

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order.

2. **Agenda Review** – The agenda consists of a continued Public Hearing PA 11-05 Parking Lot Landscape and Configuration and a new business item PA 11-07 Temporary and Portable Sign Code Clean-Up. In light of the number of people present for the public hearing regarding the sign code clean-up, Chair Allen changed the format of this meeting and will hear the new business first.

3. **Consent Agenda –** the consent agenda items include Planning Commission minutes from January 10th and January 24th, 2012. Commissioner Griffin clarified the question he had asked on page 3 of the January 24, 2012 meeting was about the URA administration costs. Commissioner Griffith made a motion to adopt the consent agenda. Commissioner Walker seconded the motion. A vote was taken, all were in favor. The consent agenda passed.

4. **City Council Comments** – Councilor Clark reported that at there was a great turn out for the City Council meeting and they were able to get through 2 of the 3 agenda items in their 5.5 hour meeting. One item discussed was the Denali PUD that the Planning Commission had forwarded to Council. the City Attorney recommended that staff work more on the resolution to apply it to the code, so Council could vote on it at a later meeting. The other item discussed was to increase maximum indebtedness and was passed unanimously.

5. **Staff Announcements** – Julia had no staff announcements at this time.

6. **Community Comments –** Rachelle Gillespie 14850 SW Smock Street, Sherwood OR wanted to comment on proposed light rail coming to Sherwood. Generally she and her husband are against allowing light rail in Sherwood. She has lived in other areas that have allowed light rail and feels there are significant dangers and concerns that come to a community with the train system. She would like to ask that the statistics be reviewed at such

time the light rail projects are reviewed.

7. **New Business –** PA 11-07 Temporary and Portable Sign Code Clean-Up**.** Commissioner Griffith declared that he is a business owner in Old Town and whether or not that should preclude him from making a decision on the hearing was discussed. Per Julia and the City's Attorney; as part of the Code Clean-up it was determined that in legislative matters, as long as decisions are made with all the businesses best interest and not just a commission member's they can all participate.
Brad presented information in addition to the Staff Report. The attempt is being made to make the code language clear, objective and understood by all and to fix any discrepancies or deficiencies with regard to visual clutter or enforcement issues in the language. Staff started with a work group comprised of a variety of contributors including: staff, code compliance officers, business owners, temporary and portable sign applicants, citizens that have filed complaints as well as people that have had enforcement action against them. Public outreach has also been a priority with this project including several public work session, mailers being sent to all commercial and industrial property owners and a public open house. Information was also sent to the Portland Metro Association of Realtors, the Sherwood School District, the Sherwood Chamber of Commerce and the Commercial Association of Realtor. The amendment focus primarily on portable signs, banner signs and temporary signs. One of the goals is to separate the code into two sections; permanent signage under Chapter 16.100 and temporary, portable, and banner signage under 16.102. Brad continued by giving dimensions and details of proposed allowed signs. He also reviewed comments received from citizens and organizations.
Commissioner Griffin asked questions with hypothetical situations to try to understand what would be allowed.

Gary Surgeon, 733 Sw 2nd Ave., Suite 200, Portland OR 97204. Mr. Surgeon is with Commercial Realty Advisors. His main concern is the size of the commercial temporary signs. He believes it is an industry standard to us a full sheet of plywood, which come 4' x 8'. Limiting the sign to a 4'x 6' would mean creating 2' of wasted wood material for each sign. The art work and marketing materials are all geared to use a 4' x 8' pieces of material.

Robert James Claus, 22211 SW Pacific Hwy, Sherwood OR 97140. Mr. Claus stated that he intends to take this code to LUBA. He does not believe the sign code is time, place and manner or content neutral, name plates are not defined. He notes that memorial signs and tablets, names of buildings, dates of erection when cut into masonry surface are unlimited, yet a name plate is limited to one square foot. He does not feel this is not content neutrality. He submitted information to the Commission for their review. He feels this all part of a giant effort to restrain trade.

Matt Grady 19767 SW 72nd Ave., Suite 100, Tualatin OR 97062 submitted a letter with four points of interest. Mr. Grady suggests differentiating in the definition section between canopies and awnings. He recommends allowing the sign size of 6 sq. ft. rather than limiting signs to 4 sq. ft. He feels that allowing projecting sign as well as a free standing signs on a property suits tenants needs better and should be allowed. He also sees the practicality of allowing spacing closer than 20 feet between signs and provided some examples of layering signs.

Jeffrey Zimel 21840 SW Fuller Drive, Tualatin OR representing Mercury Development (at one time one of the largest strip center developers in Oregon.) Mr. Zimel reiterated the

opinion voiced earlier by Gary Surgeon that developer standard sign size be allowed to remain 4' x 8'. In his 38 years with the company they have never used a sign size other than 4' x 8". Eugene Stewart PO Box 534, Sherwood OR 97140 defended the placement of the Loaves and Fishes by saying it has to be in the public right of way, it is a public street that is used to access the location and it is usually sitting on the sidewalk. He asked in general what the purpose of a good sign is and if all the signs will have to look alike. He would like to see some latitude in the sign style to encourage creativity, so the signs do what they are intended to do.

Chair Allen closed the public testimony portion of the meeting and referred to Brad for any final staff comments.

Commissioner Clifford asked about determining "right-of-way". Brad gave two examples of generally how to determine "right-of-way" both with a planter strip and without.

Chair Allen asked for clarification of a question that was raised during public testimony regarding "carving" a date vs. a name or other lettering into a building and the legality of that. Brad will have to refer to City's legal counsel.

During deliberation Chair Allen reviewed the list of items he had been tracking for discussion which included: comments from St. Paul Lutheran Church, the question of signs allowed per store front vs. per footage, the awning size issue, and 4x8 plywood signs vs. smaller sign requirements as well as the input from the residential Realtors. Discussion among the Commissioners included the idea of "planning permits" for temporary Realtor signs, possibly at no cost, but providing an opportunity to discuss with the sign holders what the regulations on placement will be. It was also discussed what the City Council direction was to the Commission which was basically fewer and smaller signs and improving/reducing visual clutter.

Councilor Clark reiterated what the City Council's concerns are include business's coming in from out of town, littering the city with signs for their painting company or whatever they may be selling and then never returning to retrieve the signs. She went on to say that the Council does not want to limit signs like Sherwood youth sports or local church event types of signs, or to prevent commerce in the city, but they do want a more concise application of the rules and times and dates that signs are allowed to be displayed.

Chair Allen recommended continuing meeting and having Brad come back with proposed changes suggested by Planning Commission, prior to sending the code to City Council. Chair Allen reviewed his list of issues again. Commissioner's agreed with the list. Brad suggested continuing to a date certain, which would be March 13th, 2012. Commissioner Griffin made a motion to continue PA-11-07. Commissoner Walker seconded motion. All were in favor, tha motion passed.

Chair Allen re-opened the public hearing PA 11-05 Parking Lot Landscape and Configuration. Michelle presented the Staff Report. Michelle recapped the Plan Amendments progress so far by saying; on January 24th the Planning Commission held a public hearing on plan amendments for landscaping, parking, loading and on-site circulation. After reviewing written and oral testimony the Commission directed staff to evaluate the proposed amendments and prepare a visual representation of how the proposed standards would apply to certain sites within the City and address citizen comments given previously. Staff met

with Matt Grady and his Landscape Architect team and Keith Jones from HHPR, whom have both submitted comments for review. Minor revisions and reorganization of language within the chapters have been done. Staff has also prepared an Arial depiction of how the standards would apply to certain areas. The goals set include: increasing the amount of overall landscaping on sites to break up some of the wide expanses of pavement. Improve the overall quality of the landscape area to make them more visually appealing, as well as creating a better environment for pedestrians.

Also the City's plan needed to be in compliance with the METRO Functional Plan. Michelle explained what aspects are reviewed with a Land Use application regarding landscaping; perimeter landscaping, visual corridor landscaping, street trees and parking area landscaping.

She then described the proposed changes to the standards including: the amount of required landscaping being based on the number of parking spaces rather than a set percentage of landscaping on the site. Increasing the size of the landscaping island from 64 sq ft to 90 sq ft. and that the entire island be landscaped with shrubs, ground cover and a least one tree.

Michelle gave examples of types of trees that would be allowed. Credit will be given for preserving existing trees.

Using photos of the Albertson's Shopping Center as examples of how the code changes would affect the visual aspect of the landscaping.

Discussion between the Commission and Michelle regarding sizes and number of trees on a site continued. Tom Pessemier addressed the tree count issue by saying if Albertson's had 225 parking spaces with the proposed code changes, if the trees were split roughly between large and medium trees, they would need approximately 66 trees and currently they have 32. The site was chosen as an example because Planning Commission had identified that area as one they liked. Trying to obtain the desired canopy would require additional numbers of trees.

Michelle continued by listing the proposed changes for parking lot changes: clearer definitions for reducing the required number of parking spaces, new provisions for visitor parking in multi-family developments, new parking requirements for warehouses, reducing the number of parking required for churches, garages would be included in the off-street parking requirements, wheel-stops would not be required if there is additional landscaping or paving, inserting a table for the dimensional standards for angled parking stalls, bicycle parking requirements are modified to allowed uncovered bike parking where appropriate, and insuring that parking areas over one acre in size include pedestrian connections between the buildings.

Chair Allen opened the meeting for public testimony

Robert James Claus, 22211 SW Pacific Hwy, Sherwood OR 97140. In Mr. Claus's testimony he stated that with this plan, will be destroying $5.00 a square foot in the retail areas. He feels if the City is going to be spending money on this issue, they should be spending it on planning the refuge instead. He believes that by requiring the trees being planted in retail areas, the property values are being lowered by destroying the visibility component. He is not suggesting no landscaping, but believes a series of options exist. He believes that the property values in Sherwood are dropping faster than in other towns due to

raising taxes and fees and doing nothing to protect one of the principle assets of Sherwood that is the wildlife refuge system and riparian corridor. He would like to be allowed to use the visual corridor and be allowed to protect those corridors and the wildlife in them.

Matt Grady 19767 SW 72nd Avenue, Tualatin OR 97062. Mr. Grady referred to a letter he has submitted after looking at the proposed changes again and speaking with Staff. He feels they have a better understanding of perimeter landscaping vs. interior landscaping which changed their opinion from their first letter. They would like to see that street trees be included in the tree count and that the definition of site area be changed to exclude the building footprint square feet in the area calculation. They also think the landscape manual should be more available to the public. They would also like to see some type of exclusion clause for trees under power-line easements. Screening of mechanical equipment is another issue they would like to see addressed and a definition added would be helpful. He also feels it would be helpful if zone A and zone B are identified in the parking standards. Lastly, van pool spaces are difficult to police and there is much mis-use of parking spaces. It was suggested that there be language that would allow the applicants to work with staff regarding acceptable ground mechanical equipment screening without needing to return to the Planning Commission.

Chair Allen closed public testimony and referred back to Michelle. Discussion was had about tying a definition to a specific date.

Chair Allen re-capped the issues he sees at this point: including the three issues raised by the Gramor letter from February 28th, there are two additional issues raised in testimony around power lines and retaining walls as well as the big question of the number of trees. With that in mind he asked if the Commission wanted to see this come back or if they felt they could address those issues now and make a decision. It was decided to continue the conversation now and make a decision.

First question : is the number of trees too many as written. The majority of Commissioners feel the number of required trees is acceptable.
Should street trees be included in the total tree count: The majority feels they should not be included in the tree count.
Regarding the tree and landscape manual availability it should be linked and referenced and is more of a communication issue than a code issue.
It was agreed that Michelle's proposed language regarding the ground level mechanical screening was acceptable.
A footnote will be added to the document regarding the definition of zones A and B.
Regarding power line easements there could be an eligible adjustment available.
It was determined that addressing retaining walls specifically in the code is not necessary and will be reviewed on a case by case basis.

Commissioner Clifford made a motion to recommend approval by City Council of PA 11-05 with modifications reviewed in discussion. Commissioner Walker seconded the motion. In discussion Commissioner Cary noted he was not in agreement with the number of the trees. A vote was taken. Commissioners Walker, Griffin, Clifford and Chair Allen were in favor, Commissioner Cary was not. The motion carried.

Chair Allen closed the meeting.

City of Sherwood, Oregon
Planning Commission Minutes
March 13, 2012

Commission Members Present:

Chair Allen
Commissioner Walker
Commissioner Cary
Commissioner Copfer
Commissioner Clifford

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Brad Kilby, Senior Planner

Commission Members Absent:
Commissioner Copfer
Commissioner Griffin
Commissioner Albert
Council Liaison – Councilor Clark

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order.

2. **Agenda Review** – no changes were made to the meeting agenda

3. **Consent Agenda** – None

4. **City Council Comments** – Councilor Clark reported that the City Council has had two meetings since the last Planning Commission meeting. Included as part of one of those meetings the Council recognized the Sherwood Girls Soccer team as undefeated State Champions. Also, in Executive session they continued the process of interview candidates for the City Manager's position. Other business included hearing the Denali PUD which the Council passed including 6 lots and a public hearing allowing Amateur Radio Towers, which was passed unanimously allowing Amateur Radio Towers in the city.

5. **Staff Announcements** – Julia explained that in a recent work session with Council in which they discussed doing a TSP amendment for the Cedar Brook Way area to help clarify the connections in that area and the functional classification.

6. **Community Comments –** Eugene Stewart PO Box 534, Sherwood OR 97140. Wanted to request that during the code clean-up process, citizen involvement be addressed. He feels there is not enough time for citizens to testify and that there is not enough give and take between citizens and staff. He encourages the Planning Commission to follow the citizen involvement plan.

   In response to Mr. Stewart's testimony Chair Allen spoke to the Commission and explained to them or reminded them, that during the code clean-up process we have expanded the notice area requirements to something far beyond what is required by state law, we have changed the signage to make them visible, as well as having significantly expanded electronic tools used to disseminate information. The commission has made a great attempt to include changes

gathered from public feedback when it has been provided. While he understands Mr. Stewarts point he feels the Commission has made great attempts to encourage public involvement.

7. **Old Business – Continuation of PA 11-07 Temporary and portable signs.** Chair Allen reviewed where the project is in the process and referred to Brad for Staff comments

Brad reviewed the list of eight items that had been of concern at the previous meeting:

Mr. Claus voiced concerns regarding to memorial signage. Brad worked with the city's legal counsel and any content related provisions and those have been amended.

In response to comments from Mr. Grady the projecting storefront sign spacing has been eliminated.

They have amended the awning sign size from 4 sq. ft. to 6 sq. ft.

They have amended the temporary sign sizes that were provided by the Portland Metro Association of Realtors, allowing the commercial sign size to 4' x 8" with ½ of foot clearance from the ground.

They considered 3 issues raised by Darryl Winnan the government affairs official from the Portland Metro Association of Realtors**;** and are still proposing requiring permits for signs in the public right-of-way and have revised the owner notification they he had suggested.

As requested by the representative for the St. Paul Lutheran Church the number of event signs allowed annually is suggested to be raised from 3 to 6; however the limitation on banner sizes was upheld.

Discussion regarding ODOT and Washington County maintained roads and what enforcement is allowed was had between Brad and the Commission. The City can enforce codes on private property along those roads, but not in the right of way.

At this point Chair Allen as if anyone of the Commissioners needs to disclose any actual or potential conflicts of interest, bias or expart' contact.

Commissioner Cary stated that as a business owner in Sherwood he may want to use a temporary or portable sign, but that will have no influence on his decision today.

Commissioner Copfer made a motion that the Commission forward a recommendation for approval by the City Council for PA11-07 Temporary and Portable signs based on the applicant testimony, public testimony and the analysis, findings and conditions in the staff report as revised.

Commissioner Walker seconded the motion.

A vote was taken; all members present were in favor, the motion passed.

Chair Allen adjourned the meeting.

Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
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Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager Pro Tem
Tom Pessemier

2009 Top Ten Selection

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

DATE: June 4, 2012

TO: Sherwood City Planning Commission

FROM: Planning Department

SUBJECT: Commercial, Industrial, and Public and Institutional Uses

The purpose of this memorandum is to summarize the discussion from your May 22nd hearing on PA 12-01 Commercial/Industrial/Institutional and Public Uses. As you may remember there were three members of the public who requested that the hearing be continued. The Planning Commission elected to continue the hearing until June 12, 2012 to allow the public additional time to consider the proposed amendments given that the Calendar on the City's website inadvertently showed that the hearing had been cancelled.

The Planning Commission had discussed four items that needed to be clarified including:

- Differentiation between small scale vs. large scale power generation facilities
- A definition of "Recreational Vehicle Park"
- A definition of "household pet"
- A check of footnotes to ensure that they show up on the same page where the footnote is listed

In June of 2011, in a memo, Planning Staff proposed defining "small-scale power generation facility" and "large-scale power generation facility". Small-scale energy facilities would be defined as "a facility, such as a solar panel, that produces energy but that is generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height". Large-scale facilities would be defined as "a facility that produces energy and exceeds the thresholds of a 'small-scale energy facility'".

Staff would propose to define "Recreational Vehicle Park," as, "A unit of land under single ownership upon which two (2) or more recreational

vehicle and/or campsites are located, established or maintained for public occupancy in recreational vehicles or camping units as temporary living quarters for travel, recreation or vacation purposes."

There was a desire to define, "household pet." There is not a common planning definition of a household pet, but some common themes in cities with a definition include animals such as cats, dogs, small birds and rodents that are generally domesticated and purchased at a pet store. Some go on to say that household pets do not include animals that are used to produce farm products. Staff does not recommend any one idea over another and feels that it should be a community decision given the recent discussion in the city regarding chickens.

Should the Planning Commission have any additional questions, staff will consider and discuss them with the Commission during the public hearing. It should be noted that as of the date of this memo, there has not been any additional public testimony submitted to staff, and there is no additional materials from staff other than this cover memo.