
City of Sherwood, Oregon
Planning Commission Minutes
January 24, 2012

Commission Members Present:

Vice Chair Albert
Commissioner Griffin
Commissioner Albert
Commissioner Cary
Commissioner Walker
Commissioner Clifford

Staff:

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

Commission Members Absent:

Chair Allen
Commissioner Copfer

Council Liaison – Councilor Clark

1. **Call to Order/Roll Call** – Vice Chair Albert called the meeting to order.
2. **Agenda Review** – no changes were made to the meeting agenda
3. **Consent Agenda** – December 13, 2011 Planning Commission meeting. Commissioner Walker had a scrivener's error that she will give to staff. Commissioner Griffin made a motion to approve the minutes. Commissioner Cary seconded the motion. A vote was taken and all Commissioners present were in favor of adoption of the minutes. The motion passed.
4. **City Council Comments** – Councilor Clark was not present when the Commission got to this agenda item
5. **Staff Announcements** – Based on comments she had received, Julia began by reminding the Commissioners to please speak into the microphones provided as sometimes it is difficult to hear their comments.
Angelo Planning Group has been selected as the Town Center Plan consultant. Scope negotiations are underway now. Planning effort will likely not begin on this project until March. The Southwest Corridor group which is being led by METRO is planning a “kick-off” meeting to look at the transportation corridor primarily along Hwy. 99 W. They are soliciting volunteers to serve on the committee and provide citizen perspective. The kick-off meeting will be held January 31st.

Councilor Clark arrived at the meeting.

6. **Community Comments** – Kurt Kristensen 22520 SW Fair Oaks Court, Sherwood OR 97140. Asked that the Planning Commission consider re-visiting a resolution that had been created by past Planning Commissioners. He is referring to Resolution 2006-001, the Southeast Sherwood Master-plan. He would like to see that resolution come back before City Council

for adoption. The resolution authorized the Southeast Master Plan. He believes there was a lot of time and resources spent working on the resolution. He is not interested in learning why it was not forwarded with a recommendation for approval; he is interested in having this Planning Commission send the resolution forward for adoption.

7. **Old Business – Vice Chair Albert re-opened the Denali PUD hearing** at the deliberation portion of the hearing. Commissioner Walker recused herself from the hearing. Commissioner Griffin felt Michelle had done a great job of summarizing the information discussed earlier. He pointed out, one scrivener error. Michelle will correct that. Commissioner Clifford made a motion to forward a recommendation to the City Council to adopt the Denali PUD 11-01, SUB 11-01 based on the analysis dated January 17, 2012 and the Staff Report. Commissioner Griffin seconded the motion. Vice Chair Albert called for a vote; Commissioners Griffin, Cary, and Clifford were in favor. Vice Chair Albert voted nay. Motion passed 3 to 1.

8. **New Business -**

a. **Urban Renewal Plan Major Amendment** – Julia, acting on behalf of Tom Nelson, and Elaine Howard, (who is a consultant working on the URA amendment for Sherwood and works on Urban Renewal plans throughout the state of Oregon) presented information to the Commission. They will be asking the Commission to review the proposed substantial amendment to the Sherwood Urban Renewal Plan and make a recommendation to the Sherwood City Council. Julia presented a brief history of the Urban Renewal District in Sherwood in a power point presentation. A major part of the Urban Renewal Plan is to remove blight influences. Many examples of old buildings and new construction helped by the URA were shown. The URA is also interested in transportation improvement. They are working to improve the rail crossing at the intersection of Langer Farms Parkway and Oregon Street. The URA has also contributed to the new turf fields and stadium at Sherwood High School as well as the field house located on the Public Works site. They have developed plans and purchased property off Sherwood Blvd to construct a senior living facility. The URA also provides Façade Grants to help improve the look of Old Town Sherwood.

Elaine Howard gave a quick briefing on the Substantial Amendment that is designed to basically increase the amount of maximum indebtedness of the Urban Renewal Plan. Maximum indebtedness is the amount of money that can be spent on projects and programs by the Urban Renewal Agency. Our present maximum indebtedness is around \$35 million dollars. Given the current statute the City could increase that amount by 20% as indexed which equals \$9.7 million dollars which would then bring the figure to near \$45 million dollars by approval of City Council. The amendment does not get voted on by the citizens but rather approved by City Council. The amendment has to be “publicly noticed” which will be done in the February Archer. They have a list of potential projects that could benefit from the funds. A change made by the 2009 Legislature was a change to Urban Renewal Plan Amendments which required that once a plan was substantially amended that there are certain revenue sharing triggers that come into effect. At certain trigger points when the Urban Renewal Agency starts receiving a certain amount of funding that taxing districts also received a share of the increase of growth of value. She then gave a quick description of how tax increment financing works.

The revenue sharing component plan states that once your plan starts receiving 10% of the original maximum indebtedness, it has to share that money with the taxing jurisdictions. At the point the plan receives 12.5 % of the initial maximum indebtedness you are capped at receiving that amount of money for the life of the agency.

Elaine talked about the city's economic development strategies. Policy number 3 indicates that the city will direct public expenditures toward the realization of community development goals by assuring the adequacy of community services and facilities for existing and future economic development. This plan has provided for our current City Hall and Library, some funding will be used in the potential community center and has been used in the new Plaza.

Policies covered by the Urban Renew Plan include: improving regional access to the Urban Renewal Area and diversification of commercial and industrial development to add jobs and expand the tax base. Other policies that conform with the comprehensive plan are the applicable commercial and land use strategies and policies which say that commercial activities will be conveniently located to service customers, the façade grant program helps provide better commercial uses, the street scape programs help strengthen the downtown core. Community design is another area where the Urban Renewal Plan conforms to the Comprehensive Plans.

Elaine concluded by saying that they have looked both at the comprehensive plan and the vision for Old Town Sherwood and the City of Sherwood's Economic Development Strategy. The Urban renewal plan does conform to the Economic Development Strategy.

Commissioner Walker clarified that what the Planning Commission motion addresses is only whether or not this amendment complies with the comprehensive plan and not that they agree with any part of the financial part of the plan.

Elaine confirmed that Commissioner Walker's understanding was correct.

Discussion of distribution of funds continued with Elaine and the Commission.

Commissioner Griffin asked about what the administrative costs of 1.2 million for the improvements to Oregon Street include. Elaine deferred to Tom Nelson to answer that and get back to the Commission. He also asked for clarification about the downtown store front projects. Elaine explained that by creating a neighborhood commercial district the hope is that the residents utilize those businesses for their services.

Commissioner Griffin asked about the estimated URA cost amount of \$1.2 million and what that entails. Elaine explained that these are estimates from when this may be approved from 2012 to 2021.

Vice Chair Albert asked if any members of the audience wanted to provide testimony.

Eugene Stewart 22595 SW Pine Street, Sherwood OR 97140 provided testimony. He questions the transportation plan and that it shows a street coming in on the other side of the tracks into the Cannery. He does not believe that it can be done. He asked if we follow the comprehensive plan or not. He also would like to know how much money has been spent and has apparently asked that question and is waiting for an answer after an audit is complete. He suggests talking to the downtown merchants to see if they have been benefitted by these plans. He spoke about existing parking and potential parking changes as well Pine Street being shown as a potential truck route in the TSP. He feels that the items in the comprehensive plans may be being ignored.

Kurt Kristensen, 22520 SW FairOaks, Sherwood OR 97140, explained that he spent some time a couple years ago researching and talking with Washington County and various financial representatives that understand how Urban Renewal law works. It is his opinion that this is a way to

avoid public accountability. The tax revenues of \$35 to \$45 million dollars are funds being “syphoned” off from other districts including school districts. He has no argument with some of the worthwhile projects that have improved the City. He questions at what stage things like this should go to a vote of the people.

With no other comments being given, Commissioner Walker made a motion by saying “I move for the approval of the attached findings supporting the substantial amendment #15, amendment #15 to the Sherwood Urban Renewal Plan, conforming with the Sherwood Comprehensive Plan and request the City Council consider the financial impact of doing so.”

Commissioner Cary seconded the motion. Vice Chair Albert called for a vote.

All present were in favor of the motion. The motion passed.

A five minute recess was taken.

b. Public hearing on PA11-05 Parking Lot Landscape and Configuration

Vice Chair Albert opened the public hearing on PA11-05 Parking Lot Landscape and Configuration.

Michelle presented the Staff Report by giving an overview of PA 11-05. She noted that staff has been working on parking lot landscaping and off-street parking and loading including work sessions and open houses. Two agency notice comments have been received which will be labeled as exhibits D and E. A written public comment has also been received which will be labeled exhibit C.

The objectives that are being sought out are creating more visually appealing parking areas as well as creating more pedestrian and vehicle friendly areas.

Current code specifies 65 square feet for landscape islands and overall a site has 10% landscaping in the parking area. The overall number of parking spaces and the relationship to landscaping are now being considered rather than the required percentage of landscaping which may generally increase the amount of landscaping visible per site. New requirements show that each landscape island must include at least one tree and that the islands need to be evenly spaced. New provisions allow greater flexibility in the types of trees planted, based on mature canopy size.

Off street parking requirements are also being reviewed. Options for changing the minimum number of spaces are being modified in areas like places of worship, warehouses and allowing for visitor parking. The agency comment received from Metro discusses their concerns with minimum number of spaces for single family residences. In Sherwood, if no on street parking is available, and two parking spaces are required on site. Staff is working with Metro to agree on a minimum allowed when no off street parking is available due to the street width.

Regarding angled parking, a new diagram has been drawn along with a new table and the requirement that the bike parking needs to be covered has been changed to “encouraged”.

Commissioner Griffin commented that in light of receiving the written testimony from Matt Grady he thinks the discussion should be continued. He is hesitant to move a recommendation forward without more consideration and possible input from other developers. He feels they are moving in a positive direction, but feels more information may be needed.

Commissioners got clarification from Michelle on tree canopy and existing parking lots in Sherwood

and surrounding cities and how they would compare to what the new requirements would allow.

Vice Chair Albert moved the meeting to public testimony.

Matt Grady of Gramor Development, 19767 SW 72nd Ave, suite 100, Tualatin, OR 97062 had submitted an exhibit that he wanted to highlight in public testimony. He reiterated that the intent of the code changes is to require more parking lot landscape features. While he understands that intent he feels the new requirements have gone overboard and are requesting too much. He feels there should be crossover between landscaping requirements in parking lots and the tree code and required canopy percentages. Regarding “non-vegetative features” he feels that the semi-pervious pavers that are suggested are really not a very viable solution in terms of drainage and the cost of work to install that type of feature. He feels the goals should be for pedestrian plazas and landscape features connected to walkways that would count toward your landscaping requirements. He also had a question regarding how parking lot landscape area is really calculated. They believe 20% for evergreen trees is too much. They also believe there should be definition of screening of mechanical equipment. The options for reducing parking are good, but seem a little confusing. They think the 10% car pool spaces are pretty high. One option now that they are very in favor of is the removal of the requirement for wheel stops. His submittal expands on these comments. His 5 minute testimony time expired.

Eugene Stewart, 22959 SW Pine Street, Sherwood OR 97140 asked in his testimony if provisions are made for solar panels and the proximity of trees being planted next to a building. He pointed out that he sees a need for some leniency for some of the businesses in old town that want to provide off street parking. He asks if builders in the future want to use pervious pavers, will they be allowed to do so. He believes more public involvement in the process and allowing for conversations with people like Mr. Grady that are not limited to the 5 minute testimony time, would be beneficial to staff and decision makers.

With no one else signed up to testify, Vice Chair Albert closed the public hearing portion of this project.

Michelle made final comments by saying the perimeter landscape buffer is the existing number that has been in place. If there is landscaping on the side then 10 feet in total is required. She agreed with Mr. Grady that evergreen trees are more suitable to the perimeter of parking lots.

She pointed out that this portion of the code clean-up has had several work sessions over the past 6 months. There have been many opportunities for comments. This language has been on the table and on the web-site since early November.

Brad Kilby added that while Matt had mentioned there should be a tie-in between the tree code and the parking lot landscaping and that he feels they really should be able to stand independent of each other. Parking lot landscaping can count toward the canopy cover on some commercial requirements.

Julia suggested that in light of the additional testimony received tonight as well as additional request for public testimony to be allowed and obvious questions posed by the Commission that her recommendation would be to continue the hearing.

Michelle discussed with the Commission what they would like to see to be able to compare existing sites and how those would fit with the proposed language. It was discussed that Matt Grady could be a resource for information.

Upon learning that another member of the audience wanted to speak on this topic and given that there was already discussion about continuing the hearing and leaving the record open, Vice Chair Albert re-opened PA 11-05.

Patrick Huske, 23352 SW Murdock Road, Sherwood, OR 97140 testified by saying he feels that even though these proposed changes have been in the works for several months, it seems like the final draft was not done until just a couple weeks before the public hearing, which doesn't give the public and interested parties much time at all to review the information and respond with comments or questions. On a second note, he feels that giving only 4 minutes of testimony to Matt Grady is not near enough time. He thinks that Gramor's developments are far and away some of the best developments both architecturally and in their landscape architecture. He hopes the Commission will give Matt's written comments full consideration.

Vice Chair Albert made a motion to continue the hearing of PA 11-05 to February 28th, 2012. Commissioner Cary seconded the motion. It was determined that it will be a continued public hearing where people can testify and/or provide additional written comment. Discussion continued among the Commission regarding the benefit of continuing the meeting. The motion raised was not voted on.

Vice Chair Albert made a new motion to continue public hearing PA 11-05 Parking Lot Landscape Configuration to February 28th. Commissioner Walker seconded the motion. Vice Chair Albert asked for a vote. All members present were in favor. The motion passed.

A 3 minute recess was taken.

c. Public hearing for PA 11-06 Trees on Private Property

Vice Chair Albert reconvened the meeting and opened the public hearing for PA 11-06 Trees on Private Property.

Brad Kilby presented the Staff report by explaining that the proposed changes would affect the definition, site plan review, parks and open space and tree sections of the code. Agency comments had been requested in December. PGE's forester Brandon Flemming had responded saying he agrees with the proposal and wants to be sure to maintain their ability to work in the tree line to manage the vegetation for their operations. There have been 7 work sessions, and a tree panel discussion with developers, land owner and professionals regarding the code changes. There was also a dessert and discussion meeting as well as an on-line questionnaire, with 40 responses being received. This was discussed in November at the Code Clean Up open house where 20- 22 people attended. The overall response in all of these venues is that the code should be fair and clear. It should recognize the economic and ecological value of trees. The inch per inch mitigation is cost prohibitive and could lead to clear cutting of properties not yet incorporated into the City to avoid mitigation later. Property owners should be able to remove and manage trees on their own property. 48% of on line responders felt that residential properties should not be limited in their ability to remove trees.

The purpose of the canopy requirements is to maintain the existing urban canopy. In order to maintain the canopy, regulations are needed. The current code states that for properties that are subject to land use approval, any trees removed must be mitigated on an inch per inch basis at a cost of \$75.00 per inch. The proposed language now asks that a canopy be maintained. The desired canopy would be 40% of the overall sight for residential and 30% on non-residential property. There are no longer mitigation requirements under this proposal. Brad showed many examples of canopy coverage of existing sites in Sherwood in a power point display.

Julia added that considering the Parking Lot Landscaping requirements vs. the tree code, whichever the most stringent requirement is in each case will meet both Parking Lot Landscaping and Tree standards. You are always going to, at least meet the parking lot standards or the 30% canopy. If you don't meet it with the parking lot landscaping standards you have to provide more canopy. If you don't meet it with the canopy you have meet the parking lot landscape standards.

Brad continued by saying that while the tree code establishes minimums, it is also about retaining more trees and more mature trees and encouraging that retention. They are proposing some development incentives to help with retention including residential density transfer.

Brad continued to review the proposed changes which includes taking into consideration time frames for replanting and environmental constraints for successful planting. Brad explained how size and caliper would be determined for the purpose of meeting the code requirements.

In conclusion he explained the next steps if the Commission agrees to recommend approval to the City Council would be a hearing on February 21st, 2012.

At the conclusion of Brad's staff report, Vice Chair Albert opened the meeting for public testimony.

Kurt Kristensen 22520 SW Fair Oaks Ct., Sherwood OR 97140 testified he has been waiting for this tree code for 10 years. He recognized the conflicting interests between developers and residents. He has watched many trees come down throughout Sherwood over the years. He thinks this tree code is a very good first step, however is concerned about some of the proposed language. He suggests that trees have a benefit to all of us and that it would be prudent to have courtesy and respect for the trees regardless of who they are owned by. He would encourage neighborhood notice be given well in advance of the tree removal.

Matt Grady, 19767 SW 72nd Ave, suite 100, Tualatin, OR 97062 asked if there was a definition of the net development site. They had looked at the definition section and the new code section and could not find it. His other question was if any of the existing street trees hanging over the site could be used in the 30% calculation for canopy.

Brad explained that on commercial and industrial, non-residential sites the street trees are not allowed to be included in the calculation however in residential sites they can be included. He agreed that if the net developable site is not defined it should be.

Pat Huske, 23352 SW Murdock Road, Sherwood OR 97140. As a homeowner and small business developer he loves trees. When he sees codes he sees them as "guidelines". If the code is talking about "net developable sites" he believes this would be a huge imposition on property owners in general. He would like to leave development out of it. Each property owner has continued to have their rights taken away to a certain extent. He feels Staff has done a fairly good job looking at everyone's point of view. He would encourage using the gross buildable footprint or entire site as the model, rather than the net. He feels that there should also be some type of "air factor" in the tree canopy. Is the percentage going to be determined from an aerial view or will it be plant-able caliper trees on the property? He hopes for some flexibility in that air factor.

Vice Chair Albert closed the public testimony and moved to questions for staff.

Brad and the Commission discussed canopy and how it is calculated. They discussed if a neighbor's

trees could count toward canopy on a site. They also discussed posting notice of tree removal as well as the number of trees allowed to be removed and possibly changing the language to say 5 trees removed every 12 months rather than every year.

Commissioner Walker made a motion to forward a recommendation for PA 11-06 to the City Council with staff recommendations, and minor adjustments made by the Planning Commission during this meeting to the February 21st, City Council hearing. Commission Griffin seconded the motion. Vice Chair Albert called for a vote. All members present were in favor and the motion passed.

Vice Chair Albert closed the meeting.