
Planning Commission
City of Sherwood
July 14, 2015

Planning Commission Members Present: Staff Present:

Chair Jean Simson

Vice Chair Russell Griffin

Commissioner Chris Flores

Commissioner Michael Meyer

Commissioner Lisa Walker

Julia Hajduk, Community Development Director

Michelle Miller, Senior Planner

Connie Randall, Associate Planner

Kirsten Allen, Planning Dept. Program Coordinator

Mark Yager, Economic Development Intern

Planning Commission Members Absent:

Commissioner Alan Pearson

Vacant seat

Council Members Present:

Council President Robinson

Legal Counsel:

Chris Crean

1. Call to Order/Roll Call

Chair Jean Simson called the meeting to order at 7:00 pm.

2. Consent Agenda - none

3. Council Liaison Announcements

Julia Hajduk, Community Development Director, inform the Planning Commission that Council President Sally Robinson was running late and there were no Council announcements.

4. Staff Announcements

Ms. Hajduk introduced Mark Yager, Economic Development Intern, and said the City will be sharing Mr. Yager with the City of West Linn until January 2016. Mr. Yager will be working primarily with Assistant City Manager, Tom Pessemier and focusing on the Tonquin Employment Area.

Michelle Miller, Senior Planner added planning staff would be at Music on the Green to talk about the Sherwood West Preliminary Concept Plan and the Cedar Creek Trail. She said the City received notice of the neighborhood meeting for the Mandel property located at the northwest quadrant of the city. Ms. Miller informed that survey work and brush clearing will be done in the Cedar Creek Trail alignment boundaries and reminded of a Planning Commission vacancy posted on the website with a deadline of July 31, 2015.

5. Community Comments

Eugene Stewart, Sherwood property owner commented on traffic getting heavier with backups on Elwert Road and Roy Rogers in the afternoon. He commented on Washington County's plans for improvements and asked when traffic would become too heavy for the smart traffic lights. He said it was a real problem and commented on the Newberg Bypass. Mr. Stewart said that a lot of drivers on 99W had no intention of stopping in Sherwood, the State and County should accommodate them, and the City of Sherwood should be lobbying to get something done. He mentioned that he heard at City

Council sessions that about six thousand people per day leave Sherwood to go to work, four thousand come to Sherwood for work, and about six hundred live and work in Sherwood. He asked about how to get people to live and work in Sherwood so there was not as much demand on transportation. Mr. Stewart remarked that in the years living in the area he noticed more stress has been given on getting people to downtown Portland which clogs up 99W. He commented on the beautification at the end of 99W being done instead of adding more lanes. Mr. Stewart asserted that Tri-Met will never have the capacity to transport people where they want to go and said the city should take a major look at transportation and having a system to measure traffic at regular intervals in order to make logical choices on which projects should be done. Mr. Stewart commented that the County had a plan for a 4-5 lane road connecting Elwert Road to Brookman Road and asked what residents in that area wanted or if there was a better way to do it.

Robert James Claus, Sherwood resident commented on a Fifth Amendment rights case about self-incrimination. He cited other cases regarding First Amendment rights and said the statutes don't mean what they say until you look at case law, but when you start looking at the individual treatment, the courts had brought in a Fourteenth Amendment problem (equal protection of the laws). Mr. Claus said the Commission was selling zoning on the sign code, political speech gets regulated and realtors were given a free card. He said it was no big secret who realtors contributed to. Mr. Claus commented on the signs on the highway permissible for certain people and not for other people. He repeated it was a common theme to sell zoning when the Planning Commission was supposed to be the front line. He implied certain people could do things others could not, cutting development costs in half and said Walmart was a classic example. He cautioned the Planning Commission saying the city manager was stopping that. Mr. Claus commented that he had not seen commission members ask about permits. He referred to the Cannery Row Apartments and said about three to five million dollars was sold with the project after the \$5000 per unit price paid, infrastructure put in by the city, and staff overhead. He suggested the Planning Commission start asking questions, but did not expect the Planning Commission to do anything about it.

With no other comments, Chair Simson moved to the next item on the agenda.

6. New Business

a. Tannery Site Assessment Update

Julia Hajduk stated she wanted to prepare the Planning Commission for the July 28, 2015 Public Work Session. She gave copies of the Public Involvement Plan and the Site Assessment Fact Sheet to the Commission members (see record, Exhibits 1 & 2) and explained that property owners within 1,000 feet and stakeholders in the Public Involvement Plan received a copy of the Site Assessment Fact Sheet that included a brief background of the project.

Ms. Hajduk explained that the parcels where on the old tannery site where the tanned hides were discarded in retention ponds or buried in the soil onsite. She said the tannery owners were not able to be found and Department of Environmental Quality (DEQ) had identified the site as orphaned. Ms. Hajduk reported that in the last ten years DEQ stepped in and did site assessments, the property was foreclosed on by Washington County, and the City had interest in seeing the site redevelop; potentially as a public works yard. She explained that the City applied for and received a grant from the Environmental Protection Agency (EPA) to do a site assessment for the risks and liabilities, should the City acquire the property from Washington County, which would include a detailed cleanup plan.

Chair Simson and Commissioner Walker commented on the Fact Sheet and if they should have received one based on proximity or as an interested party. Discussion followed regarding creating a new interested parties list and obtaining interested party information from DEQ. Ms. Hajduk indicated money granted for the Ken Foster Farm site will not be used for this project as it was a separate project.

Ms. Hajduk explained the public work session model of giving background information about the project and schedule. She included Rose Sherwood from Washington County Public Health would explain the role of health in the community with the specific processes the County uses for brownfield projects. She said the Planning Commission will facilitate small table group discussions about concerns and redevelopment with a report back to the larger group.

Chair Simson asked if there could be examples of successful brownfield redevelopment sites. Julia confirmed that Ms. Sherwood would talk about the health benefits of redevelopment and have a presentation with examples of before and after.

Julia said staff was hoping to begin the conversation with public at this meeting as it was a long process scheduled to be completed Spring 2017.

Chair Simson moved to the next item on the agenda.

b. Sherwood West Preliminary Concept Plan

Connie Randall, Associate Planner gave an update on the Sherwood West Preliminary Concept Plan with a presentation (see record see record, Exhibit 3). She said the planning process was about halfway through and staff wanted to give an update with a broad overview of the project.

Ms. Randall showed a map of the Sherwood area and stated the city limits were outlined in blue and the Urban Growth Boundary (UGB) in red. She said the UGB were areas of land identified around the city (and in a larger context in the Metro region) where growth would occur. Areas within the UGB may be annexed into the city.

Ms. Randall explained that the Tonquin Employment Area was in the UGB, had an adopted concept plan that was slated for industrial uses, and was approved for annexation by voters in 2012. When property owners within the Tonquin Employment Area are ready; they can petition the City Council and be annexed following a City Council public hearing.

Ms. Randall said the Brookman Road Concept Plan area, approximately 235 acres, was brought into the UGB in 2004 and was primarily residential with some commercial and light industrial components near to 99W. She informed that the concept plan was adopted in 2009 and the area still needed voters' approval before annexation.

Ms. Randall offered that areas within Sherwood West, designated as Urban Reserve, were completely outside the Urban Growth Boundary and just shy of 1300 acres. She said the Urban Reserves were identified as areas that will accommodate growth over the next fifty years and Sherwood West was one of many Urban Reserve areas in the Metro region. She explained that the whole UGB needed to accommodate a twenty year land supply and as the UGB was developed, the Urban Reserves are the areas where Metro will be look next to expand the UGB.

Ms. Randall detailed that the decision to expand the UGB was made roughly every six years, with the latest iteration this last year. The most recent report said the UGB did not need to be expanded; Metro believes there was enough capacity for the next twenty years. She disclosed that there was some debate

about that and the final decision was expected to come by the end of 2015. If the UGB were not expanded at this time, it will be another six years before a possibility of expanding it.

Ms. Randall said the goal for the Sherwood West Preliminary Concept Plan was to take a fifty-year look at how and where future development could occur for Sherwood and to provide a roadmap to inform possible future UGB expansion decisions. She remarked that this was the first of its kind for the state; urban growth boundaries usually get expanded before the concept planning was done where zoning was applied and then annexation happens and development occurs. Ms. Randall said the Sherwood West Preliminary Concept planning was trying to look at whether and how the City would want to expand including a phasing plan in order for an informed discussion with Metro when the time comes to expand the UGB.

Ms. Randall related that the project schedule anticipated being complete by December 2015 and staff thought the key component for success was public involvement and community cooperation, which was where much of the grant resources had been allocated. She expressed that the City hoped to adopt a very broad fifty-year level plan regarding how the area could develop. The phasing will indicate which areas make sense to come in first to last, because nobody envisions 1,300 acres coming into the City at one time. Ms. Randall included that if the UGB, expanded the City would look at doing refinement plans for expanded areas that will look more like a traditional concept plan utilizing another public process.

Ms. Randall reminded that the preliminary concept plan will not change anyone's entitlements, zoning or development abilities. Property owners in the area will still be governed by Washington County and, before any development of urban levels occurs, the following will have to happen:

- Metro to expand the Urban Growth Boundary,
- A concept plan be adopted (a 1-2 year process),
- An annexation request with voter approval,
- Land use applications, development permits, and then
- Construction

Ms. Randall said depending on one's feelings on this project, this was either a very slow or very fast process, but a majority of the property owners staff have talked to said it was slower than they would like. She emphasized that the City was trying to be honest, open and transparent while collecting as much information as possible towards a road map that the citizens and property owners would like to see happen.

Ms. Randall explained that community outreach included a dedicated website, updated often, with project information and shared documents so people had the same information as staff and consultants. See www.sherwoodoregon.gov/sherwoodwest. In addition, there was an electronic newsletter subscription with 112 confirmed and 40 unconfirmed subscriptions, and a project video on the website with an introduction to the project and Sherwood's growth pattern.

Ms. Randall reported that the Sherwood West Community Advisory Committee (CAC) would hold six meetings in total and explained that it was eighteen members (eight residents from the study area, five city residents and five representatives from City Council, Planning Commission, School Board, Citizen Participation Organization, and the Parks Board). She spoke of the Technical Advisory Committee (TAC) that meets in tandem with the CAC which was comprised of representatives from local agencies

and service providers that provide the technical aspect on what can actually be served, where lines go, and what the City needed to be aware of in the planning process.

Ms. Randall stated the project kickoff was an Open House on February 5, 2015 and staff had visited with property owners in March and April. She showed a map that indicated which property owners had been contacted individually for comment, to help find out what their visions for the property were, and if they were interested in being annexed into the City. She established that it would not make sense to recommend an area to be annexed in Phase I if the property owner had no desire to develop their property; it was not a good use of anyone's time or resources. Ms. Randall commented that the majority of folks wanted to come in "yesterday", but there are others that would like to be taken out of the Urban Reserve designation, generally living in steep, far out areas that would likely be in later phases.

Ms. Randall told that a Community Workshop was held on May 21, 2015 where participants discussed and voted on their vision and values for the City; what matters, what to preserve, what they liked about Sherwood, what should be kept, opportunities and how to develop the area using maps. Ms. Randall said they talked about the concept of a quarter mile neighborhood at the meeting, a concept where you can walk within a quarter mile and what services would be available in the area. She said they acknowledged that not everyone was able to come out to a community workshop so a complementary online survey, to capture additional visions and values not obtained at the workshop was placed online. Ms. Randall included that the CAC and TAC discussed the same topics.

Ms. Randall described an ice cream social and open house held on June 18, 2015 where three draft alternatives of the plan were revealed. The alternatives captured what was heard at the different mapping sessions and the online survey. She said the design team tried to physically represent what was heard in the values and what that might look like. Ms. Randall announced that there was another online community survey with these new design alternatives open in order to get people's ideas on the alternatives.

Ms. Randall recounted additional outreach planned to talk about the project and get feedback from the community which included attending Music on the Green on July 15, 29, and August 19 and community group presentations this fall where any group that wanted could ask city staff to come and talk about the plan.

Ms. Randall related that the City was in the Evaluating Draft Alternative Plans phase of the project. She recognized that not everyone thought in the same way so there are parts of the alternatives that may conflict. The alternatives include different aspects to see how people reacted. She said common elements in the alternatives were the preservation of natural areas along Chicken Creek wetlands and wildlife corridors with a trail connecting them; at least one school site; larger lot residential areas in steeper sloped areas and some level of Neighborhood Commercial uses. Ms. Randall stated there would be not be any Industrial Employment uses, as after some discussion it was decided that with the current undeveloped employment areas along Tualatin Sherwood Road and the Tonquin Employment Area of 300 acres there was still a lot of employment potential in the city. She said there was also discussion that the type of traffic that employment areas would bring was less desirable to a residential area and would change the character of those streets.

Chair Simson commented that participants had been asked to quantify Sherwood values in a way that could be duplicated in this pre-concept area and the consultants tried to capture the values that citizens appreciate in our city now. She expressed that one of those things was the feeling that you could take walks around the neighborhoods, like Woodhaven or Washington Hill, within a quarter mile. She noted

that the city had grown in these quarter mile chunks and the alternatives attempted to duplicate those characteristics in the Sherwood West area. Chair Simson stressed the need for people to comment on whether the alternatives represented those values so the City could continue in that direction. She pointed out that people move to Sherwood because of the small town feel and the good schools, both now as in the past.

Ms. Randall directed the Commission to the intersection of Edy Road and Elwert Road in Alternative A and stated it was the most dramatic of the alternatives with a realignment of the intersection into two separate, parallel crossings of the creek. She stated the area was hilly and it would take a lot to bring the roadways up to an urban level of service. She said the area may have some neighborhood commercial nodes and the realignment would help reduce the speeds on the road as well as deter outside residents from using Elwert Road as a bypass. Ms. Randall said Alternative A also incorporated athletic fields, which people said the City lacked, for youth or adult recreation and to be able to host larger regional tournaments. There are parks throughout and the higher slopes had larger lot residential development.

Ms. Randall showed Alternative B and commented it had a more standard configuration for Elwert Road and Edy Road, but would need improvements to bring up the roads to current City standards. She pointed to two school sites in different locations and retained recreational fields, but in a different location. She said the parks would connect to schools and residential and commercial areas with some Neighborhood commercial areas.

Ms. Randall displayed Alternative C. She said staff had received comment regarding the need to have more gateways and larger retail area, so Alternative C had a larger mixed-use retail component at the southern gateway along 99W and some retail at Roy Rogers Road. She said there was a larger school site that could be a single or joint facility depending on the needs of the school district and there was more retail in this alternative, no athletic fields, but retained the parks and natural areas.

Ms. Randall signified that the City's goal was not to receive votes for one of the alternatives, but to gain insight into what people liked about each of the alternatives or what was missing in them. The hope was to get the best of all the options and end up with a hybrid plan that incorporated what people liked from each plan.

Chair Simson pointed out there were barriers in places that cannot be changed, such as the existing power lines. Ms. Randall reminded that the alternatives were a high level view and the areas were purposely not drawn on property lines, saying that those refinements would take place during concept planning.

Ms. Randall indicated that the next steps were to evaluate the draft alternatives and collect community input. In the near future hybrid alternatives would be prepared, phasing plans created for the order areas might be brought into the city, and additional community outreach solicited on those ideas followed by the draft plan being prepared. She said the draft plan would be reviewed by the Planning Commission and City Council. Ms. Randall informed that the next Community Advisory Meeting would be July 30, 2015 and the public was welcome. She asked for people to take the survey. Discussion followed.

Chair Simson moved to the next item on the agenda.

c. Public Hearing – PA 15-03 Backyard Chickens

Chair Simson read the public hearing statement and said the Commission would be forwarding a recommendation to City Council with a tentative hearing date of August 4, 2015.

Michelle Miller, Senior Planner gave a presentation (see record, Exhibit 4) and said the hearing was to present the proposed code amendments on

With no other questions for the applicant, Chair Simson asked for public testimony. She asked first for proponents then opponents then other.

Terrence Miller, Sherwood resident expressed that he was concerned when he first heard about the prospect of having chickens ten feet from his property and was amazed that he had not heard anything about the invasion on his back yard. Mr. Miller stated he walked neighborhoods on Highpoint and adjacent streets where only one other person had heard anything about the chicken issue. He questioned the objectivity or effectiveness of the online survey and commented on how issues were brought before City Council because one person contacts a member. Mr. Miller said he was interested to know how many negative hits were received as well as what percentage that was of Sherwood's nineteen thousand citizens. He asserted that the Archer, Gazette, and an online survey were ineffective ways to find out what people in town think, but the only solution he could think of was a direct mailer on the specific issue with responses returned to a drop box similar to the election box. Mr. Miller commented on the apathy of Sherwood residents and noted the apathy comes from finding out something has been done and they had not heard about it or they don't feel like they are a part of things.

Mr. Miller stated that ten feet was approximately as long as a table and too close to his property line to have chickens. He added that he looked up zoning requirements across the United States pertaining to backyard chickens and very few were ten feet.

Mr. Miller commented on diseases and said he was amazed to find the Center for Disease Control (CDC), Illinois Public Health, Minnesota Public Health, British Columbia Public Health, and Maryland Public Health strongly recommended not to raise chickens where children under five, elderly persons or persons with an impaired immune system were in the house.

Mr. Miller pointed out that in the previous week up to 80 million chickens were slaughtered in five Midwest states because of bird influenza. He said bird influenza could migrate into human form, as it has in Asia, and the World Health Organization was watching, as it was a very big threat. Mr. Miller commented that Salmonella was another threat and said some bacteria and diseases can stay in the soil for over 400 days.

Commissioner Walker thanked Mr. Miller for the information and his efforts to reach his neighbors. She questioned if there was enough outreach and answered that the process began in 2011. She commented that it was a struggle for the Planning Commission to get people involved.

Mr. Miller stated the City needed to try other methods to activate people. He acknowledged that both sides could improve and commented that he saw four chickens walking between houses on the hilltop. He said after speaking to an attorney he learned that if the City had knowledge of the diseases and threats and somebody became sick or died, the City could be sued under Oregon tort law.

Chair Simson commented that she got involved in the community because Clean Water Services was doing something in her backyard and most of commissioners had similar reasons for getting involved. She said it was really hard to get citizens to be engaged. She described the survey as showing the pros and cons of raising chickens, the ratio of people who did or don't want chickens, with about 500 responses. Chair Simson expressed frustration in the lack of input for the Sherwood West with only 150 responses for nearly 1300 acres of land. She said Mr. Miller's comments about apathy were concerning and the Planning Commission had tried all reasonable efforts that were not cost prohibitive like a direct

mailer. She explained that the Planning Commission would have to go to Council, ask for money from the budget and discern how much money taxpayers would want to pay to have individual mailers for every action the Commission takes.

Mr. Miller commented on the apathy by noting that the mayor was voted in by about 5% of the population. He asserted that Sherwood was not a farm town, but an urban commuter community.

Commissioner Walker suggested Mr. Miller apply for the open Planning Commission position. Mr. Miller responded that he had not considered it, but if this were to happen in Berkley, California, the citizens would bring down the house.

Chair Simson commented that she was hoping for more people to show up, because she knew they would hear the Sherwood West presentation.

Carole Miller, Sherwood resident said she became concerned, because of her husband, Mr. Miller's concerns. She said she was impressed with all the time Planning Commission members spent doing research and the efforts taken to try to reach the community, yet she heard about backyard chickens from a mis-sent email from a group that was trying to let their group know about it and push it through. She said her husband started gathering reasons why we should not have chickens in our backyards and stated it was an urban fad. She said three chickens could turn into more, asked who would police it, and how much it would cost to police when chicken populations grow. Mrs. Miller said she thought the police would be pestered and that neighbors would become combative with each other. She said she was most concerned about the disease factor and said there was proven research that chicken manure was full of disease and if a chicken owner did not keep the coops as clean as needed, then that would be spread on the wind, or through rodents, pets, and children. Mrs. Miller expressed her appreciation to have the chance to plead with the Commission to consider carefully their recommendation to City Council.

Robert James Claus, Sherwood resident said he could not get over that 1 of 37 people commented with resulting regulation. He commented about regulating morality and birth control and compared it with the government sticking their noses in people's business. Mr. Claus commented that there were multiple types of chickens; exotic, people friendly chickens. He said the draft regulations had made a job for a planner and would make a job for a policeman. Mr. Claus commented about dog feces at Cedar Brook Way even though there was a leash law and said the police cannot do anything about it. He commented about the number of people involved in the survey and the reasoning for getting involved with the Planning Commission. He commented that Hitler, Napoleon, and Stalin, based their urban planning statutes on "do it my way, or don't do anything" and asked the Commission if they were aware the amendment would require a variance proceeding, because it controlled a structure. Mr. Claus said he did not understand what the Commission thought it was doing expanding the language without finding out what the enforcement issues would be and added that he thought the [code compliance officer] was unable to enforce the sign code or the parking code as there was illegal parking all over town. Mr. Claus suggested a benefit/cost analysis be done; the Commission should ask what it would cost and talk about enforcement. He expressed again that he did not understand why the City was moving forward with legislation. He commented again on the dog feces and unenforced leash law, then added that there were feral cats to the point it was ridiculous. Mr. Claus said that under the city's classification chickens were exotic birds and the City was going to tell people they could not raise exotic birds, turning them into criminals.

Chair Simson noted that **Tim Voorhies** turned in a request to speak form, but left the meeting prior to testifying.

With no other requests to speak she closed the public testimony portion of the hearing and asked for other comments from commission members or questions for staff. None were received. She directed the Commission to the final draft language in Attachment F on pages 1-41-43 of the packet. She pointed to section 6.03.050A Procedure on page 42 and suggested removing the reference to 6.03.040 stating that she thought the City wanted all of the criteria to be followed.

Chris Crean commented that he was discussing this very issue with the Community Development Director and said 6.03.040 did not have any conditions for issuing the license, but ongoing obligations to keep from getting fined. He said to get the license in the first place the criteria were in 6.03.020 and 6.03.030.

Chair Simson asserted that 6.03.020 and 6.03.030 were ongoing conditions because they limited the number of hens, prohibited roosters, had criteria for chicks and set the location requirements of the coops.

Mr. Crean suggested adding a sentence to state that the City will issue the license after determining compliance with 6.03.020 and 6.03.030, because there was nothing in the draft language that said where the criteria for issuing the license was in the first instance, but that one was required. Mr. Crean indicated that this language could be added to 6.03.050A. He suggested adding *the City will issue a license upon determining compliance with 6.03.020 and 6.03.030* and said if the owner could check off all the boxes then the license could be issued. He said he was in agreement with the removal of the reference to 6.03.040 as suggested by Chair Simson.

Chair Simson asked the Commission if they had an interest in passing a recommendation for approval of the draft language, a recommendation it be tabled, rescinded, not considered, or modified in some format. She noted that neighboring communities were more restrictive quoting that Tigard, West Linn and Wilsonville all had one hundred feet from a neighboring houses not twenty-five feet. Chair Simson asked for a general consensus from the Commission.

Commissioner Walker said her inclination was not to approve the code amendments, stating that the people who really wanted the amendments were too few in number and the citizen comments are valid. She said she did not want her neighbor to have a chicken so she could understand how those people felt who said they did not feel represented. She commented on the reasons for denial, especially disease, rodents, pests, would lead her to choose not to recommend approval.

Vice Chair Griffin said he agreed and wondered where the advocates were.

Commissioner Meyer commented that he thought the code amendments should be forwarded with a recommendation for approval to the City Council. He thought some of the comments made in opposition were out of context. Commissioner Meyer clarified the example that the CDC recommended children under five or persons with compromised immune systems not to “handle” live poultry. He said 98% all Salmonella outbreaks from live poultry in the western United States over the last year were because people brought live poultry into the house. He acknowledged that poultry fecal matter did have Salmonella in it and if someone does not take care of the chickens or the coop it could cause disease; but so can a dog run that was full of urine and fecal matter which can smell worse than chickens. Commissioner Meyer related that he grew up on a chicken farm with 3000 chickens and he could understand the reasons for wanting chickens; it is a way to have a sustainable protein source and some

entrepreneurial kid could collect the chicken fecal matter to make and sell fertilizer. Commissioner Meyer thought that there would not be issues if the chickens were properly handled, feed stored property would alleviate issues with rodents and education could be obtained such as information available through the Oregon State Extension Service. He said he could not have chickens on his property because it was too small. He commented that Wilsonville and Tigard had 100 feet setbacks from another dwelling, which he thought was a waste of legislation and rules because it made it impossible to have the chickens. Commissioner Meyer said he was not opposed to more community outreach and he was stunned by the apathy.

Vice Chair Griffin said he talked with people about all kinds of community issues and he had lived in the county and had chickens. He said there were pros and cons on every issue and unlike the dog park that had a great deal of support he did not think there was a big push for chicken regulation. He thought that if there were a lot of interested people, they would fill the room.

Commissioner Walker commented that the Commission tabled the amendment years ago because it was the same type of feeling. She asked City Council Vice President, Sally Robinson, why Council asked the Commission to look at it again.

Ms. Robinson said her understanding was because of the amount of the fee at \$4000 in order to have a chicken and it was that fee that was creating the issue of concern.

Ms. Miller inserted that there were existing rules on the books requiring the raising of chickens to be a Conditional Use Permit costing roughly \$4000 with a hearing process. She said staff receives a lot of inquiries every year about the City's policy regarding raising chickens; staff conveys the policy and people either laugh or are incredulous. She said it was up to the Planning Commission to decide if there should be regulation on the contrary issues to balance them with the community standards.

Commissioner Walker asked for an estimate of how many inquiries were received each year and if the \$4,000 fee was keeping them from having chickens. Ms. Miller responded that she had not kept a tally, but it was at least ten as it was a fairly common question.

Chair Simson advised the new planning commissioners that on occasion the City Council will take an action contrary to the Planning Commission's recommendation and suggested that draft language be forwarded to assist the Council in making an informed decision.

Commissioner Meyer asked if the public hearing was the only format for receiving public input. Chair Simson commented that the citizens had voted on city charter amendments in an election and asked about recommending the backyard chickens amendments be put on the next general election ballot. Discussion followed. Chair Simson commented that the concerns are specific to the person raising chickens and the care given to the animals' maintenance. Commissioner Walker commented on the subjective code compliance difficulties.

Ms. Miller added that she spoke with the code compliance officer about how subjective the rules should be. The code compliance officer indicated he understood Sherwood's standards, which he made determinations on dog cleanliness regularly and he felt the language was clear, giving him flexibility to enforce the Code.

Vice Chair Griffin asserted that he did not feel there was enough push from the public to make the code changes; the Commission was holding a public hearing and nobody spoke in favor of the changes except for Commissioner Meyer.

Commissioner Meyer questioned the idea of putting the code amendments on the ballot and asked if other jurisdictions had used that option.

Ms. Hajduk stated the Planning Commission could make any recommendation they desired because it was a legislative action. She suggested the Planning Commission forward a recommendation with a staff report that indicated that the Planning Commission had considered the draft language and the reasons for not recommending approval with any additional recommendations for the Council to consider. Ms. Hajduk said that there were a number of things that Council could do with the Planning Commission's recommendation including remanding the language back to the Planning Commission.

Ms. Hajduk said the Planning Commission could recommend placing the code amendment on the ballot and reported that the expense for putting it on the ballot varied depending on how many other items were on the ballot. The cost of the election was shared by all the items on the ballot. Discussion followed.

Chair Simson expressed that her concern was that the only reason Mr. Miller became involved was because heard about the backyard chickens survey from a mis-sent email by a chicken advocate group to sway the opinion of the elected and appointed officials and it put the entire survey into suspect when you know there was a group of people driving it. She noted that many of the comments used similar language.

Vice Chair Griffin commented that if those people had come to the meeting it would give credibility to their position. He said the Commission had a lot of testimony to the contrary, but not a lot of pro. Commissioner Walker commented that there was no written testimony either.

Chair Simson repeated Mr. Miller's comment that Sherwood was an **urban commuter community** and said Metro was asking for higher densities in our community. She noted that Sherwood was going from a more rural community to a more urban community and asked why it was opening up to farming activities as it became more urban. Chair Simson said she thought it was a mismatch.

Chair Simson called for a recess at 8:49 pm and asked staff to help craft a motion reflecting the general consensus of the Planning Commission. She reconvened the meeting at 8:59 pm and turned to staff for comment.

Ms. Miller said she reflected on what the Planning Commission deliberated and conveyed that in writing so the City Council had a good idea which direction the Planning Commission went and why. She said that based on the discussion she established some reasons why the Planning Commission was recommending denial. Ms. Miller noted that the Commission was recommending denial based on:

- Lack of support for the proposed language
- Corresponding citizen comments received against the language
- Concern about the diseases that would result should chickens be allowed in our residential communities, and
- Difficulty of enforcing the community standards adequately to prevent harm resulting from raising chickens

Chair Simson commented that not enough people had been informed of it and that there was not a good representation of the community. The code amendments should either pushed forward to a ballot measure or some other avenue that would get a more accurate reflection of whole community's feeling. She said she could envision that not enough people knew about it and all of a sudden chickens come and

then there would be a repeat of when Walmart came; no one knew about it, all of a sudden there are chickens and 150 people are in the room because they did not know the Planning Commission would approve it, even though we had done everything in our normal processes and above. Chair Simson stated she did not want backyard chickens in the code without having an adequate number of citizens aware of the significant change.

Vice Chair commented that normally the Planning Commission moved forward by making decisions because they were prudent and in this particular situation, the Commission did not feel it was prudent to adopt the draft language into the Municipal Code.

With no further discussion the following motion was received.

Motion: From Vice Chair Russell Griffin to forward a recommendation of denial to the City Council for the staff revised recommended proposed code amendment, PA 15-03 Backyard Chickens, based on the applicant testimony, public testimony received, and the analysis, findings and conditions in the staff report with the stated modifications and additions. Seconded by Commissioner Lisa Walker. Chair Simson, Vice Chair Griffin, Commissioners Flores and Walker voted in favor. Commissioner Meyer voted against (Commissioner Alan Pearson was absent).

Commissioner Walker asked to put something could be placed on the lobby reader board about chickens.

7. Planning Commissioner Announcements

Chair Simson recognized Anthony Bevel as a member of the Community Advisory Committee for the Sherwood West Preliminary Concept Plan who came to hear Ms. Randall's presentation. She said Mr. Bevel had been an active participant in the process and thanked him for his time.

Chair Simson asked Council President Robinson if she had any additional comments. Ms. Robinson responded that the Council was looking forward to appointing a new planning commissioner.

Chair Simson announced the Sherwood Robin Hood Festival for the upcoming weekend.

Vice Chair Griffin thanked the community for supporting the summer musical, *Into the Woods* and said over the four nights more than 1200 people attended with perfect weather and the cast did a fantastic job.

8. Adjourn

Chair Simson adjourned the meeting at 9:04 pm.

Submitted by:

Kirsten Allen

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Planning Department Program Coordinator

Approval Date: Oct 13, 2015