
City of Sherwood, Oregon
Planning Commission
November 24, 2015

Planning Commissioners Present:

Chair Jean Simson
Vice Chair Russell Griffin
Commissioner Chris Flores
Commissioner Alan Pearson

Staff Present:

Julia Hajduk, Community Development Director
Josh Soper, City Attorney
Brad Kilby, Planning Manager
Connie Randall, Associate Planner
Kirsten Allen, Planning Dept. Program Coordinator

Planning Commission Members Absent:

Commissioner Michael Meyer
Commissioner Rob Rettig
Commissioner Lisa Walker

Council Members Present:

None

1. Call to Order/Roll Call

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

2. Consent Agenda

- a. October 13, 2015 Planning Commission Minutes
- b. October 27, 2015 Planning Commission Minutes

Motion: From Commissioner Alan Pearson to approve the Consent Agenda, Seconded by Vice Chair Russell Griffin. All present Planning Commissioners voted in favor (Commissioners Michael Meyer, Rob Rettig, and Lisa Walker were absent).

3. Council Liaison Announcements

There were not Council Liaison Announcements

4. Staff Announcements

Brad Kilby, Planning Manager, announced the Cedar Creek Trail project open house, December 3

- Planning Commission Work Session and Meeting, December 8
 - Sherwood West Preliminary Concept Plan (work session),
 - Sherwood Industrial Zone Uses (work session),
 - Parkway Court Plan Amendment and Zone Change,
 - Major Modification on SW Galbreath Drive for Endurance Products, 15,500 sq. ft. expansion
- Boards and Commissions Appreciation Dinner, December 15

Julia Hajduk, Community Development Director informed the Commission that field investigation for the Tannery site had taken place and the samples would be in process at the laboratory.

5. Community Comments

None were received

6. Old business

a. Public Hearing – PA 15-04 Mandel Property Plan Amendment and Zone Change (continued from November 10, 2015)

Chair Simson read the public hearing statement stating the Planning Commission would make a recommendation to City Council for the final decision. She indicated the applicant had twenty five minutes of testimony time remaining, stated that ex parte and bias did not apply and asked for any conflicts of interest. Commissioner Chris Flores was not present at the previous public hearing, but confirmed that he had watched the video of the meeting.

Connie Randall, Associate Planner, gave an overview for PA 15-05 Mandel Property Plan Amendment and Zone Change with a presentation (see record, Exhibit 1). She reminded the commission that the public hearing was continued from November 10, 2015 and the record was left open for seven days to allow for an additional written testimony. She said that Robert James Claus had submitted additional testimony on November 17th which was distributed to the Planning Commission and posted online on November 18th (see planning record, Exhibit F) Ms. Randall stated that Mr. Claus' testimony appeared to be generally supportive of the applicant's request.

Ms. Randall said the applicant was requesting a Comprehensive Plan and Zoning Map Amendment for a 3-acre parcel of land located at the southeast corner of Edy and Elwert Roads from Neighborhood Commercial to Medium Density Residential Low and the subject site was in active farming with an existing single-family residence and an associated outbuilding. She explained that it was part of a larger 21.28 acre parent parcel with an odd cut out area near the property containing a city-owned stormwater facility.

Ms. Randall said the site was bisected from north to south in an arching manner by a tributary to Chicken Creek, creating a pocket of developable land adjacent to Elwert Road. The site was brought into the Urban Growth Boundary in 2002 as part of Area 59 and the Area 59 Concept Plan was adopted by City Council in 2007 which applied the current land use and zoning designations.

Ms. Randall described that Section 16.80.030 of the Zoning and Community Development Code outlined five required findings that must be made to amend the City's Comprehensive Plan and Zoning Map. One was a demonstrated need for Medium Density Residential Low development in light of the proposed use and its importance to the City's economic health, current market demand, and the availability and location of other residential land in the area as well as the general public good.

Ms. Randall noted that this was discussed in the staff report and the last hearing where data from the Housing Needs Analysis, completed with the Sherwood West Preliminary Concept Plan, and the applicant's narrative demonstrated that there were currently 96 acres of buildable land zoned for residential use inside the current City limits; fourteen of those are zoned MDRL. Ms. Randall said an additional 79 buildable acres were located outside the City limits, within the UGB, in the Brookman area, but there was not a lot of available land in the City zoned for Medium Density Residential Low

development. She added that the proposal would create a cohesive residentially zoned pocket of land west of the Chicken Creek tributary that would allow for better site planning and neighborhood design, which is a public good.

Ms. Randall stated the next finding required that the proposal be timely considering available utilities, the development pattern in the area, and changes in the community. She said the staff report demonstrated that water, sewer and stormwater utilities were available and expected to be extended at the time of development. She commented that there was an existing residential development pattern in the immediate area and a substantial change to the community with respect to the transportation network.

Ms. Randall explained that when Area 59 was planned, a local street connection across the Chicken Creek tributary was envisioned which would connect the neighborhood commercial area with the adjacent residential development, but crossing the tributary proved to be very expensive, both financially and environmentally and during the review of the adjacent Daybreak development, the proposed connection between Elwert Road and Copper Terrace was relocated south to avoid the expensive crossing. She mentioned that the cost of making the crossing was estimated at approximately two million dollars which would be borne mostly by the citizens of Sherwood. Ms. Randall said without the vehicular connection, the site would be left isolated from the very neighborhood it was intended to serve. She said the proposal was a timely response to the changed transportation condition.

Ms. Randall indicated that the next finding sought that other Medium Density Residential Low properties were either unavailable or unsuitable for development. She said the lack of land zoned Medium Density Residential Low properties within the City was previously discussed and the only other similarly zoned land was unavailable for immediate development given the three failed attempts to annex property in the Brookman area.

Ms. Randall explained regarding traffic that the proposed residential uses were anticipated to generate 1,860 fewer weekday, peak hour vehicle trips than what could be expected if the site developed with Neighborhood Commercial uses and would not negatively impact any adjacent transportation facilities.

Ms. Randall summarized that the changes to the planned transportation system, as described in the staff report and discussed at the last hearing, had left the site isolated and detached from the very neighborhood it was intended to serve. She said the sole point of access would be on Elwert Road and the site would be oriented in a manner conducive to strip commercial retail development which was not consistent with the intent of the Neighborhood Commercial designation. Ms. Randall stated the proposed amendment would allow for better site planning for a residential neighborhood that could take advantage of the adjacent Chicken Creek tributary, consistent with the goals of the Comprehensive Plan and Transportation System Plan policies.

Based on findings of fact in the staff report, presentation in the Public Hearing, and the conclusion of law based on the applicable criteria, staff recommended the Planning Commission forward a recommendation of approval of PA 15-04 to the City Council.

Chair Simson asked if any commission members had questions. Receiving none, she asked for applicant testimony.

Mimi Doukas, AKS Engineering, representing the applicant, Venture Properties, stated they would wait for rebuttal.

Chair Simson asked for any testimony in favor of or against the application. None were received. She called the applicant for rebuttal.

Ms. Doukas went over comments received at the public hearing the two weeks previous as well as the written testimony. She said that Mr. Claus appeared to be in favor of the zone change and had some other concerns regarding public policy that were a broader subject to be discussed at a different time. Ms. Doukas said Mr. Bevel had concerns about traffic, but as staff had pointed out, traffic would decrease with the proposed zone change as the traffic impacts of Neighborhood Commercial were significantly less with Medium Density Residential Low. She added that this was supported by the Lancaster traffic report. Ms. Doukas noted that Mr. Bevel probably had valid concerns regarding the impact of a large subdivision which was expected for the larger Mandel property. Ms. Doukas explained that the traffic would then be fully analyzed and a full traffic study submitted with the subdivision application which would discuss impacts and any required mitigation and Mr. Bevel would have an opportunity to review the impact of the subdivision at that time.

Ms. Doukas said that aside from transportation the issue goes back to the overall criteria and whether the site makes sense for neighborhood commercial or for medium density residential and as staff pointed out, there was a demonstrated need for Medium Density Residential Low supported by the PNW economic report showing the overall capacity within the city and the demonstrated need. Ms. Doukas said the site was appropriate for residential in terms of topography and urban services and as stated in the last hearing the primary objective of the application now for timeliness was to incorporate the subject site into the larger Mandel subdivision which would be heard by the Planning Commission shortly following the zone change application.

Ms. Doukas pointed out the other side of the question was whether the property was appropriate for Neighborhood Commercial. She noted staff's outlined challenges of Neighborhood Commercial and said the fundamental challenge was that the roadway connection turned out to not be appropriate resulting in no connection for the Neighborhood Commercial to an actual neighborhood; limiting the functionality of what neighborhood commercial really means. Ms. Doukas commented that as a stand-alone site it was challenging; too large for Neighborhood Commercial; not enough demand for that amount of Neighborhood Commercial; beyond what was envisioned in the definition of Neighborhood Commercial within Sherwood's code. She said Neighborhood Commercial was supposed to be closer to one acre sites as opposed to three acre sites, but even so the location was at the edge of the city, and the edge of the Urban Growth Boundary, that access was challenging, and it did not have a neighborhood to serve.

Ms. Doukas stated from that standpoint the applicant thought it was an appropriate site for a zone change and requested a positive recommendation from the Planning Commission on to the City Council. Ms. Doukas thanked staff for their detailed findings, presentation, and teamwork that was appreciated. She offered to answer questions.

Chair Simson closed the public hearing and moved to deliberation. She asked for questions from the commission or a motion to discuss.

Motion: From Vice Chair Russell Griffin to forward a recommendation of approval to the city council for Mandel property plan amendment and zone change (PA 15-04) based on applicant testimony, public testimony received, and the analysis, finding, and conditions in the staff report. Seconded by Commissioner Pearson.

Chair Simson asked for any discussion.

Commissioner Pearson said he normally was apprehensive to make changes Comprehensive Plans. However, things had changed from what was fine in [2007] when the plan was enacted and having the site as commercial was inappropriate. He stated the reason he was reluctant to make changes to master plans was that chipping away at them soon rendered the master plan a weak suggestion. He said there was a reason for master plans, they held goals and ideas. Commissioner Pearson stated the problem in Sherwood was that it was a growing town that was running out of space to grow and one of the reasons the commission was reviewing the application was the fact that Sherwood needed the space and the housing. He said Sherwood needed to make the change to accommodate reality.

Commissioner Pearson said he would view with jaundiced eye changes to certain areas that were totally inappropriate to convert to residential, because the City could not start chipping away at [zoning]. He said Sherwood needed to expand and stop pirating or stealing from designated areas to accommodate growth when it was quite simple. He stated this was an exception to his rule and he would vote in favor of it as it was clearly justified and needed. Commissioner Pearson said he agreed with Mr. Claus however, and had discussed with him in terms of more affordable housing, which unfortunately, this might not accommodate. He said he was not going to let the perfect get in the way of the good, this was the good, and he would vote in favor.

Vice Chair Griffin added that he was a planning commissioner when Area 59 was planned. He said they positioned the school on the property and then tried to figure out the zoning around it. He said it was a broad stroke and he remembered thinking that commercial strip was not only on the edge of the city, but on the edge of the Urban Growth Boundary and he had thought Sherwood would have to grow quite a bit to accommodate it. Vice Chair Griffin said he had wondered how it would progress and agreed with Commissioner Pearson in that this particular case it made sense to make the change, because Sherwood needed more housing and not necessarily three mini commercial plots.

Chair Simson agreed and commented on the planning of the Area 59 Concept Plan where the intent was to connect the commercial land to the neighborhood and said the change in the transportation plan set that particular parcel up for failure as a commercial property. She said it was a significant change that set a bar and a zone change needed thoughtful consideration for the Planning Commission to recommend it. Chair Simson commented that the city had a way to expand residential when including the Brookman or the Sherwood West areas and should not rob all of the industrial and commercial land. She said in this case the piece of property was setup for failure with no connecting transportation.

Commissioner Flores noted possible changes to Elwert Road as part of the Sherwood West Preliminary Concept planning project and the effect it could have on commercial in the area.

Chair Simson noted that the Sherwood West Preliminary Concept planning project was a fifty year plan and said that the Area 59 concept plan was seven years old. She commented that with such a change it seven years was difficult to tell what would happen in fifty years.

Brad Kilby, Planning Manager, noted that one of the earlier versions of the concept plans in the Sherwood West Preliminary Concept planning project showed commercial in the area, but the preferred alternative did not show commercial in the area. He said any commercial outside of the southern portion of Sherwood west would be neighborhood scale commercial.

Chair Simson called for a vote.

All present Planning Commissioners voted in favor (Commissioners Meyer, Rettig, and Walker were absent).

7. Planning Commissioner Announcements

Chair Simson spoke of the planning commission work session on December 8 and the Council and Board Appreciation Dinner on the December 15.

Vice Chair Griffin said there were no plays until the summer.

8. Adjourn

Chair Simson adjourned the meeting at 7:29 pm.

Submitted by:

Kirsten Allen
Kirsten Allen, Planning Department Program Coordinator

Approval Date: Dec. 8, 2015