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**City of Sherwood, Oregon**  
**Planning Commission Meeting**  
**September 13, 2016**

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**Planning Commissioners Present:**

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

**Staff Present:**

Julia Hajduk, Community Development Director  
Bob Galati, City Engineer  
Brad Kilby, Planning Manager  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Commissioner Michael Meyer  
Commissioner Lisa Walker

**Council Members Present:**

Councilor Sally Robinson

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

Chair Jean Simson convened the meeting at 7:00 pm.

**2. Consent Agenda**

**Motion: From Vice Chair Russell Griffin to approve the consent agenda, Seconded by Commissioner Alan Pearson.**

Chair Simson asked for a correction to the July 12, 2016 minutes on page 27 of the packet where “edge” was changed to “property line”.

**All Commissioners voted in favor.**

**3. Council Liaison Announcements**

Councilor Sally Robinson informed the Commission that the City Council had adopted recreational marijuana regulations at the second reading of the ordinance. She thanked the Planning Commission for their efforts. Chair Simson acknowledged the Police Advisory Board’s cooperation regarding the effort.

**4. Staff Announcements**

Brad Kilby, Planning Manager, asked Commissioners interested in participating in League of Oregon Cities training on September 29, 2016 to contact him.

**5. Community Comments**

None

**6. New Business**

Chair Simson read the public hearing statement for all three hearings and stated the Planning Commission's role was to make a recommendation to the City Council. She did not ask for ex parte, bias or conflicts of interest because the code amendments were legislative.

#### **a. Public Hearing – SP 16-03 Floodplain Updates**

Brad Kilby gave a presentation of the staff report (see record, Exhibit 1)

He said that the City was a participant in the National Flood Insurance Program (NFIP) created in 1968. The program allowed affected property owners to have flood insurance on development within the floodplain provided land use regulations were in place to minimize damage. He said the program was administered by the Federal Emergency Management Agency (FEMA) which provided maps, a flood insurance study and other technical information. They started a modernization program in 2007 and decided to adopt the maps in May 2016. Every community in the NFIP affected by the new maps has had six months to ratify the maps and make amendments to the Floodplain Code. Mr. Kilby reminded the Commission of the public work session in July 2016 and explained the proposed edits included:

- Adopting FEMA's revised Flood Insurance Rate Maps (FIRM) that include the Special Flood Hazard Area (SFHA) and shows the location of the community's Base Flood Elevation (BFE), Flood Zones, and floodplain boundaries.
- Amending the (16.10) Definitions in the Sherwood Zoning and Community Development Code as proposed by FEMA
- Recognizing the Flood Insurance Study and accompanying FIRM maps
- Clarifying the purpose of the flood hazard chapter,
- Designating the City Engineer as the local Floodplain Administrator
- Identifying the FEMA notification process that for the Letter of Map Revision (LOMR) and the Conditional Letter of Map Revision (CLOMR) processes.

Mr. Kilby displayed revised maps that showed which areas were added or removed. He said the floodplains in Sherwood were channelized within creek corridors and not a lot of development had been allowed. There are properties impacted by the floodplain and other properties that will no longer be effected, because the base floodplain elevation had gone down.

Mr. Kilby explained the criteria for a plan amendment required an established need and any proposed amendments should be consistent with the Comprehensive Plan, Statewide Planning Goals and Metro regulations that apply. He said that FEMA was requiring adoption or the City would lose the ability to participate in the NFIP program and reported the amendment would not further restrict anybody's ability to use the property outside of how they already were. Mr. Kilby said the amendment was consistent with Comprehensive Plan goals associated with Environmental Resources, Natural Resources, Hazards and Metro's Title 3: Urban Growth Management Functional Plan as it applies to natural resources and Statewide Planning Goal 7: Areas Subject to Natural Hazards. He stated the amendment had to adhere to the Transportation Planning Rule which specified it could not affect the functional classification of any state, county or local street. The proposed changes would not affect the functional classifications any of the roads.

Mr. Kilby said staff recommended the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council. He said staff would be asking the City Council to adopt the ordinance by emergency so it was in affect as of November 4, 2016.

Chair Simson asked if there were properties in the new maps designated within the floodplain that were not previously, forcing them to get flood insurance. Mr. Kilby responded that the most gain was the tannery property owned by Washington County. He said the City had not done a property by property

analysis, but FEMA and property lenders would notify owners that were added to the floodplain. The City will have the ability to provide base flood elevations for property owners to compare against the elevations of any structures. Mr. Kilby said property owners in the floodplain or likely to be impacted by the floodplain had been notified of the public hearing.

Mr. Kilby indicated scriveners' error from the staff report regarding dates and recommended changes on page 44 of the packet to amend the term "manufactured home" to say "manufactured dwelling" in order to be consistent with the flood regulations; elsewhere in the City code they can be referred to manufactured homes. In an effort to be consistent throughout the code he suggested calling it a "manufactured dwelling, house or home". Discussion followed and the suggestion was accepted.

Commissioner Rob Rettig advocated for changes in the definition section of the code to be consistent with FEMA definitions which included:

- Crawl space – amend definition to refer to the subgrade crawl space definition
- Highest adjacent grade – add a definition for highest adjacent finished grade
- Substantial improvement – add a definition

The Commission discussed the changes. Mr. Kilby cautioned the Commission to use the most restrictive option to regulate consistent with FEMA.

Commissioner Rettig suggested changing *Mean Sea Level* to "elevations in relation to the current flood insurance rate map and flood insurance study" and adding "civil engineer or land surveyor" to the Floodplain Survey section (see pages 53-55 in the packet).

Chair Simson asked for a public testimony. None were received.

Commissioner Rettig asked if the Sherwood Zoning and Development code would require preconstruction elevation certification. Mr. Kilby responded that it would be administered through FEMA's process. The City would require proof that FEMA had reviewed and approved proposed development which would involve the City's Floodplain manager's approval.

Commissioner Rettig said elevation certificates were required by some cities to confirm development within the floodplain had been elevated properly. He explained the Planning Department might review the proposal and the certification process took place at intervals during construction. Bob Galati, City Engineer, added that the City did not generally allow buildings within the floodplain itself, so all subdivisions were outside of the floodplain and the only development within the floodplain were properties developed long ago; even then the structures are outside the 100-year floodplain. Mr. Galati said the purpose of the program was to be able to notify homeowners they were in the 100-year floodplain for insurance reasons, because the city and insurance companies needed the certification. Mr. Galati was unsure about requiring new development to certify homes were outside of the floodplain, because the City did not allow development within the floodplain in the first place.

Mr. Galati spoke of the process to build in the wetland and the vegetative corridor which was with the 100-year floodplain and explained there was an extensive permitting process through Clean Water Services (CWS), the Environmental Protection Agency (EPA), DEQ, and the Army Corps of Engineers. He said the Commission wanted to require elevation certificates staff should decide which properties were included. He did not think certificates should be required for every home, but based on encroachment into wetlands or floodplains. Mr. Galati acknowledged Commissioner Rettig's comment that other communities required the certifications; particularly in areas that were flat, where floods could go a long way.

Chair Simson asked if the other jurisdictions were asking for the certification from every developer on every lot or just lots that were identified in the floodplain. Commissioner Rettig responded that it was

subjective to staff and gave examples from Salem, Lake Oswego, Tualatin, Portland. He said Sherwood was not a high risk floodplain community in his opinion.

Mr. Galati commented that the City's requirements for keeping developments outside of the vegetative corridor, which extends even further than the flood plain, usually prevents building within the floodplain from occurring. He said it could be left to cases where development impacted the floodplain in the off case that it occurred.

Brad provided the proposed definition for the highest adjacent finish grade as "the highest adjacent elevation of the finished ground surface post construction".

Chair Simson clarified that the proposed definitions and information from FEMA provided by Commissioner Rettig would be included in the final draft.

The following motion was received.

**Motion: From Vice Chair Russell Griffin to incorporate the discussed edits into the document. Seconded by Commissioner Alan Pearson. All present Planning Commissioners voted in favor.**

Chair Simson closed the public hearing. With no other comments from staff, the following motion was received.

**Motion: From Vice Chair Griffin to forward a recommendation of approval to the City Council for SP 16-03 Floodplain Updates based on the applicant testimony, public testimony received, and the analysis, findings and conditions in the staff report with the afore mentioned modifications. Seconded by Commissioner Alan Pearson. All present Planning Commissioners voted in favor.**

Chair Simson moved to the next items on the agenda. She said the next two items would have to be voted on separately, but as they were similar in purpose and proposed language they would be presented by staff together. The public hearing script read for the previous hearing applied.

**b. Public Hearing – SP 16-06 Stormwater Master Plan Update**

**c. Public Hearing – SP 16-03 Sanitary Sewer Master Plan Update**

Brad Kilby, Planning Manager gave a presentation of the staff report (see record, Exhibit 2) and said the purpose of a master plan from a high level was to review and assess the functionality of the entire system for each of the master plans, evaluate the existing system, identify current and future system deficiencies along with recommendations to fix them, and to provide planning level costs information to allow the community to prioritize the projects and place them into a Capital Improvement Plan (CIP).

Mr. Kilby stated the required findings for a plan text amendment were to show an established need and said the last time the master plans were updated was nine years ago, in 2007. Utility master plans are updated on a regular basis as well as the Comprehensive Plan. He commented that even though the master plans have been updated, the City's Comprehensive Plan had not been updated since the 1990s and his hope was to move into the Comprehensive Plan amendment process and simplify the language to adopt the master plans by reference and as appendices to the Comprehensive Plan. Mr. Kilby wanted to ensure the next Comprehensive Plan was a usable and an easily read document by the public without minutiae that the public might not know where to find the information. He said there was an established need for the proposed code amendments, furthered by the fact that the City Council authorized contracting with a consultant to update the plans.

Mr. Kilby informed the Commission the plans had to be consistent with current language of the applicable codes; Comprehensive Plan, Transportation System Plan and any applicable State or City regulations, which were Goal 1-Citizen Involvement, Goal 2-Land Use Planning, and Goal 11-Public Facilities and Services.

Mr. Kilby added that there had to be a finding that the proposed amendment was consistent with the State Transportation Planning Rule which specified the associated improvements would not affect the functional classification of any road within the local, county or state system.

Bob Galati, City Engineer and Michael Carr from Murry Smith and Associates presented an overview of the master plans (see record, Exhibit 3). Mr. Galati said master plans were periodically updated so the City had a complete list of projects to include in the current CIP project listing for budgeting efforts.

Michael Carr, Principal Engineer at Murray Smith and Associates stated the presentation would be similar to the one presented at the work session in July. He said the two different plans were developed in parallel, because there was a lot of data that went into both plans. He explained that master plans described the existing systems, discussed criteria for evaluating the systems, and analyzed and identified how the existing system was performing. The analysis looked at the twenty year, or “build out” scenario, a scenario where all study areas have been built out, in order to find deficiencies in the system and improvements needed to solve those deficiencies.

Mr. Carr said assumptions were used to develop a Capital Improvements Plan which included all capital improvements that needed to happen to get to build out. He related the Master Plans developed tools for staff, Planning Commission, and citizens to understand what was going to happen and the basis for determining cost of service. He reported that to ensure the priorities placed in the plans reflected the values of the community comments were taken through a public process and by working with staff.

Mr. Carr detailed that information in the plans started with a study area of the city limits, the Brookman Concept Area, Tonquin Employment Area, and a few lands outside of the city limits in the Urban Growth Boundary (UGB). He said it did not include urban or rural reserve areas. He explained part of the study was to consider population growth over the twenty year study period using Metro data and to estimate a build out population. He noted the build out population was a guess, but allowed prioritization of the improvements to be made based on how the city grows.

Mr. Carr reported on the Sanitary Sewer Master Plan and said staff looked at existing system deficiencies relative to capacity. There are very few deficiencies for capacity with the existing system as it was relatively new and has been built to standards. He pointed out most of the facilities projected to have deficiencies for capacity were regional Clean Water Services facilities; large trunk sewers adjacent to Cedar Creek, Rock Creek and interceptors downstream from the pump stations.

Mr. Carr recounted that the City has been doing an extensive investigation of the condition of the existing sewer system through CCTV (closed-circuit television). He showed a summary of the conditions and improvements that needed to be made based on an inventory done by Public Works and said the system was in very good shape with a concentration of areas that had issues in the old part of downtown and a segment on Rock Creek. There was a list of recommended capital improvements for the build out that encompassed both capacity improvements and condition improvements required.

Mr. Carr showed a table of cost estimates for Capital Improvement Projects where capacity and condition improvements have been identified and prioritized in short term (0-5) and long term 6-10, 11 -20 years based on how necessary the improvement was and if it was related to growth areas. Capacity improvements were at \$5.6m, condition improvements at \$5.2m with a total cost at about \$11m in the CIP over the life of the study.

Mr. Carr reported that a similar analysis was done for the Stormwater System Plan which showed the existing condition of the stormwater system also in very good shape. Most areas are relatively new with pockets of issues related to condition south of Oregon Street in some of the older neighborhoods. He stated there were five stormwater basins, most of which either drain to Cedar Creek or Rock Creek with a couple of segments draining directly to Chicken Creek or Coffee Creek.

Mr. Carr explained an analysis of capacity deficiencies was done using a 25 year storm event and there were no capacity deficiencies in the city. A sensitivity analysis showed some areas more prone to flooding than other parts. He displayed a map showing the risk levels relative to other places in the city; locations were identified through the hydraulic model as being a higher risk of flooding relative to other areas.

Mr. Carr said recommended condition improvements and capacity improvements addressed stormwater quality facilities in places where they either did not exist or would need to be improved. Because of newer regulations for hydro modification, a number of spots where improvements needed to be made for stormwater had been identified. The CIP total cost estimate was \$5.2m; roughly half going to condition and the stormwater management part of improving water quality.

Mr. Carr asked for questions from the Commission.

Chair Simson asked if the capital improvement cost estimates for the stormwater was the cost for the city or if it included the cost to developers for development; if there were additional costs, not represented on the CIP, because the developer would construct their own infrastructure. Mr. Carr responded that the cost to developers was not considered. Mr. Galati agreed and said the master plan also identified areas where regional water quality facilities would be beneficial rather than providing for individual water quality treatment for larger areas.

Chair Simson referred to page 2-3 in the stormwater master plan that showed a list of zoning and planning area summaries. She said asked about the zero acres of open space noted for the Brookman area and the Tonquin Employment Area. Mr. Carr said the wetlands were inventoried off of GIS data provided by Metro and the inventory of the natural resource areas shown on Figure 2-7 reflected the wetlands data in the table from the national wetlands inventory data. He acknowledged there were probably wetlands in the riparian areas in the Brookman area, but they were not noted in the national wetlands inventory.

Chair Simson commented on definitions for wetlands or riparian and said she thought there must be wetlands in the Brookman area even though the only wetlands defined in the city were part of the Tualatin River Wildlife Refuge and the wetlands associated with the area.

Mr. Galati said wetlands in relationship with stream corridors were different when talking about stormwater runoff and treatment. The focus was on where the stream corridors were, because that was where water was discharged to. Generally there are no wetlands in the stream corridor. He said a wetland was generally the area outside the stream corridor or riparian area; there were a few places that fit the category where groundwater comes up and creates a wetland effect and show up on the map as an area outside the stream corridor. He said Brookman had wetlands that are part of the stream corridor and defined as such.

Chair Simson expressed concern that the national wetland inventory stopped at the city line. She said the city could define wetlands as they liked and note zero wetlands if they wanted, but those areas were non-developable gross acreage used to come up with base number for population. Logic said wetlands and open spaces that could not be developed should be applied to both areas. So the chart seemed skewed by the misinformation. Chair Simson noted the blue hash marks that delineated the wetlands on Figure 2-7 did not extend south passed the city limits into the Brookman area. She said the chart shows the non-developable acres as zero, but anyone who had been to Brookman or the TEA would know there was quite a bit of area identified as green space. Areas set aside due to steep terrain and floodplains. She suggested a statement acknowledging that the non-developable acreage did not change the master plan

Mr. Carr said it appeared different designations were used for inside the city limits and for the conceptually planned areas. He believed it had to do with the definition of open space and who mapped those designations.

Brad Kilby commented the City did not specifically zone for open space in concept plan areas. He said the question was relevant and gave the example of trying to calculate the develop ability of a raw piece of land where generally 20-25% of the land was taken out for roads, parks, open space and resource protection without any type of survey information. He said the cost estimates could be lower than represented, because less stormwater would not have to be treated.

Mr. Galati replied there was the cost based on the condition and the cost of providing treatment within the urban growth area where it was not currently provided or upgrading existing treatment sites. He questioned the consultant if the cost of constructing wetland facilities or regional wetland facilities was included in the sum total of the growth areas.

Mr. Carr responded that it does not appear so. Those costs were removed because they were developer covered costs that would not be included in either a rate or a System Development Charge. Mr. Galati clarified the overall cost estimate would not change, because they were not included in the cost to the city as part of any type of development. He confirmed to the commission that any regional facility in the Brookman and Tonquin Employment Areas were going to be development paid.

Mr. Galati explained the developer would construct a regional facility and get credit for their cost of providing the treatment if they oversized the facility to provide a regional facility. They would be reimbursed by other development which would pay into it and the original developer would get a cost of construction reimbursement.

Chair Simson commented the net to the city would not change, because there would not be a change in the undeveloped areas.

Mr. Galati concurred and said the cost for the master plan were taking the existing system and trying to repair it or provide treatment to those areas that were untreated. Not necessarily in areas where development would occur.

Chair Simson said there were no excluded open spaces in either the stormwater or the sanitary sewer master plan. Mr. Galati said the sanitary sewer might make a difference and would have to be checked. Chair Simson commented that if there was 25% less development in Brookman it would change the number and sizing required further downstream at the sanitary pump station on 99W.

Mr. Galati said the numbers for the sanitary sewer would have to be confirmed. He did not think it made a change in the stormwater, but he did not know how the sanitary sewer would be impacted by less development. He said providing service to the Brookman area on the sanitary was development driven except for the oversizing which would provide for future capacity for future extension of areas outside of the Brookman area such as the Sherwood West Preliminary Concept Plan area. The city planned for it, but it was not included in the cost. He added that most of the TEA would be development driven to provide service internal to the site. There was a spine that has been upgraded and can provide service to the area. How that gets extended would be development driven.

Mr. Galati explained the main rock creek sanitary trunk was already being done by CWS to a point and there was a section that the city has to upgrade within the city limits, but those funds would come from Clean Water Services, because it was an upgrade to a system from an 18 to a 24 inch lines and we would use CWS SDC fees to pay for that.

Chair Simson called for public testimony. None were received. She called for a recess at 8:32 pm and reconvened at 8:38 pm.

Brad Kilby, Planning Manager, proposed to continue to September 27, 2016 to give the applicant an opportunity to go back and look at the information so the Planning Commission could be sure that their recommendation to council was based on accurate data.

Chair Simson asked if the delay would have a negative impact. Mr. Kilby responded that it would go to City Council on October 4, 2016, but the Council would want to ensure the information was correct. Mr. Galati said they would provide technical data that either confirmed there was more information to be added to the plan or that there was no additional data with an explanation. Overall he did not think it would impact stormwater, but with sanitary sewer the city was more conservative with the estimates and would not negatively impact the overall recommendation.

Chair Simson went over concerns in the staff report. She clarified the date of the public on page 99 of the packet and commented on the code language on page 103. She said for historical purposes the statement regarding the lack of sewer treatment in Sherwood in the general introduction was part of the city's history and did not think it should be removed. On page 107, 116 the two sections were written in different verb tenses.

Chair Simson noted other jurisdictions comprehensive plans showed a list of revisions for historical purposes. Mr. Kilby responded that such edits are noted on City maps and Sherwood Zoning and Community Development Code. He said the issue was that the Comprehensive Plan had always been written and administered by in-house staff, but the Municipal Code was done by a professional code publishing company. Staff will incorporate revisions into the Comprehensive Plan update.

The following motion was received.

**Motion: From Commissioner Alan Pearson to continue the hearings to September 27, 2016 to be able to provide additional required information. Seconded by Vice Chair Griffin. All present Planning Commissioners voted in favor.**

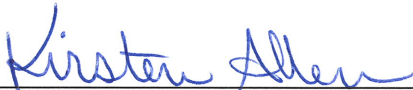
#### **7. Planning Commissioner Announcements**

Councilor Pearson encouraged Planning Commission Members to join him and Commissioner Flores at the training on September 29, 2016.

#### **8. Adjourn**

Chair Simson adjourned the meeting at 8:48 pm.

Submitted by:



Kirsten Allen, Planning Department Program Coordinator

Approval Date: October 25, 2016