
City of Sherwood, Oregon
Planning Commission Minutes
April 9, 2013

Commission Members Present:

Chair Patrick Allen
Vice Chair James Copfer
Commissioner John Clifford
Commissioner Russell Griffin
Commissioner Jean Simson
Commissioner Lisa Walker

Staff Present:

Tom Pessemier, Assistant City Manager
Julia Hajduk, Community Development Director
Bob Galati, City Engineer
Brad Kilby, Planning Manager
Michelle Miller, Senior Planner
Kirsten Allen, Planning Dept. Program Coordinator

Commission Members Absent:

Commissioner Michael Cary

Council Liaison

Mayor Bill Middleton

Legal Counsel Present:

Chris Crean

1. Call to Order/Roll Call

Chair Patrick Allen called the meeting to order at 7:03 pm.

Chair Allen welcomed our new Planning Commissioner Jean Simson who has returned after two years absence and stated that the City Council had also re-appointed him for another term. Chair Allen announced that he was running for a Sherwood School District Board of Directors position unopposed and he would step down as a Planning Commissioner in July when that term begins.

Chair Allen skipped to Council Liaison Announcements.

2. Council Liaison Announcements

Mayor Middleton informed the Commission of some staffing changes. The vacant position of Planning Manager left open when Julia Hajduk became Community Development Director has been filled by Brad Kilby and Michelle Miller has been promoted to Senior Planner.

Julia commented that she will continue to attend Planning Commission meetings where possible.

3. Agenda Review

The agenda consisted of the Consent Agenda and the continued public hearing for the VLDR PUD Text Amendment (PA 12-04).

4. Presentation

Chair Allen presented a Certificate of Appreciation for former Planning Commissioner Brad Albert who served on the Planning Commission for four years with his term ending in March 2013 including a term as vice chair. Mr. Albert was unable to make it to the meeting.

5. Staff Announcements

Planning Manager, Brad Kilby discussed with the Commissioners membership with Planners Web an online City and Regional Planning Resource. Brad commented that if any of the Commissioners

were interested in training to let staff know. Chair Allen commented that there was training available with the Planning Institute in the fall. The Commissioners asked questions about the information available and showed interest in using the resource.

Brad informed the Commission that staff has discussed zoning options with Metro regarding a Planning Commission to look at area business or industrial park and ways to rezone these title IV areas which are protected as employment lands by Metro to “entrepreneurial zones” that will look at them more to serve as incubators to grow a business until it can build elsewhere in the community. There may be a limitation on size or use but an area to foster new businesses in Sherwood.

Brad apprised the Commission of a possible joint Planning Commission and City Council meeting for June 4, 2013 regarding the Town Center Plan. Michelle Miller, Senior Planner said that the Town Center project was nearing completion and by June 4th we should have the implementation report and the draft Town Center Plan and we may be having a joint session with the Steering Committee and the City Council to discuss any issues about the town center. Prior to that, in May there will be a couple of sessions to hear what the Stakeholder Advisory Committee and Technical Advisory Committees have thought about the Plan and a May 14th meeting in a listening session format to talk in depth about Town Center and to hear from the public.

Brad added that the May 14th meeting will also include information about the SW Corridor Project.

Brad reminded Commissioners to submit their Statement of Economic Interest (SEI) to the state by the deadline on April 15, 2013.

Chair Allen returned to the Consent Agenda item.

6. Consent Agenda

a. February 26, 2013 Planning Commission Minutes

Chair Allen suggested a change on page four of the minutes changing the word “zone” to “its own”.

Motion: From Vice Chair Copfer to accept and approve the minutes from February 26, 2013, as corrected. Seconded by Commissioner John Clifford. All present Commission members voted in favor (Commissioner Cary was absent).

7. Community Comments

There were no community comments.

8. Old Business

a. Public Hearing – PA 12-04 VLDR PUD Text Amendment (continued from February 26, 2013)

Chair Allen confirmed with counsel that no disclosure statement needed to be read as the Commission was in deliberation and asked if any of the Commissioners wished to recuse themselves. Commissioner Lisa Walker recused herself and stepped down from the dais.

Chair Allen clarified that legal counsel had been consulted and Commissioner Jean Simson, who testified on this matter before she was appointed to the Planning Commission, would be able to

participate because it was a legislative matter and she does not have any conflicts of interest. Commissioner Simson elected to participate in the deliberation.

Senior Planner Michelle Miller gave a presentation (see record, Exhibit 1) and said that the Commission was in the deliberations phase for the VLDR PUD Text Amendment. Michelle reminded the Commission that there was an application to amend the Very Low Density zone for planned unit developments and testimony was taken at the first hearing held on January 8, 2013. She said that the Planning Commission wanted to consider more elements of the SE Sherwood Master Plan, staff was asked to create proposed language, and the hearing was continued. Michelle indicated that the record was reopened at the February 12th hearing for citizen comments and the hearing continued to February 26th. VLDR property holders were re-noticed about a hearing held on February 26 where the Commission heard the amended language, closed the record and began deliberation.

Michelle said the Planning Commission would forward a recommendation to Council on the proposed amendment and showed a map with the location of the VLDR zoned property. She outlined the three alternatives discussed by the Commission at the previous meeting.

Alternative 1: Update SE Sherwood Master Plan

- SE Sherwood Master Plan information has changed
- Renew the discussion between residents and developers
- Opportunity to get a comprehensive plan developed for area

Alternative 2: Recommend Denial

- Planning Commission did not have clear opinion for recommendation to Council
- A consensus could not be reached that the amended language was beneficial
- Presented alternative language did not capture community consensus
- Contaminated soil issue should be resolved

Alternative 3: Recommend Amended Language

- Keep 10,000 lot minimum for Planned Unit Developments
- Allow net density of 4 units per acre if factors identified in the SE Sherwood Master Plan are complied with
- Amended language was in the April 9, 2013 meeting packet

Michelle showed a graphic that illustrated Alternative 3 and an example of how the language is interpreted. The example used 3.09 acres and reserved land for open space, roadways, and a water quality facility. This resulted in a net density of 2.26 acres with eight units or 3.54 dwelling units per acre. Michelle explained that with the VLDR zone there are some environmentally constrained areas and said that the Denali subdivision (see PUD 11-01) had roughly 36% of the site taken out because of portions that were environmentally constrained or not buildable. She commented that it would be difficult to achieve four units per acre in this area.

Chair Allen asked about providing language that allowed either 10,000 square foot (sf) lots **or** four units per acre instead of 10,000 sf **and** four units per acre. Discussion followed.

Commissioner John Clifford asked if the water quality facility size could be reduced by incorporating green streets or storm water management along the streetscape.

Bob Galati, City Engineer answered that the City of Sherwood has not officially adopted green street standards. Green streets are used in a portion of the City to help understand the impacts before they are adopted. Bob said that Clean Water Services has bioswale treatments and low impact development could be used to reduce the size. He said a regional water quality facility that could handle the lot sizes and the street impervious area could also give a little more room.

Commissioner Griffin commented that the Rychlick Farm subdivision has lots ranging from 5000 to 12,000 sf and said there might be somebody who would like to live in the VLDR but did not want 10,000 sf of lawn. He asked if there was a way to scale the lot sizes so that the average is 10,000 sf and asked regarding the lot sizes of the Denali subdivision.

Michelle answered that all the lots in the Denali subdivision were above 10,000 sf and explained that sometimes with a Planned Unit Development they do lot averaging, however the issue was the minimum allowed.

Vice Chair Copfer commented that it was important to continue with a 10,000 sf lot size for current residents.

Commissioner Clifford asked if a percentage of the lots could be under the 10,000 sf threshold.

Michelle responded that it would be up to the Planning Commission to structure the code language.

Vice Chair Copfer commented on the complexity of trying to word the code and advocated leaving the threshold at 10,000 sf.

Commissioner Simson commented that the area was comprehensively zoned, and maintained that zone since the eighties or nineties, with the expectation that the lots would be 20,000 to 40,000 sf lots. She said she believed that when that VLDR zone was made, it was in a comprehensive manner encompassing the City of Sherwood adding that while 10,000 sf is large to some people, 20,000 sf lots is what was expected.

Commissioner Griffin asked if the Commission was moving away from the SE Sherwood Master Plan.

Chair Allen said he maintained that the right thing to do was to revisit the SE Sherwood Master Plan and take that process to conclusion, but that was not what was before the Commission. He said that [Alternative 3] was not an implementation of the SW Sherwood Master Plan because many conditions have changed and many pieces contained in the Master Plan are not contained in the alternative. Discussion followed.

Chair Allen confirmed that all of the commissioners agreed with the 10,000 sf minimum lot size and acknowledged Commissioner Griffin's previous comments regarding an average lot size. Chair Allen asked for a consensus regarding the maximum density of four buildable units per acre; recognizing the math discrepancy between 10,000 sf lots and 4 units per acre. He asked if the commission wished to resolve the discrepancy. Discussion followed.

Michelle said that while four units per acre would be difficult, it was possible to get close. She gave the example of Denali that had a net buildable area of 1.99 acres that used 10,000 sf lots (1.99 acres

x 4 units per acre = 7.96 units). Michelle submitted that other properties in the area might have similar conditions.

Chair Allen commented that four units per acre may not be the inconsistency he thought it was.

Vice Chair Copfer asked if a 10,000 sf minimum could be side stepped if the language allowed four units per acre.

Chris Crean answered that both criteria would have to be met.

Chair Allen looked to the commissioners for agreement.

Commissioner Simson asked for confirmation that all of the alternatives would be sent to City Council and it was possible that Council could make the decision to fund revisiting the SE Sherwood Master Plan.

Michelle explained that the recommendation to Council would discuss three alternatives in detail with a final recommendation from the Alternatives selected by the Commission.

Chair Allen commented that the Commission wanted Council to know all of the issues considered in addition to the recommendation and to give a range of what could be done.

Chair Allen asked which alternative Commission members preferred. Commissioners Copfer and Clifford opted for Alternative 3.

Commissioner Simson indicated she would vote for Alternative 2; that having been involved with the SE Sherwood Master Plan she understood that what was being done was not a win. She said that taking one piece out of the plan seems like piecemeal planning and expressed her concerns that the City was not protecting that part of our community that we tried to plan for.

Commissioner Copfer asked Commissioner Simson to explain why she would vote for Alternative 2, because he was not present for the SE Sherwood master planning.

Ms. Simson explained that the SE Sherwood Master Plan was months of deliberation, that brought in the people involved in the community to see what the constraints were with that environment. She commented that her perception was that the neighborhood wanted to maintain a livability that encompassed larger lot sizes, buffer zones, and large open space dedications with parks. At the time there was a large dedication of an area with trees, but subsequent to [the SE Sherwood Master Plan] the treed area went away and contamination was found. Ms. Simson said the area has changed significantly and she did not feel comfortable trying to move forward a part of a master plan that was not completed. She commented that she understood that in order for the land to be developed the City needed to do something and Council has a difficult decision of answering that.

Chair Allen said he would be in favor of denial if there was something on the horizon to revisit the SE Sherwood Master Plan. He said that the conundrum was that there is hazardous waste to be remediated and infrastructure that has to be financed; a denial would not make any progress. Chair Allen commented that there will likely be some remediation and infrastructure resulting from Alternative 3.

Commissioner Clifford said that it could take a considerable amount of time for Alternate 1 to become part of our code; whereas Alternate 3 provides some teeth to the Master Plan as part of the language in the code.

Chair Allen commented that Alternatives 1 and 3 are not incompatible with each other, and Alternative 3 may not be sufficient to promote development. He said a recommendation helps to highlight the issues for Council to consider and that the City was at the beginning of the budgeting process, may be timely.

Commissioner Griffin said he would be okay with Alternative 3 if the Council said that it was an area of Sherwood that they wanted to protect because it is unique and that is why it was zoned VLDR all those years ago. He said if the development is compatible with what is in the area then he saw it as a plus. Commissioner Griffin said he could vote for Alternative 3.

Vice Chair Copfer and Commissioner Clifford said they could agree on Alternative 3; Commissioner Simson said Alternative 2.

Chair Allen asked if there was anything else the Commission should manipulate before moving to a motion.

Commissioner Simson commended on staff's ability to capture the Planning Commission's intentions and in trying to relate them to Council as options.

Motion: From Vice Chair Copfer for the Planning Commission to send a recommendation to Council for Alternative 3 for PA 12-04 VLDR PUD Text Amendment. Seconded By Commissioner John Clifford.

Chair Allen clarified that the Commission was sending the Staff Report on to Council with a full discussion of the three alternatives outlined with the Commission's recommendation to select Alternative 3.

Chair Allen, Vice Chair Copfer, and Commissioners Clifford and Griffin voted in favor, Commissioner Simson was opposed (Commissioner Walker had recused herself and Commissioner Cary was absent).

9. Adjourn

Chair Allen adjourned the meeting at 7:51 pm.

Submitted by:



Kirsten Allen

Planning Department Program Coordinator

Approval Date: May 14, 2013