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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**January 10, 2012**

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**Commission Members Present:**

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

**Staff:**

Julia Hajduk, Planning Manager  
Michelle Miller, Associate Planner

**Commission Members Absent:**

Chair Allen  
Commissioner Copfer

**Council Liaison – Councilor Clark**

1. **Call to Order/Roll Call** – Vice Chair Albert called the meeting to order.
2. **Agenda Review** – the agenda consisted of the consent agenda and PUD 11-01 Denali PUD
3. **Consent Agenda** – June 28, 2011, September, 13, 2011, September 27, 2011 work sessions and November 8, 2011 business meeting minutes. Commissioner Walker noted that on the November 8<sup>th</sup>, 2011 meeting minutes she and Commissioner Copfer are shown as both being present and absent. Review of the audio recording of November 8<sup>th</sup> clarifies that Commissioner Copfer was present and the Commissioner Walker was absent. Commissioner Walker made a motion to adopt all of the consent agenda items being reviewed. Commissioner Griffin seconded the motion. Vice Chair Albert asked for a vote. All present were in favor and the motion passed.
4. **City Council Comments** – Councilor Clark gave an update of City Council’s recent meeting include mentioning that Zoe had presented information on the code clean-up.
5. **Staff Announcements** – Julia expanded on Councilor Clarks comments by saying the Council did approve the “temporary uses and outdoor sales” proposed changes. One minor change was made to clarify that food carts are not permitted as temporary uses other than through a special event permit process.

Julia reminded the Commission of the joint work session with the City Council coming up.

As a follow up on the code cleanup project, Julia noted that neighborhood meetings were one of the new requirements and recently there was a neighborhood meeting held for a subdivision in area 59 that had 20 people attend.

6. **Community Comments** – none given

## 7. New Business – None

## 8. Old Business

### a. Denali PUD, PUD 11-01

**Vice Chair Albert** opened the hearing for PUD11-01. Commissioner Albert asked if anyone had new ex parte contact, bias or conflict of interest that needed to be disclosed. Commissioner Walker recused herself from the hearing as she had testified in the previous meeting and could have a conflict of interest. Michelle started with a recap of the project so far. At the previous hearing on December 13<sup>th</sup> the record was left open for written comments until December 27<sup>th</sup>. Exhibits N, O and P have been added since the previous meeting. Julia explained that an e-mail was received from a citizen asking about the potential to testify at tonight's meeting. A review was done of the video tape and verified that the verbal testimony portion was closed. The Commission discussed the issue and decided to keep the record closed. It was pointed out that once the Commission makes a recommendation to the City Council, the Council will hold a hearing and new testimony will be allowed there.

As the public hearing portion of the meeting was closed to public testimony and the previous meeting was continued, Kirsten Van Loo was now able to present the applicants rebuttal. She addressed the Commission on behalf of the owner. Recapping the previous meeting she reiterated that everyone is aware that there is environmental contamination on the site that is being managed and watched very closely by many agencies. In response to the question regarding extending Denali Lane to Ironwood Lane she explained that every option shown on the Master plan shows Denali connecting to Ironwood. Staff, including the City Engineer, have all recommended that the connection be made. The State Transportation Planning Rule requires this connection. Kirsten also addressed concerns expressed by Roger and Lisa Walker. They will meet with the Walkers between the hearing at City Council and their final development plan which will come back to the Planning Commission. The number of lots ultimately allowed will greatly affect how their concerns can be addressed.

The one issue she sees left to be solved is the number of lots that can be approved. She referenced density calculations explained in the Southeast Sherwood Master Plan. She also referred to a resolution that was adopted several years ago. She feels that the Planning Commission has the latitude to follow through with the original resolution and to instruct staff to make a finding that says for PUD's in the area of the Southeast Sherwood Master Plan in conformance with the resolution we need to approach the issue of density as specified in the resolution.

Conversation and deliberation continued between Kirsten and the Planning Commission including discussion of contaminated soil placement and lot sizes.

Vice Chair Albert closed the hearing and referred to Michelle for final staff comments.

Michelle explained how Staff arrived at the density calculation being proposed and options that the Planning Commission could consider. She advised that the decision should be made based on the existing code rather than a proposed resolution. Staff recommends using the buildable square footage of lots 1 through 8 plus a portion of the buildable amount of tract A to calculate the net density of a maximum of 6 lots allowed on the site. Staff concurs with the

applicants' statement regarding the contamination and that DEQ's oversight satisfies that condition. The general layout is in conformance with the Master Plan with the connections of Denali and Ironwood Lane.

Staff recommends that the Planning Commission forward a recommendation of approval to City Council of the 6 lot subdivision with the conditions of approval outlined in the amended Staff Report.

Vice Chair Albert asked if there was a section that would allow economic viability to be considered as a factor. Michelle pointed out that the special density allowance is the discretion that can be used for considering environmentally constrained areas.

In closing deliberation Commissioner Griffin spoke strongly in favor of allowing more than 6 lots being approved and what the intent of the earlier resolution was. It was discussed how they could go about approving this within the current code, including the potential for making a code amendment.

Vice Chair Albert agreed with Commissioner Griffin, however does not see how to get to the increase in lots allowed without the resolution. He is curious about how extensive the study was that was done for the master plan. At this point he still does not feel they can approve anymore than 6 lots. If they make findings that would allow more than 6 they would have to come up with a way to direct staff to make the change. Commissioner Griffin asked if they want to allow more, how do they go about doing that.

Michelle responded by explaining they could recommend using the gross density for Planned Unit Developments in support of the resolution written earlier.

Commissioner Cary also agreed with Commissioner Griffin, but feels restricted by the current code. He sees that it is a pretty reasonably drawn out plan, but not in line with the master plan. He feels six should be the minimum number, and wants to recommend what will be best for the City. He asked too, how can they justify they more lots being allowed.

Commission Clifford agreed with Commissioner Griffin, that 8 lots would be preferred. He sees it as an opportunity to bring development that would add significance to the City. 7 lots may be better as it would allow more open space, but agrees that 8 lots would work well and would like to see the project come through.

The general consensus was to allow more than 6 lots, but it was not clear how to reach that recommendation.

Michelle suggested to the Commission that by reviewing the VLDR (Very Low Density Residential) and PUD purpose and objective statements within the code it could illustrate that this is a development that satisfies all of those criteria: it satisfies the minimum lot size of 10,000 sq. ft., it satisfies the open space requirements and the connectivity issues of the Southeast Master Plan, and making findings based on those.

Michelle suggested some wording for the findings: the Planning Commission recommends that the Council interpret that, consistent with the Southeast Master Plan vision, the Very Low Density residential purpose and the best interest of the community, gross density is an appropriate method for calculating density for this particular subdivision.

Vice Chair Albert reiterated his opinion that this recommendation would be going against the code and that density is spelled out in the code language and how it is calculated.

It was determined that Staff would prepare more information and findings that may allow the Commission to potentially recommend 7 lots. The applicant agreed to grant extensions as

needed to the Commission for continued deliberation.

The meeting was continued to January 24<sup>th</sup> when Staff can present revised conditions of approval for Commission vote.

Vice Chair Albert closed the meeting