
City of Sherwood, Oregon
Planning Commission Minutes
February 26, 2013

Commission Members Present:

Chair Patrick Allen
Vice Chair James Copfer
Commissioner Brad Albert
Commissioner Michael Cary
Commissioner Russell Griffin
Commissioner Lisa Walker

Staff Present:

Tom Pessemier, Assistant City Manager
Julia Hajduk, Community Development Director
Michelle Miller, Associate Planner
Kirsten Allen, Planning Dept. Program Coordinator

Commission Members Absent:

Commissioner John Clifford

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 7:01 pm.

2. Agenda Review

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

3. Consent Agenda

- a. August 14, 2012 Planning Commission Minutes
- b. February 12, 2013 Planning Commission Minutes

Chair Allen asked why the minutes being accepted were so old. Community Development Director Julia Hajduk responded that there was a backlog of minutes due to the transition in staff and that the priority had been to keep up with new minutes and to create the past minutes as time allowed.

A few scriveners' errors were corrected in the August 14th minutes, including corrections to the misnumbered exhibits, and the following motion was received.

Motion: From Vice Chair Copfer to accept the Consent Agenda, Seconded by Commissioner Brad Albert. All present Commission members voted in favor (Commissioner Clifford was absent).

4. Council Liaison Announcements

There were no Council Announcements

5. Staff Announcements

Community Development Director Julia Hajduk informed the Commission that recruitment for a new Planning Manager was underway and the building at the Community Center location is scheduled for demolition in March. Julia announced that Tri-Met is holding a meeting to discuss

service changes on bus lines 94 and 12 in Tigard at Max's Fanno Creek Brew Pub from 6pm to 7pm on February 27, 2013.

6. Community Comments

There were no community comments.

7. Old Business

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

Chair Allen reminded the Commission regarding the amendment being a legislative matter at the request of an applicant and the decision was made to use mainly quasi-judicial hearing procedures. He said that the applicant testified at the first public hearing, public and written testimony was received, and the record had remained open through and including the public hearing tonight. Chair Allen proposed that any additional public testimony be received and the applicant's representative be given 10 minutes of rebuttal time to make any further comments. Commission members assented.

Chair Allen asked for any conflicts of interest or bias that needed to be declared. Commissioner Lisa Walker commented that she would recuse herself and stepped down from the dais.

Chair Allen reopened the public hearing for VLDR PUD Text Amendment and asked for an update from staff.

Michelle Miller, Associate Planner, gave a summary of the application through a presentation (see record, Exhibit 1) and explained that a few months ago, the applicant proposed amendments to the standards that we apply to the PUD for the VLDR zone itself, and not just the Denali property [the applicant she represents the owner of the Denali property]. Michelle explained that public testimony was received on January 8, 2013 where staff was directed to look at some of the elements of the SE Sherwood Master Plan and whether elements in the Plan could be incorporated into the proposed language. Michelle said that the hearing on February 12th was continued because the applicant was unavailable, the VLDR property owners were re-noticed about the hearing on February 26th, and the record had been reopened to take public testimony.

Michelle showed a map with the VLDR zone highlighted and said it included the Fair Oaks Subdivision to the north running south and including the Sherwood View Estates to the south. Michelle explained that the current standard allows for one single family residential dwelling unit per acre with a minimum lot size of 40,000 square feet (sf) or an applicant can choose a planned unit special density allowance due to topographic and environmental constraints. A Planned Unit Development (PUD) allows for a minimum lot size of 10,000 sf and up to two units per acre with other PUD standards applied.

Michelle explained that the revised proposed language uses the SE Sherwood Master Plan as a guide for the standards of review by suggesting:

- Varying lot sizes no smaller than 8,500 sf.
- Density of 4 Dwelling Units per acre
- Buffering new development from existing development
- PUD requirements of open space (15%)

And by considering:

- the environmental opportunities and constraints identified in SE Sherwood Master Plan under Alternative b/c
- the identified view corridors
- the housing design type based on compatibility with existing development

Michelle explained that with a PUD, the Planning Commission issues a recommendation to the City Council after an initial review of a development; the application then goes to the City Council for review via ordinance and an overlay is placed on the property. As a plan develops, the applicant comes back with a final development plan review to the Planning Commission. It is at that time that the housing design type could be evaluated by the Commission for compatibility with the existing development.

Chair Allen confirmed that the bulleted points brought forward by staff were in answer to the Commission's request to refer to a Planning Commission resolution that was tied to the SE Sherwood Master Plan.

Michelle confirmed and asked the Planning Commission to consider identifying properties that can apply the SE Sherwood Master Plan standards or making it more clear in the existing code language. She said that existing code provisions regarding infill standards, variance standards, and lot averaging allowed for a reduced minimum lot size and the Commission should consider whether those would be included or specifically excluded. Michelle asked the Commission to consider holding a public hearing to recommend or specify changes to the code language identified, and to forward a recommendation to the City Council. She stated that since the last hearing, the Planning Commission had received in the Planning Commission packet a memo from staff; Exhibit K, written testimony from the Carters; Exhibit L, proposed Code language. Exhibit M, written Testimony from Lisa Walker was received at the tonight's meeting (see record, PA 12-04). Michelle recommended that the Planning Commission consider additional testimony from the applicant, and citizen comments.

Chair Allen asked for questions for staff. Seeing none, he asked for public testimony.

Bob Silverforb, 23581 SW McLoughlin Court, Sherwood. Mr. Silverforb said he had been to the previous hearings for this issue, had listened to the comments from concerned citizens, and in his view a majority of the comments were against approval. Mr. Silverforb asked if the Planning Commission wanted to approve the amendment to help a financial institution recuperate investments made or to listen to Sherwood citizens who want to retain the VLDR zoning as it exists. He said approval set a bad precedent and if approved, would increase the odds for any entity that wanted to amend the code for personal gain, to come before the Commission seeking change. Mr. Silverforb suggested that the Commission should ask if there was a compelling reason to approve the proposed amendment and urged the Commission to agree that there was not.

Curt Peterson, 14340 SW Fairoaks Drive, Sherwood. Mr. Peterson said he was involved with the early stages of the SE Sherwood Master Plan and was opposed to the amendment. Mr. Peterson said the goals and conditions of the SE Sherwood Master Plan have not changed, it is still a unique area in the City and residents are still behind the plan. He said that there was a lot of time and expense involved to put the plan in place but it was never enforced in the City. Mr. Peterson commented that the City should revisit and put in place the SE Sherwood Master Plan before deciding on this amendment.

Kurt Kristensen, 22520 SW Fairoaks Court, Sherwood. Mr. Kristensen said he was one of the original community members who worked on the SE Sherwood Master Plan and he was disheartened by what he considered to be the unethical and perhaps illegal way the Plan was treated, because it did not go to City Council [for adoption]. Mr. Kristensen commented regarding the applicant making changes to City code for commercial gain and said the use of the hybrid public hearing format was an unbalanced approach. He put forward that a legal review of the format would indicate that it was an unstable way to change code standards.

Mr. Kristensen said that he had submitted the latest from the DEQ (see record, Exhibit 2) regarding the issue confronting the neighborhood, City, and future residents of the area and said the problem was being compounded. He commented that due to changes of EPA standards for the toxicity of chromium, and its derivatives, the situation is more serious.

Mr. Kristensen said that under the SE Sherwood Master Plan the [Denali] area was envisioned to be a City of Sherwood view site and as proposed by the applicant the view site will be occupied by an engineered dirt pod with the toxic chromium beneath it. Mr. Kristensen commented on the reasons why the Planning Commission should wait to take action and a way of removing all of the toxic overburden from the entire area before the Planning Commission or the City Council considers any development in the area.

Chair Allen asked Mr. Kristensen to be specific about who he felt had acted unethically or illegally.

Mr. Kristensen expressed his concerns about the SE Sherwood Master Plan not being forwarded to Council and said that the neighbors were led to believe by the former mayor and planning staff that the action was being processed. Mr. Kristensen said it was discovered in 2011 that nothing had happened to the resolution and that changing the standards would obliterate the concepts of the SE Sherwood Master Plan. Mr. Kristensen said he had reasons to say that there were ethics and legal issues for what has been done with the SE Sherwood Master Plan but it was difficult without an audit to determine who was responsible. He communicated his discomfort with the public hearing format where he felt commercial applicant received more weight than the residents.

Chair Allen asked City Attorney, Chris Crean to address legal issues and the public hearing procedures being followed.

Mr. Crean replied that when a Planning Commission acts in a quasi-judicial capacity the procedures that have to be applied are very specific as set by statute and the Planning Commission cannot vary from them. When acting in a legislative capacity, state law does not require any particular procedures and the city is free to establish its own procedures for how it reaches a decision. Mr. Crean explained that this was a legislative decision because it affected more than one or two properties, there is no specific deadline for reaching a decision, and the decision is not based on a pre-existing set of criteria but based on policy and whether or not it is a good idea for the City. He said that because it comes to the Planning Commission at the request of applicant, the Planning Commission has provided for greater procedural protection and it is within the Commission's discretion.

Chair Allen asked for additional public testimony.

Mary Reid, 23580 SW Denali Lane, Sherwood. Ms. Reid said she thought she spoke for most of the residents at Sherwood View Estates and expressed her concern about what was going to happen

to the property. Ms. Reid said she had been told that Denali would end in a cul de sac when they built her home and commented regarding increased traffic, the comfort and safety of her neighborhood and how the City would supply services. Ms. Reid commented on the increase in traffic and said she did not want all the cars flying past her house.

Lisa Walker, 23500 SW Murdock Road, Sherwood. Ms. Walker said that she agreed with earlier testimony and commented that a majority of the testimony was against any change at all. Ms. Walker stated that she looked at what staff was suggesting and said that Exhibit M included her recommendations as alternative adjustments to the proposed language should the Planning Commission choose to move forward with a change.

Ms. Walker commented regarding *3.a Housing Density* at four units per acre and said that Sherwood View Estates was 3.61 units per acre. Regarding *3.b.1* Ms. Walker said the minimum varied lot sizes should be 10,000 sf minimum lots. Ms. Walker said she did some research with the help of staff that indicated that the smallest lot at Sherwood View Estates was over 10,000 sf with the largest lot over 19,000 sf and the average lot size of over 12,000 sf. Ms. Walker stated that her recollection was that the smaller lots in the SE Sherwood Master Plan were to give the Moser property a higher density in the front as an exchange for having the wooded area in the back of their property. She said that with the wooded area gone a 10,000 sf minimum lot size could be put in place.

Ms. Walker commented that the SE Sherwood Master Plan required a 21% open space compared to with the 15% open space required in a PUD. She asked for a definition for adequate buffering and suggested that the larger lots should be located on the outside to buffer adjacent properties as indicated in the SE Sherwood Master Plan.

Ms. Walker commented that the requirement in *3.b.2* open space in the *general vicinity* should be looked at again because it has changed and the Planning Commission may want to indicate where that open space should be.

Ms. Walker said the view corridors in *3.b.5* should be clarified and suggested the requirement of having a Home Owner's Association upon a certain percentage of the development to maintain the open space areas and gave the Woodhaven HOA as an example. Ms. Walker commented that the minimum acreage for a PUD should be kept at five acres and stated that all of the lots are over five acres with the exception of Ironwood Homes' property that is 4.88 acres but still qualifies to apply for a PUD. Ms. Walker concluded that these were her recommendations should the Planning Commission decide to move forward.

Jean Simson, 22466 SW Nottingham Court, Sherwood. Ms. Simson commented that she did not own property in the VLDR zone but was involved in the SE Sherwood Master Planning process that helped develop a plan that would benefit the homeowner and the community in general. Ms. Simson said that the area is a unique part of our community and it would be nice keep what was established through the existing code. Ms. Simson stated that increasing density by relying on a seven-year-old plan is a bad practice, especially considering the changes that occurred on the Moser property, and recommended a denial of the text amendment.

Ms. Simson noted that the current code says that when this area was brought into the city it was identified as environmentally sensitive so changing the text within that same code section to accommodate someone that wants to make more money does not seem right for our community.

She said that her calculations showed that the proposed code language would result in even more lots than proposed in the Master Plan. Ms. Simson commented that it is really hard to get a definitive number of acres that will benefit from this change. At four units per acres for 36 acres, less the 20% for roads easements and open spaces, a PUD would allow for 72 lots and with the new text there would be 115 lots. Ms. Simson said that for comparison the Planning Commission could look at page 109 of the packet from January 8, 2013 which shows a “worst case scenario” created by OTAK during the SE Sherwood Master Planning process based on 117 houses. She commented that it did not look too much different from any other area in Sherwood, with lots of small lots. Ms. Simson said that this area is very unique, environmentally sensitive and next to many places that need to be preserved.

Ms. Simson said that SE Sherwood Master plan Alternative B/C only had 82 lots. So we are adding to a number that was already uncomfortable in alternative B/C. Ms. Simson said that rounding the 4.4 units per acre from master plan was a net buildable after 2.2 gross buildable acres was taken, the wetlands were delineated, the Moser trees which are no longer on the property were preserved, and a neighborhood park and other easements were incorporated. Ms. Simson said that if the text amendment has to move forward the City should incorporate safeguards to protect the neighbors and communities. Ms. Simson suggested using 3 units per acre with a the minimum lot size of 10,000 sf or 15,000 on the adjacent buffering zone, and looking at height restrictions, especially in the view corridor. She remarked that the open space goals in the SE Sherwood Master Plan were closer to 30% as opposed to the 15% for a PUD. Ms. Simson said she hoped the Commission could vote to recommend denial of this text amendment and said that if the Commission goes forward it should consider what this area means to the community over what the developer wants.

Dee Moser, 6124 SW Washington Court, Lake Oswego. Ms. Moser said she owned the property at 22900 SW Murdock Road and said that before this was all changed the City had given her seven units per acre and she had expended money for plans to set in place a 66 lot subdivision. Ms. Moser said the City changed all that without her knowledge. She said they were told that they could cut down the trees and if they had known they would lose the seven units per acre they would not have cut down all the trees. Ms. Moser said she felt shafted in the loss of the seven units per acre after expending all that money to develop the property and stated that getting four units per acre was much less than expected but still better than what is currently allowed [under the PUD standards]. Ms. Moser said she was in favor of development and the City of Sherwood will benefit from people living there.

Eugene Stewart, 22595 SW Pine Street, Sherwood. Mr. Stewart recalled back in the sixties when the property was identified as a significant geological area called the Tonquin Scablands and the one-acre lots came from the question of how to preserve it. Mr. Stewart said that one purpose of the comprehensive plan is to provide a variety of properties that are not available outside a jurisdiction. He commented that it is hard to find one acre lots and questioned whether the City should be supplying larger lots or taking them away.

Mr. Stewart commented on the contamination at the Foster Farm location, its proximity to and possible of contamination of a City well off of Murdock Road if the land is disturbed. Mr. Stewart asked about contaminants that might be at an old dump on the other side of Murdock Road and said he hoped the Planning Commission could come up with a good solution for everyone.

Kirsten Van Loo, Emerio Design, 6107 SW Murray Blvd # 147, Beaverton, OR 97008. Ms. Van Loo commented that there was no plan in front of the Planning Commission at the hearing and that testimony referring to the size of lots, the size of houses, and street connections were not the issue. Ms. Van Loo said the issue was regarding the development code in the City of Sherwood and to enable property owners who have VLDR land to develop in consensus with the SE Sherwood Master Plan. She said the SE Sherwood Master Plan was developed in response to land use applications and decisions that made it clear to City staff that developing land at one unit per acre cannot mandate urban services. She said that there has to be a nexus between the impacts of development and the requirement for the infrastructure that the City asks for a balance between the value of the development and the value of the development impacts. Ms. Van Loo referred to her comment regarding Nollan/ Dolan at the last hearing and said that the reason the SE Sherwood Master Plan was developed was because when Ironwood Estates developed the Hearings Officer said the City cannot ask for full urban improvements when development is at one unit per acre therefore the Hearings Officer did not require the developer to build the street to urban standards. Ms. Van Loo said the SE Sherwood Master Plan was to come up with a set of criteria or concepts that would put enough development in this part of the city to be able to mandate the necessary infrastructure. The SE Sherwood Master Plan was resolved by the Planning Commission at about the same time as the City's Transportation System Plan with requirements for full urban streets and services and infrastructure. Ms. Van Loo commented that before this land was annexed by the City of Sherwood it was in unincorporated Washington County with a zoning application of R-6 or R-9 which would allow 6 or 9 units per acre. She noted that when this property was annexed it went to one unit per acre for a variety of reasons (Tonquin scablands, slope of the land, and the dearth of infrastructure until Sherwood View Estates was built), and it has been challenging for any of the property owners to develop over the past 15 years.

Ms. Van Loo said she was asking the Planning Commission to entertain the staff recommendation on this option for developing in VLDR without modifications suggested and that it achieves a lot of the goals embodied in the SE Sherwood Master Plan. Ms. Van Loo said she understood Mr. Kristensen's desire to push the SE Sherwood Master Plan forward but she had gotten feedback from the City that it was unlikely to happen. Ms. Van Loo said the text amendment was the next best step and asked the Planning Commission to put forward a recommendation to City Council that embodies as many of the goals from the SE Sherwood Master Plan resolution. She said that property owners were predominantly in favor and it was important for them to be able to move forward. Ms. Van Loo said her only concern from Ms. Walker's testimony was that we keep the minimum size of the PUD at five acres as two of the five undeveloped parcels affected are under five acres. She said if it remains five acres the parcel that she represented would still qualify for a PUD because of environmental constraints but she was not sure that the other parcels would be able to use a PUD. The Huske property is 4.88 acres. Ms. Van Loo explained that the minimum lot size of 8,500 sf was developed as a workable number after dozens of designs were developed incorporating the SE Sherwood Master Plan. She said that from one acre of developable land, there is land taken for open space, a water quality facility, and easements and 8500 sf lots represent between 3.5 and 4 units per acre of net developable land.

Chair Allen asked if Ms. Van Loo had seen the amendments suggested by Ms. Walker and asked for her reaction. Ms. Van Loo responded that she received them at this meeting and philosophically the more words added to the code the more difficult it is to administer. Any application for development in this area is going to come before the Planning Commission and City Council and it will be reviewed so many times that we don't need to add a lot of "shalls" and "shoulds" into the development code.

Chair Allen commented that if the proposed numbers were placed into the Code then any developer could come and argue that the City has an obligation to allow the developer to build to the new standard.

With no other public testimony, Chair Allen called for a recess at 8:00 pm and reconvened at 8:05 pm.

Chair Allen asked what would happen if the Commission chooses not to change the code and what infrastructure could be required if the area develops at one unit per acre or 2 units per acre under a PUD.

Michelle Miller answered that, at one unit per acre, water and sewer are required if it is within a certain distance of existing water line connection. Chair Allen asked if that requirement was irrespective of cost. Michelle confirmed.

Chris Crean added that because the requirement is necessary to serve that development it offsets the impact of the development and explained that sewer and water are required for habitable dwellings. In Nollan/ Dolan terms it is no more than is necessary to offset the impact of the development and proportionate to the development.

Chair Allen asked regarding what roads could be required.

Michelle explained that with the development of Ironwood Homes the Hearings Officer did not find that there was proportionality to develop that 800 foot roadway fully and it is split three ways to serve the Yuzons, the Huskes and Denali area.

Chair Allen commented on the requirements of minimum road width, sidewalks, curbs, street trees elsewhere in the city, whereas the City could only require black top without those amenities in the VLDR zone.

Michelle confirmed and added that there would be no way to treat the storm water either. Curbs and sidewalks would not be proportional to the cost.

Julia added that the City will require whatever can be justified and it will depend on what development is proposed and its location. In this area at one unit per acre it would be harder to justify certain things, but without knowing the details of how many lots are being proposed it is hard to answer specifically what could be required. She added that this was why the grant for the SE Sherwood Master Plan was requested; the property was coming in piece meal and the question was if there was a better way to develop that allows the infrastructure to come in more cohesively.

Chair Allen commented on the concern about the propriety of what happened with the recommendations for the SE Sherwood Master Plan and stated that his recollection was that the Commission worked for a defined period of time on a Master Plan and arrived at a place where we had some alternatives but not a consensus among the various people impacted. He said the sense of the Planning Commission, at that time, was that more time was needed but staff informed that there were no longer resources available. The Planning Commission was not comfortable recommending the plan for adoption by City Council. Staff offered to simply adopt it as a Planning Commission Resolution stating principles the Planning Commission would like to be adhered to as development

occurred, but it did not have the force of a master plan. Chair Allen confirmed with Commissioner Griffin that it agreed with his recollection.

Commissioner Griffin confirmed and stated that a plan developed to that point was better than no plan at all.

Chair Allen stated that he did not know how that information might have been given to the public, but from his standpoint there was nothing illegal or unethical that occurred.

Chair Allen asked for other questions.

Commissioner Cary asked what the density for the area was prior to the SE Sherwood Master Plan.

Michelle answered that there is a standard zoning for all areas within the city and in the Very Low Density Residential zone it is up to one unit per acre or because of the constraints in this zone there is a special density allowance of 2 units per acre if the developer utilizes a Planned Unit Development.

Mr. Cary asked about Mrs. Moser's comment that she had 6-9 units per acre.

Julia Hajduk answered that the SE Sherwood Master Plan process was completed in 2006 and her understanding was that when the Moser property was annexed into the City it was zoned for 7 units per acre. Subsequent to that the City updated the Comprehensive Plan and identified the SE Sherwood area as a geological concern and zoned it VLDR years before the SE Sherwood Master Plan happened. In her testimony, Ms. Moser indicated that by cutting down the trees she lost the 7 units per acre, but the zone was VLDR with or without the trees and had nothing to do with the density changes that happened before the trees were cut down.

Commissioner Cary asked if there were other properties that were at 7 units per acre.

Julia responded that she was unsure, but did not believe all of the other properties used to be at that density.

Michelle added that the Moser property came in later than the other properties and properties came in to the City as development occurred.

Commissioner Griffin asked if it was known what the City's motivation was to lower the zoning to VLDR.

Julia responded that it was related to the Comprehensive Plan update and State Planning Goal 5 wanting to preserve the unique geological features in the area. Discussion followed.

Commissioner Cary asked regarding the open space requirement being reduced.

Michelle answered that the current requirement for the PUD allows for a 15% open space requirement; per testimony from Ms. Walker and Ms. Simson, the SE Sherwood Master Plan requires between 20%-30% open space.

Commissioner Cary asked regarding contaminated topsoil.

Julia answered that when Ironwood Homes was developed they placed the contaminated topsoil in two areas, but the contamination remains throughout the rest of the undeveloped properties. Julia commented that one of the applicant's arguments for the density increase was because of the cost of mitigating the contamination.

Vice Chair Copfer asked regarding the 15% open space requirement for the VLDR zone.

Michelle answered that the 15% open space requirement was for a Planned Unit Development and a regular subdivision required a 5% open space.

Julia pointed out that there was a resolution that the planning commission adopted in 2006 that said the City had gone through the SE Sherwood Master Plan process and the City will entertain proposals for development that were consistent with the master plan. Julia said that as public testimony suggested the questions for the Commission were if the proposed text amendment is consistent with what was in the resolution and does the Commission want to stand by that?

Chair Allen asked if the Planning Commission was required to make a recommendation to Council in a legislative action and if the Commission recommended denial does Council have to accept it or can they look at it de novo to consider other options.

Julia answered that the Planning Commission can forward its recommendation where the City Council will hold a de novo hearing and make a decision as they see fit. There must be a recommendation to council in order for the process to move forward.

Chris Crean added that because it is legislation it is a de novo hearing and the Council can do as they want because it is a policy decision. He said the Planning Commission is required to forward something. The Planning Commission can recommend the change is not approved and should include statements to support the recommendation so Council understands how the decision was reached.

Julia read from the Development Code for text amendments that states *"the Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings, as required by 16.80.030 [Plan Amendments]."* Julia said that staff has prepared those findings for the Planning Commission and will need to be modified as the Planning Commission decides.

Mr. Cary asked how many lots per acre would be allowed with 10,000 sf minimum lot size and how the calculation works.

Michelle replied that Sherwood View Estates had an average lot size around 10,000 sf and that turned out to be about 3.6 units per acre. She explained that if you are approaching the maximum allowed units per acre you round down because you cannot get a whole house and you round up for the minimum density.

With no other questions from the commission, deliberation began.

Vice Chair Copfer commented that it was a unique area and he was inclined to leave the area VLDR in fairness to all of the residents of the area that live there already; Sherwood has a lot of high density.

Commissioner Cary commented that he was still struggling with the reason for the change and if there was a need to make development cost effective.

Chair Allen commented on why the SE Sherwood Master Plan was developed and what would happen if the VLDR zone was left as it is. He said that doing nothing makes it difficult for the property owners to develop and his fear was that what will develop there would not of the expected character because of the low investment that going into the property. He said that the chromium issue has gotten bigger and the only way to clean it up is to develop it. Chair Allen said that the material provided by Mr. Kristensen was helpful in determining a reason to change things. Chair Allen commented that the best thing to do was to revisit the SE Sherwood Master Plan, but conditions have changed and it is unfortunate that the Planning Commission was unable to push it through. He said he was inclined towards something that looks like the amendments provided by Ms. Walker as a recommendation to Council which puts all three options in play: to deny, approve with proposed amendments, or revisit the Master Plan. Discussion followed.

Commissioner Albert commented that his greatest concern was the minimum lot size and he preferred the 10,000 minimum lot size with the 4 units per acre. The main question for him was what was more harmful: more houses and traffic or the chromium that is not being cleaned up. He said he could give a little on the density to clean up an environmentally sensitive area.

Commissioner Griffin commented that because it was legislative there was no rush and there was a need to come up with something that was good for the community. Mr. Griffin said he was sympathetic to residents in the area, but the expectation was that a person owning land should be able to develop. Mr. Griffin said the Planning Commission should make some kind of recommendation and he liked Ms. Walkers proposed edits with 10,000 sf minimum lot size and the 4 units per acre. He commented on the VLDR zoning and asked if the City Council still wanted that density. Mr. Griffin commented on the public process of the SE Sherwood Master Plan and the compromises made in that unfinished process. He said he was in favor of a recommendation to approve with changes and allowing the Council to come back on important issues regarding the area.

Vice Chair Copfer said he could agree with the 10,000 sf min lot size with 3.6 units per acre as shown in Sherwood View Estates and he did not think 4 units per acre was possible when considering the other requirements.

Michelle agreed that with the 15% open space, the right of way, and any water quality facility that may be required it would be difficult to come close to 4 units per acres. By requiring the minimum lot size to be 10,000 you are not allowing the density to be 4 units per acre.

Vice Chair Copfer said he understood the importance of cleaning up the Foster Farms area, but it was equally important to preserve the community that has been built there.

Discussion followed regarding revisiting the SE Sherwood Master Plan and allowing DEQ to continue with its assessment and establishing a density that allows for the contamination mitigation.

Julia commented that if Council directs staff, as budget allows staff will look at the Master Plan. In the past, master plan or concept planning was done from grant funding. She said it would be

Discussion followed regarding the Planning Commission's options for recommendation and findings to City Council. There was not a consensus until Chair Allen suggested a recommendation to approve with amended language that reflected what Ms. Walker put forward.

Staff was directed to provide a recommendation to Council that would outline the three options discussed in sufficient detail that they could be seen as alternatives by the Council with a Planning Commission recommendation of one of them. The three alternatives were to revisit the SE Sherwood Master Plan, to do nothing and recommend a denial of the application, or to adopt the amended language as discussed and outlined in Exhibit M. The memo would include a discussion of the pros and cons of each alternative.

Motion: From Vice Chair Copfer for the Planning Commission to continue, to the April 9, 2013 Planning Commission meeting, to give staff time to document the proposals and allow the Commission to vote at that time. Seconded By Commissioner Brad Albert. All Seated Commissioners voted in favor (Commissioner Walker had stepped down and Commissioner Clifford was absent).

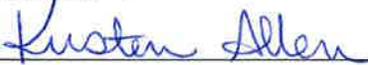
Julia clarified for the record that the Planning Commission was in deliberation and would not be accepting new testimony.

Chair Allen confirmed that the record was closed and added that new testimony via cards, letters, and emails could be sent or will be forwarded to the City Council for consideration.

8. Adjourn

Chair Allen adjourned the meeting at 8:51 pm.

Submitted by:



Kirsten Allen
Planning Department Program Coordinator

Approval Date: 4-9-13