

Submitted at PC
hearing 6/28/07



Home of the Tualatin River National Wildlife Refuge

RECEIVED

JUN 26 2007

BY ha
PLANNING DEPT

MAILED NOTICE - PUBLIC COMMENTS
Comfort Suites Hotel and Conference Center
SP 07-01/CUP 07-02

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:
 - ① We propose the relocation of the trash area to another part of the site.
 - ② We oppose the building of fire access road behind our house. HOWEVER, if this access road were to be approved, we like the assurance that this road is NOT open for anytime except for emergency purposes only.
- We encourage denial of this request for the following reasons:

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: FRANCIS LU & SHIRLEY WONG Date: 06/26/2007
 Address: 17142 SW WISTERIA PL. Tel.: _____ (optional)
SHERWOOD, OR 97140 Email: Sheridane6000@yahoo.com (optional)
 (owners of Lot #13)

Notice to mortgagee, lien holder, vendor or seller: The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.

- ③ There should be tall trees / greenery planted ~~do~~ alongside the residential ~~view~~ ^{fence} to block off the concrete building views.
- ④ We don't need glaring lights streaming into ~~the~~ our house at night.
- ⑤ Noise from facilities; e.g. generators, delivery trucks are also a concern.



RECEIVED

JUN 29 2007

BY ha
PLANNING DEPT

**MAILED NOTICE - PUBLIC COMMENTS
Comfort Suites Hotel and Conference Center
SP 07-01/CUP 07-02**

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:
 - * LEAVE ENOUGH SPACE FOR A GREEN AREA BETWEEN HOUSES AND THE BUILDING. IDEALLY PLANTED WITH TREES TO AVOID SEEING THE BUILDING.
 - * GUARANTEE FROM THE ESTABLISHMENT TO KEEP THE AREA CLEAN AND ORGANIZED.
- We encourage denial of this request for the following reasons:

Please feel free to attach additional sheets as needed to complete your comments.

Comments by:

Roberto Ante
21097 SW Madeira Tr
Sherwood, OR, 97140

Date:

6/21/07

Address:

Tel.:

9712353346

(optional)

Email:

_____ (optional)

Notice to mortgagee, lien holder, vendor or seller: The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.

June 29, 2007

RECEIVED
JUL 02 2007
BY PLANNING DEPT

To: Commissioners
Planning Department

RE: Proposed Comfort Suites

I attended the meeting on Tuesday, June 26, 2007 regarding the Comfort Inn. I spoke at the meeting regarding the fire access at the end of SW Madeira Street continuing into the greenway.

During the discussion of the Commissioners and planning department officials, they felt that there was not a fire access to the Madeira development other than SW Madeira Street. I want to bring to their attention that there is another access, i.e. through SW Houston Street, off Edy Road, then to SW Spratlin Street which connects with SW Madeira Street. (Please see attached map.) I believe this to be a second fire access to this neighborhood.



Donna Samuels
17166 SW Wisteria Place
Sherwood, OR 97140

To: City of Sherwood Planning Commission

From: Gene Thomas, Civil Engineer

Through: Tom Pessemier, City Engineer;

Subject: SANITARY MASTER PLAN UPDATE

Background: The current Sanitary Master Plan was approved in 1990 and has guided City development since its approval. However, the City has outgrown the current master plan. In addition, there have been several expansions to the City boundaries. Area 59 has now been annexed into the City. Area 54/55 is within the urban growth boundary and will be annexed to the City as planning is completed.

An updated Sanitary Master Plan is needed to evaluate existing and future system conditions and to recommend appropriate improvements, rates and SDCs to support these needs.

There was a public open house before the May 22nd Planning Commission Meeting, with a work session following the open house.

A number of items have been updated or corrected since the draft document was presented to the Commission. In addition, the incomplete sections including the financial study have been completed and included.

Current: The Sanitary Master Plan is being submitted to the Planning Commission for a hearing and recommendation for adoption.

Future Action: Subsequent to the recommendation, the Sanitary Master Plan will be submitted to the Sherwood City Council for a hearing and adoption at the August 7th council session. Based upon the approved master plan, the SDC methodology report will be completed yet this year.

Once the master plan is adopted, staff will initiate a plan amendment to revise the Comprehensive Plan as necessary.

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
July 24, 2007

Commission Members Present:

Chair Patrick Allen
Adrian Emery
Jean Lafayette
Dan Balza
Todd Skelton

Staff:

Julia Hajduk, Planning Dept. Manager
Gene Thomas, P.E. - Engineering
Cynthia Butler, Dept. Program Coordinator

Commission Members Absent:

Matt Nolan

Council Liaison – Dave Grant

1. **Call to Order/Roll Call** – Cynthia Butler called roll. Matt Nolan was noted as absent.
2. **Agenda Review** - There were no changes to the agenda.
3. **Consent Agenda** – Minutes from the June 26, 2007 session were approved by vote:
Yes – 5 No – 0 Abstain - 0
4. **Announcements** – Julia Hajduk said that the Planning Commission vacancy interviews with candidates are nearly complete. Recommendations will be forwarded to the Mayor and Council President, Dave Grant for final selection. The Brookman Rd. Concept Plan is on schedule, with the consultants drafting alternatives based on feedback from staff and the Steering Committee. The next regular Brookman Rd. Steering Committee meeting is August 22, 2007. Julia recapped that an informal discussion with property owners in the Cedar Brook Way and Hwy. 99 vicinity will occur on August 8th in the Community Room from 6:30PM-8PM, and will be facilitated by Patrick Allen in an unofficial capacity. The discussion will invite communication on common issues property owners have expressed in the past regarding potential development of their properties.

Jean Lafayette asked for an update on the potential fee-in-lieu process Julia has been discussing with the Finance Department. Julia said that discussions have been successful. Julia is drafting a policy memo and will meet again with Engineering and Public Works to coordinate details. Discussions with Finance continue on how funds would be distributed. Julia said she would provide another update at the next regular Planning Commission session.
5. **Community Comments** – Chair Allen asked if there were any community comments. There were none.
6. **Old Business** –
 - A. **SP 07-01; CUP 07-03** – Comfort Suites Hotel and Conference Center; continued from the June 26, 2007 hearing for Planning Commission deliberation.

Chair Allen asked Julia if the Public Hearings Disclosure Statement was required to be read.

Julia said it did not, and recapped that the public record was closed at the last session on June 26, 2007 and no new testimony should be received.

Chair Allen asked Commissioners if there was any exparté contact, bias or conflicts of interest to disclose since the last session on this application. There was none.

Chair Allen opened discussion on SP 07-01 & CUP 07-03, and asked Julia for a recap.

Julia Hajduk recapped that Project Manager, Heather Austin was on maternity leave and referred to Heather's addendum staff report that was included packet materials for the meeting, dated July 17, 2007. Julia said the addendum report included condition modifications and responses to public comments. Julia concluded that staff recommends approval of the application with conditions as modified in the addendum staff report.

Jean Lafayette asked Julia to clarify the location in the report regarding Hwy. 99 access at the property line, as previously required by ODOT. Jean said she was uncomfortable that the revised plans did not show the road access from Hwy. 99 at the property line. Julia responded that staff is recommending revising this Condition in D-4. It was noted that there were two D-4 conditions appearing in the addendum report. Julia clarified the 2nd D-4 addressed the access question and added that she received an email from ODOT today that they will most likely not require the shared access along the property line from Hwy. 99. Julia added that the location shown by the applicant for the access will likely be approved by ODOT.

Chair Allen said that the Commission cannot consider new testimony at this juncture.

Julia agreed, but said that the condition says "or verification from ODOT will address it", either to move the access so that it is on the property line required by ODOT, or provide verification by ODOT that it is not required.

Adrian Emery said that if ODOT agrees to the applicant's access as shown, it is likely that in the future that there will be 2 driveways or access points off of Hwy. 99 located close together.

Julia said that this is a potential outcome, but it is not certain what will happen in the future on the property.

Chair Allen said that this leaves the Commission in a position to accept multiple driveways off of Hwy. 99.

Adrian agreed, and said that this was not what ODOT has led Sherwood to believe over the years on other applications. Adrian asked Julia if the Commission could place a condition that when the billboard is gone, in approximately 4 years, that the access driveways merge.

Julia said that is a call for ODOT to make.

Dan Balza said that he thought ODOT required a minimum distance between driveways, but could not recall the number.

Adrian added that this could be waived by ODOT if they choose.

Jean said that under the current view each site has access, but that purpose of having joint access is so that both properties have access without creating two driveways on Hwy. 99.

Chair Allen asked Julia if the Commission was pre-empted on this issue.

Julia said that ODOT does direct where access can be located on Hwy. 99, and added that Condition D-4 also requires, "in addition submit a recorded crossover access easement for the benefit of Tax Lot 1200 over the ingress and egress to Hwy. 99 on this property. Julia said that it is possible that where the access is currently proposed, could be deemed in the future by ODOT as access for the adjacent property. Julia reiterated that it is unknown when the adjacent property will develop or propose, and how ODOT will respond.

Chair Allen suggested coming back to this topic, and asked Commissioners if there were any concerns with changes made to remaining conditions such as; trash storage, the water control facility, location and design of hardscape, and the emergency access road.

Jean Lafayette discussed the hardscape and said that the landscaping plans did not show any hardscape as discussed at the last session. Patrick asked Julia if no new plans were submitted showing the hardscape. Julia said that the applicant's plans show some additional and the staff report has been updated. Jean asked if hardscape was still planned within the setback. Julia confirmed the hardscape would be within the 25-foot visual corridor. Jean stated that it would be beneficial to be able to see what the planned corridor would look like prior to making a decision.

Chair Allen confirmed that the Commission has 2 issues so far to continue deliberation; the Hwy. 99 access issue and the hardscape visual corridor. Chair Allen asked if there were any other outstanding issues for deliberation. Jean added the topic of the bridge that would go over the bioswale, if planned in this manner.

Chair Allen suggested discussing the hardscape and whether or not this should be used in the visual corridor. Julia stated that typically the visual corridor includes some lawn, shrubs, and trees. Jean said that hardscape could include chairs and benches, a good transition from Hwy. 99. Commissioners agreed.

Chair Allen recommended discussing the crossing of the bioswale to the path. Julia said that the pedestrian path and bioswale is currently on the plans, and if the applicant is going to follow this plan it will require a bridge. Julia concluded that this does not require a condition, as this will be an existing requirement of the design.

Chair Allen stated that he would like the record to show that the Commission clearly expects a bridge that crosses the bioswale. Julia confirmed.

Chair Allen referred back to the Hwy. 99 access issue for discussion. Patrick recapped Adrian's proposal to further condition that when the billboard is removed, joint access be required. Jean said that means whoever develops first gets the advantage of not complying with the City traffic standards, thereby creating inconsistency.

Jean said that the applicant should be required to comply with ODOT for a shared driveway. Adrian clarified that ODOT is no longer requiring a shared driveway access. Patrick said that the Commission cannot consider the latest communication from ODOT into the record. Jean agreed.

Patrick asked Commissioners to consider the language that says if ODOT decides differently, it is OK. Patrick said that he was uncomfortable with ODOT changing decisions randomly that creates multiple access points in future development. Jean said that they should make a long term decision that makes sense for the City.

Patrick asked Julia if there was anything in the TSP regarding access on Hwy. 99. Julia said not directly, but reiterated that the condition was to comply with ODOT standards and if it no longer becomes necessary for the applicant to comply with ODOT standards, there needs to be specific findings by the Commission to support that. Julia referenced the Code that defers back to ODOT standards. Discussion ensued on various options for access with or without the billboard in place.

Julia addressed the previous discussion on receiving a waiver from ODOT on the access, and said that the Code allows ODOT to change their decision in the permitting process.

Chair Allen asked Commissioners if there was a consensus to make findings to support a requirement that the applicant meet the original ODOT standards. Adrian said that he agreed, but was concerned the Commission would not be able to make findings to support it. Patrick said that the Code language on shared access provides support.

Patrick asked Julia to clarify if the language “on the property line” is from ODOT standards, and “encouraging shared access by one of the potential means”, comes from the City Code. Julia confirmed. Patrick said the hesitancy is that future development further down the Hwy. at some point will develop and the access point will be too far apart to share, creating the multiple access points.

Jean said that the Commission supports ODOT in creating shared access opportunities in compliance with the City Code, and ODOT’s goal of minimizing driveways on Hwy. 99.

Chair Allen asked if Commissioners agreed. Commissioners confirmed.

Julia asked Commissioners to confirm they wanted to change Condition D-4 and if so, how they propose to change it. Patrick confirmed.

Jean referred to Code Section 16.108.050, and summarized, “Private ingress or egress from Hwy. 99 shall be minimized, considering existing alternatives such as shared or crossover access agreements between properties, consolidated access points, or frontage or backage roads.

Patrick said that language in Condition D-4 should be stated to remove “or” from and/or, to read,”complies with City and ODOT standards. Patrick added revised findings would be that the proposed cross-easement will not serve the goal of minimizing access, and on that basis, the Commission requires shared access or access at the property line. Patrick asked Julia if the language suited making findings. Julia confirmed. Patrick asked Commissioners if there was consensus to approve the new language. Commissioners concurred.

Jean Lafayette moved that the Planning Commission approve SP 07-01; CUP 07-03, based on the adoption of the staff report, findings of fact dated June 19, 2007, as supplemented on July 17th, with exclusion of the change to Condition D-4, public testimony, staff recommendations, agency comments, applicant comments and conditions as revised.

Adrian Emery seconded.

Chair Allen asked if there was any further discussion on the motion. There was none. Vote was taken:

Yes – 5 No – 0 Abstain – 0

Motion carried.

< 5-minute break was taken >

B. SP 07-04; MLP 07-04; LLA 07-01; CUP 07-01 – Area 59 Schools:

Chair Allen recapped that the Rasmussen septic issue, the 4-way stop at the intersection of Edy Rd. and Borchers, and the tennis courts located on the Rychlick property as issues for deliberation. Patrick asked for feedback on any other issues remaining for deliberation. There were none presented.

Chair Allen recommended beginning with the 4-way stop at the intersection of Edy Rd. and Borchers. Patrick recapped that the School District, Staff and the City Attorney confirm that the traffic analysis provides support to the recommendation for a 4-way stop. Patrick added that if the Commission disagrees, it is necessary to support the decision with findings, which Commissioners agreed was not possible.

Jean expressed confusion over Condition G-3 and said that it appears it should be labeled as Condition F-3. Jean said that the School District letter requests the condition to include the requirement about a west bound turn lane on Edy Rd. and Borchers. Patrick said this is not in the revised conditions, and it is G-3. Julia confirmed that it is Condition G-3. Chair Allen asked if there was further discussion on the G-3 issue. There was none.

Chair Allen recapped that the ball fields located on the Rychlick property in terms of condemnation is not an issue for the Commission to address, but the landscape buffering and lighting in the staff report may be addressed. Patrick asked if Commissioners thought that the landscaping and lighting was adequate. Patrick said that the revised conditions require 6-foot screening.

Jean referred to the ball fields at Snyder Park in regard to the screening and lighting. Jean asked if the applicant would open to providing additional screening after the proposed 20-foot tennis courts and 6-foot screening are in place if it becomes evident more is needed for the neighboring property. Patrick stated that the existing buffer and screening appears adequate, and if neighbors discover an issue in the future there are mechanisms in place for property owners to address them. Commissioners agreed. Commissioners discussed the 9PM timeline for lighting and agreed with findings in the staff report.

Chair Allen opened discussion on the Rasmussen septic issue, Condition B-2, Items A-D, in the staff report.

Julia said that Condition B-2, Items A-D is found in Exhibit O-1.

Chair Allen recapped that in addition to a recommended condition from staff, the School District has proposed a change, and Mr. Rasmussen has also proposed a change. Julia reiterated that the proposed changes recapped by Chair Allen were in the record, but that Exhibit O-1 primarily outlines the School District's recommended modification as presented at the last meeting. Patrick asked Julia to clarify that Condition B-2 specifically says the applicant will connect the existing house to the existing municipal sewer system, which reads more clear than in the past on who is responsible for connecting to the sewer.

Julia said that it should read as Exhibit J provided previously.

Patrick Allen referred to the July 23rd letter from Miller Nash on behalf of the School District, which says, "no grading shall occur within the delineated areas until the municipal sewer line is connected and the septic system is abandoned." Patrick stated that this language was more general.

Julia said the July 23rd memo's recommended change is found under Condition B-2, Item C.

Patrick said that the bottom line is that if anything is done on the School District site disturbs the Rasmussen septic system, the Rasmussen's will be required to abandon the septic system and connect to the municipal sewer system, at the School District's expense.

Julia confirmed.

Dan Balza clarified, "before any grading occurs". Chair Allen confirmed.

Julia asked to clarify that it should read, "before any grading occurs in a way that would impact the septic system." Chair Allen confirmed that the condition protects the Rasmussen's' to be connected either to the septic or municipal sewer system.

Chair Allen asked if there was further discussion on the septic sewer issue. There was none.

Jean Lafayette moved to approve SP 07-04; CUP 07-01; MLP 07-04; and LLA 07-01, Area 59 Schools based on the adoption of the staff report, findings of fact, public testimony, staff recommendations, agency comments, applicant comments, and conditions as revised in Exhibit O-1.

Dan Balza seconded.

Chair Allen asked if there was any further discussion on the motion. There was none. Vote was taken:

Yes – 5 No – 0 Abstain – 0

Motion carried.

7. New Business – Sanitary Sewer Master Plan Public Hearing: Chair Allen opened the public hearing at 8:06 PM. Gene Thomas, P.E. for the City of Sherwood, and the consultant from Murray, Smith & Associates presented comments and offered to answer questions. Gene recapped that there was a work session in June followed by an open house, and a draft of the proposed plan has been on the City web site.

Chair Allen noted that there were no public in attendance for public testimony, and closed the public hearing at 8:15 PM.

Adrian Emery asked what was decided for the NW side of the Area 59 site. Gene responded that the sewer line would be mounted under a pedestrian bridge.

Chair Allen asked if there were any further questions from the Commission. There were none.

Jean Lafayette moved to recommend to Council the Sanitary Sewer Master Plan based on the adoption of the staff report, findings of fact, public testimony, staff recommendations, agency comments, and applicant comments.

Dan Balza seconded.

Chair Allen asked if there were any further comments on the motion. There were none. Vote was taken:

Yes – 5 No – 0 Abstain – 0

Motion carried.

8. Comments by Commission – Adrian said the I-5/Hwy. 99 Connector task force meetings are down to about 7 alternatives, but it is a very slow process and may be 10 years before a decision is made. Dan Balza asked Julia what the plan was for the Snyder Park lighting. Julia said that there was an application currently under review for a public hearing with the Hearings Officer on August 6th. Julia said that Dan could view the file as a citizen and that Michelle Miller is the project manager.

8. Next Meeting - August 28, 2007; No agenda items planned at this time. TBD whether or not a session will be held. Dan Balza and Adrian Emery indicated that they will not be able to attend on August 28th if there is a meeting.

9. Adjournment – Chair Allen adjourned the session at 8:20 PM.

End of Minutes.