



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

May 18, 2004

Regular Meeting -7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Consent Agenda**
3. **Agenda Review**
4. **Community Comments** *are limited to items NOT on the printed Agenda.*
5. **Public Hearings:** (Commissioners declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the procedure identified in Resolution 98-743, adopted June 9, 1998 (copies available on table):
 - A. **SP 04-04 Providence Sherwood Medical Plaza Site Plan:** a request by Providence Health System - Oregon for site plan approval to construct a 42,000 square foot, 3-story, medical office building, to be located at 16770 SW Edy Road, further described as Tax Lot 1400, Map 2S 1 30D. The site is zoned Retail Commercial (RC). *(Dave Wechner, Planning Director)*
6. **New Business**
7. **Adjourn**

**ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED
TO THE NEXT REGULARLY SCHEDULED MEETING**

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
May 18, 2004

1. Call to Order/Roll Call

Chair Adrian Emery called the Planning Commission meeting to order at 7:05 PM.

Commission Members present:

Patrick Allen
Dan Balza
Adrian Emery
Jean Lafayette
Dan King

Staff:

Dave Wechner, Planning Director
Terry Keyes, City Engineer

Commission Members absent:

Kevin Henry
Matt Nolan

2. Consent Agenda

There were no items.

3. Agenda Review

There were no changes to the Agenda.

4. Community Comments

There were no community comments.

5. Public Hearings

Patrick Allen read the hearings disclosure statement and asked that Commission members reveal any conflicts of interest, ex-parte contact or bias.

There were no Commissioner disclosures.

5A. SP 04-04 Providence Sherwood Medical Plaza Site Plan

Chair Emery opened the public hearing and called for the Staff Report.

Dave Wechner referred the Commission to the Staff Report dated May 11, 2004, a complete copy of which is contained in the City File SP 04-04. He noted:

- The site is 3.0 acres located at the corner of Edy Road and Highway 99W. The site is zoned Retail Commercial (RC) and professional services, including medical and dental offices, are a permitted use in the zone.
- The building is approximately 42,000 square feet, 3 stories in height and no variances are requested with the proposal.

- The City Engineer is available to discuss any traffic issues.
- ODOT responded to the application in a letter dated March 18, 2004 which is attached the Staff Report.
- Staff is recommending approval of the application with conditions.

Chair Emery asked if the applicant wished to provide testimony.

Ty Wyman, representing Providence Health Systems, Dunn Carney Allen, 851 SW Sixth, Suite 1500, Portland, Oregon 97204, addressed the Commission. Mr. Wyman introduced other members of the team – Dana White, Regional Director of Real Estate and Property Management for Providence; Mathew Jacobs and Gregg Sanders, Mahlum Architects; John Howorth, WRG, civil engineer; Tom Lancaster, Lancaster Engineering, traffic engineer.

Mr. Wyman stated the site has some inherent characteristics that make it somewhat difficult to work with. It has a very irregular shape and it is located next to Highway 99W. The applicant has one concern with the Staff Report and this will be addressed during their testimony.

Dana White, Providence, 4706 NE Glisan Street, Portland, Oregon 97213, addressed the Commission. Ms. White showed a map of Providence facilities in the Portland area. They are the second largest private employer in the state of Oregon after Intel, employing about 13,000 people. Their primary function is health care.

Gregg Sanders, Mahlum Architects, 1231 NW Hoyt, Suite 102, Portland, Oregon 97209, addressed the Commission. Mr. Sanders showed a PowerPoint slide show of the site and different aspects of the site plan. An automated presentation of the proposed building, with landscaping, access and entrances was also shown.

Mr. Wyman addressed the Commission:

- One issue is Condition C.1.d, which requires a cross-easement. The easement would be 24 feet in width and extend from the Borchers Drive/Edy Road intersection through the site to the westerly property line.
- He understands the fundamental need that the City has to limit “direct access” to Highway 99W. Notwithstanding the fact that Providence holds location of specific access reservations to the highway, the applicant forewent that debate. The proposed cross-easement presents a deal killer to the project.
- He questioned whether the City could require this type of cross-easement. They believe the requirement exceeds the authority and limitations set forth in the *Dolan* case. He presented a memo dated May 18, 2004 for the record that discussed the proposed condition for the cross-easement.
- The question is whether a site that is zoned Retail Commercial (RC) can function with this type of easement crossing it.
- The memo contains an attachment from Lancaster Engineering. The calculations show that the likely development of the adjacent 4.5 acre property would be the beneficiary of the easement. The estimate shows other retail commercial sites would generate 2200 trips per

day across the easement. This is roughly the equivalent of a minor collector street or a neighborhood street.

- The effect of the easement would be to cut the site in two. Pedestrians will have to go over the cross-easement from the parking area. It is very unlikely that any potential retailer is going to take the northerly portion of the site because of lack of visibility.
- The applicant is fine with all of the other conditions, including the easement along the northern portion of the site.
- He is not inclined to ask that the record be held open, but recognizing that this issue could generate further discussion, he asked if they could respond to any supplemental staff analysis of the issue.
- They have presented a good project and hope that it is one the Commission can support without the condition for the cross-easement.

Terry Keyes said they have been working the applicant for about a year. The applicant has done everything the City has asked. They have a site plan that will work with the round-about when it is installed and they have eliminated the access issues to 99W. The cross-easement is the only issue. The cross-easement seemed to be the only way to solve the problem for access to the adjacent property. The applicant has brought up some very legitimate issues. The cross-easement will probably be used like the driveway in the Albertson's parking lot that vehicles use to get to the theater north of Langer Drive.

Mr. Wechner said the City Attorney had not reviewed the cross-easement. Staff would recommend that the record be left open to allow the City Attorney time to respond to the applicant's assertion regarding *Dolan*. He asked if the applicant had an alternative to the cross-easement that would relieve the need for access directly off of 99W to alleviate the problem identified by the City Engineer.

Mr. Wyman responded that he did not have an alternative to the cross-easement mainly because they did not have a site plan from the adjoining property owner. They are dealing with speculation about how the adjacent property may be developed.

Chair Emery asked if there was any proponent or opponent testimony.

Lois Matz, 4831 20th Avenue South, Salem, Oregon 97302, addressed the Commission. Ms. Matz said they offered to talk to the applicant about joint access, but the applicant refused. She owns the property to the west of the site.

Clyde List, 21235 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. List said he lives on the site to the west. The easement is necessary to protect access issues on 99W. He did not see how withdrawing the easement is going to ease pressure on 99W. Something needs to be done. He said the building does not have good architecture. He would like to see a business that would provide a greater service to the public.

Mr. Allen asked Staff what code requirement the access easement is aimed at complying with and what requirement it fails to meet without the access easement.

Mr. Wechner referred the Commission to Section 6.305.09. This section is discussed on page 4 of the Staff Report.

Chair Emery asked if the applicant wished to provide rebuttal testimony.

Tom Lancaster discussed the methodology in the traffic analysis and May 14, 2004 letter from ODOT. In accordance with the City's procedures, they measured other similar-sized medical buildings to determine what the actual trips rates would be. There is a difference between large and small medical offices. They looked at the Providence rates as being from a large office. ODOT commented that all of the rates should be averaged together. This does not give a representative trip rate.

Mr. Keyes said the City and Jeff Wise, Hopper, Dennis, Jellison, reviewed the study done by Lancaster. He supported the applicant's methodology over the ODOT memo. Mr. Wise spoke to ODOT representatives who were unable to come to a consensus.

Ms. Lafayette recommended the findings should reflect the acceptance of the traffic study.

The Commissioners discussed the traffic circulation on the site.

Mr. Wyman said the applicant is willing to accept Condition C.1.e, but they are contesting Condition C.1.d.

Mr. Lancaster said in terms of traffic operation, it will be easier and safer for someone to turn left onto Edy by using the roundabout rather than using the north driveway.

Mr. Keyes recommended changing Condition C.1.c, to add, "...or alternative acceptable to the City Engineer."

Mr. Wyman said both of the properties have tremendous development potential. There is no reason to believe that the neighboring property cannot or will not develop to its full potential without the cross-easement. The applicant recognizes the inherent problems with 99W and limitations with direct access.

Chair Emery closed the public hearing on SP 04-04 for Commission deliberations.

Ms. Lafayette recommended adding a finding that the trip counts are acceptable, page 9, 5.401.05 of the Staff Report.

Mr. Allen proposed that Condition C.1.e is sufficient to meet code requirements of Section 6.305.09, and that Condition C.1.d be eliminated. He would include an additional finding of the improved functionality of a potential traffic circle (roundabout) without the cross-easement. Adding a cross-easement would have a potentially negative impact on the future traffic circle (roundabout) at Edy Road and Borchers Drive. The Commission concurred.

The Commission concurred with the proposed changes including adding the wording as stated by Mr. Keyes for Condition C.1.c. "or alternative acceptable to the City Engineer."

Patrick Allen moved the Planning Commission approve SP 04-04 Providence Sherwood Medical Plaza Site Plan based on Staff Report, public testimony, Staff recommendations, agency and applicant comments, additional findings and conditions as revised, including deletion of Condition C.1.d. Seconded by Jean Lafayette.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain

6. New Business

Mr. Allen asked if Staff could address the proposed budget and the elimination of the Code Compliance Officer position.

Mr. Wechner stated that this position is being combined with another position dealing with evidence control, Evidence Technician. There are two people that may apply for the one position.

7. Adjourn to Work Session

There being no further business to discuss, the meeting was adjourned at 8:25 PM.

END OF MINUTES