



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

July 20, 2004

Regular Meeting -7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Consent Agenda – July 6, 2004 PC Minutes**
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. **(cont'd from 07-06-04, public hearing closed) SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan (Pad #4) and Conditional Use:** a request by RHL Design Group (for Safeway) and Regency Realty to construct a four (4) pump fueling station with eight (8) fueling nozzles and attendant kiosk to be operated by Safeway, located at corner of Roy Rogers Road and Borchers Drive, Tax Lot 100, Map 2S 1 29BC. *(Ed Murphy, Interim Planning Director)*
 - B. **SUB 04-05 Arbor Terrace Preliminary Plat & PUD 95-1 Sherwood Village PUD (Langer) Amendment:** a request by West Hills Development for approval for a 160-lot single-family residential subdivision (65 townhomes and 95 detached single-family dwellings). The site is zoned High Density Residential (HDR) and located at SW Langer Drive and Century Drive, further described as Tax Lots 400, 500, 600, Map 2S 1 29CA. *(Ed Murphy, Interim Planning Director)*
 - C. **Appeal of four (4) Sign Permit Applications by Capital Financial Group.** *This public hearing will not be heard tonight.*
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
July 20, 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
Kevin Henry
Dan King
Jean Lafayette

Staff:

Ed Murphy, Interim Planning Director
Anne Elvers, Associate Planner
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Matt Nolan

2. Consent Agenda – July 6, 2004 PC Minutes

Mr. Allen noted that on page 2, the 4th paragraph, the word “spoke” should be “spoken”. There were no further corrections.

Patrick Allen moved the Planning Commission accept the July 6, 2004 Planning Commission meeting minutes as corrected. Seconded by Kevin Henry.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

3. Agenda Review

Chair Emery announced that Agenda Item 5C Capital Financial Sign Appeal(s) would not be heard tonight. The Commission would hear an update from Staff under “New Business”.

4. Community Comments

There were no community comments.

5. Public Hearings

5A. SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan & Conditions Use (continued from July 6, 2004, public hearing closed)

Chair Emery announced the public hearing had been closed and the Commission would begin deliberations and consider a decision on the proposed site plan application. He asked if Staff wished to provide final comments.

There were no new Commissioner disclosures.

Ed Murphy reported that the Commission had all of the materials before them. The public hearing and record are closed. He noted:

- Referring to his memo dated July 2, 2004 to the Commission regarding traffic, Staff has concluded that the proposed use is excluded from the CAP Ordinance because it is a change of use that does not increase the number of trips generated by the current use.
- Because the Commission received a lot of technical, traffic analysis type information, he asked Jeff Wise, Hopper, Dennis, Jellison, to be in attendance tonight to answer any specific traffic-related questions.
- The right-in and right-out turning movements to the site seemed to be a concern. He spoke to Phil Healy from Washington County today and confirmed Washington County did receive notice of the application and they provided comments in a letter dated March 17, 2004. They did not require any further transportation-related improvements. Mr. Healy confirmed that any dedication of right-of-way or other improvements have been completed. This letter was in the City case file. He distributed a copy to the Commission. This letter was also reviewed by the City Engineer as noted in his comments to the Commission that the County stated that all traffic mitigation for this development had been done and Washington County would not be submitting any proposed requirements or additional conditions for development (June 15, 2004 Planning Commission meeting minutes, page 3).
- The original Staff Report, dated May 24, 2004, page 5, was in error where it stated that Washington County did not reply to the February 24, 2004 traffic analysis done by Kittelson & Associates.
- He also confirmed with Mr. Healy, that the County's letter dated October 22, 1999, which is a part of the record, is the final word on the required improvements. There is a typographical error in letter that Mr. Healy acknowledged. It should read, "the right-in, right-out and left-in....".
- The County has the authority to restrict or even close the access from Roy Rogers Road to the site if it is determined that the access is not safe, including closing the left-in turn lane.
- Mr. Wise reviewed the traffic analysis and other traffic information submitted from the proponents and opponents. Mr. Wise concluded that the traffic analysis submitted by Kittelson & Associates meets the basic test – the assumptions made by the traffic engineer are reasonable and the report was done according to acceptable standards.
- In conclusion, Staff is recommending approval of the proposed Safeway Fueling Station Site Plan and Conditional Use with conditions.
- He would also recommend the Commission amend Condition #A4, "Outdoor sales and storage is not permitted" by adding, "except for one (1) roll out cart".

The Commission agreed to amend Condition #A4, by adding to the end of the sentence, "...except for one (1) roll out cart."

The Commission concurred that the driveway pavement markings should also be included under the proposed conditions as Condition #E5.

Ms. Lafayette stated she is exercising her right to propose additional conditions because everything needs to be in place. In her opinion, the fueling station is not going to fit on the site where it is planned. It is irresponsible for the Commission to think that the site plan will work

and be safe in the long term. The driveway being proposed is so wide that it is going to create severe cross-traffic and a dangerous situation. There is not a lot of room for traffic circulation to begin with and if you open it up so there is moving room, you would have people blocking a very heavily used access. This would be extremely dangerous. She does not support the application as submitted.

Mr. King said he had not seen anything submitted by the applicant to show the proposed fueling station would meet the needs of the community under the conditional use permit criteria (Section 4.302.03, Item C). Additionally, two other gas stations have recently been built that are located not too far from the City.

Ms. Lafayette said consideration should not only be given to the “need” criteria, but consideration should also be given to what long-term effects the proposed station would have on the existing gas stations in the community. Competition is good, but proposal would create the wrong thing for the community.

Mr. Allen commented that a similar proposal by Safeway was considered 3-4 years ago by the Commission. The testimony received on the current application included comments that this issue was already decided with the previous application and questions about why it is being presented again. He voted against the first application because of the “need” requirement in the previous Code. The current site plan application is different from the one previously proposed. The station will be located on a different part of the site, it is smaller in size, the Code conditional use criteria has changed, and the City of Sherwood has grown in population from 10,000 to over 14,000. The “need” element has been removed from the Conditional Use criteria. He also noted:

- There has been a lot of use of the term “hyper-market” store with not much definition. The opponents used the Safeway fueling station in Madras, Oregon, as an example in comparing this site. One of the distinguishing features of the Safeway fueling station in Madras, Oregon, is that it is about the first gas station within 100 miles, other than a small one in Warm Springs. It is ludicrous to consider the Madras station as a comparable station to the proposed site plan.
- There is a Safeway fueling station in Philomath that looked to him to be similar to the one being proposed. It has a small number of pumps and is located on one of the major routes to the Oregon Coast. On a busy holiday week-end when he was traveling to Newport, Oregon he saw there were only 3 or 4 cars at the pumps.
- The use of the phrase “hyper-market” and occasional reference to Costco was calculated to make the Commission think of Costco while they look at this station. This proposal is not the same.
- The previous conditional use criteria said you had to demonstrate “need” and this was the basis for his voting against the previous submittal. The question is whether taking “need” out of the Code has any effect or makes a difference. The opponents have stated a much more general requirement to meet needs and it is a different requirement. The previous requirement required the Commission to determine if there was an actual need for this type of goods or service. The more general requirement is the Commission should not be substituting themselves for the marketplace in terms of competition.

- The provisions of the Code that discuss need are very general in nature - do people in Sherwood need to buy gas. The answer is yes and you should have choices of opportunities to do that at a variety of places. He did not believe it requires an economic analysis or determination that this is going to be economically viable. It does provide the Commission the ability to decide if it is unusual and additional conditions are necessary.
- The opponent testimony that is most compelling is from the Economic Insight report dated June 1, 2004, page 7 where they discuss the possibility that this station could cause a risk that either the new station or other stations could fail. The risk that this outcome would occur is not very large. The station most likely to fail would be the new station being proposed.
- There is a demonstrated need for the ability to buy gasoline in Sherwood and a need for geographical dispersion. The applicant has shown that having multiple locations on both sides of the highway would minimize the need to cross the highway. These are things that show the very general level of need. The Code provision to show an economic need has been eliminated.
- The applicant states the transportation facilities are adequate and the opponents disagree. There has been a lot of information received on this subject and not a lot of new information. He considered what Staff is telling the Commission as well as the independent opinion of the traffic engineer. Hopper, Dennis, Jellison does not have a vested interest in this application, unlike any of the other transportation experts involved. The applicant's transportation information was persuasive on its face. He would agree with the applicant testimony and Staff's findings that this application is not covered under the CAP Ordinance and there is not a requirement for more transportation improvements.
- Regarding the cross-traffic concerns, he believes if some type of barrier or sidewalk were placed between the Starbucks and proposed station it would have a negative impact on traffic circulation on the site. There are five occupied businesses in the strip center and no one has provided testimony in opposition to the proposed station.
- With regard to neighborhood impacts, the only negative testimony was related to light from the site. The applicant has agreed to flush mount the lighting and significantly reduce the foot-candle rating from the original proposal. The "acorn" lights in a residential neighborhood create more light intrusion than this station.
- Mixed-use development that includes commercial and residential use is supposed to create an urban living environment.
- He would support the proposed application. It is an allowed use in the commercial zone.

Kevin Henry said he disagreed that this application meets the overall needs of the community. There are existing gas stations that serve the community. He noted:

- There is a safety issue considering the size and location of the gas station on the site. Site circulation is a concern. There are tenant spaces nearby that you don't normally have with a gas station.
- He did not feel the proposal meets the overall needs of the community and questioned whether the impacts can be accommodated considering size, shape and location. He did not believe they could.
- He was not convinced that a bank with drive-thru would generate more trips than a gas station. This is not one of the reasons he is not in favor of the application; he just wanted to point this out because to him it does not make a lot of sense.

- He did not support the application.

Mr. Allen asked if the Commission would agree that if this station does not meet the standard of need, if a restaurant required a conditional use permit because of site location, is the Commission prepared to say there are already four restaurants in town, do we really need another one.

Ms. Lafayette said there is a difference between a restaurant and a gas station. There are several uses that require a conditional use permit. A gas station has certain environmental and long-term impacts. A restaurant could be converted into another leasable space, but this is not the case for a gas station. She referred to the gas station in Old Town that has housed several different businesses, but it is still a gas station.

Mr. Henry said a restaurant and gas station are different because of their overall impacts to the site. The Commission has been down that road when they looked at mini-storage facilities. He is interpreting the application that is before him now.

Mr. Allen said the Commission is taking a big policy step if they say the general requirement to consider need means any time they review a conditional use permit they are going to have to look at community need from an economic point of view.

Mr. Balza said they have heard a lot about traffic impacts. The intersection of Roy Rogers Road and Highway 99W is not functional, somewhat due to factors beyond their control, and that is the timing of the light. He thinks there will be trips saved by going to the grocery store and gas station that will be located on the same site. He views a gas station as a destination. If he could pay 3 or 4 cents less within one-third of a mile of three existing stations, he would go to the cheaper gas station. Trip counts to the site would probably be a little bit higher than stated. It is going to add to the traffic congestion at the intersection. He is negatively inclined due to these factors.

Chair Emery said after listening to all of the testimony and discussion, it comes down to the access driveway to the site. Traffic circulation and safety are concerns to him. He would prefer more than just striping to extending the concrete barrier to the driveway.

Ms. Lafayette agreed. When you access the Albertson's site at the light, there is a lot of traffic circulating through the intersection near the gas station. The one thing that makes it safe is that you have to access the gas station by going around and in to it rather than a free-for-all into the street. She would be interested to see if the Safeway fueling station driveway access would work if it were blocked by some type of curb barrier and make it a 4-way stop or at least a 2-way stop. This would provide a safer ingress/egress.

The Commission reviewed the traffic circulation on the site plan.

Mr. Allen said the Code allows a gas station in the general commercial zone and if conditions can make it work, it is the obligation of the Planning Commission to propose these conditions.

Ms. Lafayette agreed that the previous application had more opposition from the surrounding residential neighborhood. It would be appropriate to provide some additional screening for the site with a mix of evergreens and deciduous trees. The island extension is necessary to create a safer environment. The striping is an added benefit because it would keep traffic flowing safely.

Mr. Allen asked if there were conditions that would make the application work.

Ms. Lafayette said it could be conditioned that the site would be operated safely by extending the island extension. She was still concerned about overall needs for the community.

Patrick Allen moved the Planning Commission approve SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan and Condition Use incorporating applicant and opponent testimony, staff report(s) as supplemented, Commission deliberations, public comments, with the revised conditions as presented in the July 2, 2004 memo from Ed Murphy, with the addition of clarification of Condition #A4 would not prohibit a single roll-away cart for automotive products, and additional condition worded by Staff that takes the curb and planter area at the architectural northeast corner of the site and extends it to the southeast corner of the site, and additional condition that the buffering on the architectural northwest corner of the site include a mix of conifers and deciduous trees (a minimum 3-inch diameter breast height. Seconded by Jean Lafayette.

Vote for Passage of Motion: 2-Yes (Allen, Emery), 4-No (Balza, Henry, King, Lafayette), 0-Abstain (by roll call vote)

THE MOTION FAILED

Chair Emery recessed the meeting for a 10-minute break at 8:00 PM and reconvened the Regular Commission meeting at 8:10 PM.

5B. SUB 04-05 Arbor Terrace Preliminary Plat & PUD 95-1 Sherwood Village PUD Amendment

Chair Emery opened the public hearing on SUB 04-05 Arbor Terrace Preliminary Plat and PUD 95-1 Sherwood Village PUD Amendment and called for the Staff Report.

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.

Ed Murphy referred the Commission to the Staff Report dated July 13, 2004, a complete copy of which is contained in the City Planning File SUB 04-05 Arbor Terrace. He noted:

- The applicant is requesting preliminary plat approval for 160 single-family detached dwelling units and townhomes. The site is zoned High Density Residential (HDR) with a Planned Unit Development overlay (PUD 95-1 Sherwood Village PUD, also known as Langer).

- The site is located next to the Sunfield Lakes Apartments and Target retail commercial site.
- The Planning Commission decision will be a recommendation to the City Council, who will make the final decision.
- The original application was supplemented by additional materials dated July 8, 2004, that were included with the Commission packets. Also included in the packets are:
 - A letter dated July 12, 2004, from Michael Robinson regarding the model homes.
 - A letter dated July 14, 2004, from Michael Robinson recommending a proposed condition regarding stormwater.
- A memo dated July 20, 2004, from Lee Harrington, City Engineer's office, was distributed to the Commission that discussed water, sewer and stormwater.
- Terry Keyes, City Engineer, did not require that a traffic report be submitted with this application. This was due to the fact that Target had recently done an updated traffic study.
- On page 11 of the Staff Report, one of the requirements is that a minimum of 50% of the dwellings in a block range shall have a front porch. This can be shown on the final development plan and the applicant may wish to respond to this criteria.
- On page 12 of the Staff Report, the standard is no two adjacent dwellings shall have the same architectural elevation or predominant color. This can be shown on the final development plan and the applicant may wish to respond to this criteria.
- On page 13 of the Staff Report, there may be room for a planter strip on the entranceway of Street 'A' and the east end of Street 'B'. The right-of-way is fifty (56) feet wide. The application shows curb tight planters in these areas.
- On page 17 of the Staff Report, item #9 notes that side-yard setbacks are based on the block length. He identified the sets of units that should have certain side-yards setbacks. He noted that these setbacks were not met in all cases. The applicant may wish to respond to the proposed setbacks.
- Overall there is good pedestrian circulation. There will be a north/south pedestrian way to 'B' street that connects to Langer Drive. The applicant will discuss how the existing easement for a pedestrian access can be changed.
- The applicant is not proposing any fencing between the streets and the tracts. Fencing will be located along the back side of the units.
- The applicant is proposing a 36-foot wide street as required by the Code, unless otherwise modified by the Commission or Council. He believes a 36-foot wide street is too wide in some cases and the applicant might wish to consider a 32-foot wide street or the normal City standard 28-foot wide street.
- In conclusion, Staff recommends approval of the proposal with conditions.

Chair Emery noted that the applicant should have the plans reviewed by the City garbage service, Pride Disposal. He was concerned with Alleys B and C having enough room for the garbage trucks to safely maneuver.

Chair Emery asked if the applicant wish to provide testimony.

Michael Robinson, representing the applicant, Perkins-Coie, 1120 NW Couch Street, 10th Floor, Portland, Oregon 97209; Don Guthrie, West Hills Development, 1550 SW Jay Street, Beaverton, Oregon 97006; and Brian Roberts, LDC Design, 20085 NW Tanasbourne Drive,

Hillsboro, Oregon 97124, addressed the Commission. Mr. Robinson introduced Mr. Guthrie and Mr. Roberts. He submitted the following additional information for the record:

- A hand-out reflecting the slide presentation that will be shown to the Commission tonight.
- The parking plan and how it achieves the parking guidelines imposed by the City Council in the revised PUD Ordinance adopted in June 2004.
- A diagram identifying the north end of the 40-foot wide pedestrian easement that is going to be vacated. There will still be a pedestrian connection off of Langer Drive. Oregon State law allows this to be done without a separate re-plat process.
- There will be a path from the easement through Tract J to the street. Private Street 'C' will connect to some type of constructed path.

Mr. Robinson thanked the Staff and Commission for all of their hard work on the recently adopted PUD Ordinance amendments. The Commission viewed a slide presentation with the applicant testimony. He briefly discussed the history of the Sherwood Village PUD and noted:

- They are developing in the High Density Residential (HDR) zone and not proposing to do something different than what the PUD anticipated in terms of ultimate density. The revisions to the PUD criteria now allow lots less than 5,000 square feet in the HDR zone in an existing PUD.
- The applicant is proposing 160 units – 95 single-family homes and 65 townhomes. The site will include 45 Terrace Collection homes, a rear-loaded single-family home that does not have a driveway, but does have a two-car garage that is served from the alleys. There will be 50 Chateau Collection homes, a single-family detached home that is front-loaded, with a single car garage. These are developed next to each other with one garage located further back than the other which will allow for different length driveways. The site will also have 65 townhomes with single car garages, front-loaded to the street.
- There will not be more than 60% single-family homes in the project which meets the PUD criteria.
- They proposed 36-foot wide streets as required in the townhome ordinance and this would be their preference.
- The main areas of open space will be a one-half acre park located on Baler Way across the street from the proposed Target site and the 40-foot pedestrian access easement.
- When they vacate a portion of the 40-foot public easement on the north end, as shown on the map, there will be a private street that will be maintained by the homeowner's association, but there will be a public easement over it. Pedestrians will be able to walk from Century Drive to Langer Drive on the sidewalk on the private street section.
- The benefit of a 36-foot wide street is you have more room for parking on both sides of the street, two travel lanes and better access for the Fire District. The only downside to narrower streets is that some people might view them as being too narrow, causing congestion and limiting emergency vehicle access.

Mr. Guthrie said he agreed with Mr. Robinson's comments. Additionally, the Terrace Collection needs on-street parking for visitors. There is no driveway with this rear-loaded product. A 36-

foot wide street would allow additional parking. The “bulb-outs” would allow more room for emergency vehicle access.

- Mr. Robinson continued with his testimony and slide presentation that showed the open space area along Century Drive that will have a three-rail, white fence, parking on one side and sidewalk. The Terrace units will front onto the street with a wrought-iron fence treatment that distinguishes the public open space from the private front yards. The Chateau units on Century Drive will be adjacent to the open space and have the three rail white fence and Arborvitae treatment.

Brian Roberts, LDC Design, responded to the question regarding private streets in the subdivision. The only functional difference between the public and private streets is the location of the sidewalks. Because of the need to maintain some continuity in the front yards, the private streets will have a curb-tight sidewalk that allows more green area directly in front of the house. There will be same amount of landscaping within the right-of-way. The sidewalks are to City standard of 5-feet.

Mr. Robinson said he did not think the applicant would have a problem with public streets if the City Council or City Engineer could approve a similar design. He continued:

- All of the single-family homes and townhomes have front porches that vary in style.
- All West Hills communities allow for more neighborhood interaction. The front yards will be fully landscaped by West Hills and maintained by the homeowner’s association.

Mr. Guthrie said with regard to the Terrace Collection, the CC&R’s require that the garage be open for parking and not storage. The CC&R’s also prohibit parking in the alley with the Terrace product.

Mr. Robinson continued:

- There will be 50 single-family detached dwellings in the Chateau Collection that are front-loaded. The slide shows how the garages are located at various distances from the street. Vehicles are able to park in the driveway and it also allows more variation with the open space.
- The townhomes will have single car garages, be front-loaded and are two-story units.
- Parking was the subject of great deliberation during the Commission and Council review of the PUD ordinance plan test amendments. The ordinance requires a parking plan and he distributed an updated copy to the Commission. As a guideline, the requirement is there must be 1.75 spaces on street, off-street, not including garages, for each unit. The application meets this standard.
- He discussed the proposed open space park area and showed the Commission a slide of another open space park done by West Hills in the Arbor Gardens development. The park will be private and maintained by the homeowner’s association. They had not planned to have a fence around the park.
- The applicant met with the City Engineer regarding utilities. It is their understanding that they will have to loop the waterline, but there is adequate water, sanitary sewer service and

storm drainage. He referred to his letter dated July 8, 2004, and the July 20, 2004, memo from Lee Harrington. Water quality treatment can either be done on-site (what they originally proposed), use an underground storage method or negotiate an agreement with Target to use their facility located on Tualatin-Sherwood Road. They would prefer to put the storm drainage into the over-size lines to the Target site.

- Transportation – The City Engineer did not require a traffic impact analysis because Target did an analysis that looked at background traffic that included the HDR zoned site. There are no off-site improvements that need to be made to handle the traffic from this development. The City included traffic from all of the Sherwood Village PUD into account when it approved the PUD. The HDR zone has always been a part of the PUD.
- The building materials will not be T-111 siding. The units will have nice architectural features that will result in a very pleasant streetscape along Century Drive.

In response to Mr. Allen's question, Mr. Guthrie said the east side of Baler Way will have a landscape treatment and street trees next to the parking area.

Mr. Robinson noted that the color palette will abide by Code requirements. The applicant would like to have model homes. Model homes are good way to introduce the public to a product. They would prefer not to have "no parking" signs in the alleys. The site is designed so that there is really no way for parking in the alleys. The homeowner's association will insure that this does not happen. They do not want to have a lot of "sign clutter". He will discuss this with the Fire Marshal. They will also talk with Pride Disposal regarding garbage service. The applicant would appreciate consideration of this application and a decision tonight.

Chair Emery asked if there was any proponent testimony. There being none, Chair Emery asked if there was any opponent testimony.

Doug Pederson, (Secretary, Sherwood Village Homeowner's Assn), 16018 SW Red Clover Lane, Sherwood, Oregon 97140, and Rick Vauble, (President, Sherwood Village Homeowner's Assn), 15891 SW Red Clover Lane, Sherwood, Oregon 97140, addressed the Commission.

Mr. Vauble said many of the homeowner's in Sherwood Village are concerned about traffic. After hearing the testimony and looking at the actual plans, the development is put together much better than they had anticipated. The applicant did a good job with the green space across Century Drive looking into the park. One of their concerns would be the off-street parking. Langer Park, along Century Drive is a very busy park. Very often-during the summer, the Sherwood Police have to remind parents that there is only parking on one side of Century Drive. It can get very congested. Traffic circulation and congestion was another concern, in particular at the intersection of Century Drive and North Sherwood Boulevard. During the school season, there is a lot of traffic in the morning on North Sherwood Bouelvard. It is a major area of congestion. Sherwood Village has 203 residents and it can only get worse with the addition of this development and the opening of the Target store.

Chair Emery said this is a valid concern. The proposed Transportation System Plan (TSP) will address this issue. The TSP is currently under review and it identifies some alternatives for this intersection – a round-about or traffic signal.

Mr. Vauble said they are not really opposed to the Commission approving the application, but they wanted to have their concerns noted for the record.

Ms. Lafayette said she was pleased to see that the homes will all face Century Drive.

Mr. Vauble agreed. The Sherwood Village Homeowner's Association is required to maintain Langer Drive as a part of their CC&R's, although it is a City park. He did not know how the proposed private park would be kept private without any fencing. With regard to the CC&R's not allowing parking, it is very hard for a homeowner's association to enforce. They run their own Association and do not use an outside management company.

Chair Emery said it is not difficult for homeowner's associations to enforce the CC&R's when there is a management company. This has been his experience, in particular in Woodhaven.

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

Mr. Robinson addressed the Commission. They appreciated the comments from the Sherwood Village Homeowner's Association. The CC&R's for Arbor Terrace will be reviewed by the Commission prior to final development plan approval. They have a company that will manage the homeowner's association. West Hills has had very good success with enforcement in their other developments. The City has anticipated development in this area and probably at a higher density. His understanding is that Adams Avenue will be connected to Tualatin-Sherwood Road and this will make it much easier to get to Old Town Sherwood. If this application were not approved, they would build apartments and townhomes that are allowed outright in the HDR zone and at a higher density.

Mr. Guthrie said they had discussed having a transit stop at the proposed park. With the design of the interior island for Target, it makes it a little more difficult to do. The final plan is still being discussed in terms of how buses will move through this area.

Mr. Guthrie responded to the question about the private park. All of their communities have very large private parks, with park elements that have active and passive uses. These parks are not fenced. In this development the HOA would maintain it through build-out, and they would allow the HOA the provision that would allow them to turn it over to the public if they choose to do so. He assumed the City would like to have the park maintained by the HOA. They do not typically "police" the users of their parks.

Ms. Lafayette said for safety it may be nice to have some type of fence across the front of the park, especially considering its location directly across from the Target site.

Chair Emery suggested that the white, vinyl fence that is used in other parks in the City may work.

Ms. Lafayette suggested two additional conditions be added to the application. One, a condition that notes the PUD plan text amendments ordinance does not become effective until July 22, 2004. A condition under "general conditions" that signage be approved by Staff.

Chair Emery closed the public hearing on SUB 04-05 Arbor Terrace Preliminary Plat and PUD 95-1 Sherwood Village PUD amendment for Commission deliberations.

The Commission did not oppose the proposed easement vacation as submitted by the applicant.

Ms. Lafayette addressed the setbacks. In this case, when you look at a finding for a PUD, the Commission can look at setbacks and make an exception, given that other design elements and amenities within the community warrant a setback being reduced. Throughout this development there are other opportunities of green spaces and setbacks. She would recommend a finding that *the design elements and other amenities within the community warrant an exception to the setbacks*. The Commission concurred.

The Commission agreed that this project is exactly what they thought they would be reviewing when they went through the plan text amendment public hearings for the PUD criteria.

Mr. Henry said the applicant has done a great job and their efforts are shown with the product being proposed. This development will be very good for the community. The traffic issues will have to be resolved with the TSP.

Jean Lafayette moved the Planning Commission recommend approval to the City Council for SUB 04-05 Arbor Terrace Preliminary Plat and PUD 95-1 Sherwood Village PUD Amendment, based on the Staff Report, applicant and public testimony, Commission deliberations and modifications to the finding that incorporates setbacks and other modifications to the conditions of approval. Seconded by Patrick Allen.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

5C. Appeal of four (4) Sign Permit Applications by Capital Financial Group

Mr. Murphy briefly discussed the status of these applications. The applicant has filed a Writ of Mandamus with Washington County based on the City's failure to meet the 120-day deadline.

6. New Business

The Commission agreed to hold a work session on land use process and public hearings at their August 3, 2004 Regular Commission meeting. The work session will begin at 7:00 PM. There are no public hearings scheduled for this date.

7. Adjourn

There being no further business, Chair Emery adjourned the meeting at 9:40 PM.

End of Minutes