



**City of Sherwood
PLANNING COMMISSION**

**Stewart Senior/Community Center
855 N. Sherwood Boulevard**

March 19, 2002

Work Session – 6:00 PM

Regular Meeting -7:00 PM

A G E N D A

6:00 PM – Work Session to continue review of Old Town Design Standards

7:00 PM – Regular Planning Commission Meeting

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – February 19, 2002 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. SP 01-08 Juniper Ridge Sherwood Retail Site Plan (cont'd from 01-15-02)** a request by Juniper Ridge Investments LLC to construct two retail buildings (7,872 sq ft and 10,067 sq ft) at the southeast corner of 99W and Tualatin-Sherwood Rd, Tax Lots 700 and 1100, Map 2S 1 29B. *(Keith Jones, Senior Planner)*
 - B. PA 01-07/SUB 01-04/SP 01-10 Vintage Creek Plan Map Amendment, Preliminary Plat and Site Plan:** a request to rezone Tax Lot 3100, Map 2S 1 30D from Medium Density Residential Low (MDRL) to High Density Residential (HDR) and Tax Lot 3200, Map 2S 1 30D from Medium Density Residential Low (MDRL) to Institutional Public (IP). The Commission will make a recommendation on the rezone to the City Council. The joint application includes Preliminary Plat and Site Plan approval for a 71-lot townhome development on Tax Lot 3100. The site is located east of 99W and west of Smith Farms Estates. *(Keith Jones, Senior Planner)*
- 6. New Business**
 - A. Report from Council Liaison** *(Ken Shannon)*
- 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
March 19, 2002

The scheduled 6:00 PM Planning Commission work session was held following the Regular Commission meeting.

1. Call to Order/Roll Call

Chair Adrian Emery called the Planning Commission meeting to order at 7:00 PM.

Commission Members present:

Patrick Allen
Adrian Emery
Kevin Henry
Jean Lafayette
Ken Shannon
Lee Weislogel

Staff:

Dave Wechner, Planning Director
Keith Jones, Senior Planner
Terry Keyes, City Engineer
Shannon Johnson, Legal Counsel

Commission Members absent:

Bill Whiteman

2. Consent Agenda – February 19, 2002 PC Minutes

Chair Emery asked if there were any additions or corrections to the minutes. There were no changes to the minutes.

Jean Lafayette moved the Planning Commission accept the February 19, 2002 Planning Commission meeting minutes as presented. Seconded by Lee Weislogel.

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

3. Agenda Review

Chair Emery announced that the Old Town Design Guidelines work session would be held following the Regular Commission meeting.

Mr. Wechner reviewed the process for providing public testimony and requesting copies of Staff Reports.

Patrick Allen announced he would like to make a brief report on the activities of the Sign Code Ordinance Committee under New Business. The Commission concurred.

4. Community Comments

Andy Cotton, representing the Timberline Baptist Church, addressed the Commission. He referenced their letter dated February 18, 2002, asking the City to consider churches as permitted uses in the Light Industrial (LI) zone. They have contacted a property owner who is interested in

leasing them building space in the LI zone. They are currently meeting at the La Petite Academy for services. Their congregation is growing and they need a more permanent facility. The available space in the LI zone would meet this purpose. Most of their traffic would be on Sunday and would not adversely affect the other businesses in the industrial park.

There were no questions from the Commission. Chair Emery said the request to change permitted uses to include churches in the LI zone will be reviewed at a future Commission meeting.

5. Public Hearings

Shannon Johnson read the hearings disclosure statement and asked that Commission members reveal any conflicts of interest, ex-parte contact or bias regarding any issues on the agenda prior to each specific public hearing.

5A. SP 01-08 Juniper Ridge Sherwood Retail Site Plan

Chair Emery opened the public hearing.

There were no Commissioner disclosures.

Keith Jones reported that Staff met with the applicant and representatives from ODOT regarding traffic mitigation. Staff would be supportive of the applicant's request for a two-week continuance to the April 2, 2002 Regular Commission meeting.

Dirk Otis, Robert Evans Company, representing Juniper Ridge, addressed the Commission. He referenced their letter dated March 18, 2002 requesting a continuance to the April 2, 2002 Regular Commission meeting. It has been somewhat cumbersome trying to get ODOT, Washington County and City representatives together for a meeting. They have come to a consensus. The documentation is complete and Washington County is preparing a letter for the applicant. The revised lane layouts and engineering data will be submitted to the City in time for the April 2, 2002 Regular Commission meeting. He included an extension of the 120-day deadline of two weeks with this request.

Patrick Allen moved the Planning Commission continue SP 01-08 Juniper Ridge Sherwood Retail Site Plan to the April 2, 2002 Regular Commission meeting. This includes a continuance of the 120-day deadline by two weeks. Seconded by Lee Weislogel.

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

B. PA 01/07/SUB 01-04/SP 01-10 Vintage Creek Plan Map Amendment, Preliminary Plat and Site Plan

Chair Emery opened the public hearing.

Shannon Johnson announced the criteria set forth for this application are Sections 4.203.02, 7.201.03 and 5.102.04 of the Development Code. He read the hearings disclosure statement.

Kevin Henry announced his bank has worked with J.T. Smith Companies, but this work is not related to this project. He does not have any bias or potential conflict of interest.

Patrick Allen announced he had ex-parte communication with Bettis Shepherd, a resident of the Gleneagle Condominiums. The conversation was very brief and the nature of it was Mr. Shepherd asking about the status of the application and expressing some concern after looking at the site plan map. Mr. Allen asked him if he had seen the elevations of this project and Mr. Shepherd then went with Mr. Jones to look at the elevations. Mr. Allen explained the reasoning behind the general townhome design standards to him. Mr. Shepherd was concerned about the number of neighbors bordering the creek and issues the Gleneagle tenants had with undesirable activity on their property. Mr. Allen did not have any bias and he would be happy to answer any questions.

There were no other Commissioner disclosures.

Chair Emery called for the Staff Report. Keith Jones, Senior Planner, referred the Commission to the Staff Report dated March 12, 2002, a complete copy of which is contained in the City Planning files. He noted:

- The site is located southwest of where Cedar Creek crosses Highway 99W. The site is zoned Medium Density Residential Low (MDRL). This zoning district allows lot sizes of 5,000 square feet.
- The site was used for farming and has an old home foundation on it. Otherwise, the site is vacant.
- The applicant is proposing to build 71-townhomes on individual lots. These townhomes meet the recently adopted Townhome Standards. They are also proposing to rezone Tax Lot 3100, Map 2S 1 30D from MDRL to High Density Residential (HDR) and Tax Lot 3200, Map 2S 1 30D from MDRL to Institutional Public (IP). The rezone portion of this joint application will be a recommendation from the Planning Commission to the City Council. The site plan decision will be conditioned on the decision from the Council on the plan map amendment.
- He reviewed the criteria for site plan, preliminary plat and plan map amendment approval.
- The applicant submitted a market study on the proposed rezone. Staff found that the rezone would meet the criteria for market need.
- The proposal meets the timeliness criteria. The current access to Highway 99W from Smith Boulevard is being redesigned. The City and ODOT are developing plans for the 99W/Meinecke Road intersection which would close Smith Boulevard direct access to 99W. This project would be developed in conjunction with these construction plans.
- The Metro 2040 Plan requires the City to provide a certain number of units within the City HDR zones. Some existing HDR sites have been under-built.
- The applicant's request for the rezone to HDR is appropriate and timely.
- In response to Mr. Allen's question if any of these HDR zones pre-dated the Metro 2040 Plan, Mr. Jones said the City Comprehensive Plan was adopted in 1991 which was prior to the Metro 2040 Plan. In 1991, the adopted Comp Plan met statewide planning goals. However, without having a minimum density, some of the HDR property was under-built when it was developed. Examples are the Sherwood Village and most recently, Edy Village.

- Allowing HDR density on this site would meet the “location” need criteria because of its close proximity to shopping and schools. The applicant is proposing to extend an 8-foot sidewalk to connect to a trail system through the Cedar Creek wetland area.
- The applicant is proposing to dedicate the rezoned Institutional Public (IP) portion of the site to the City.
- The project will be buffered from the surrounding neighborhood and Highway 99W. There are existing trees buffering this site from the Smith Farm Estates manufactured home park. None of the proposed three-story townhome units will be placed adjacent to the manufactured home park.
- The hours of operation of the High Tech Graphics business located to the south of Smith Boulevard would not conflict with the proposed residential use.

In conclusion, Staff finds that the applicant has addressed the site plan criteria and design standards for preliminary plat approval.

Staff recommends approval, with conditions, of the plan map amendment, site plan and preliminary plat. This approval would include a condition that states that if the proposed map amendment is not approved by Council, the site plan and preliminary plat approval would become invalid.

Mr. Jones noted that the following changes to Staff Report were discussed with the applicant:

- Page 15, Standards #1, should read, “Each townhome shall have a minimum dwelling area”.
- Page 25, Section F, #1, the condition regarding the frontage road and ODOT, the applicant and Staff agreed to rewrite it to remove the memo of understanding and include a binding letter that the City and ODOT would agree to transfer jurisdiction. “A binding letter of agreement between the City of Sherwood and ODOT for transfer of jurisdiction to the City of Sherwood shall be completed.”
- Page 25, #D1F, the Engineering Department would like to have a paved access to the stormwater facility. The applicant has indicated that this paved access may not be necessary between the townhomes and this may be addressed with another type of access to be determined by the City Engineer. The condition should include, “The applicant may provide an alternative location, approved by the City Engineer, for access to the stormwater facility.”
- Page 25, #G1, should read engineering plans prepared by OTAK and building plans prepared by Barry R. Smith.

Mr. Weislogel noted that there is no Item “A” on Page 24. Mr. Jones said there is no content missing and the conditions should be renumbered.

Mr. Wechner noted that the Commission will be making two decisions, 1) a recommendation to the City Council regarding the proposed rezones and 2) action on the site plan and preliminary plat. If the rezone is not approved by the Council the site plan and preliminary plat would not move forward.

The Commission asked for clarification regarding the location of the sidewalks.

Terry Keyes said a sidewalk would be built on the townhome side of the frontage road. The condition would extend this sidewalk to the northeast corner of the property along 99W. The City would probably build a portion of the sidewalk connection after this point. There is a parcel on 12th and 99W that would have a sidewalk built when this property is developed. He did not see a need for a sidewalk between the frontage road and 99W. The drainage ditch would be located east of the Cherry Tree. Meinecke Road is being reconstructed with a sidewalk connection between the frontage road and the new intersection.

Chair Emery asked if the applicant wished to provide testimony.

Joe Schiewe, J.T. Smith Companies, 22400 Salamo Road, Suite 204, West Linn, Oregon 97068, addressed the Commission. He noted:

- The application is complete and meets or exceeds Code requirements in many ways.
- Other individuals in attendance representing the applicant are:
 - Jerry Offer, OTAK, Inc.
 - Scott Shoemaker, Engineer, OTAK, Inc.
 - Jeff Smith, owner J.T. Smith Companies
 - Steve Ferrarini, Hobson Ferrarini, who prepared the townhome market study
 - Michael Robinson, Legal Counsel, Perkins Coie LLP
 - Julie Kuhn, Kittelson & Associates

Jerry Offer, OTAK, Inc, 17355 SW Boones Ferry Road, Lake Oswego, Oregon 97035, addressed the Commission. He noted:

- The applicant appreciates the Staff recommendation for approval of the plan map amendment in conjunction with the site plan and subdivision review.
- The applicant agrees with the recommended conditions of approval. He would review changes the applicant would like to see at the end of his testimony.
- They began discussions with the City in May 2001 regarding this proposal. They worked with the City Staff in developing the townhome design standards.
- The application meets all of the requirements of the development standards for townhome development.
- The plan map amendment is necessary to develop the property with townhomes. They would ask the Commission to make a recommendation for approval to the City Council.
- Their case is made stronger by tying it to an actual site plan and subdivision development application. This is the reason for the joint application.
- The application meets the townhome standards.
- The four criteria for a plan map amendment have been met. He reviewed two of the criteria and would ask Mr. Steve Ferrarini to discuss the other two criteria and the absence of other alternative sites in the City.
- The plan map amendment is consistent with the goals and policies of the City Comprehensive Plan. These policies have been included in their application and the Staff Report. The most significant policy is Policy 2, Chapter 4, “Residential areas will be developed in a manner which will ensure that the integrity of the community is preserved and strengthened.” The Comp Plan states that high density residential will be located to take

advantage of arterial and major collector streets, nearby shopping, parks, mass transit and other major facilities and services. All residential development will be located so as to minimize the impact of non-residential uses in traffic. New housing will be located so as to be compatible with existing house. Buffering techniques will be used to prevent any adverse effect of one use upon another. These uses techniques may include varying densities and types of residential use, design features and special construction standards. The City will encourage the use of the PUD on parcels of five acres or more.

- Their application meets all of the objectives. The PUD is not applicable to their application.
- The site is located on a major arterial (99W) and near a major collector street (Meinecke Road). It is also located near shopping opportunities (GI Joes and other commercial businesses to the north). It is close to parks and they are proposing to increase the amount of City parkland by dedicate the proposed rezoned Institutional Public parcel to the City. He identified the area on the map. They are also proposing to dedicate to the City a couple of small pieces of the townhome site tracts. He identified these on the map. The amount they are proposing for dedication is a little less than 2.5 acres of parkland.
- As the greenway along Cedar Creek is developed, the City has plans to develop a path system to connect to other parks, the library and schools. The site is near the library and schools and mass transit is available on 99W.
- Taking into consideration the plans for the modification to the Meinecke Road/99W intersection, the project will be located to minimize the impact of the non-residential uses in traffic. He identified on the map where they propose a sound wall to minimize the noise impacts from 99W.
- The proposed townhomes will be compatible with existing housing.
- He identified where existing trees are located around the site.
- The proposed amendment is timely because it is adequately served with sewer, water and transportation facilities and other public facilities.

Steve Ferrarini, Hobson Ferrarini Associates, Inc, 610 SW Alder, Suite 515, Portland, Oregon 97205, addressed the Commission. He addressed two of the plan map amendments criteria and noted:

- His firm is a real estate economics firm that does a lot of feasibility work. Townhome development is growing in popularity and becoming more prevalent in the Portland Metro area and this project would meet market demand.
- In urbanized areas condominiums and townhomes collectively represent more than 25% of all home sales. In suburban areas they represent about 11%, but this number has been increasing.
- There are three reasons for the increase in the number of townhomes:
 - This product-type is attractive to empty nesters because it has less space and lower maintenance.
 - This product-type is more attractive to first-time home buyers because they are less expensive than a typical single-family home. About two-thirds of all households in the United States are one and two-person households.
 - Townhome developments in the Sherwood area and outlining communities have an absorption rate of 4 to 5 sales per month. This is very healthy for this product-type.
- There are a number of positive things for the City with this type of development:

- It is a way for the City to achieve higher density residential development in a form that allows home ownership rather than rental. Homeowners are generally more vested members of the community.
- The development will support local businesses in terms of homeowner expenditures.
- This is a product-type that is not found in the City of Sherwood currently and would provide an alternative type of ownership housing.
- Four parcels were identified on the Alternative Sites Analysis. This information was submitted with the application that was provided to the Commission. None of the sites were available on the market for immediate development. These sites were further constrained by wetlands issues, floodplains and shape which effectively made them too small to support the proposed development.
- In summary, there were no alternative sites to build the proposed project.
- In response to Mr. Allen's question, the term "available" means is it for sale. With regard to the 9.07 acre parcel on 99W, they did not ask the property owner if they were interested in selling the property. They did research whether this property had been for sale in the recent past. It is problematic going door-to-door asking people if the property is for sale.

Mr. Offer talked briefly about the development application. The plans are pretty straight-forward with what is being proposed. He referred the Commission to a detailed rendering of the proposed project including elevations and building materials. He noted:

- Between Smith Boulevard and the frontage road there is an ODOT gravel storage pile. He identified where the sidewalk connections would be constructed on the site. They have been talking with the City and ODOT about the transfer of the frontage road to the City as a city street.
- J.T. Smith Companies would be improving the frontage of both side of this street, including a sidewalk on one side and curb on the other side.
- A berm, with a rock wall, would face outward toward 99W. It would be 4-6 feet tall and has not yet been completely designed. They will have to work around the trees on the site to minimize any impacts.
- The townhomes will have access to the two streets identified on the plan as well as to Smith Boulevard.
- The townhomes are in blocks of 3 or 4 units together and this will provide for more open area and end units. All of the townhomes will have a 20-foot front yard.
- The lots would be owned primarily by the residents of the units. It will be a home-ownership type of project and not an apartment complex.

Mr. Schiewe said the standard for parking is two spaces per townhome unit. This project will have a minimum of three parking spaces for each townhome. Many of the extra parking spaces are on the ODOT side of the street.

Mr. Offer reviewed the proposed conditions of approval on Pages 24 and 25. They would agree with the renumbering the conditions and the following revisions:

- Condition #D1F, should state, “A paved maintenance access road should be installed between proposed Lots 36 and 37 for access to the stormwater facility. The applicant may provide an alternate location and method to be approved by the City Engineer.”
- Condition #F1, should state, “A letter of intent or other binding agreement for transfer of jurisdiction of the ODOT frontage road from ODOT to the City of Sherwood shall be completed.”

Mr. Allen asked Shannon Johnson if a letter of intent would be less binding.

Mr. Johnson responded that he had included the word “binding”, but Michael Robinson may wish to address this further.

Michael Robinson, Perkins Coie, 1211 SW Fifth Avenue, Suite 1500, Portland, Oregon 97204, addressed the Commission. He noted:

- The applicant has suggested that Condition #F1 be changed by removing the phrase “memorandum of understanding” and adding, “letter of intent or other binding letter”.
- Referencing the March 11, 2002 memo from Terry Keyes, included in the packet, Mr. Keyes was told by ODOT that it would take 6 to 12 months to execute a memorandum of understanding. The applicant would be ready to final plat within 3 months.
- Mr. Keyes and the applicant agree that it should be something less than a memorandum of understanding that indicates the fact that ODOT and the City agree that eventually the jurisdiction will be transferred. It will take more than a couple of months to complete this transfer.
- If both ODOT and the City are comfortable that this is going to occur, it is just a matter of paperwork. The applicant does not want to be held up in recording the final plat.
- He talked to the ODOT Region 1 Access Management Coordinator, Kirk Hampson this afternoon and Mr. Hampson was comfortable with the language being described tonight.

Mr. Johnson said he would add another “binding” to the condition, “A binding letter of intent or other binding agreement between the City and ODOT for transfer of jurisdiction.”

Mr. Keyes said it is possible that even a memorandum of understanding would not be binding. Usually the last clause of this type of document allows either party to get out of it. The only point at which the City will be assured that ODOT approves the jurisdictional transfer is when they give a permit to the J.T. Smith Companies to put the driveways onto the street.

Mr. Robinson said until the Oregon Transportation Commission authorizes the Agency to actually do this, there is no commitment on behalf of the Agency to do it. He was not sure the wording binding should be included based on Mr. Keyes’ comments. The applicant would like something that indicates that the transfer is going to occur. They have talked with Leo Huff, Region 1 Planning Manager ODOT, Sam Hunaidi, who is responsible for the actual permitting for the approach roads in this district, and Marah Danielson who prepares the traffic analysis letters. All have indicated the jurisdictional transfer is a good idea and it will occur. If the City or ODOT are looking for a definitive agreement, this would not be done for months if not years. It may be possible to come up with some language in the condition that would make more sense.

Mr. Allen asked Mr. Johnson if the proposed language would materially change the risk that may be faced in the jurisdictional transfer not occurring.

Mr. Johnson said the only other suggestion would be to give some discretion to City Staff as to this condition being complied with or not. He could prepare language prior to the Commission making a decision tonight.

Mr. Robinson referred to Page 25 of the report, the last sentence on #F1 states, "If the jurisdiction is not transferred, the applicant shall obtain permits from ODOT for improvement and access to the frontage road." The applicant would have the risk that this is not going to occur in a timely basis. The City is protected. If things do not work out, the applicant would need to come back before the Commission and amend the plan. The applicant understands this.

Mr. Wechner said Mr. Robinson makes a good point. The timing that it actually takes to transfer the jurisdiction from ODOT is usually months, if not years. In reality, the applicant will probably be choosing the latter portion of this condition in obtaining an ODOT access permit.

Mr. Johnson asked Staff for clarification in timing. Mr. Keyes said at construction plan approval that the permits would be needed. Mr. Wechner said the applicant must have either obtained the ODOT access permit prior to final plan approval to install this frontage road or the jurisdiction of the road has been transferred to the City.

Mr. Robinson said it is probably not going to be possible to have permits from ODOT prior to the time the applicant is ready to record the final plat.

Mr. Allen said it seems that the last sentence of #F1 should probably be placed under a condition that prior to building permit approval to say if the condition in #F1 is not satisfied a permit shall be obtained from ODOT.

Mr. Robinson agreed with leaving the first sentence under #F1 and taking the remainder of the condition and placing it somewhere else.

Mr. Wechner said Staff would like to have some time to deal with the appropriate wording for this condition.

Mr. Offer continued with his testimony as follows:

- The final change to the conditions of approval would be to #G1, to state, "The building plans shall conform to the approved preliminary plat, preliminary building plans prepared by Barry Smith, Architect and engineering plans prepared by OTAK."
- He thanked the Staff for their recommendation of approval of this application.

Chair Emery recessed the meeting for a 5-minute break and reconvened at 8:30 PM to continue with the public hearing.

Mr. Wechner said the Development Code contains a provision that allows staging of the final plat. There are really two roads at issue – the ODOT frontage road and the public road that will come through Smith Farm Estates that most of the lots will access. Only a few of the lots would have access from the frontage road. The condition could state that before the second stage, the lots on the top of the site plan that access the frontage road that the jurisdiction of the road shall be transferred or the ODOT access permit granted. The remainder of the lots could be developed to final plat accessing Smith Farms Road to the south. Staff would prepare the appropriate language for this condition.

Chair Emery asked if the Commission had any further questions of the applicant.

Mr. Weislogel asked for clarification on the location of the proposed “berm” and the sidewalk.

Mr. Schiewe referred the Commission to Sheet E-6 in the application identifying the location of the proposed berm. The sidewalk will tie in to Street B, the frontage road and transition to the site. As part of the Meinecke Rd/99W intersection improvement, the City plans on installing a water quality facility to treat any runoff from these street improvements. The applicant will work with Mr. Keyes to provide pedestrian accessway from this location all the way through the length of the project.

Mr. Allen asked Mr. Schiewe if he had read the March 19, 2002 letter from ODOT regarding moving the existing gravel pile to another location. The current drawing shows the berm being interrupted by the gravel pile.

Mr. Schiewe said the applicant would work with the City Engineer and ODOT in regard to the berm. The intent is to make a connection. If the gravel pile were moved the berm would be continuous. They propose two different types; a sound wall or rockery with plantings. The intent is to create a nice-looking sound barrier between the townhomes and 99W. The applicant is willing to comply with ODOT requirements.

Ms. Lafayette asked if the Commission had the option to require a berm and not a wall.

Mr. Keyes said the decision will be made by ODOT. He can present the Commission’s preference to ODOT.

Ms. Lafayette asked where the water quality facility was going to be located.

Mr. Schiewe identified the location of the water quality facility on the map. The intent is to outfall the storm water at this location into a water quality swale. Clean Water Services does not want any retention at this location because it is so close to the outfall. He identified on the map where the water flow into the existing ODOT ditch and then into Cedar Creek.

Mr. Wechner said the approval of Clean Water Services is referenced in Condition #F3.

Mr. Schiewe said the design for trail system has not been established. They would not ask for SDC credits that are allowed under the Open Space CIP project within the Parks Plan. The SDC

program has established amounts of money that are required to provide open space and trails. These are being charged against building permits. Because the trail is not yet designed, the City is not asking the applicant to do this, but it is the intent of the Parks Plan to acquire this property. The applicant will dedicate the property and they want to get the amount of credit toward the project that the City would have paid for anyway.

Mr. Wechner said the City has not yet determined which side of the creek the trail will be located. Having the entire property dedicated will provide more flexibility in placement of the trail.

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

Betty Morgan, Smith Farm Estates resident, 21800 SW Pacific Hwy #45, Sherwood, Oregon 97140, addressed the Commission. She did not know if she was really an opponent, but she did have some questions. The public hearing has been very informative and she appreciated all of the comments. She asked if the City was going to be prepared to furnish the necessary surveillance for the Meinecke Road intersection improvements and increase in traffic. Traffic safety is very important.

Mr. Keyes said the City is designing the extension of Smith Boulevard to Meinecke Road. The intersection where Smith Boulevard will cross on both sides of Smith Farm Estates is being designed so that you will not be able to speed through it. The City is doing everything it can to slow traffic down.

Ms. Morgan said that Smith Farm Estates does not have a play area and the children seem to play in the street. She was concerned that this project will add more children to the area. It would not be good to have children playing down by Cedar Creek. She asked if the run-off from the project would have an adverse effect on Cedar Creek and the low-land area.

Mr. Keyes said that you would probably not see any difference in the creek. Most of the soils in Sherwood are clay soils. The Cedar Creek floodplain has the ability to hold more water than any additional run-off from this proposed project.

Ms. Morgan asked if the road was going to be one-way or two-way. Chair Emery said the road would be two-way.

Mr. Keyes said there would be no direct access from Smith Boulevard to the frontage road and Highway 99W.

Ms. Lafayette asked how the intersection crossing at Sherwood High School would be controlled.

Mr. Keyes said the other side of the intersection from Meinecke would be the main driveway into the new LDS Church. Meinecke Road would have three lanes in this area with left-turn lanes for both directions.

Bill Thum, (opponent) Interim Manager, Smith Farm Estates, 21800 SW Pacific Hwy, Space 52, Sherwood, Oregon 97140, addressed the Commission. He has lived in this space since ODOT took his previous residence and he no longer has an office.

- He was concerned about density. The Mayor recently made comments about the current City administration trying to correct mistakes of the previous administration. Why do the Smith Farm Estates residents have to suffer because of the mistakes of somebody else?
- The City allowed large houses because the people had money. Now the City is trying to fill all of the vacant land with higher density housing.
- Why can't the 9 acre parcel across 99W be developed? This parcel only has one trailer on it with several cars.
- The proposed project does not have accessibility to Highway 99W. Traffic will have to go through Smith Farm Estates to Meinecke Road and the 99W intersection. This is not a reasonable access to 99W.
- The City is trying to limit growth because of school overcrowding. This project will add more children to the school system that is already running at it limits.
- Sherwood has a lot of sidewalks that go nowhere. He cited the G.I. Joes, the Home Depot and Regal Cinemas sites with sidewalks that go nowhere. This project is going to have a sidewalk going to nowhere.
- ODOT is going to put a wall behind the Cherry Tree.
- The high density project is going to create a problem with increased traffic and additional children going into the school system.
- There is no transportation service in this area. He has to walk all the way to Shari's Restaurant to get a Tri-Met bus.
- He had to buy a home in Smith Farm Estates in order to stay in Sherwood. ODOT did not pay for it because he was considered a tenant because he was the manager of the park. He received \$89.00 for moving expenses. He does not trust ODOT.
- The existing High Tech Graphics business does not affect the residents of Smith Farm Estates at all. However, this new project is going to have an impact on Smith Farm Estates.
- He does prefer townhomes to apartments. He does not disagree with the property being development, he is just concerned about the number of townhomes.

Bettis Shepherd, (opponent) 780 NW Gleneagle Drive, Sherwood, Oregon 97140, addressed the Commission. He noted:

- He was concerned about the number of children that will be living in this new project. When Cedar Creek rises, he is concerned about their swimming pool getting flooded and erosion. He does not want to have children coming on to their side of the creek to play.
- There is a lot of wildlife in this area such as beavers, skunks and Blue Heron.
- These townhome units will increase the amount of noise in the area. Will the sound from these units be heard at their swimming pool area? He pays \$200.00 per month dues for maintenance of the Gleneagle Condominiums site and pool.
- They have increased the lighting near the creek to discourage the drug dealing and other vandalism. He asked if fencing could discourage people from going down to the creek.

- They have hired security for the Gleneagle Condominiums in addition to working with the Sherwood Police Department.

Mr. Allen said the two acres that include a thirty-foot ravine would be a good buffer between the Gleneagle Condos and the proposed project.

Mr. Shepherd said he wanted the Commission to be aware of his concerns.

Lois Thum, (opponent) 21800 SW Pacific Highway, Unit 52, Sherwood, Oregon 97140, addressed the Commission. She asked what the price range of the townhome would be.

The Commission responded that the application states the price range would be \$159,000 to \$179,000.

Ms. Thum said she would rather see townhomes as opposed to apartments. She agrees with her husband about need for sidewalks for connectivity. Any subdivision has to have a place for children to play in rather than in the street.

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

Joe Schiewe addressed the Commission.

- With regard to traffic generation on Smith Boulevard and access to 99W, their traffic impact study (concurrent to by ODOT), states that by changing the zoning to HDR and IP, the 71-townhomes will generate less vehicle trips than if the entire two parcels were developed under the current zoning.
- The street infrastructure for this project is designed to handle the trip generation under the current zoning. ODOT supports the proposed rezone because it actually creates a smaller trip generation than the current zoning.
- Emergency traffic will have an emergency access only at the existing Smith Boulevard intersection with 99W.
- The City Engineer addressed the increased run-off rate. Clean Water Services reviewed their application and concurred it meets the criteria.
- With regard to play areas, the City charges a substantial Parks SDC fee. Each unit will have a back and front yard. They have met the 5% open space requirement. There will also be a trail system. They feel they have met the criteria.
- There will be plenty of parking for the townhomes.
- He was not aware of any rentals in the 152 townhome project in Tualatin. In Woodhaven, only two of the townhomes are rentals. This project could have some rentals. The townhome project requires maintenance be taken care of by the homeowners association.
- They agree with Staff regarding the sidewalk extension.

Mr. Allen said there is a practical side in terms of providing areas for kids to play. He asked if Tract A or Tract B could be used as a play area.

Mr. Schiewe said this could make sense, but he did not know if the adjoining property owner to the south would appreciate having a designated play area in Tract A. They did not submit this plan with their application and Staff has not raised this issue.

Mr. Allen said the issue has been raised by the public testimony.

Mr. Schiewe said he did not think the tract would be a good area for a structured play area because there may be some issues with DSL and the setbacks in a buffered area. The grades in this area are at a level where it would difficult to play in and any additional grading would have to be approved by DSL.

Steve Ferrarini said market studies show that generally townhome projects do not attract a lot of children. The majority of people living in townhomes are first-time home buyers or the empty-nesters who have grown children.

Mr. Schiewe said the application meets all of the requirements. They appreciate the comments and he would answer any further questions from the Commission.

Chair Emery closed the public hearing on PA 01-07/SUB 01-04/SP 01-10 Vintage Creek Plan Map Amendment, Preliminary Plat and Site Plan for discussion by the Commission.

Chair Emery recessed the meeting for a 10-minute break and reconvened the meeting for Commission deliberations.

Chair Emery reminded the Commission that they will be making a decision on the site plan and preliminary plat and a recommendation regarding the zone change to the City Council.

Mr. Allen said he was very much in favor of the proposed plan and development in general. He referred to Page 11, Criteria D, other lands in the City being unavailable or unsuitable to immediate development due to location, size or other factors. He wondered if this standard has been met.

Mr. Jones, Senior Planner, said the criteria of the Comprehensive Plan could fail on a particular point. The question is whether the application meets the other criteria and what the Comp Plan is trying to accomplish. If it fails because of one site being available, you need to consider the evidence of the other criteria being strong enough to outweigh this one criterion. Criteria D is adequately met to recommend approval of the zone change.

Mr. Allen said the Commission would need to find that the property not being listed for sale is unavailable and thus, the applicant meets Criteria D. The concluding statement needs to say there are no other HDR parcels available or suitable. As a matter of policy he is persuaded by the argument that as a community the City has planned to develop at a certain density and this has not occurred.

Mr. Johnson said the language of the criteria should focus on being either unavailable or unsuitable for immediate development due to location, size, etc.

Mr. Allen questioned whether the Commission needs to make a finding that the 9.07 acre parcel is not available or suitable for immediate development. The Commission concurred that they would support rewording the finding for Criteria D, to find that other parcels in the City zones HDR are not suitable for immediate development.

Ms. Lafayette said at first the current MDRL zoning on 99W did not seem to make sense. A zone change to MDRH would have allowed them to build 77 units with a density transfer under a PUD. They are only asking for 71 units with a zone change to HDR for the one parcel and IP for the dedicated parcel. She thought the project had the potential to be very attractive. She did not feel the Commission would be setting a bad precedent by allowing the dual zone change.

Mr. Shannon said in general, he does not support zone changes, but this particular application warrants the zone change when taking into consideration the site plan and preliminary plat application.

Kevin Henry and Lee Weislogel said they agreed with the Commission comments regarding the zone change.

Mr. Wechner said the feasibility of developing this property should be considered versus other properties in the City. He identified the parcels on the City Zone Map.

Patrick Allen moved the Planning Commission preliminarily recommend approval of PA 01-07 Plan Map Amendment, subject to Staff bringing back revised findings as per the Commission discussion, reflecting the public and applicant testimony for a final recommendation vote on April 2, 2002 at the Regular Commission meeting. Seconded by Lee Weislogel.

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

Adrian Emery moved the Planning Commission preliminarily approve SUB 01-04/SP 01-10 Vintage Creek Preliminary Plat and Site Plan based on findings of fact, public testimony, Staff recommendations, agency comments, applicant comments and conditions as revised. Seconded by Lee Weislogel.

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

Mr. Wechner reviewed the changes to the Staff Report and conditions as follows:

- Page 15, Section 2.204.01-B Standards should read, “Each townhome shall have a minimum dwelling area”.
- Page 24, renumbering the conditions.
- Page 25, #D1F, the condition should read, “The applicant may provide an alternate location and method, approved by the City Engineer, for access to the stormwater facility.”

- Page 25, revise Condition #F1, that it is a staged final plat. The final plat would be recorded in stages. One stage is relative to the public road that exists, Smith Farm Boulevard, and access thereto and the other would be either transfer of jurisdiction or ODOT permits being gained for the frontage road and development of that stage.
- Page 25, #G1, should include, “Engineering plans prepared by OTAK and building plans prepared by Barry R. Smith.”

Mr. Wechner said for clarification, Page 26, Item #G4, “This report shall be for each lot with questionable stability or for a specific area of the site,” the term “questionable stability” is rather hard to nail down, so he would recommend, “The geotech report shall be for each lot identified by the building official or for a specific area of the site.” The applicant agreed.

Mr. Weislogel referenced Page 19, finding #F4, the reference to 34.5 feet below 40 feet could be reworded.

6. New Business

6A. Report from Council Liaison

Ken Shannon reported that at the last City Council meeting, the Council approved the supplemental budget. There was a lot of testimony regarding the supplemental budget.

Ken Shannon and Jean Lafayette attended a meeting regarding the church be proposed in Washington County off of Krueger Road. Mr. Wechner said the County will forward their Staff Report to the City for comments prior to the public hearing.

6B. Report on Sign Committee

Patrick Allen said the Sign Ordinance Committee met today. They will be presenting proposed code language for temporary/portable signs at a work session scheduled for April 2, 2002. These types of signs will not be allowed in industrial zones and residential zones. There will be criteria for these types of signs in the Old Town area, IP zones and apartment complexes.

There being no further business to discuss, Chair Emery adjourned the regular meeting at 9:56 PM to a work session to continue review of Old Town Design Guidelines.

The work session was adjourned at 10:30 PM.

Respectfully submitted,

Planning Department