



City of Sherwood
PLANNING COMMISSION
Stewart Senior/Community Center
855 N. Sherwood Boulevard
September 3, 2002
Regular Meeting -7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Consent Agenda – August 20, 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. **PUD 02-01 Heron Ridge Estates Preliminary Development Plan and Preliminary Plat:** a request by J.T. Smith Companies for a 122-lot single-family residential planned unit development on a 30.53 acre site to be developed in two phases (Phase 1 – 112 lots, Phase 2 – 10 lots). The site is located north and east of Roy Rogers Road, further described as Tax Lots 100, 200, 202, 203, 300, 301 and 400, Map 2S 1 30A. (*Keith Jones, Senior Planner*)
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
September 3, 2002

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
Jean Lafayette
Lee Weislogel

Staff:

Keith Jones, Senior Planner
Terry Keyes, City Engineer
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Kevin Henry
Ken Shannon
Bill Whiteman

2. Consent Agenda – August 20, 2002 PC Minutes

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

Patrick Allen moved the Planning Commission accept the August 20, 2002 Planning Commission meeting minutes as presented. Seconded by Lee Weislogel.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

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.

Jean Lafayette announced she had shown a friend a copy of the application for Heron Ridge Estates while she was reviewing the Planning Commission packet. Her friend said there seemed to be a drainage problem on this property because things do not grow very well.

5A. PUD 02-01 Heron Ridge Estates Preliminary Development Plan and Preliminary Plat

Chair Emery opened the public hearing on PUD 02-01 and called for the Staff Report. Keith Jones referred the Commission to the Staff Report dated August 26, 2002, a complete copy of which is contained in the City Planning files. He noted:

- The site is located in the northwest corner of the City of Sherwood. The north border of the site is next to the Urban Growth Boundary. Roy Rogers Road is adjacent to the southern and western portion of the site. Seely Estates Subdivision is located to the east of the site.
- The applicant is requesting approval of a 122-lot single-family subdivision planned unit development. It is proposed to be constructed in two phases. Phase 1 – 112 lots and Phase 2 – 10 lots.
- The applicant is proposing to construct a public trail that will follow the PGE power line easement that runs through the middle of the site. The power line easement will be preserved with landscaping that the homeowner's association will maintain.
- Chicken Creek flows through the northwestern portion of the site. This will be preserved in a tract that will be dedicated to the City. This will meet the rules of Clean Water Services (CWS).
- The property is zoned Low Density Residential (LDR) which allows for a minimum lot size of 7,000 square feet. The applicant is requesting 5,000 square foot minimum lot sizes as allowed in the Code under a PUD. The PUD ordinance allows a density transfer of up to 20% which the applicant is also requesting.
- The application is being reviewed as a Type IV legislative action. The Planning Commission decision will be a recommendation to the City Council.
- Staff has reviewed the applicant's proposal and finds that it is in compliance with the zoning ordinance.
- In conclusion, Staff recommends approval with conditions.
- He noted one correction to the conditions on Page 24, On-going Conditions, Item L.1.c. The applicant is requesting a 50-foot lot width at building line (not 60 feet as noted in the report).

Chair Emery asked if the applicant wished to provide testimony.

Jeff Smith, President, J.T. Smith Companies (applicant), 4386 SW Macadam Avenue, Suite 102, Portland, Oregon 97239. He thanked the Commission for again being able to work within the City of Sherwood. Their experience has been good with their other project Vintage Creek that is currently under construction. He noted:

- They are asking for approval of a 122-lot subdivision.
- In attendance to answer any questions are representatives from CES NW, Kirsten Van Loo, Principal Planner; Tony Weller, Principal Engineer; Dina Sykora, Kittelson & Associates (traffic engineers); and Michael Robinson, Perkins Coie, Legal Counsel.
- They have put together a complete application and agree with Staff and the recommended conditions of approval.
- He asked the Commission to recommend approval of their application to the City Council.

Kirsten Van Loo, Principal Planner, CES NW, 15573 SW Bangy Road, Lake Oswego, Oregon 97035, addressed the Commission. She noted:

- It has been a real pleasure working the City Staff, in particular Keith Jones, Senior Planner. The Commission should be aware of how hard he worked over the past 3-4 months going from a pre-concept plan to this public hearing.
- They are requesting a recommendation of approval for a 122-lot planned unit development.
- Although the land is 30 acres in size, it is somewhat constrained with the PGE easement going across it, its topography, a wetland open space and limited opportunity for access on to Roy Rogers Road.
- The PUD approach is a best way to realize the City's desire for a certain density and character for the development of the site. The PUD will preserve the natural areas, allow for open spaces, include quality amenities and still provide varied affordable housing opportunities.
- By preserving the PGE easement and placing a meandering paved path through it, they are providing a semi-active recreation opportunity. This pathway will also provide access for maintenance for PGE. PGE is quite pleased with the design.
- Preserving the natural area is required by State and Federal law and local jurisdictions, but it is also another amenity for the subdivision.
- Tract E will run out to a public street running north and then east. The plans show some opportunity for a viewing area into the wetland.
- The project is designed with a variety of lot sizes that will allow for varying house sizes and costs.
 - 49 lots will be between 5,000 and 6,000 square feet (44% of the site).
 - 44 lots will be between 6,000 and 7,000 square feet (39% of the site).
 - 19 lots that will be over 7,000 square feet, up to 14,000 square feet (17% of the site).
- She distributed a sketch showing the design of the berms and path in the PGE easement area. They are limited on the amount of vegetation that can be placed under the PGE easement. Any landscaping cannot be more than 15 feet above the existing grade.
- They plan to do some mitigation and enhancement work in the wetlands area. The Staff Report notes that a significant number of the mitigated trees will go into the wetland buffer area to enhance that area.
- A tot-lot is planned to be directly to the southeast of the cul-de-sac area (noted on the plans). They have discussed placing some type of active play area for children. It will be buffered from the street with street trees and it is outside of the PGE easement. They have not selected the specific playground equipment and plan to work with City Staff.
- The packets included proposed color elevations of the streetscape and house designs. The homes are a "craftsman" style motif. There are five different conceptual home plans. These homes will provide a maximum amount of square footage on the lots. A number of the lots will be "daylight basement" lots.
- Tony Weller is available to answer specific questions regarding utility plans and grading.
- On Page 19, Condition #3 addresses abandoning any existing wells, septic systems and underground storage tanks. There is one well located adjacent to Lot 45. The property owner has asked if it would be possible not to abandon this well. They own property to the north across the UGB and would like to maintain the well for use in irrigation. The applicant would run a line north for them to use it for their personal irrigation for land outside the

UGB. They would ask the Commission to consider this request when discussing the conditions of approval.

- On Page 20, Condition C.4.g., there is a comment addressing a paved maintenance access road. This does not apply to this application and should be removed, “A paved maintenance access road should be installed between proposed Lot 36 and 37 for access to the storm water facility.” Staff agreed to this change.
- The applicant concurs with the findings and conditions of approval as recommended by Staff.

In response to Mr. Keyes’ question, the applicant identified the location of the well on the map.

Mr. Smith said the applicant would cap the well for later use and build an easement to house it inside their subdivision. This is a unique request, but it is important to the property owner who states that it is a very good well and he would like to keep it.

Mr. Keyes said he did not see a problem with this request as long as all of the lots in the subdivision are served by City water.

Mr. Schiewe, J.T. Smith Companies, said there would be an independent meter to serve the well and it would be billed to the owner, Mr. Wetzel. Underground service would be installed.

Tony Weller, CES NW, stated that the term “as required by State law” usually refers to the “abandonment” procedures for a well, septic system or underground tanks. They will assure that the well meets all of the setback requirements.

Mr. Allen asked the applicant to respond the concerns of the U.S. Fish and Wildlife Service as stated in their letter dated June 28, 2002, in particular stormwater detention.

Mr. Weller said due to the location to the creek, stormwater detention is probably not a good idea. They are less than 25% to the mouth of where it would join the Tualatin River. One of the worst things you can do when you are in the lower part of a drainage basin is to detain water. Close to the mouth you would want water to move quickly away. This is why Staff did not require any detention. The speed of flow is addressed by the way the system is designed, not based on just the flow of water. They can put energy dissipating devices to slow the water down and they have a long water quality swale which will help. Using a long water quality swale will help stabilize the flow. It is a good point, but it could be easily addressed within the engineering review. Clean Water Services standards and guidelines dictate the velocities.

Mr. Allen asked for clarification regarding the height of the retaining walls.

Mr. Weller said the request for retaining walls was to have flexibility on the lots. They have worked with Staff and agree that the daylight basement option will reduce the retaining wall height. Staff recommended a maximum height of six feet. There are a couple of lots that would have a limited yard. They worked with Staff to see if they could save some flexibility that they can look at on a lot-by-lot situation to minimize the height of the wall, yet provide some yard space. He referred the Commission to the site plan and identified the lots. At this time, they have shown all of the grading without retaining walls.

Ms. Lafayette asked several questions regarding traffic safety on the site.

Dina Sykora, Kittelson & Associates, 630 SW Alder, Portland, Oregon, addressed the Commission. She noted:

- Regarding the raised island that was recently constructed on Roy Rogers Road, there is a recommendation to provide additional storage to meet Washington County standards. The island will be cut back to provide additional storage.
- Regarding potential cut-through traffic, a history of this intersection shows only 1 or 2 accidents over the past five years and this is a low number. However, they do not anticipate any cut-through traffic going south. The majority of vehicles going to Roger Rogers Road would either go to the west or east to Highway 99W.

Ms. Lafayette asked how the quality and style of houses being proposed could be assured. The Commission agreed that the CC&R's could deal with architectural style and materials and they could add a condition regarding the number of different housing elevations submitted by the applicant.

Mr. Smith said they want to have a successful project for both the City and the developer. He agreed that with 122 homes there needs to be some variety. They would agree to a condition requiring six distinctive elevation types.

Ms. Lafayette wanted to make sure that the CC&R's address no dumping of hazardous materials or chemicals into the stormwater system.

Mr. Smith said the CC&R's will contain language regarding toxics.

Ms. Lafayette referred to the June 28, 2002 letter from the Friends of the Refuge. She asked for clarification regarding the calculations used for the maximum number of lots for build-out.

Mr. Jones said the PGE easement is constrained and the City does not want the land to be dedicated to the public as a park. It will be privately owned and maintained. The Code defines density as excluding public park, public open spaces and wetlands that are dedicated to the public from the density calculation. In this case, the PGE power line easement is a private area and would not be dedicated to the public for public use. The trail would have an easement that would allow the public to travel through, but according to the Code because this is not a public dedication, it would be excluded from the density calculations.

Ms. Lafayette asked where the public would park to use the viewing areas. Ms. Van Loo said they would park on the public streets in the subdivision.

Mr. Allen asked if the applicant would agree to limit the use of retaining walls on Lots 1-11.

Mr. Schiewe said it would not be prohibitive because there are several lots that could have homes with a daylight basement. They would like to have some flexibility with Staff that the

transition lots be allowed to have some type of retaining wall. The height could be limited to a 4-foot maximum height. He identified the lots on the map.

In response to Ms. Lafayette's question regarding tree removal, Ms. Van Loo said there are some very large conifers in the public right-of-way that are associated with the property east of Seely Lane. With regard to the improvements for Seely Lane, they have pushed the paved portion of the road as far to the west as possible. Based on their tree survey, which was completed this week, combined with the proposed improvement plans, there is an 80% chance that all of these trees will be saved.

Ms Van Loo advised the Commission that they did receive land use approval from Washington County for their off-site sewer connection. This will take the sewer main out to the Chicken Creek trunk line that is technically outside the Urban Growth Boundary. With regard to the pathway through the PGE easement, the surface must be something that can stand up to the wheeled vehicle maintenance that PGE would need for maintenance purposes. PGE needs to be able to take wheeled-motorized vehicles in this area. It will not be available for the general public to take motorized vehicles on this pathway. They have some concerns about a permeable pathway standing up to the PGE vehicles that will need to use it. The permeable path technology is moving forward, but it is not there yet. Permeable paths are very difficult to maintain in the long term.

Chair Emery asked if there was any proponent or opponent testimony. There being none, Chair Emery dispensed with the rebuttal portion of the hearing and closed the public hearing on PUD 02-01 for deliberation by the Commission.

Chair Emery recessed the meeting at 8:10 PM for a 10-minute break and reconvened the regular meeting at 8:20 PM.

Mr. Allen reviewed the revisions to the proposed conditions of approval as follows:

- Page 18, Condition A.6. to read, "Substantial retaining walls (walls in excess of 6 feet) are prohibited unless approved under a future land use application. Walls in excess of 4 feet tall are prohibited on proposed Lots 1 through 11. Backfilling the retaining walls to make the face of the wall shorter is not an acceptable method of reducing wall height."
- Add a new Condition #10 prior to final plat approval (H), "Lots shall be developed with a minimum of six (6) different elevations."
- Add a new Condition #11 under prior to final plat approval (H), "The final CC&R's shall contain architectural standards consistent with conceptual plans (elevations) submitted by the applicant."
- Page 19, Condition #B.3., remove the word "well".
- Page 18, Condition #C.2.g., remove the last sentence beginning with "A paved maintenance access road."
- Page 21, delete Condition C.2.r., "All wells on site shall be properly abandoned prior to grading."
- Page 24, revise Condition L.1.c., to a Lot width at building line of 50 feet.

Mr. Allen also noted his concern about the response from the Sherwood School District not indicating any issues about the increase in student population that will result from this development.

Adrian Emery moved based on public testimony, findings of fact, Staff recommendation, agency and applicant comments, and conditions as revised, that the Planning Commission recommend to the City Council approval of PUD 02-01 Heron Ridge Estates Preliminary Development Plan and Preliminary Plat. Seconded by Lee Weislogel.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

Ms. Lafayette said she would forward her comments regarding the CC&R's to Staff prior to their submittal with the final plat.

6. New Business

There was no new business to discuss.

7. Adjourn

There being no further business to discuss, Chair Emery adjourned the regular meeting at 8:35 PM.

Respectfully submitted,

Planning Department