



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

A G E N D A

1. **Call to Order/Roll Call**
2. **Consent Agenda – November 19, 2002 PC Minutes (may not be available)**
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 02-02 The Bluffs at Cedar Creek Planned Unit Development & Preliminary Plat (cont'd from 11-19-02, public hearing closed, written record open to 5:00 PM, December 2, 2002):** a request by Venture Properties for Roy & Nancy Armour for a 24-lot single-family residential planned unit development on a 10.77 acre site with lots sizes ranging from 5,000 square feet to 6,900 square feet. The western portion of the site is zoned Low Density Residential (LDR) and the eastern portion is zoned High Density Residential (HDR). The site is located at 17476 SW Edy Rd, further described as Tax Lot 3600, Map 2S 1 30DB. (*Keith Jones, Senior Planner*)
6. **New Business**
 - A. **Review topics for December 4, 2002 Joint Council/Commission/City Boards meeting**
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
December 3, 2002

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 (7:40 PM)
Adrian Emery
Jean Lafayette
Lee Weislogel
Bill Whiteman

Staff:

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

Commission Members absent:

Kevin Henry
Ken Shannon

2. Consent Agenda

The minutes from the November 19, 2002, Regular Commission meeting were not available.

3. Agenda Review

The Commission added the following items to the Agenda under New Business:

- Discuss status of December 17, 2002 Regular Commission meeting.
- Inquiry from Mr. Whiteman regarding his continuing as a Commissioner.

4. Community Comments

There were no community comments.

5. Public Hearings

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

Bill Whiteman announced he had ex-parte contact with Councilor Thomas Claus in the parking lot of a shopping center. However, this conversation would not bias his decision on this matter.

5A. PUD 02-02 Bluffs at Cedar Creek Planned Unit Development and Preliminary Plat

Chair Emery opened the public hearing on PUD 02-02 and asked if Staff wished to update the Commission on the additional information received.

Keith Jones noted the following items were received since the November 19th meeting:

- December 2, 2002, letter from Douglas Bragg, Attorney, an opponent of PUD 02-02. This letter was placed on the table for the Commission.
- The applicant submitted twelve different elevations for the homes to be built in the PUD. They also included a pamphlet on the Don Morissette Company.
- Tonight he received a “marked-up” copy of the draft Notice of Decision from the applicant.
- Staff included some design guidelines on page 6 of the draft Notice of Decision.
- Staff recommends that the Commission re-open the public hearing for the purpose of hearing testimony on the architectural design.

Ms. Lafayette asked Staff to update the applicant on the previous discussion regarding the density transfer calculations.

Mr. Jones referred the Commission to page 9 of the Staff Report. The density was calculated by taking 2.95 net acres of LDR and multiplying it by five and 0.45 net acres of HDR and multiplying it by twenty-four which is the maximum in the HDR zone. The result was 14.25 units in LDR and 10.8 units in HDR. The total would be 25 units with a density transfer of 20% to equal 30 units. They are proposing 23 units on the LDR portion of the site and the remaining units 7 would be on the HDR portion of the site. Due to constraints on the HDR portion, there will probably not be enough buildable area for 7 units. He included a condition that states the applicant cannot build more than 7 units on the HDR portion of the site when it is developed.

Ms. Lafayette thanked Mr. Jones for incorporating the previous Commission discussion into the conditions contained the draft Notice of Decision. She said he did an excellent job.

Chair Emery asked if the applicant wished to provide testimony.

Jerry Offer, Otak, Inc, representing the applicant, 17355 SW Boones Ferry Road, Lake Oswego, Oregon 97035, addressed the Commission. Mr. Offer noted:

- Regarding how density has been calculated in the past, he was involved with the Woodhaven PUD that had multiple zones. The City calculated the density as one site and allowed the density to be blended. This was the same approach the applicant took on PUD 02-02.
- He introduced Wendy Hemmen from Venture Properties.

Wendy Hemmen, Venture Properties, 4230 SW Galewood Street, Suite 100, Lake Oswego, Oregon 97035, addressed the Commission. She noted:

- They submitted samples of architectural plans for the homes, including the front elevations.
- Don Morissette Homes is a custom-home builder. The buyer selects a floor plan and specific front elevation for the home.
- The portfolio of new homes includes the front elevations. They have 70 different floor plans.
- They would like to change Items #10 and #11, under Section I, Prior to Building Permit Approval as follows:
 - Remove the word “substantially” in Item #10 and add the date the elevations were presented.

- 11a, the garage doors shall be flush or set back from the porch or house. The garage door is flush with the front of the porch columns.
- 11c, they would like to have the flexibility for homes with front porches to be 60% in place of “all of the home shall have a front porch”.
- She submitted photographs of homes in the surrounding subdivisions as well as subdivisions they have built in Eagle’s View and Quail Hollow in Tigard.
- They accept the other conditions of approval as recommended by Staff.

Edie Lander, Venture Properties, 4230 Galewood Street, Suite 100, Lake Oswego, Oregon 97035, addressed the Commission. Ms. Lander addressed her November 26, 2002 memo that was included in the packets. She noted:

- In response to opponent testimony at the previous hearing, she contacted ODOT to verify what Mr. Claus alleged that his property was going to be landlocked by the Meinecke Road project.
- Paul Harris, Project Manager for ODOT, indicated that the construction is due to the Meinecke Road realignment. There are no current or future plans to block either of the driveways on the Claus or McFall property. He refuted the claim that was being made by Mr. Claus at the last hearing.

The Commission asked if she had any comment regarding the “Quiet Title Claim” filed by the McFalls.

Ms. Lander had no comment and noted that they are forwarding a copy of this claim to the property owner, Roy and Nancy Armour.

Chair Emery called for opponent testimony. There being none, Chair Emery dispensed with the rebuttal portion and closed the public hearing on PUD 02-02 The Bluffs @ Cedar Creek for discussion by the Commission.

Chair Emery recessed the meeting at 7:30 PM for a 10-minute break and reconvened the meeting at 7:40 PM.

The Commission reviewed the Draft Notice of Decision.

Mr. Whiteman said he was concerned about the access issue that had been raised. The City does not have an adopted Transportation System Plan (TSP) and it is hard to determine how the adjoining properties can be developed. He has been working with Staff in selecting a consultant to complete the TSP. He asked who would have access to Meinecke Parkway. He was not sure if he could support this project without a finding that ODOT has determined access from 99W for all of the properties adjacent to this site. He would defer to legal counsel on how to deal with the boundary/fence issue. He would not support eliminating the word “substantial” from Condition #10, Section I, as requested by the applicant.

Mr. Keyes responded that ODOT would have control over access between the roundabouts. Access from the roundabouts would be controlled by the City.

Ms. Lafayette asked if the Commission could include a condition that relates to resolution of the boundary line issue prior to filing the final plat. She did not think that it was feasible to think that access to the McFall property would only be from this subdivision.

Mr. Allen stated that regarding the property line issue, the Commission has an application and property owner, who are representing that they own the property in question. It is not the role of the Commission to adjudicate the ownership of the property. The Commission agreed.

Mr. Allen said the Commission should act on the basis of the application that is before them. If there is a legal action regarding the misrepresentation of the ownership of the property, it is between the two property owners that have the dispute and there is a forum for this to get resolved. He did not feel this was a land use action.

Mr. Allen said the second issue is, does this subdivision change the access status of any property. As he looks at the application, he thought that the information presented would not lead him to the conclusion it had been. The Commission should rely on the fundamentals of the proposal in relation to the Development Code standards. The Commission is not a party to any legal issues at this time.

Mr. Jones responded he talked to the City Attorney, who stated that the revised statutes that the opponents cited, 92.075, applies to the final plat. The applicant did provide a subdivision report showing that there is clear title on the property and that it is owned by the Armours. Any fence line dispute would be resolved prior to recording the final plat.

The Commission accepted changes to the conditions of approval as recommended by Staff in the Draft Notice of Decision.

The Commission expanded the findings on page 7, #5 of the Staff Report, that the design schematics submitted by the applicant provide the architectural features and innovative design that will enhance the community.

Adrian Emery moved the Planning Commission recommend approval to the City Council of PUD 02-02 The Bluffs at Cedar Creek Planned Unit Development Preliminary Plat based on findings of fact, public testimony, Staff recommendations, agency comments, applicant comments and conditions as revised. Seconded by Patrick Allen.

The Commission did not remove the word “substantially” from the conditions.

Mr. Jones referred to page 6 of 8 under the conditions, Item A, the garage doors shall be “flush or set back...”.

Mr. Allen suggested expanding the findings on page 9 of the Staff Report, under #3 Minimum Lot Size, to include, the Commission finds that the proposed density transfer enhances the applicant’s ability to provide diversified and innovative living, working and shopping

environments, when taking into consideration community needs and activity patterns as required under Section 2.202.01B.

This finding is under the density transfer, but it points back to the PUD objectives contained on page 6 of the Staff Report. The density transfer allows for a single-family dwelling development pattern that enables the applicant to better provide a diversified and innovative living environment.

The Commission concurred with this finding.

Adrian Emery amended the original motion to include additional findings for architectural features and density transfer under 11A and C3 in the Staff Report. Seconded by Patrick Allen.

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

Chair Emery called for the vote on the original motion, as amended:

Vote for Passage of Motion: 4-Yes, 1-No (Whiteman), 0-Abstain

6. New Business

6A. December 4, 2002 Joint Meeting with City Council, Planning Commission and other City Boards

Ms. Lafayette provided the Commission with an updated list.

Mr. Allen reported that this meeting will be more of a goal setting session. The Commission agreed that their focus should be on the confirmation of existing work program.

Ms. Lafayette said she would like to add “what is the best way to approach the Council.” Mr. Allen suggested reaffirming the agreement made at the last joint meeting regarding Council work sessions for Commission/Council communications.

Ms. Lafayette will revise the list for Chair Emery to use at the meeting. The Commission agreed that the list should propose providing a one-page summary report of Commission actions for the Council.

6B. December 17, 2002 Regular Commission Meeting

The Commission agreed to cancel the December 17, 2002 Regular Commission meeting. The next meeting will be January 7, 2003. Staff will contact Kevin Henry and Ken Shannon about this schedule.

Mr. Allen noted that he will miss both January 2003 meetings.

The Commission agreed to hold the election of Commission Chair and Vice-Chair at their February 4, 2003 meeting.

6C. Commissioner Announcements

Mr. Whiteman announced that he will be out of town during the first three months of 2003. He talked to Dave Wechner about whether it would be fair for him to retain his position given this extended absence. If the Commission wished, he would resign. He enjoys his time on the Commission and would like to continue. He did not know how many applications the City has for vacant Commission positions.

The Commission agreed that unless Mr. Whiteman hears otherwise from the Planning Director Dave Wechner, he would continue to participate on the Planning Commission. There will be one vacancy to fill after Lee Weislogel is sworn in as a Council member on January 14, 2003.

The Commission briefly discussed the status of the Transportation System Plan (TSP) with Terry Keyes.

7. Adjourn

There being no further business to discuss, Chair Emery adjourned the regular meeting at 8:40 PM.

Respectfully submitted,

Planning Department