



City of Sherwood PLANNING COMMISSION

Stewart Senior/Community Center
855 N. Sherwood Boulevard

July 17, 2001

Regular Meeting -7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
 - A. **Election of Commission Vice-Chair**
2. **Consent Agenda – June 19, 2001 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 - A. **PUD 00-01 Kalyca Rim PUD: Application withdrawn by applicant.**
(Continued from 02-20-01 PC Mtg) (*Dave Wechner, Planning Director*)
 - B. **MLP 00-05 Marshall Property Partition APPEAL:** An Appeal of the 6-12-01 Planning Staff Decision. 3-lot partition located at SW Wildrose Place and Tualatin-Sherwood Rd. TL 501, Map 2S 1 28A. (*Keith Jones, Associate Planner*)
 - C. (Continued from 06-19-01 PC Mtg) **SP 00-22 Langer Marketplace Large Retail Site Plan:** request for approval of a 125,000 square foot Target & 3,200 square foot Wendy's. The site is located southeast of the intersection of Langer Drive & Tualatin-Sherwood Rd, Tax Lot 1700, Map 2S 1 29C. (*Gary Pierce, Associate Planner*)
 - D. (Continued from 06-19-01 PC Mtg) **PA 01-02 Townhome Design Standards Plan Text Amendment:** adding a new Section 2.204 Townhomes to establish specific dimensional standards and design criteria for townhomes. (Recommendation to Council, *Dave Wechner, Planning Director*)
6. **New Business**
 - A. **Report from Council Liaison** (*Ken Shannon*)
7. **Adjourn to Work Session re: PA 01-04 Old Town Design Guidelines (if time allows)**

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

City of Sherwood, Oregon
Planning Commission Minutes
July 17, 2001

1. Call to Order/Roll Call

Chair Adrian Emery called the Planning Commission meeting to order at 7:05 PM. He presented a Certificate of Appointment to Kevin Henry. Mr. Henry will fill the vacant Commission position of Jeff Schroeder.

Commission Members present:

Patrick Allen
Adrian Emery
Kevin Henry
Jean Lafayette
Lee Weislogel
Bill Whiteman

Staff:

Dave Wechner, Planning Director
Shannon Johnson, Legal Counsel
Gary Pierce, Associate Planner
Terry Keyes, City Engineer
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Ken Shannon

1A. Election of Commission Vice-Chair

Chair Emery opened the nominations for Vice-Chair.

Bill Whiteman moved the Planning Commission elect Patrick Allen as Vice-Chair. Seconded by Jean Lafayette.

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

2. Consent Agenda – June 19, 2001 Minutes

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

Jean Lafayette moved the Planning Commission accept the June 19, 2001 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 noted that the applicant was requesting a continuance of Agenda Item 5C SP 00-22 Langer Marketplace Large Retail Site Plan. He asked for consensus to move Item 5C before Item 5B. The Commission concurred.

Mr. Wechner confirmed that the order of public hearings would be Items A, C, B and D.

Mr. Wechner reported that a meeting was held last week with the consultant, John Spencer, regarding the Old Town Design Guidelines. Attendees included the Friends of Old Town and area business owners and residents. Because the minutes from this meeting were not yet available, he suggested the Commission review their next 12-month work program in lieu of the scheduled work session on Old Town Design Guidelines. He had prepared an outline for this discussion. The Commission agreed to move the Old Town Design Guidelines Work Session to the August 7, 2001 Regular Commission meeting.

Chair Emery noted that the Friends of Old Town would be providing their comments to Mr. Spencer.

4. Community Comments

There were no comments at this time. Refer to end of minutes for comments from Mr. Dan Leonard.

5. Public Hearings

Chair Emery read the hearings disclosure statement and requested 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. PUD 00-01 Kalyca Rim PUD

Patrick Allen said he received an ex-parte written communication from Mr. Mel Spencer, a resident of the Gleneagle Condominiums. Several other Commissioners received the same letter that was addressed to the Sherwood Planning Board. Shannon Johnson said the letter should be made a part of the record and file for PUD 00-01.

Mr. Johnson said the mandamus action on the first application, PUD 97-2 Kalyca Rim PUD, is being handled through the mediation process. The applicant had decided to withdraw PUD 00-01 and move forward with the settlement process for PUD 97-2.

The Commission accepted the withdrawal of PUD 00-01 Kalyca Rim PUD by the applicant.

5C. SP 00-22 Langer Marketplace Large Retail Site Plan

Jean Lafayette announced that prior to Ken Shannon going on vacation, he made some comments to her regarding this application, in particular Tri-Met having a stop on Street 'A' and the door placement.

Bill Whiteman commented about the number of continuances this application has had. He asked if a Commissioner could indicate concerns about the application meeting certain criteria prior to the public hearing?

Mr. Johnson responded that discussions between a Commissioner and Staff are not ex-parte contact. It would probably be helpful in the process if Commissioners address their concerns or questions to Mr. Wechner.

Chair Emery said he also had ex-parte contact with Ken Shannon and quite a few other people who have walked up to him to say they were in favor of the application. These comments will not affect his decision-making process.

Gary Pierce referred the Commission to a memo dated July 17, 2001 from Staff regarding the applicant's request for a continuance of SP 00-22. This is the third request for continuance. City Staff is not opposed to this continuance. The applicant is requesting a continuance to the August 7, 2001 Regular Commission meeting, an extension of 21 days and tolling of the 120-day deadline. A review of Title 4 issues as well as the proportional share of the cost of Highway 99W improvement mitigation as required by Ordinance 2000-1104 (CAP) has not been completed. The second Regular Commission meeting scheduled for August 21, 2001 is open if the information is not available for the August 7, 2001 meeting.

Mr. Allen asked if the applicant could address the possibility of information not being available by August 7, 2001. He was concerned about publishing this hearing for August 7th, having interested citizens attend the meeting, and then continuing it to August 21st.

Chair Emery asked if the applicant wished to address the request for a continuance.

Mark Whitlow, Attorney for the applicant/owner, 1211 SW 5th Avenue, Suite 1500, Portland, Oregon 97204, addressed the Commission. Mr. Whitlow said the applicant made the request for the next available Commission meeting which is August 7, 2001. Agreeing to a later date would be a long set-over. They recognize the potential inconvenience to the public. The City is waiting on work from outside consultants.

Mr. Whiteman asked Staff if the necessary information would be available by August 7, 2001. Terry Keyes responded that the information should be available for this meeting.

Bill Whiteman moved the Planning Commission continue SP 00-22 Langer Marketplace Larger Retail Site Plan to the August 7, 2001 Regular Commission meeting. This continuance will extend the 120-day deadline by 21 days to October 17, 2001. Seconded by Adrian Emery.

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

Mr. Allen asked Staff to use the City Bulletin Board at Albertson's and other posting areas to notice if this application would not be heard on August 7, 2001.

5B. MLP 00-05 Marshall Property Partition APPEAL

Chair Emery announced he would recuse himself from this public hearing because he knows the applicant. He left the table and handed the gavel to Vice-Chair Allen.

Vice-Chair Allen asked if there were any Commissioner disclosures. There were none.

Vice-Chair Allen opened the public hearing on MLP 00-05 and called for the Staff Report.

Dave Wechner referred the Commission to the Staff Report dated July 10, 2001, a complete copy of which is contained in the City Planning File for MLP 00-05. He reviewed the report and noted:

- The application is for a 3-lot partition located north of Tualatin-Sherwood Road, adjacent to Wildrose Place and Cipole Road.
- Washington County submitted comments regarding the application in a memo dated January 22, 2001. One of the requested conditions of approval was a reciprocal access easement to be recorded prior to final plat approval. He read the specific language as stated on page 1 of the Staff Report.
- City Staff had some difficulty interpreting the purpose for the easement and also found that Tax Lots 503 and 400, Map 2S 1 28A, were not a part of the proposed minor land partition.
- The City's Notice of Decision, dated June 12, 2001, included the following condition:
 - "The developer shall declare where access would be taken for all parcels in the partition. Access shall be from either Wildrose Place and/or Cipole Road. Access shall not be from Tualatin-Sherwood Road."
 - "The developer shall obtain a *Facility Permit* from Washington County.
- Mike Borreson was not in attendance. Robert Morast attended, representing the Washington County Engineer, indicated that the reciprocal easement was requested to allow truck traffic to travel from Wildrose Place to Cipole Road, thus allowing trucks access to a signaled left turn onto Tualatin-Sherwood Road. This easement would reduce the need for an additional traffic signal on Tualatin-Sherwood Road at Wildrose Place.
- Washington County appealed the June 12, 2001, Notice of Decision. The County requested that the findings and conditions of approval as stated in their January 22, 2001, letter be incorporated into the City's decision.
- The Hearings Officer hears appeals of minor land partitions. In his/her absence, the Planning Commission may substitute when the Hearings Officer is unavailable (Section 1.104.01B, Development Code).
- City Staff reviewed the County's appeal and recommended the Commission approve the County's request to add the conditions contained in their January 22, 2001 letter with some amendments as follows (beginning on page 4 of the Staff Report):
 - Finding A-4c (page 3), *The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities. Add to finding: "A reciprocal access easement should be placed on the plat. The reciprocal asccess easement would allow cross travel from Wildrose Place to Cipole Road. The purpose of this easement is to allow truck traffic to make a signalized left turn onto Tualatin-Sherwood Road from Cipole Road thus improving traffic safety and traffic flow.*
 - Conditions C1, C2 and E2 were revised as stated in the Staff Report.

Vice-Chair Allen asked Mr. Johnson for clarification regarding the Rules of Procedure in hearing an appeal.

Mr. Johnson said the public hearing is de novo. The applicant would provide testimony, followed by the appelland and then rebuttal.

Mr. Weislogel asked Staff if the two fire hydrants on the west side of Cipole Road that are the gateway for the 12-inch interties with Tualatin were provided for. He also asked for clarification on Wildrose Place improvements.

Mr. Keyes responded that the hydrants would not be reviewed until the individual sites come in for site plan review. Wildrose Place will be widened on the east side and right-of-way provided, as conditioned with the Hardwoods Industry Site Plan application.

The Commission asked if a larger map for the minor partition could be displayed. Staff provided a map for display.

Ms. Lafayette noted that a correction should be made on the bottom of page 4 of the Staff Report, that the cross circulation from Wildrose Place to Tualatin-Sherwood Road should be Cipole Road. Staff will amend this condition.

Vice-Chair Allen asked if the applicant wished to provide testimony.

Steve Pfeiffer, Stoel Rives, 900 SW 5th Avenue, Suite 2600, Portland, Oregon 97204, representing the applicant, addressed the Commission. Mr. John Marshall owns the property, the application was submitted by VLMK Engineers and Specht Development is one of the prospective developers of the parcels. They are the applicant, not the appellant. He would have expected the appellant to present their case first. A copy of his July 17, 2001 memo to the Commission was placed on the table. He noted:

- He referred the Commission to Exhibits 1 and 2 of the Notice of Decision dated June 12, 2001, and the site maps.
- He identified Parcels 1, 2 and 3 on the large map. There are two additional tax lots referenced in addition to the three proposed parcels. These two lots (Tax Lot 400 and Tax Lot 503) are not a part of the application, but are referenced by the County. Parcels 1, 2 and 3 are a part of the minor land partition.
- Generally, the access easements, which are the primary discussion point of the appeal, are reciprocal easements that would connect the proposed parcels to Cipole Road.
- The primary issue (legal issue not traffic capacity issue) is the authority of the City of Sherwood to impose a condition of approval for reciprocal access easements, as requested by the County. Parcels 1 and 2 to Cipole Road and Parcel 3 to Wildrose Place.
- The County has asked for an access easement from Tax Lot 400 (Chavez Lumber) to Cipole Road and reciprocal access easement for Tax Lot 503 back across Parcels 1 and 2 to Wildrose Place. He asked to what extent does the City have authority to even address the requirement of an access easement on parcels that are not a part of the minor land partition application.
- Tax Lot 503 is owned by Mr. Marshal, but is not a part of the application.
- There are limits on both the City and County and the extent to which you can impose conditions of approval. He referenced two legal cases, *Dolan v. City of Tigard* and *Schultz v. City of Grants Pass*.

- The extent to which a local government can impose a condition of approval be it to require an access easement or requirement to build improvements is limited to “direct proportionality” of that improvement or exaction to the impact posed by the proposed development. “Proposed development” is a key word. Thus, merely drawing lines does not in and of itself add traffic to the adjacent street system.
- He briefly discussed the Dolan and Schultz cases and how they relate to this land use application. Dolan requires that the *exactions* imposed be related both in nature and extent to the impact of the “proposed development”.
- The initial concern of the County was an attempt to provide a through public access through these parcels as a condition of the City’s approval to reduce the number of trips to the Cipole Road signal. Now the County is asking for access to and from the parcels.
- Based upon the Schultz case that is based upon the Dolan case, what the Commission has before them is not a proposed development. It is a minor land partition that is simply drawing lines on a map. It will not generate any trips or traffic. This land could be approved as a 3-lot partition and development may never occur.
- Parcel 1 has gone through the site plan review process and was approved with conditions by the City. There are no site plan applications for Parcels 2 and 3 at this time.
- The site could be developed without the minor land partition through a site plan application. Then the City would have full authority to demonstrate “direct proportionality” because there is a proposed development for review.

Vice-Chair Allen asked for clarification regarding the Dolan case and actual dedication of land to the easements aside from the non-related parcels issue. In this case, the issue being parcels in common ownership simply having easements identified.

Mr. Pfeiffer said the County’s argument is completely incorrect. The Dolan and Schultz test is not for *public dedication*, it is for *exaction*; an extraction of real property interests from a private property owner being the money from their pockets for those streets or an easement that the private property owner would otherwise not have granted the other parcel on their own. It is going to be much more difficult to sell and develop Parcel 3, if you are the owner. Mr. Marshall owns all three parcels. If he tries to sell Parcel 3 and it is encumbered by a reciprocal access easement which requires trucks from the other two parcels to drive across it at-will, a buyer will look at this and worry about security, the effect it will have on the site plan and placement of the buildings, as well as have an effect on the value of the property. The only question is how much. The question of public decision versus a private exaction is a good question. He continued with his testimony:

- Washington County has a facility permitting process. Up until a month ago, the applicant thought the County would impose these requirements as a part of this process. At that time the applicant would look at the legal issues. He suggested that the County took another review of their ordinances and decided they probably do not have that much authority to impose conditions. He referred to the Act III Theaters application and the County’s request that the City impose direct access requirements, easements and other things on the applicant as a part of the City process.
- If the County wants certain improvements and there is a basis for impacts on County roadways, then the County should be the one to step up and require this condition.

- Until the most recent revised Staff Report on this application, the City had taken the consistent position that they will impose only the conditions seen in the Notice of Decision. That is to comply with all applicable access requirements for the County. This puts the issue of impacts to the County roads, and the County's apparent inability to develop an adequate infrastructure on the County roads, in the County's pocket. And to the extent that the County imposes conditions that are overreaching as in the Shultz case and are struck down, the accountability and liability lies with the County and not the City.
- In this case, the liability rests with the City to test its position and the benefits run solely to the County.
- The applicant agreed to the conditions in the June 12, 2001, Notice of Decision, including sidewalk improvements. They even offered to the County to help signalize Wildrose Place and Tualatin-Sherwood Road.
- The County adopted a policy that would eliminate access from the Chavez Lumber parcel to Tualatin-Sherwood Road. The County would like to applicant to provide access through their property because of the County's policy that would take away Mr. Chavez's access. The County created the land-locked parcel, both by their policy action and the land division. This parcel is not a part of this minor partition application.
- He has discussed the real issue which is a legal question and he has provided his interpretation. The issue is important to the applicant and to the County. It needs to be resolved. The easements should be deferred to the time development occurs on the proposed parcels.

Ms. Lafayette asked for clarification regarding Tax Lot 1100 and 1101 shown on the maps.

John Marshall, PO 278, Tualatin, Oregon 97062, addressed the Commission. He said these two parcels are remnants of the reconfiguration of Tualatin-Sherwood Road. He purchased them, they do not exist any more and have been incorporated into Parcels 2 and 3. His understanding is that the County declared them as illegal lots.

Vice-Chair Allen asked if the appellant wished to provide testimony.

Alan Rappleyea, County Counsel; Phil Healy, Senior Planner; and Robert Morast, Traffic Engineer; Washington County, 155 N. Main Street, Hillsboro, Oregon 97124, addressed the Commission. Mr. Rappleyea noted:

- The County respectfully disagrees with Mr. Pfeiffer that this would be an improper taking and that it is not the right time to request the easement. He too thought they would have testified first and would ask the Commission for time to rebut the applicant's rebuttal.
- Washington County is very interested in protecting Cipole Road and Tualatin-Sherwood Road, both County facilities. They have invested millions of dollars in these facilities to make them safe for the public.
- The County's minor request, that the Staff agrees with, is necessary to protect this development and it is not an unconstitutional taking. The Staff Report supports the County's position in imposing this condition.

- The problem is that a developer could create a development that could have an impact on already heavily traveled roads. The question is when can the County get the reciprocal access easements, if they are not done during the partition stage.
- If they come back for development and the three parcels are sold to three different people, there is no way the County will get the owners to dedicate easements to other people. At that time this would be a “taking”. It would not be a “taking” at this time because Mr. Marshall owns all three parcels.
- The County is trying to get access to all of the parcels and lessen the danger to the intersection on Cipole Road and to aid turning movement.
- The County and the applicant tried to work out an agreement, but were not successful.
- The Hardwood Industries Site Plan has already been approved on one of the parcels. It will create hundreds of trips. He directed the Commission to an exhibit of the site plan identifying the access for Hardwood Industries. The County wants to make sure that the people who work there will be able to safely get out onto the County facility.
- The Dolan case does not apply in this case because the County is not taking anything away from the property owner. The County is only asking the property owner to give himself cross-easements. This may, in fact, increase the value of his property. There is no Dolan analysis needed here because there is no “taking”, no reduction in value, nothing being removed, and no “sticks” being taken from Mr. Marshall’s property.
- The Shultz case does not apply because these would be private easements between the parcels with the same owner and there is development already approved on one of the parcels.
- He referenced the July 17, 2001 letter from the County that was made a part of the record and distributed to the Commission. The County has modified the condition with regard to an access easement to Tax Lot 400 to read, “An access easement shall be provided to Tax Lot 400, but only in the event of reciprocal access easements to Parcels 1, 2 and 3 of MLP 00-05.”
- With regard to Tax Lot 503, the County would request the following language be included, “..access easements shall be provided so that Tax Lot 503 can access Wildrose Place.” Mr. Marshall has an interest in this property.
- If the Commission believes that this partition and existing development are creating a problem for County facilities and the public streets and they are not able to impose the easement and that the condition may impose the risk of a “taking”, the Commission does not need to approve the minor land partition. The Commission can deny the partition.

Phil Healy, Senior Planner, Washington County, 155 N. First Avenue, Suite 360-13, Hillsboro, Oregon 97124, addressed the Commission. He noted:

- The County has dealt with this property since 1986. The County standards for access to Tualatin-Sherwood Road and Cipole Road are the same now as they were in 1986.
- At that time, the letter the County sent to the City regarding the Marshall property required a consolidated access. All the properties on the north side of Tualatin-Sherwood Road between Cipole Road and what was then Edy Road, would be served by a single access. This would reduce the number of conflicts along this section of the road and preserve the capacity of Tualatin-Sherwood Road.

- The Sabre Construction site was reviewed at that time. The County had similar concerns that there be one access for this site and the other properties in that section of the road. In 1994, the Sabre Construction site was approved for an industrial subdivision. Wildrose Place was originally proposed as a private street. The County requested that they provide access to the properties, including Mr. Marshall's property. At that time the City required Wildrose Place become a City road. Wildrose Place is now a publicly dedicated road that provides access to Mr. Marshall's property.
- Wildrose Place only has half-street improvements so there will still be a need for permits from Washington County to complete the development of this street.

Vice-Chair Allen asked if Mr. Marshall would need a permit from Washington County to build-out Wildrose Place to provide access to Parcels 1 and 2.

Mr. Healy said this was correct because only one-half of the street improvements have been constructed.

Vice-Chair Allen said the County is asking the City to impose the reciprocal easements requirements because there isn't access to the County facility on Tualatin-Sherwood Road. If a County permitting function is required, why wouldn't this be the time for the County to ask for the easements?

Mr. Healy responded that the County feels the best way to impose a condition on a land partition, because the City has control over the condition, is through the City land use process. The transportation facility permit process addresses more immediate traffic safety concerns. It is not to the depth in dealing with the longer range impact issues.

Mr. Rappleyea stated that the County is not exactly positive about the County's authority to impose this type of condition through the facility permit process.

Mr. Healy continued with his testimony.

- The County spacing standards are set so that direct access to arterial roads shall be from collectors or other arterial streets. Exceptions for local streets and private accesses may be allowed through the Type II process (where there is a public review of the land use application) when collector access is found to be unavailable and impractical by the Director.
- The County uses the City's land use process to review the access and impacts to Tualatin-Sherwood Road from this non-collector street. The main purpose of Tualatin-Sherwood Road is not to provide direct access to properties, but to move traffic. To make this work you need to have some type of connective system between properties to move traffic between different properties.
- The County is not asking for a public road, they are asking for cross easements.
- One concern is the number of trucks that are going to come from the Marshall property. The Hardwood Industries site is anticipated to generate 550 trips per day. This is based on a combination of the proposed small office and manufacturing uses. Without access to Cipole Road, all of the trucks from this site and from Lot 2 will be allowed to make a left turn movement from Wildrose Place. This is a dangerous movement by a slow-moving truck.

The County would like to have the trucks from Lots 1 and 2 go out to Cipole Road where there is a signal at Tualatin-Sherwood Road.

- The County does not want to see another signal at Wildrose Place and Tualatin-Sherwood Road. There is already a signal at Cipole Road, and at Oregon Street with one anticipated at Galbreath Drive. Every time you put a signal on an arterial facility like Tualatin-Sherwood Road you slow traffic movement down.
- These are some of the long-term implications of not requiring the easements.
- Not only does the City, County and applicant face legal challenges in requiring these easements, there are also some legal implications for not requiring these easements when the outcome will be an unsafe situation.

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Vice-Chair Allen said Mr. Healy stated that the transportation facility permitting process was designed to deal with immediate issues regarding traffic and safety. Why wouldn't the circumstances he just described about 550 trips a day fall within this process?

Mr. Healy said the County will make every attempt to deal with this through the County permitting process, but the County is not absolutely sure of their legal ability because the County does not control the land use authority over the Marshall property. The County controls access to Cipole and Tualatin-Sherwood Roads.

Vice-Chair Allen asked if another alternative outcome could be to condition that Parcels 1 and 2 not have access to Wildrose Place and must obtain access from Cipole Road to be partitioned?

Mr. Healy said the County Traffic Engineer could answer this question. The two existing parcels, Tax Lots 1100 and 1101 were vacated right-of-way. These have been consolidated with the parent parcel.

Robert Morast, County Traffic Engineer, Washington County, 155 N. First Avenue, Hillsboro, Oregon 97124, addressed the Commission. He noted:

- Under his direction, the County reviews all of the applications as they come in from developers. Then they make a recommendation through Phil Healy that is then passed on to the various cities.
- The County is charged by their resolutions and orders to provide the safest conditions during their review.
- The County has an opportunity with the partition that they do not want to lose. They have two intersections on Tualatin Sherwood Road, Cipole and Wildrose. Mr. Allen has asked if the County could bring all traffic out to Cipole Road. This signalized intersection is on the County's Safety Priority Index System (SPIS) List.
- Every year the County evaluates approximately 500 intersections that have had 3 or more accidents or one fatality in the last three years. The County tracks these intersections. Of these 500, the top 50% are put on the SPIS List. Through their analysis, the County has to be very careful that they not do anything that will impact these SPIS List locations.
- The cross easements would be a safety valve. The County does not want impact Cipole Road any more than they have to. However, this would allow the larger vehicles access to and from Tualatin-Sherwood Road with an allocation of right-of-way.

- The County does not anticipate that the Wildrose Place intersection with Tualatin-Sherwood Road would meet traffic warrants required by the County to allow a signaled intersection.
- The cross easements would allow an opportunity for trucks to get out and access Tualatin-Sherwood Road safely and allow the other non-commercial vehicles to access Tualatin-Sherwood Road at Wildrose Place.
- If the cross easements are not done at this time, it will be a lost opportunity that the County does not feel they will have for future development.

Mr. Whiteman asked if these access easements were approved, would the County be looking at additional right-of-way dedication at Cipole Road? He said 500 trips per day are a lot of trips. This type of traffic impact on Cipole Road would freeze it up.

Mr. Morast said right now the County is not assigning all of this traffic to Cipole Road. It is a balancing act. Once the County reviews the development application they will look to see if there are any particular improvements that need to be made to their system to accommodate the traffic. Right now they are just talking about cross-easements. In response to Mr. Whiteman's question about signaling an intersection, the County requires the applicant's traffic engineer to provide a traffic impact study that assesses the impacts, trip generation, trip assignments and distribution. The County then determines if a traffic signal is warranted. The County does not allow a signal to go in until such time as the traffic impacts warrant.

Mr. Whiteman asked if the County was aware of the 500 trips per day when the County reviewed the Hardwood Industries Site Plan proposal? Did the County feel that Wildrose Place could handle this increase in traffic at that time? Did the County approve all of this traffic coming out Wildrose Place on to Tualatin-Sherwood Road?

Mr. Morast said the County was aware of the number of trips. The County follows the Oregon Department of Transportation's guidelines regarding traffic signaling warrants. There are different types of warrants, such as one-hour or four-hour.

Mr. Rappleyea said the County traffic analysis is contained in Exhibit 2 of their July 17, 2001 submittal. At the time the County reviewed the Hardwood Industries Site Plan, they asked for reciprocal easements as well. This letter was dated March 21, 2000. The County wanted some of the traffic to be dispersed on to Cipole Road.

Anne LaMountain, Associate Planner, Washington County, 155 N. First Avenue, Hillsboro, Oregon 97124, addressed the Commission. She noted:

- She prepared the County's response that originally required the easements through the Hardwood Industries proposal.
- It is through the State that the County submits their comments through the City's land use process in order to help them meet their road safety requirements be included in the notice of decision.
- The County does not have an opportunity to review the projects without getting a copy of the application from the City.

- The City has a vehicle by which the conditions can be represented to the applicant in the Notice of Decision that is a formal, legal document. The facilities permit is simply a rebuttal of the City's requirements.
- City and County planners have a responsibility, not only to protect the legal rights of the applicants, but also to protect the legal rights of the public and public safety of the residents of the community.

Vice-Chair Allen asked if there was anyone else who wished to provide testimony prior to the rebuttal portion of the hearing. There being none, Vice-Chair Allen recessed the public hearing for a break at 8:35 PM and reconvened the public hearing at 8:50 PM.

Dave Wechner said the City is concerned about the issue of proportion at this stage of the development, as is the applicant. The applicant raises the issue of timing and the City is also concerned about this. The intersection of Wildrose Place and Tualatin-Sherwood Road is at a Level of Service (LOS) D. This LOS was provided by Washington County. If Lot 2 in the minor land partition is allowed to develop independent from Lot 3, with a transfer of ownership, Lot 2 would take access to Wildrose Place and Lot 3 would take access to Cipole Road. It may be difficult at that time to require Lot 3 to provide access to Lot 2 when they already have access to a public road. Lot 2 may be developed in such a way that taking truck access out onto Parcel 3 may be increasingly difficult. These are the concerns of Staff. Mr. Pfeiffer is correct that the City would normally require that the access be declared and the access be developed when the parcel goes through site plan review. This was the Staff's position with their original condition. After the Notice of Decision was prepared, the City learned from Mike Borreson, Washington County Engineer, the purpose for the reciprocal easements. If there is a solution from either the County or the applicant, the City would entertain such.

Mr. Johnson said the reason he would prefer to have the applicant go first, even if they are not the appellant, is because they have the burden of proof. This may not be set forth in any procedure of the Development Code. He recommended rebuttal by the applicant and then the appellant. He may have further comments prior to closing the public hearing.

Vice-Chair Allen asked if the applicant wished to provide rebuttal testimony.

Steve Pfeiffer addressed the Commission. He had no problem with the County providing rebuttal after his testimony. He asked that the County limit their rebuttal to what was offered in his testimony. He noted:

- The County said the basis of their appeal is to protect the public investment in tax dollars for the roadway. This is not disputed, but there is something to remember. The purpose is a public purpose. The County is trying to achieve a public objective by maintaining the capacity that is bought by these tax dollars.
- There is a way for the County to acquire easements as alternate routes to preserve capacity through the condemnation process.
- The Commission should bear in mind throughout their debate what the purpose of this is, it is not to facilitate the applicant's access or add value to the site. If the applicant thought they

needed to impose reciprocal easements across these parcels as a condition of being able to develop or sell the property, the applicant would do so on their own terms.

- Developers routinely propose cross-easements on their property, but the important distinction is when they impose them and down the road they turn out to be not necessary, devalue the property, or restrict the property, they are free to remove them. The access that the County requests is very different. The County is asking that the easements be imposed on the applicant, and the applicant would be forever barred from removing it without the County's consent.
- In this case, the easements are clearly for the public benefit, as the County has pointed out. The easements could only be removed with the County's consent. Once again, this is why it is subject to the Dolan analysis.
- In response to Ms. LaMountain's testimony regarding protecting the rights of the private property owner and of the traveling public, when these rights conflict, you don't step on the rights of the property owners in favor of the traveling public. You exercise condemnation authority and you purchase that intrusive right to cross that private property.
- He does not disagree with the public rights being protected, but this is precisely what the condemnation process is about.
- The County made a big deal about the Hardwood Industries site. This project was approved as a part of the site plan review. This development can move forward without the minor land partition. It is not contingent upon the minor land partition being approved. The minor land partition does nothing to facilitate development of the site.
- The Hardwood Industries project will not generate 500 trips per day. He referred the Commission to Exhibit 6 in the report, which is the County traffic memo to Ms. LaMountain from Doug Norval. This memo states the total trips for the Hardwood Industries will be 114 trips. The 500 trips appear to come from the notion that the proposed use on the site may change. Any changes would be subject to the City review. The County accepted the 114 trips per day.
- These issues serve to point out why the minor partition is not the time to be assessing the impact of a development. The partition does not dictate the number of trips per day. This occurs when the site is developed and will be subject to site plan review.
- He offered the challenge to the County's argument that the Commission would have to deny the partition based on absence of adequate facilities including roads. For that the Commission would have to find evidence that the mere drawing of lines on this property from one lot to three lots will have a negative impact on the adequacy of the facilities. You would have to make findings to support this argument. There is no such evidence in the record.
- There is an alternative that the County does not mention. The County could use their own permitting process for a facilities permit that would be required before any access is taken to Cipole from Lot 3, widen the road at Wildrose Place which is required and the applicant accepted as part of the City's approval, before any development could occur.
- The County has an ordinance in place that requires a facilities permit before the applicant can access the two County roads. The County is telling the Commission that they do not know if they have the authority to impose conditions.
- The rulings of Dolan and Shultz cases are very clear. The question of where the authority lies is very clear and it does not lie in this case with the minor land partition with the City.

- The County has not cited any authority or case law whatsoever or if anyone has ever challenged their authority with the facilities permitting process. The County should use the facilities permitting process for cross easements.
- The Commission is not without options. If the Commission accepts the applicant's interpretation of the law and go back to the original Staff interpretation that imposed the condition that the applicant accepted that the applicant shall obtain all necessary permits from the County, the worst that will happen is that the County is going to have to stand up and hold up their own arguments and address their own public purposes and subject the applicant to facility permitting process and impose the cross easements before the applicant can access any of the roadways.

Ms. Lafayette asked for clarification whether there was a proposed access along the length of the property that was approved with the Hardwood Industries site plan.

Mr. Pfeiffer said he did not believe that this was required.

Vice-Chair Allen advised he had received a request from a member of the public to provide testimony. There was no objection from the applicant or appellant to hear this testimony provided they be allowed to rebut, if necessary.

Mark Hillenbrand, 25682 SW Ladd Hill Road, Sherwood, Oregon 97140, addressed the Commission. He was concerned about increased traffic in Sherwood. He was concerned about future developments and the citizens being able to live together as citizens and business individuals in Sherwood. He supported the County's position to place these easements on the property now.

Vice-Chair Allen asked if there was any further testimony. There being none, he asked if the appellant wished to provide rebuttal testimony.

Alan Rappleyea addressed the Commission. He noted:

- The County would support rewriting the condition that these are only private easements. Private easements among those property owners back and forth and no public access for these easements.
- The County only wants "lines on paper". They are not asking the property owner to build anything right now. When the property is developed, the County will be asking that accesses be built. They are not taking any rights from the property owner at this time.
- He reviewed the County's authority and the interpretation of the Oregon Revised Statutes is that the County does not have the authority to do land use planning in cities. This is what the County is trying to avoid.
- The County Board of Commissioners was concerned enough to try to protect the asset for the public by appealing the City's decision.
- With regard to the 114 trips or 500 trips, the County was using the ITE Manual that estimates what the number of trips for this type of development would be, not this particular development.

- The Commission can deny the application based on lack of adequate facilities. The applicant has to prove that the application for a minor land partition will not impact the County roads. There are no findings in the record to show that the application will not impact the County facilities.

Mr. Whiteman asked if the County had the authority to make Wildrose Place a right-in and right-out road to Tualatin-Sherwood Road?

Mr. Rappleyea said the County would have to depend on the prior conditions of approval. If the County had already granted full access and now they wanted to limit this access, they may be able to do this. The conditions of approval would need to be changed.

Ms. Lafayette asked if the County is proposing where the access is going to be or does the applicant have the opportunity to locate the access. Is the County removing the requirement for access for Tax Lot 503 and Tax Lot 400?

Mr. Rappleyea said the County wants the accesses to be strictly private accesses. The main issue the County has is with the three lots. They would also like to look at Tax Lots 503 and 400. All five lots would have strictly private easements with no public access. In response to the County's authority with the facility permitting process, the County has the authority if it is directly related to access such as sidewalks, curb cuts and painting the lines. The farther you reach back on the property the more it becomes land use requirements and the County's authority would be limited. They believe the County has very limited authority to impose anything inside the land.

Mr. Wechner said part of the Hardwood Industries Site Plan approval was to build out Wildrose Place. The final street width would be 32 feet. The City Staff's position is that Tax Lots 400 and 503 would not be applied to parcels of land that were not a part of the minor land partition.

Mr. Johnson discussed the testimony regarding Dolan and Shultz cases. He agreed with Mr. Pfeiffer's argument that the question is not whether it is a private or public easement under Dolan, the question is what is the impact, and is that impact proportional to the development that is being proposed. He referred the Commission to page 3 of the Staff Report and the discussion about the change where adequate facilities are really the question. Will the application meet this criteria with no conditions for easements. The conditions have to be tied to the criteria for a minor land partition. As a public easement it would be very difficult to say they were within the Dolan constraints. As a private easement the question is a lot closer. If Mr. Marshall was asking to develop the whole site, if you own a piece of property that fronts a public street, you have a right to access that public street. The government can tell you how many accesses and where they will be located. If Mr. Marshall does not sell the property there is no difficulty with the easements. If the Commission feels the easements are necessary to meet the criteria, Mr. Johnson said the easements need to be private and need to be determined that both the necessity and degree of the easement would need to be determined at the time of site plan approval. It would really only be a reservation of an easement, but it would have to be recorded for the benefit of any future property owner.

Ms. Lafayette asked if the applicant placed the easement on the parcels voluntarily, could it be removed at any time without County approval?

Mr. Johnson said the property owner would have this right. The proposal that the County is requesting is not a private easement in the sense that the property owner could not have the easement extinguished. This does not, however, get at the issue of whether or not this meets the criteria in terms of adequate transportation facilities.

Vice-Chair Allen closed the public hearing on MLP 00-05 Marshall Property Minor Land Partition Appeal for discussion by the Commission.

Vice-Chair Allen and Staff reviewed the Commission's options:

- Concur with the Staff recommended conditions of approval.
- Impose alternate conditions of approval.
- Deny the appeal which would uphold the Notice of Decision.
- Deny the minor land partition.

Mr. Whiteman said he did not understand why the applicant would not want to have access to the proposed parcels. The Commission has an obligation to be concerned about the impact of additional traffic on Tualatin-Sherwood Road. He would support rewording the condition regarding access easements and accept the appeal.

Mr. Weislogel said his perception was that the facilities permitting process through the County had more "teeth" than what was being related tonight. He too was concerned about traffic on Tualatin-Sherwood Road. He agreed that half-street improvements are necessary on Wildrose Place. He also thought that the property owner should be able to do what he wants on his own property and that his rights should be taken into consideration.

Ms. Lafayette said she agreed with the merits of the appeal from the County. She would go a step further and thought that it would make sense to access Tax Lot 400 through the back property because you are trying to limit direct access to Tualatin-Sherwood Road. She did not want to see Tualatin-Sherwood Road turn into Highway 99W through Tigard where every business seems to have direct access to the highway. She would favor some type of connectivity so that truck traffic is not trying to access Tualatin-Sherwood Road from Wildrose Place.

Mr. Henry said he would agree with the other Commissioners. He supported the appeal by the County based on the fact that the Commission does not know what is going to happen to the property. He agreed that the traffic impacts should be taken care of.

Vice-Chair Allen said he would agree with Mr. Weislogel's concern regarding the facilities permitting process by the County. He was concerned about the proportionality issue. Taking Mr. Johnson's comments into consideration, it would seem that requiring private easements would be supportable. He asked Mr. Johnson to clarify a reservation of an easement versus an easement itself in terms of direct proportionality.

Mr. Johnson said it is really hard to impose conditions on a development that has not yet been proposed. The other side of this argument is that there can be no guarantee that you can impose an appropriate condition if the property is sold. He would recommend that the Commission's decision be in writing in a formal sense. However, there may be a problem with the 120-day deadline. Regarding Mr. Allen's question about the zero sum gain, that may be an issue, but it is really hard to say. If it is a taking, a "taking" is a "taking". You do not usually balance that out by some sort of gain in value. If it is imposed against the property then it is an imposition that is a taking of the property. This is exactly what the Dolan case is about.

Mr. Wechner said the purpose of the easement is to take the truck traffic and move it toward the Cipole Road intersection at Tualatin-Sherwood Road. If the easements between Parcels 2 and 3 are reciprocal and the traffic is headed one direction is this a one-to-one exchange?

Mr. Allen asked about a condition that Parcel 2 would not have access to Wildrose Place.

Mr. Whiteman asked if the condition could be written to meet the objective that an easement will be identified and dedicated at the time of change of ownership.

Mr. Johnson said a condition of sale would not be appropriate. With the condition, the only question is whether or not it is recorded and if it is recorded what type of recorded document would it be. Neither the type, placement nor even the necessity of the easement is really known at this time. The County testified that this is only an opportunity they want to reserve. If the Commission determines that the criteria regarding adequate public facilities it not met unless there is a cross easement, then the question is how to address it and it could be in the form of a condition. He recommended that Staff have time to write the condition with the consensus of the applicant. He discussed the process for reviewing the condition by the Commission.

The Commission asked Mr. Pfeiffer to respond to an extension of the 120-day deadline.

Steve Pfeiffer said the applicant is not in the position to toll the 120-day deadline until they see what direction the Commission is going. He would work with Mr. Johnson on a possible extension if the Commission is able to give as much direction as possible to Staff and Counsel.

Bill Whiteman moved the Planning Commission direct Staff to come back with a resolution approving the minor land partition, including a condition that preserves the option to deal with easements and access between Wildrose Place and Cipole Road at time actual development occurs irrespective of potential change of ownership of the underlying parcels. Seconded by Lee Weislogel.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain (Emery did not participate)

Ms. Lafayette asked if the "prior to occupancy" Condition #3 in the County comments should be included in the conditions of approval. Mr. Wechner said this County condition was not to be included in the recommended conditions.

Chair Emery returned to the table to Chair the remainder of the meeting.

5D. PA 01-02 Townhome Design Standards Plan Text Amendments (cont'd from June 19, 2001 PC Meeting)

Chair Emery asked if there were any Commissioner disclosures. There were none.

Chair Emery opened the public hearing on PA 01-02 and called for the Staff Report. Mr. Wechner said the Commission had previously reviewed the townhome design standards and directed Staff to make several changes to the proposed language for further review. This draft language is contained in Attachment A of the Staff Report. He noted:

- In preparing these changes, Staff found some problems in meeting the minimum densities in certain zones.
- The current density in the MDRH zone would not allow any townhome development unless it was through a PUD. This should be addressed with a future plan text amendment.
- He asked if the maximum building coverage of 70% is 70% of the lot or 70% of the townhome plot.
- Items #8 and #9 have been added to Section 2.204.01 Criteria. He read the language from Attachment A.
- The Commission changed the wording in #8 to read, "Developments over 2 acres shall accommodate an open space area, **as defined in Section 1.202.112**, no less than 5% (percent) of the total subject parcel. Parking areas shall not be counted toward this 5% requirement.
- An in-fill standard of 30,000 square feet or less seems to be faulty. He reviewed the formula for determining density for different sized lots in the various zones. The Commission discussed balancing number of lots and density. The Commission agreed not to change the in-fill standard wording at this time.
- The Commission added #10 to Section 2.204.02 Criteria, to read, "Site coverage shall not exceed 70% for each townhome block."

Mr. Wechner concluded his report. He advised the Commission that there were some individuals who had spent some time reviewing the proposed draft townhome language in attendance to provide testimony.

Chair Emery asked if there was anyone who wished to provide testimony.

Jerry Offer, Otak, Inc., 17355 SW Boones Ferry Road, Lake Oswego, Oregon 97035 and Joe Schiewe, J.T. Smith Company, 22400 Salamo Road, Suite 204, West Linn, Oregon 97068, addressed the Commission.

Mr. Offer said he was representing the J.T. Smith Company, a developer of townhome lots and townhomes. He distributed a copy of his July 11, 2001 letter addressing the proposed townhome standards. This letter was prepared prior to his review of the latest draft of the language. He also distributed some colored pictures and renderings of townhomes. He reviewed the letter and updated their comments:

- They worked with the City of Gresham about four years ago to revise their high density residential zone to allow townhomes. They worked with the City of Tualatin about two years ago to go through their ordinances regarding townhome development.
- The J.T. Smith Company has received approval to develop a townhome project on SW 90th Avenue in Tualatin, located just west of the Tualatin Post Office. He encouraged the Commission to go look at the Liberty Oaks project.
- They met with City Staff during a pre-application meeting to discuss a possible townhome project in Sherwood.
- They proposed language for the definition of a townhome that was contained in the July 11, 2001 letter.
- He asked the Commission to consider continuing this public hearing to the August 7, 2001 Regular Commission meeting to allow them time to work with Staff on the proposed draft language. This would also allow Commission members to visit some existing townhome sites in the area.
- They would urge the City to allow more flexibility with regard to minimum lot widths and lot sizes than what is currently proposed. They would like to see a provision for “average” lot size. This would encourage flexibility and larger lots at the end of a townhome block.
- They would recommend a minimum lot width of 16 or 18 feet rather than the 20 foot width proposed.
- With regard to Section 2.204.01, this section should clearly state that townhomes on individual lots or as part of a condominium plat are permitted uses in the MDRH and HDR zones.
- There should be minimum standards for townhome parking that would provide on-street parking for guests such as a minimum of one off-street parking space in addition to any garage spaces.
- They concur with Criteria #5 regarding building materials, but suggest that vinyl fences be included. The predominant materials used would be wood or masonry. The Commission may wish to consider vinyl siding.
- With regard to the 10-foot minimum side yard setback standard for the end of the townhome lots, they build lots of 4 units with 5-foot side yard setbacks and 10-foot separation. People like to have outside units. The 10-foot side yard setbacks may require building lots of 6 or 8 units instead of 4 units. They would recommend a lesser side yard setback than 10 feet or a gradation of setbacks.

The Commission said this setback was recommended to avoid large blocks of building mass. Mr. Wechner said a gradation could be based on the size of the unit or number of units within the townhome block. Ms. Lafayette suggested the setbacks having two criteria, i.e., one for commercial and one for residential area setbacks.

Mr. Offer continued with his testimony.

- They are concerned about the requirement that garages must be recessed behind the front elevation by a minimum of 4-6 feet. They have treated the buildings in different ways to avoid this happening. This standard may be too strict. He referred the Commission to the renderings identifying different garage locations and townhome architectural features.

- They will work with Staff to draft some language incorporating the Commission's suggestion that garages facing the street shall be recessed behind the front elevation or if the garage extends on front they may not exceed more than 5 feet and must have some type of architectural design feature to it.

Mr. Whiteman said the City should not compromise what it wants for townhome designs by accepting standards that will not complement the community. He agreed with having Staff work with builders and developers to get their input.

Mr. Offer continued with his testimony:

- The J.T. Smith Company built some townhome by the Multnomah Kennel Club in Fairview that do not have recessed garages.
- The City of Tualatin did not have a standard for adequate on-street parking, so the developer, City Staff and Design Review Board worked together on a plan. The developer provided a parking plan for the Liberty Oaks townhome development.
- A three story unit allows a two car garage in tandem as shown in Drawing #7.
- Under building design, they would suggest that the standard for front porches be an average of 50% of the units.
- He was concerned with the 60% architectural feature requirement for all building elevations on the street side such as doors, porches, balconies and/or windows. For corner units, they do try to provide architectural features, but 60% is a lot to provide. He referred the Commission to some of the pictures. It could be clarified to require 30% for side units.
- There is another condominium project at the corner of Boones Ferry and Grahams Ferry roads that the Commission may wish to look at. These were built prior to the City of Tualatin adopting townhome standards.

At 11:00 PM, Chair Emery announced that Mr. Dan Leonard was in attendance to provide comments about the Old Town Design Guidelines. He was not able to arrive in time for Community Comments and asked that he be allowed time to speak.

The Commission discussed the timeline to complete their review of the Townhome Design Standards. They agreed it would probably take at least one more meeting. Several members expressed an interest in visiting some of the townhome sites discussed earlier. They agreed to continue with the presentation by Mr. Offer and Mr. Schiewe. Staff will meet with Mr. Offer and Mr. Schiewe to get their comments, as well as comments from other builders. The Commission agreed to continue the public hearing to August 21, 2001 Regular Commission meeting. They asked that the schedule for this meeting be kept open to allow enough time to complete their review of the proposed townhome standards.

The Commission asked that the following be addressed:

- The question of spacing on the "L" shaped corner.
- How many units in a group, 2, 3, 4 or 6.
- Increasing setbacks.

Joe Schiewe addressed the Commission. Mr. Schiewe noted:

- They develop townhomes and detached single-family homes on lots ranging from 30,000 square feet to 2,000 square feet for a townhome unit.
- The market drives what they build. The demand for townhomes comes from several areas – the transition from an apartment to a single-family home; when someone decides to downsize their landscape work or other exterior maintenance; and single individuals who are not able to maintain a home by themselves.
- The average price for a townhome in the Liberty Oaks project is \$140,000. They are finding that they cannot build them fast enough to meet market demand.
- A typical townhome development is 14 to 16 units per acre. This is with normal setbacks; a 20 foot setback from the front property line for parking and 45-46 foot deep townhome unit and 20 to 25 foot back yard. They like to have units at least 20 feet wide to allow two 10 foot wide rooms.
- The current City development code has a gap. Right now there is a maximum of 11 units and minimum of 16.8 units. This makes it very hard to meet the standards of the High Density Residential (HDR) zone for a townhome development.
- At least 80% of the townhome buyers they deal with want to have some type of back yard or private space.
- He thanked the Commission for allowing them time to provide testimony. They believe that they can work with Staff to provide a plan text amendment for townhome standards that will meet everyone's needs.

Mr. Wechner said it is important to remember that the standards for townhomes need to provide some flexibility in the design for the development community.

Bill Whiteman moved the Planning Commission continue PA 01-02 Townhome Design Standards Plan Text Amendments to the August 21, 2001 Regular Commission meeting. Seconded by Patrick Allen.

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

4. Community Comments

Dan Leonard, PO Box 1088, Sherwood, Oregon 97140, addressed the Commission. He commented about the recent meeting with business owners and Friends of the Old Town with the City consultant who preparing the Old Town Design Standards. He noted:

- He attended the meeting and was concerned about some of the standards such as building height of 55 feet. He was not concerned about existing buildings in the Old Town Area, but the cannery area can be a problem.
- He asked if there was going to be further meetings and how much input citizens would have in the process.
- The feeling after the meeting was that “it was a done deal”.
- He was also concerned about parking because right now there is not ample parking for the Old Town area.

Chair Emery advised Mr. Leonard that there will be further meetings with the citizens prior to submitting it to the Commission for a work session and public hearings. The minutes from the meeting will be made available to interested parties.

He distributed a copy of the proposed work program for the Commission.

6. New Business

Jean Lafayette reported for Ken Shannon on the last Council meeting. The Council upheld the Commission recommendation for denial of the Home Depot plan map amendment. The Council held a public hearing on the Langer High Density Residential Site Plan. They will be reviewing the conditions of approval at their August 14, 2001 meeting. They raised the issue of garages and how far they extended. They requested the applicant provide a 5-foot front "nose" on the garages. Mr. Wechner clarified that the recommendation was 10 feet.

Mr. Johnson polled the Commission for availability if a July 31, 2001 special meeting is necessary on the Marshall Property Partition. There is very little chance that this meeting will be required.

Mr. Weislogel noted that the Hearings Officer has referred an apartment site plan to the Commission due to a potential conflict of interest. This public hearing identified as GLC Apartments Site Plan is being proposed on Edy Road will be held at the August 7, 2001 Regular Commission meeting.

Mr. Pierce reminded the Commission to bring the Staff report for the Langer Marketplace Large Retail Site Plan to the next meeting. This will eliminate the need to recopy the large Staff Report.

7. Adjourn

The Regular Commission meeting was adjourned at 11:45 PM. They did not hold a work session on the Old Town Design Guidelines. This will be continued to the August 7, 2001 Regular Commission meeting.

Respectfully submitted,

Planning Department