



City of Sherwood PLANNING COMMISSION

Stewart Senior/Community Center
855 N. Sherwood Boulevard

August 7, 2001

Regular Meeting -7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Consent Agenda – July 17, 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. **(Cont'd from 07-17-01 PC Mtg) MLP 00-05 Marshall Property Partition APPEAL (public hearing closed):** An Appeal of the 6-12-01 Planning Staff Decision. 3-lot partition located at SW Wildrose Place & Tualatin-Sherwood Rd. TL 501, Map 2S 1 28A. (*Keith Jones, Associate Planner*)
 - B. **(Continued from 07-17-01 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*)
 - C. **(Continued from 07-16-01 Hearings Officer) SP 00-18 GLC Properties Apartment Site Plan:** a request to construct a 16-unit apartment complex consisting of 4 buildings with parking & landscaping, located south of Edy Road and west of Edy Village at the intersection of Edy Road and Terrapin Drive, further described at Tax Lots 3200 and 3300 of Tax Map 2S 1 30DB. (*Keith Jones, Associate Planner*)
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**

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
August 7, 2001

1. Call to Order/Roll Call

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

Commission Members present:

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

Staff:

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

2. Consent Agenda – July 17, 2001 Minutes

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

Bill Whiteman moved the Planning Commission accept the July 17, 2001 Commission meeting minutes as presented. Seconded by Lee Weislogel.

Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain

3. Agenda Review

Dave Wechner said he would distribute copies of the minutes from the meeting on the Old Town Design Guidelines.

4. Community Comments

There were no comments.

5. Public Hearings

Vice-Chair Patrick Allen chaired the discussion of MLP 00-05 Marshall Partition.

5A. MLP 00-05 Marshall Property Partition Appeal (continued from 07-17-01 PC Mtg public hearing closed)

Dave Wechner reported that on July 17, 2001 the Planning Commission held a public hearing for MLP 00-05 Marshall Property Minor Land Partition Appeal. The Planning Commission directed Staff to come back with a resolution approving the minor land partition, including a condition that preserved the option to deal with easement and access between Wildrose Place and Cipole Road at the time actual development occurs irrespective of the potential change of ownership of the underlying parcels. This decision was based on the findings of facts contained in the Staff Report dated July 10, 2001. He explained the land use application process for a minor land partition.

Mr. Wechner read the condition on page 3 of the Staff Report. Staff recommends that Condition #F2 read, “All lots in the partition shall provide reciprocal easements for access between other lots in the partition at the time each lot applies for site plan approval for development. The purpose of the easements is to allow traffic generated from the development of these parcels to gain access to the signalized intersection of Cipole Road and Tualatin-Sherwood Road.” He noted the following attachments to be included as part of the record:

- July 24, 2001 letter from City Attorney Shannon Johnson.
- July 30, 2001 letter from Ty Wyman, representing the applicant.
- July 27, 2001 letter from Interim City Manager Ross Schultz.

Following a question from Jean Lafayette, Staff added Condition #C3, “Applicant shall comply with Condition 1 with the exception of #IA1 as stated in the letter from Phil Healy, Washington County, dated January 22, 2001.”

Shannon Johnson recommended the word “private” be added to condition #F2, “....private reciprocal easement....”. The Commission concurred. He explained the public hearing process for this application. The document identified as “Recommendation to City Council” should be a Notice of Decision. This is a final decision from the Planning Commission, subject to appeal to the City Council. He reviewed the appeal process contained in Chapter 3 of the Development Code.

Bill Whiteman moved the Planning Commission adopt the Notice of Decision approving MLP 00-05 Marshall Minor Land Partition with conditions as amended. Seconded by Lee Weislogel.

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

Chair Emery did not participate in the discussion or vote on the motion, due to a (declared) potential conflict of interest.

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

Shannon Johnson 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.

5B. SP 00-22 Langer Marketplace Large Retail Site Plan (continued from 07-17-01 PC Mtg)

Chair Emery opened the public hearing and noted the following information had been received since the July 17, 2001, Commission meeting:

- June 4, 2001 letter from Metro.
- August 1, 2001 letter from Mark Whitlow, attorney, representing the applicant.
- July 16, 2001 analysis from Jeff Wise, Hopper & Dennis on compliance with CAP.

Shannon Johnson said that the Capacity Allocation Program (CAP) Ordinance #2000-1105 is not directly applicable to this application because it was submitted prior to adoption of the ordinance. The question is the applicability of Metro Title 4 and how to measure compliance because the Title 4 language was not meant to be directly applicable, it was meant to have an ordinance applied that would be more detailed. It appears that some of the CAP requirements may be, in the applicant's mind, too onerous to meet. The City will have to answer some harder questions about vesting and applicability. These questions will not be answered tonight. He would recommend the Commission focus on the site plan application tonight and discuss the other issues at a public hearing continued to the next Commission meeting.

Mr. Wechner advised the Commission that representatives from Metro were in attendance to answer questions regarding Title 4.

Bill Whiteman said the basic question is whether the Commission believes that the placing of a business this size in this location is in the best interest of the Sherwood community. Sherwood has become more of a commercial center than what was thought two years ago. This is a result of decisions by the Commission and Council, not Metro. Maybe the Commission's position should include a statement relative to what is best for the City of Sherwood. Let's take charge of our own future. The City of Sherwood is impacted by Metro's decisions, even if they do not fit the community needs.

Ken Shannon said he agreed with Mr. Whiteman. This application has been in the process for a long time. It is time to hold the public hearing and make a decision.

Patrick Allen said he agreed with the City Attorney's advice; that the Commission should hear all of the issues and defer a decision until the applicability of Title 4 is determined.

Chair Emery said it is time to hold the public hearing for this application.

Jean Lafayette said she concurred with Mr. Whiteman's statement. The Commission has to consider what is best for Sherwood and still meet Metro's guidelines. Both of these issues must be weighed together.

Mr. Johnson said the Commission is in the position to do what is in the community's best interest, but they need to remember that the criteria that is set forth for the application is what they should base their decision on. What they feel is best for the community is when they are making legislative decisions in terms of what should be in the Development Code. This is a quasi-judicial hearing based on certain criteria.

Chair Emery called for the Staff Report.

Gary Pierce referred the Commission to the Revised Staff Report dated July 10, 2001, a complete copy of which is contained in the City Planning File for SP 00-22. He reviewed the report and noted:

- There are several issues of non-compliance regarding parking and landscaping, but these issues will be relatively easy to correct to meet the criteria. All of these are identified and discussed in the Staff Report and included in the conditions of approval.
- He referred the Commission to page 27 of the Staff Report regarding PUD 95-1 Sherwood Village PUD Design Guidelines. Staff has made findings and the Commission must evaluate whether the application complies or should be conditioned to comply. He reviewed the findings on page 28, Items a through g.
- The analysis dated July 10, 2001 from Hopper & Dennis regarding compliance with the CAP has been received and was included as an attachment. The report summarizes:
 - A fast food restaurant with a drive-through, of the size stated in the application (3,200 square feet) rather than the 4,000 square feet analyzed in the Kittelson Report, can meet the City's CAP Ordinance 2000-1104.
 - The Target store, as classified in the Kittelson Report as a "shopping center" fails the CAP Ordinance, but if classified as a "free-standing discount store" at a slightly lesser square foot figure of 123,275 square feet, can meet the City's CAP Ordinance limitation of 43 trips per acre for the PM peak hour.
- If the applicant can demonstrate that changes in response to the Design Guidelines can be met and there is a satisfactory resolution and/or mitigation of the issues raised by the Hopper & Dennis analysis, Staff recommends approval of the application with the conditions as stated in the Staff Report.
- City Engineer Terry Keyes would respond to questions regarding the CAP Ordinance.

Terry Keyes discussed the Highway 99W Capacity Ordinance (CAP) and Capacity Improvement Funding Ordinance (CIF) that were approved on December 5, 2001. This application was submitted prior to this approval. The City has outlined all of the improvements that are needed on Highway 99W to handle the increased traffic. The total cost is about \$3.6 million. The CAP Ordinance allows 4,704 trips for commercial properties. The trip cost would be \$767.00 per net trip that a development would put on 99W. If this application came under the CAP Ordinance, the cost would be about \$461,000 in improvements to 99W and some of the intersections on Tualatin-Sherwood Road. There would be an additional cost for the other Street Improvement Fees. For example, Home Depot paid \$247,000 in County TIFs, and \$97,000 in City TIFs, and GI Joes paid \$230,000 and \$22,000 in TIF fees. Another part of the CAP requires that developments not generate more than 43 trips per acre. The Target and Wendy's came in just under this amount. Once you meet this limit, mitigation is required.

Mr. Keyes notes that the CIF Ordinance is applied at the building permit stage. It states you have to make improvements to 99W and the intersections equivalent to the number of trips the development generates. These two ordinances are set up to make sure 99W functions as the City is built-out.

The Commission asked several questions about the ordinances and how they are applied.

Chair Emery asked if the applicant wished to provide testimony.

Mark Whitlow, Perkins Coie, (representing the applicant), 1211 SW 5th Avenue, Suite 1500, Portland, Oregon 97204, addressed the Commission. He thanked the Staff for the time they spent in meeting with the applicant regarding this application. He noted:

- The Staff has been accurate in their representation of the issues.
- The applicant does not have a total presentation ready on all of the issues at this time. Some of these issues may need to be deferred to a future Commission meeting.
- He referenced a City of Portland decision that went to the Court of Appeals dealing with a PUD. The issue was vesting of the PUD. This case had issues similar to this application.
- PUD 95-1 Sherwood Village PUD was approved by Ordinance #95-997 on April 25, 1995. This approval vested the application to the laws in place at the time of approval. Metro Title 4 was not adopted at this time, nor were the City CAP and CIF Ordinances in place.
- The PUD approval created an overlay district to the zoning map. Underneath Phase 5, the General Commercial (GC) zone exists. The GC zone is exempt from the purview of Title 4 provisions.
- The applicant feels the Ordinances are not applicable for a variety of reasons. He referenced the *Dolan* case and direct proportionality issues.
- The CAP/CIF Ordinance is modeled under the assumption that Adams Avenue from Tualatin-Sherwood Road to Oregon Street is in place. It is not.
- The PUD is required to build Adams Avenue. They did a cost analysis that amounted to \$2.3 million, exclusive of right-of-way. This would be from Tualatin-Sherwood Road south to the railroad tracks short of Oregon Street. They are not given any credit for this with the CAP Ordinance. This would be a disproportionate exaction by being charged for all of the trips coming out of the project, regardless of whether these trips impact Highway 99W.
- The application meets the 43 trips per acre and from this standpoint, is in compliance with the ordinance.
- The City does not have the authority to compel highway improvements from a state-wide facility.
- The applicant cannot widen Tualatin-Sherwood Road (a County facility) without the approval of Washington County.
- There is no mechanism in the Ordinance for the City to collect money. There is no where to put it, except the General Fund. The collection of monies could be construed as a tax and if so, it would go against Measure 5. The City does not have the authority, under their Charter, to pass a tax.
- The fees and exactions make this project impossible to develop and the applicant cannot afford these fees and exactions.
- They would like a final development plan approval finding in conjunction with the site plan approval.

Marc Butorac, Kittelson & Associates, 610 SW Alder, Suite 700, Portland, Oregon 97205, addressed the Commission. He noted:

- He would answer any questions regarding Condition 3B, “Payment of fees relating to the 99W Capacity Improvement Funding (CIF) Program.”

- They are in agreement with the requirements of Washington County for improvements to Tualatin-Sherwood Road.

Mimi Doukas, WRG Design, 10450 SW Nimbus Avenue, Suite RA, Portland, Oregon 97214, addressed the Commission. She noted:

- There are no free-standing signs proposed at this time. They will apply for a sign permit when the location of the sign is determined.
- Two key components of the Target store are the loading docks and the front entrance. They can screen the south façade to break up the blank wall.
- Any architectural relief would be up to Target representatives and would be heard at the next hearing.
- They agree with the conditions of approval with the exception of the transportation issues.
- The structure is proposed to be 126,000 square feet. The most obvious issue is the recommendation that all buildings have a wooden façade. There may be a concern from a fire safety standpoint.

Chair Emery recessed the public hearing for a 10-minute break at 8:15 PM and reconvened the public hearing at 8:25 PM.

Mr. Whiteman said he would like a response to the south blank wall issue by the next hearing.

Mr. Allen said he did not want to hide the building with landscaping. He would prefer to have some type of architectural relief.

Ms. Lafayette suggested adding the same Adams Avenue 10-foot sidewalk condition that was included with the Langer High Density Site Plan application. The Commission agreed.

Ms. Doukas said they would respond to the Commission's questions. Any changes to the elevations would be available for the next Commission meeting.

Ken Helm, Metro Counsel and Brenda Bernards, Senior Planner, Metro, 600 NE Grand Avenue, Portland, Oregon 97232, addressed the Commission. Mr. Helm noted:

- He will make himself available to the City Attorney to review the Title 4 and CAP Ordinance issues.
- He likes Target and feels the business can work under the appropriate circumstances.
- Metro was asked by the Planning Staff to become involved. He referenced a June 4, 2001 letter from Interim City Manager Ross Schultz and the response from Mike Burton, Executive Director of Metro.
- The City CAP Ordinance complies with Title 4.
- The applicant is unhappy with the City's application of this ordinance. They are unhappy with some of the conditions for required improvements and their representative is correct that these cost too much. Because of this, their alternative argument is that the applicable rules should not be applied. This is an issue for the City Attorney.
- He disagrees with the arguments that Title 4 is not applicable.

- Generally it takes more than a zone change to be vested; it takes improvements in the ground. He is not aware of what has been done with the Target site property.
- Phased developments are done for a reason and the phases are completed over a number of years. Completing one phase does not necessarily vest the right to build a particular thing at a later date.
- They become concerned when the alternative argument is that Metro lacks authority to enforce Title 4. They believe the City is on the right track with this application.

There was no further testimony and Chair Emery asked if the applicant wished to provide rebuttal testimony.

Mark Whitlow addressed the Commission. He noted:

- Phase 1 of PUD 95-1 Sherwood Village PUD was built within the first year after 1995 and infrastructure was sized for future phases, so they have sufficient infrastructure vesting.
- There are two kinds of vesting; the building permit stage and the City statute that says you are vested to the standards that are in place at the time you apply for a land use application permit.

The Commission asked how many phases were approved with PUD 95-1.

Clarence Langer, 11585 SW Tualatin-Sherwood Road, Sherwood, Oregon 97140, addressed the Commission. He noted:

- There were eight (8) phases approved with the PUD 95-1 application. The Target application is proposed for Phase 5. The other phases are:
 - Phase 2 - Avamere Assisted Living Site Plan.
 - Phase 1 – Sunfield Lakes Apartments Site Plan.
 - Phase 4 – Sherwood Mini-Storage Facility.
 - Phase 3 - HDR Apartments Site Plan.

Mr. Whiteman said the conditions outlined by Staff have the following issues:

- Payment fee relating to 99W Capacity Improvement Funding Program, that the applicant said are too high.
- Design features for the project.

Mr. Pierce said this was correct, except that CIF requires projects to build improvements, not pay fees.

Chair Emery was concerned about the question of vesting because there are three (3) phases left in the PUD. The conditional use permit criteria for the zones have changed since the 1995 approval and this could affect future applications.

Patrick Allen moved the Planning Commission continue SP 0-22 Langer Marketplace Large Retail Site Plan to the August 21, 2001 Regular Commission meeting and extend the

120-day deadline to October 31, 2001, as agreed to by the applicant. Seconded by Jean Lafayette.

Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain

The Commission asked for a copy of the Capital Improvement Fund (CIF) Ordinance. Staff will provide a copy to the Commission.

Mr. Keyes clarified that the CIF Ordinance does not collect fees per se. The Council was very specific that they wanted an ordinance that would require the improvements be built. It only allows the developer to put aside a bond if they can't build the improvements. He identified some of the projects that the City TIF fees paid for.

Chair Emery recessed the meeting at 9:30 PM for a 5-minute break and reconvened the meeting at 9:35 PM.

5C. SP 00-18 GLC Properties Apartment Site Plan

Chair Emery opened the public hearing and called for the Staff Report. Keith Jones referred the Commission to the Staff Reports dated July 9, 2001 and August 1, 2001, a complete copy of which are contained in the City Planning File for SP 00-18. He reviewed the report and noted:

- This application was referred to the Commission by the Hearing Officer due to a potential conflict of interest.
- The two lots are part of a 3-lot partition approved in 1996. The western lot that fronts Edy Road was sold resulting in the existing house no longer having access. To meet County requirements and allow access for both lots on Edy Road, Staff recommends the following Condition #D7:
 - “One off-street parking space for the house to the east shall be provided. Access to the parking space may come from Edy Road if granted by Washington County. If access is not granted by Washington County, then an easement shall be provided from Edy Road through the subject property to the lot to the east to provide access and parking for the house.
- He entered three additional letters into the record:
 - July 15, 2001 letter from Evelyn Steele.
 - August 1, 2001 letter from John Hammond
 - December 20, 1996 from Tom Harry, Washington County into the record.
- The following changes are recommended to the conditions of approval:
 - Page 12, Condition #A6, end of the sentence, “.....City of Sherwood codes and standards except as modified in the below conditions.”
 - Page 14, Condition #D6, under except for the following corrections, add another bullet, “The parking space south of the garage shall be adjusted so it is 10 feet from the property line.”
 - Page 14, prior to receiving an occupancy permit, Condition ##2, should refer to Anne LaMountain's letter dated July 6, 2001.

In response to Mr. Allen's question about rezoning for higher density, Mr. Wechner responded that this application does not increase density. It is consistent with the zoning that has been in place for a long period of time (High Density Residential HDR).

In response to Mr. Whiteman's question, Mr. Jones said the proposed apartments would be built on two of the three lots from the Grant Partition (excluding the lot with the house). To meet the County requirements, if the lot with the house is developed, it would take access from one of the adjoining properties and have no direct access to Edy Road.

Chair Emery asked if the applicant wished to provide testimony.

Gerald Engler, GLC Properties, Inc, 1985 SW First Avenue, Suite H, Portland, Oregon 97201, and Dick Graue, Project Design Consultants, 1800 SW First Avenue, Suite 1, Portland, Oregon 97201, addressed the Commission. Mr. Engler noted:

- Neil Grant sold two of the lots from the MLP 96-1 Grant 3-lot partition to GLC Properties, who sold the two lots to Mark Mullett. Mr. Grant retained ownership of the third lot with the house. GLC Properties is the applicant and the owner is Mr. Mullett.
- They acknowledge that they are supposed to provide a driveway to the house to the east for access. To meet the County requirements, they will lose four parking spaces. Edy Village could have more easily provided the access to the lot with the house.
- This property is being overburdened by having to provide access to everybody in the neighborhood.
- In general, they accept the findings and conditions of the Staff Report.
- There have been some objections to this project from adjoining property owners. It has been pointed out by Staff that this property was zoned High Density Residential (HDR) prior to the Edy Village project being approved.
- They have kept the buildings to two-story rather than three-story. They have provided some garages and additional parking spaces.
- They would like to minimize some of the retaining wall by using landscaping. They would like to have a 2-foot retaining wall with landscaping and rocks. The Commission encouraged the applicant to keep the 6-foot retaining wall.
- With regard to Condition #F5, they plan to save as many trees as possible on the site. They would like to have some language that Staff will work with the applicant to preserve the maximum number of trees as possible.

Mr. Wechner said generally with every development there has to be some flexibility. If the tree is deemed to be a hazard, it would need to be removed. The City has the flexibility the applicant is seeking.

Mr. Engler said considering the comments from Staff, he would ask the Commission to make a finding that the loss of parking to provide access to the existing house is a far greater impact to Edy Road than one less curb cut. They will definitely lose two parking spaces and possibly four spaces. The Commission advised Mr. Engler that Edy Road is a County facility and the County has the authority for this facility.

Mr. Wechner briefly compared the reciprocal easements for the Marshall property to the type of access easements for this site plan application. The Commission may wish to ask Mr. Grant why the property was partitioned into the three lots as recorded. Access to adjoining properties is required as the property develops and sometime incremental development does not work the best.

In response to Mr. Whiteman's question about parking, Mr. Jones said the current parking standards are based on the number of bedrooms in each apartment as well as square footage.

Mr. Wechner stated that there is no adjacent on-street parking available for this site on Edy Road. The concern is people using a garage for space other than for their vehicle. The applicant is being conditioned on how the apartments are built. The day-to-day operation is enforced by management, not the City.

Mr. Wechner reiterated that with regard to zoning, the Edy Village site is zoned High Density Residential and the HDR zone allows both multi-family and single-family dwelling units.

Chair Emery asked if there was any proponent testimony.

Neil Grant, (proponent) 1000 S. Pine Street, Sherwood, Oregon 97140, addressed the Commission. He noted:

- The site was partitioned to meet the Code and the garage being partitioned from the house was just the way it worked out.
- He was not sure how to respond to the access issue for the house. He asked if he had any recourse through the County regarding access.

Mr. Jones said Edy Road is a County facility and it is under their jurisdiction. The property owner has the right to apply for a road modification through the County.

Mr. Whiteman referred to the letter dated September 20, 1996 from the County that discussed access to Edy Road for the minor partition. The letter states that Lots 1 and 2 would obtain access via a "shared private street" located at the west property line and opposite of the proposed access point to tax lot across the street. Obviously, nothing has happened for this to take place. The letter states that access to the existing garage on Lot 2 shall be retained until either Lot 2 or Lot 3 are developed.

Mr. Grant said he did not believe that this is what the letter meant. His west property line would be the west property line of the plat. He identified the point on the map.

Mr. Allen said the statement in the September 20, 1996 letter from the County means "get access from the County."

Mr. Grant said they did not really want an access road in there. When Edy Village was developed there was an opportunity to provide direct access, but this was not done. He sold the property and now the access is being changed.

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

Susanne Wesle, (opponent) 20977 Wagontrain Place, Sherwood, Oregon 97140, addressed the Commission. She noted:

- She was aware that this site was zoned HDR. All of the existing homes along Edy Road near the proposed site will be affected by the HDR zone and development of this site for apartments.
- They would like to see more single-family homes built in the area to keep the neighborhood feel and sense of ownership in the community that has been established in the area.
- Some of the residents did not inquire about what was allowed in the HDR zone prior to purchasing their homes.
- They are concerned about the traffic flow from 99W to the proposed apartments.
- There is already going to be more traffic to the Millers Landing project and Oregon Trail development.
- Parking will be very limited.
- Considering parking and access, maybe a better investment would be single-family homes for this site.
- If it were her property, she would take into consideration how the surrounding neighbors may be affected by placement of balconies so that they do not look directly into someone's back yard.

Mr. Allen asked how apartment balconies would be different from a house with a balcony looking into a back yard.

Mr. Shannon asked if she had gone to the City to inquire about what could be built on this site. Ms. Wesle said she did not think about doing this when they purchased their home.

Mr. Jones said to meet Metro density requirements this property must have a minimum of 16-24 units per acre. The applicant is proposing a development at the minimum level.

Paul Stromberg, (opponent) 21145 SW Houston Drive, Sherwood, Oregon 97140, addressed the Commission. He noted:

- The proposed plan looks like there is going to be a garage right in back of his home.
- He moved into his home in April and was told by the contractor, as were several other people, that nothing would be built in back of their homes because of the floodplains. He knows this is not the Commission's problem. Apparently, the one acre proposed for development is above the floodplain.
- If the project is developed as proposed they will be looking into the windows of one of the apartment buildings across the other side.
- Apartments will probably have higher crime statistics. This is one of his concerns.
- They plan to develop their yard into a play area for their children.
- He feels his property value will decrease with the construction of these apartments.

- There is no place to park if there is an overflow.
- If he knew apartments were going to be built next to his home he would not have purchased it.
- He is part of the community and the Commission needs to consider what is best for the community.

Chair Emery asked if there was any further testimony. There being none, Chair Emery asked if the applicant wished to provide rebuttal testimony.

Gerry Engler addressed the Commission. He noted:

- With regard to traffic, Edy Road is one of the most over-used roads in Washington County. Over 400 houses down the street have been approved, so he does not feel traffic is an issue. This project is only 16 units.
- With regard to parking, they have proposed six extra parking spaces for the project. There is no other place to put parking. The fire department requires a large turnaround for their apparatus in the middle of the project.
- With regard to building height, the Code allows them to build 24, 3-story buildings and they are only proposing 2-story buildings.
- The buildings are facing the west side of the property and the parking is located on the east side. They have tried to orientate the buildings away from the existing houses.
- They have complied with all of the requirements and would ask the Commission to approve the project.

In response to Mr. Whiteman's question, Mr. Engler said Mr. Mullett does not own any other apartments in Sherwood. He owns other apartments near Mt. Tabor in Portland.

Chair Emery closed the public hearing on SP 00-18 GLC for discussion by the Commission.

The Commission briefly discussed the Metro requirements for density. These standards have been adopted by the City.

Mr. Jones said the applicant is proposing 30 parking spaces, including the garages and the Code requires 24 parking spaces. If the number of spaces did not meet Code standards, the applicant would need to apply for a variance.

The Commission reviewed the property to the west of this site that could be developed. Most of the property is zoned HDR and a large part is in the floodplain.

The Commission discussed access to Edy Road and the County requirements for 100 feet between each access.

Patrick Allen moved the Planning Commission approve SP 00-18 GLC Properties Apartment Site Plan, incorporating the Staff Report, applicant testimony, public information and written record. The motion was seconded.

Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain

Mr. Whiteman said he agreed with the property owners being upset at being told by the builder that nothing would be built next to their homes.

6. New Business

The Commission discussed the process for hearing appeals of land use applications. Mr. Johnson advised the Commission that the Marshall Partition Appeal is scheduled for the August 28, 2001 Council meeting.

Mr. Wechner distributed the Old Town Design Standards meeting minutes to the Commission and a draft copy of the Old Town Overlay zone. It was the consensus of the group of citizens at the first meeting that another meeting should be held prior to the Commission holding a public hearing.

Chair Emery announced that each Commissioner had received information on the Oregon Planning Institute (OPI) Conference scheduled for October 3-5, 2001 on the University of Oregon campus in Eugene.

Chair Emery announced that Keith Jones would be making a presentation on the proposed sign ordinance to Chamber of Commerce members at their breakfast meeting on August 14, 2001.

7. Adjourn

The Regular Commission meeting was adjourned at 11:20 PM. They did not hold a work session on the Old Town Design Guidelines. This will be continued to the August 21, 2001 Regular Commission meeting.

Respectfully submitted,

Planning Department