



**City of Sherwood  
PLANNING COMMISSION  
Stewart Senior/Community Center  
855 N. Sherwood Boulevard  
February 1, 2000 - 7:00 PM**

**A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes – January 18, 2000**
- 3. Agenda Review**
- 4. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the following procedure (Resolution 98-743, adopted June 9, 1998):
  - Staff Report--15 minutes
  - Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
  - Proponents—5 minutes each (applicants may not also speak as proponents.)
  - Opponents—5 minutes each
  - Rebuttal—Balance of applicant time (see above)
  - Close Public Hearing
  - Staff Final Comments—15 minutes
  - Questions of Staff/Discussion by Body—no limit
  - Decision (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)
- A. SUB 99-8 Nottingham Subdivision Preliminary Plat:** a request by Joe Broadhurst for preliminary plat approval of a 41-lot single family subdivision. The site is located at 22120 SW Pacific Hwy, Tax Lot 100, Map 2S 1 31B.
- 5. New Business**
- 6. Community Comments** *are limited to items NOT on the printed Agenda.*
- 7. Adjourn to Work Session to discuss potential Code amendments and Metro 2040 compliance.**

**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**  
**February 1, 2000**

**1. Call to Order/Roll Call**

Chair Angela Weeks called the meeting to order at 7:10 PM.

Commission Members present:

Adrian Emery  
Jeff Fletcher  
Sterling Fox  
Keith Mays  
Jeff Schroeder  
Ken Shannon  
Angela Weeks

Staff:

Carole W. Connell, Planning Consultant  
Terry Keyes, City Engineer  
Roxanne Gibbons, Recording Secretary

**2. Minutes of January 18, 2000**

Chair Weeks asked if there were any additions or corrections to the minutes of January 18, 2000. There were no comments.

**Adrian Emery moved the Planning Commission accept the January 18, 2000 minutes as presented. Seconded by Keith Mays**

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

**3. Agenda Review**

There were no comments.

**4. Public Hearings**

Chair Weeks announced that she would not be participating in the public hearing for SUB 99-8 Nottingham Subdivision Preliminary Plat, Agenda Item 4A. She had too many conflicts or potential conflicts of interest. She thought she could make an unbiased decision, but she did not want to compromise the integrity of the City or Planning Commission. She passed the gavel to Vice-Chair Keith Mays and stepped away from the Commission table.

Keith Mays 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.

Adrian Emery announced he had received a letter from the applicant, Mr. Broadhurst, asking to be informed of any ex-parte contact Mr. Emery may have regarding the Nottingham application. The other Commissioners said they too had received the same letter from Mr. Broadhurst.

There were no other Commissioner disclosures.

#### **4A. SUB 99-8 Nottingham Subdivision Preliminary Plat**

Vice-Chair Mays opened the public hearing and called for the Staff Report. Carole Connell referred the Commission to the Staff Report dated January 25, 2000, a complete copy of which is contained in the City Planning File for SUB 99-8. She reviewed the Staff Report and noted:

- The application is a preliminary plat for a 40-lot single family subdivision and a 1-lot parcel for future residential and commercial use. She referred the Commission to the map.
- Issues have been worked out by proposing that the site development be done in three (3) phases. This is due in part because the sewer is not available from Woodhaven all the way around and out to Meinecke and only part of the site can be sewerred in Phase 1 and 2. The status of the Meinecke Road/Highway 99W intersection is not yet known. Phase 3 would be developed after this is resolved.
- The Staff report identified the lots in each of the three phases as follows:
  - Phase 1: Lots 1-18 & 38-41
  - Phase 2: Lots 19-37
  - Phase 3: Lot 25
- Lot 25 is the residential/commercial parcel.
- The road improvements on both sides of Lot 25, that include Meinecke and Highway 99W, would be made at the time Lot 25 is developed.
- The lots range in size from 5,000 sf to 9,630 square feet. Lot 25 is 115,429 sf.
- Lots 26 and 28 are the only lots that have frontage on Highway 99W. They have planned a private driveway that comes out onto Stellar Drive, so they will not have access to Highway 99W.
- Tracts A and B will be dedicated to the public. Tract A is a wetland and Tract B is the water quality facility.
- There is an existing house on Lot 26 that will remain.
- As the phasing of this project proceeds, the applicant is proposing to continue Stellar Drive through the development up to Meinecke Road. This would coincide with the configuration of the Meinecke Road/Highway 99W intersection. Stellar Drive is a minor collector and ties into the Woodhaven design in terms of sidewalks and landscaping. Dove Court is a local street, not a collector street, that intersects with Stellar Drive and ends in a cul-de-sac.
- The site is 10.70 acres and the natural drainage falls from east to west across the site and into the wetlands. The property drops down to the wetlands and goes back up to Highway 99W. 99W is quite a bit higher than Tracts A and B. This causes some problem when determining whether or not there should be sidewalks and/or a landscape corridor along 99W. There is also the question when the Meinecke/99W intersection is rebuilt will 99W change in this area.
- ODOT stated they want sidewalks associated with this project. Staff feels there may be some practical problems with this.
- A tree inventory has been submitted. Most of the trees in the wetland area will be preserved. A wetland delineation was also provided with this application. One-half of the wetland is on this property and the other half is on the property to the south.

- This portion of the review is not considering any access to 99W. This will be reviewed when Lot 25 is developed.
- She reviewed the findings for preliminary plat approval.
- The approval of Woodhaven Phase 7B designated Woodhaven Drive as a minor collector road to Stellar Drive. Resolution #99-840, that was passed recently by the City Council, specified Stellar Drive as a collector to Meinecke Road. The Resolution also states that Staff is directed to incorporate multiple street connections between Sunset Boulevard and Meinecke Road. This connection is one of designated connections. The City will probably be looking at other connections in the Transportation Plan update.
- A condition has been included that the applicant pay their share of the Meinecke Road/Highway 99W signal and intersection improvements. This share is based on the 1994 letter from Kittelson & Associates to Jim Rapp. A condition has been included that on a phase-by-phase basis as the lots are built each portion is funded for the improvements.
- The Commission may wish to discuss if the landscape island would be needed in the Dove Court cul-de-sac. The current administration does not favor these islands, but they are a City standard and to change this standard would require an amendment to the Development Code.
- ODOT letters dated May 6 and August 23, 1999, recommended the future right-of-way for the Meinecke Road realignment be dedicated to the City now and a bond provided for their proportionate share of the improvements. Staff recommends the applicant pay for these improvements on a phase-by-phase basis, as mentioned previously. The fire district does not like the landscape islands because they make it more difficult to maneuver emergency apparatus. The City has not adopted the fire district standards.
- If the Commission finds that the sidewalk along 99W is impractical at this time, the City could discuss with ODOT if a sidewalk is warranted and consider bonding at this time. Another plan could be to do something more pedestrian friendly such as taking a sidewalk from Stellar Drive south through the wetland with some type of footpath to the highway. The applicant has mentioned they would be willing to put in some type of footbridge across the wetlands which would make it an amenity. The unanswered question with this plan would be determining who would maintain the bridge. This project does not anticipate having a homeowner's association. These ideas would need further review by the City, in conjunction with ODOT.
- There needs to be a joint access and maintenance agreement for joint use to the two lots using the single driveway. This has been included as a condition of approval.
- Lots 16 and 28 need the building envelope reconfigured to meet the setback requirements. This has been included as a condition of approval.
- Staff recommends a temporary turn-around be constructed at the terminus of Stellar Drive at the eastern boundary of Phase 2. When Phase 2 is constructed there will be more than 25 lots and the fire district requires a second access. Staff recommends there be some type of temporary, all weather surface access out to Meinecke Road. This would be a controlled access to be used for emergency vehicles until Lot 25 is developed. A condition will be included for this purpose.
- The utility plan indicates the sewer is now stubbed to the end of Stellar Drive in Woodhaven. It will be extended through Phase 1 and 2. The existing line is 8-inches and the proposed extension will be 8-inches. Staff recommends a condition which states that no building

permits shall be issued for any lots in Phase 1, 2 or 3 that cannot be gravity served by an existing sanitary sewer in accordance with City and USA rules.

- The existing 12-inch waterline in Woodhaven to Stellar Drive would be extended through the project to connect to the existing waterline in Meinecke Road.
- A condition shall be added which requires the applicant to provide water quality treatment and quantity control in accordance with USA requirements. In addition, USA requires a 25-foot setback from the wetland sensitive area that should be made a condition of approval.
- She discussed the visual corridor and how this should be dealt with as included in the Staff Report.
- She was told there are some large trees, barbed wire fencing and hedge along the backs of proposed Lot 4 through 10 adjoining the Salisbury property.
- With regard to the dedication of the tracts, if there is to be any park SDC credits, the land must be accepted by the City of Sherwood Parks Board. If it is not in the Parks Master Plan, it is not likely to receive credits. This condition would need to be rewritten deleting the reference to credits.
- She reviewed each of the conditions of approval and recommended the following changes:
  - Revise Condition #A1 to include Lot 25. This condition would supercede what was noted on the plan. Mr. Keyes said the applicant would not get a building permit for any of the lots until they have a sewer connection.
  - The Commission may wish to further review Condition #C5 in reference to the landscape island in the cul-de-sac.
  - With regard to Condition #D5, the Commission may wish to consider a bond for the improvements in lieu of construction.
  - Revise Condition #3 to remove, “In lieu of an equivalent portion of the Parks Systems Impact Fee,” and begin the sentence with “On the final plat.....”.
  - The Commission may wish to reword Condition #6 regarding Tracts A and B and a bond.
  - Add Condition #D8, “If required by Tualatin Valley Fire & Rescue, when Phase 2 is developed, an all-weather connection for fire department vehicles shall be constructed from the end of Stellar Drive to Meinecke Road. This fire access shall be blocked in a manner acceptable to TVFRD to prevent non-emergency vehicles from accessing Meinecke Road.”
- In conclusion, Staff recommends approval of SUB 99-8 Nottingham Subdivision Preliminary Plat subject to the conditions as reviewed.

Mr. Shannon asked if the City has any timeline for when the Meinecke/Highway 99W realignment would occur. He said it is very critical that this configuration be determined as soon as possible. He did have some concern with this project because the realignment was not known.

Mr. Shannon asked if there was going to be any construction on the backs of the lots adjacent to the tree line along the Salisbury property that may cause some damage. Ms. Connell said the building envelopes on the plat show a 20-foot setback and any construction would be within these lines.

Mr. Keyes said if any work is done within the “drip line” the roots of the trees would be damaged. The City could require, as a part of the engineering plans, that the applicant identify



the drip line of the trees along the Salisbury property and modify the building envelopes to avoid this, if possible, without eliminating any lots. This could be an added condition.

Mr. Schroeder asked who determined that Stellar Drive was going to be a minor collector. Ms. Connell said this was determined by the City Council. A copy of the previously discussed resolution was available for the Commission to review. Mr. Keyes said there will be one other connection to Meinecke Road from Woodhaven in addition to the Stellar Drive connection. This would be next to what was previously going to be the park site and is now school property, next to the future LDS Church. Ms. Connell said the resolution states, “.....Staff is directed to incorporate multiple street connections between Sunset and Meinecke. The minor collector shall connect to the end of Stellar Drive in Woodhaven to Meinecke Road.”

Mr. Keyes said the Transportation Plan shows a connection between Sunset and Meinecke, but it is unspecific. The resolution was the Council’s idea of clarifying this issue. One connection is the minor collector being Stellar Drive. There is another connection that would be classified as a “local street” and would be from Woodhaven Drive to Meinecke adjacent to the LDS Church site. There will probably be a third connection to the Salisbury property eventually because there is a stub from Woodhaven. The Salisbury property has frontage along Meinecke Road.

Ms. Connell said the Transportation Plan does not identify where “local streets” should go in the future. There are no local streets designated in the Transportation Plan.

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

**Joe Broadhurst, 395 N. Sherwood Boulevard, Sherwood, Oregon 97140,** addressed the Commission. He noted:

- This application has taken a couple of years and there are a lot of conditions related to it.
- The reason for phasing is evident. Questions remain regarding the visual corridor and the sidewalk along 99W. Staff and the applicant will continue to work on resolving these issues. Phase 1 does not involve these issues. Phasing the project seemed to be the best way to proceed.
- The Fire District does not favor the cul-de-sac islands.
- The minimum driveway width as stated in the Code is 10-feet. The Fire District needs 20-feet. The two driveways, together would be 20-feet and serve the purpose to meet both City and Fire District requirements.

He said he would answer any questions. The development of Phase 3 would be out of his control until the City and ODOT come to a consensus on the realignment of the Meinecke/99W intersection.

**Vice-Chair Mays asked if there was any proponent testimony.**

**Robert J. Claus, 22211 SW Pacific Highway, Sherwood, Oregon,** addressed the Commission. He said he was a proponent, with certain conditions. He distributed some photographs of the site and the trees on the Salisbury property. He noted:

- He is not objecting to anything the Staff has done or criticizing the report. He also is not saying that the applicant, Mr. Broadhurst, is doing anything wrong.
- He briefly discussed the history regarding previous plans for the frontage road. Mr. Whitesell, who previously owned this property, had agreed in a public meeting to dedicate Meinecke at no cost. This is important because the property became distressed at that point and it was sold far below what he was asking.
- Mr. Broadhurst did an extreme amount of negotiation with the previous City Manager when a frontage road was in the plans. The frontage road and its whole concept took away the collector that was conditioned with the Woodhaven PUD. This is how Mr. Broadhurst ended up with Stellar Drive and through negotiations with the previous City Manager, he did not make any objection. There is a history of negotiations with the City.
- This project is being phased because there is no sewer to the site.
- There should be a condition that all DEQ sites or problems with the property should be resolved before the permits are issued.
- The trees along the Salisbury property line are some of the only remaining old growth on that side of Sherwood.
- The property from Stellar Drive rises, dips and then falls off very dramatically. There are topographical difficulties with this property and that is why it is being phased.
- Woodhaven is going to bring a fence down the back and partly down the side of the Salisbury property. The fence is needed because the Salisbury's are experiencing trespassing onto their property. They have a working nursery business that has several pieces of large equipment and tractors.
- The Salisburys would like to have a fence between the Nottingham project and their property line.
- There may be a problem in preserving the trees on the Salisbury property line. If you get into the drip line or feeder roots, it will kill the trees. The Salisbury are willing to work with the City in preserving the trees. Some of the trees are actually on the property line.
- The conditions for Woodhaven did not have precise-enough wording to be enforced. He suggested that a condition for the Meinecke Road right-of-way dedication of 50-feet be written by an attorney. The second part would be that the City will only pay for the extra costs of this road that go into constructing it, such as the extra gravel and the City will only pay the prevailing rate for property in the area now as if it were purchased now. Do not let someone parcel property and have the value increase from \$2.50 per foot to \$12.00 per foot.
- If this property is parceled and the applicant gets sewer access to it, the commercial parcel would become developable and cost over \$10.00 per foot.
- There is an agreement with the Mormon Church that the connecting road from Sunset is going to tie to them.
- He checked the title to this property and the actual ownership is in the names of Boyd Myers and Stan Bass. If this is correct, this would be an improper application.
- The improvements required by ODOT could be done through bonding.



- If the Commission is going to accept the plan layout, the City needs to get a dedication for the Stellar Drive right-of-way connecting to Meinecke now. There should be no development until the right-of-way is obtained.

Mr. Keyes asked Mr. Claus where the sewer connection was that he was proposing. Mr. Claus identified the area on the map, essentially from Dove Court. None of this would be happening if they could bring in the sewer from Smith Farm Estates to the north. If Mr. Salisbury gives Mr. Broadhurst an easement for this line from the north, which he has offered to do, he has property which is going to be restricted in development because of the easement.

**Vice-Chair Mays asked if there was any further proponent testimony.**

**Susan Claus, 22211 SW Pacific Highway, Sherwood, Oregon,** addressed the Commission. She was not speaking as a proponent or opponent to this application. She did have some concerns and noted:

- This project is getting better as it goes along. There are a lot of different issues with the connector roads and infrastructure.
- The Council barely passed the resolution for the alternate connections from Sunset to Meinecke. Stellar Drive was selected and the other connection would be near the LDS Church site. The third connection was the Salisbury property connection. It was always meant to be a local street.
- Before Woodhaven Phase 7B came before the Commission, the Salisburys were having pre-applications with the City. There was an expectation that the issue would be resolved and this has not occurred.
- She identified the properties owned by the Salisburys on the north and south side of Meinecke Road. She asked where the northern 4 acres would access Meinecke Road. No one knows where the connector road will access onto Meinecke and how Meinecke will be realigned.
- If the Nottingham plan is approved tonight, there is no westerly connection around Lot 9. She identified the area on the map.

Vice-Chair Mays asked if she could be more specific in her testimony.

Ms. Claus said there needs to be a connection from Dove Court (Lot 9 on the plan) to the Salisbury property. The Mormon Church plan has two accesses to Meinecke. There does not seem to be an overall plan for Meinecke Road at this time.

Vice-Chair Mays asked if she believes it is going to be difficult to have access to the Salisbury property directly from Meinecke. She said this was correct. Vice-Chair Mays asked Staff if they had any concerns about access from Meinecke to the Salisbury property. Mr. Keyes said he would go with what the Code states. The Codes does not show any problems with the spacing between where Stellar Drive will connect to Meinecke Road and access to the Salisbury property and access to the proposed Mormon Church. Vice-Chair Mays said if she was concerned about

the Salisbury property having access to Meinecke, this did not seem to be much of an argument from his perspective.

Ms. Claus said the Commission needs to be aware that the final disposition of Woodhaven Phase 7B has not yet occurred. The City Council will be reviewing the final plat. Any approval of this application by the Commission should be subject to the full approval and disposition of Phase 7B. This should be a condition of approval for this application and the conditions should be reviewed by an attorney. The fencing from Woodhaven should be extended by the applicant along the Salisbury property line. She would like to see the infrastructure questions answered prior to approval of this application. She also asked how the \$87,000 share from Woodhaven as a part of the Meinecke/99W connector road funding was going to be disposed of, when considering there may be multiple connections from Sunset to Meinecke.

**There was no further proponent testimony. Vice-Chair Mays called for opponent testimony.**

**Keith Howe, PO Box 126, 17852 Galewood Drive, Sherwood, Oregon 97140,** addressed the Commission. He noted:

- There seems to be a lot of questions and issues regarding this application.
- He measured the width of Stellar Drive, which he thought should be 30 feet, and it measured 28 feet in width.
- He works with the Weeks family. There is a real problem with the Meinecke Road corner off of Highway 99W. This realignment should be looked at immediately. The infrastructure needs to be in place.
- Genstar had an original agreement with the City to help with the realignment of Meinecke Road. Today Genstar says they have no obligation to do this because they lost their right-of-way with the previously proposed park property. Now they are saying it is up to the School District. The Commission noted that Genstar had bonded for a portion of the Meinecke realignment and signalization.
- He believed this entire application is improper. He has copies of all of the deeds for this property and clearly the Broadhursts do not own the land. The people who own the land have not been involved in this application. In May 1999, Joe and Marah Broadhurst quit claimed deed all the property to Boyd Myers. The City should address this issue.

**Robert Salisbury, 1765 NW Meinecke Road, Sherwood, Oregon 97140,** addressed the Commission. He talked about the trees on his property and noted:

- He was concerned about the trees on his property line being preserved. The drip line on some of these trees goes out about 30 feet.
- He would like to have a fence continued along his property line from Woodhaven. He has had intruders onto his property already.
- There was supposed to be a road access coming from the west side through the Broadhurst property.

- He asked that this application be continued to the next Planning Commission meeting. Every time something happens with this proposal there is a new map to contend with.
- Just people walking around the trees will kill the feeder roots and stunt the growth of the trees. As soon as the wind comes up it will blow these trees over.
- He would prefer a cyclone fence with slats.

**Dan Leonard, PO Box 1088, Sherwood, Oregon 97140**, addressed the Commission. He had the same concerns regarding the sewer lines and the road. These need to be taken care of now.

**There was no further opponent testimony. Vice-Chair Mays asked if the applicant wished to provide rebuttal testimony.**

**Joe Broadhurst addressed the Commission.** He noted:

- Pumping the sewer is only proposed for the existing house.
- The Salisburys have had ample time to submit an application for development of their property if they desire.
- He would not want to be required to put a fence along the property line and by doing so be libel for killing any of the trees along the Salisbury property line.
- Is a review of the conditions by an attorney going to become a normal requirement of all applicants?
- He was more than willing to dedicate the right-of-way necessary for Stellar Drive. This can be conditioned, just let him know where the right-of-way will be located.
- He does not want to put a sewer line through the Salisbury tree line.
- Most of the testimony tonight included recommendations that would further restrict development on this property.
- The Salisburys are still able to develop independently and his application does not keep them from developing their property.

Mr. Shannon asked if he was saying he could service every lot in this subdivision with sewer coming from Woodhaven except for the existing house. Mr. Broadhurst said he could even service the south side of Phase 3 of this application.

Mr. Schroeder said there is going to be a lot of traffic using the Stellar Drive connection to Meinecke. He did not think the idea of Stellar Drive being a minor collector was reasonable. He asked if there was a traffic study. Ms. Connell said there was a traffic study done for the Woodhaven PUD. Mr. Schroeder said if a light is placed at Meinecke and 99W, this would be the first entrance used for access to Woodhaven. This is the biggest problem he has with this application.

Ms. Connell said the Stellar Drive connection would not be as direct a connection as Sunset Boulevard is to 99W. Vice-Chair Mays said that the City Council has determined that Stellar Drive is going to be a minor collector.

Mr. Broadhurst said an arborist said the trees along the Salisbury property line would not be affected by setting the foundations for the houses in this project. He could not guarantee that the trees would not be affected. He would try to work out any issues with the City or the Salisburys.

Mr. Shannon asked Mr. Broadhurst if he was aware of the Meinecke Road/Highway 99W signalization and intersection improvements prior to purchasing the property to develop. He asked if a better job could be done if the Meinecke alignment was in place. Mr. Broadhurst said he has the deeds to the property. At previous meetings with the City, the alignment of Meinecke as shown on the plan was agreed to by the participants.

Mr. Broadhurst said the previous City Manager had his own ideas and if you did not agree with him, you could not do anything. Mr. Shannon said this was a fact, but it is not like Mr. Broadhurst bought the property without knowing all of the issues and problems or hardships. Mr. Broadhurst said he is not claiming any hardships. Mr. Shannon said he thought this would be a better project if the infrastructure was completed. The Meinecke/99W intersection is very important to the City and should be addressed as soon as possible.

Mr. Broadhurst said he is just trying to follow the code without any variances or planned unit development. He just wants to present a legal application and not be held over the barrel by anyone, including the neighbors. There seems to have been a lot of digging by individuals who want to find any reason to prevent this application from moving forward. He just wants to develop the property.

**Vice-Chair Mays recessed the meeting for a 10-minute break at 9:25 PM and reconvened the Regular Commission meeting at 9:35 PM, continuing with the public hearing.**

The Commission discussed the request to continue this application to the next Commission meeting.

**Keith Mays closed the public hearing on SUB 99-8 Nottingham Subdivision Preliminary Plat. The record will be left open for 7 days for additional written comments. After the record is closed to all other parties, the applicant will be allowed 7 days to respond to any additional comments. The application was continued to the February 15, 2000 Regular Commission meeting.**

Vice-Chair Mays clarified that the application will be on the agenda for the February 15, 2000 Commission meeting which will be open to the public, but no further public testimony will be taken. The Commission will review any additional comments and the recommendations from Staff.

Mr. Keyes said from what he remembers from the Sanitary Sewer Master Plan is that most of the Salisbury property is supposed to be sewerred from the Smith Farms location from the north. The Commission asked Staff to verify this for the next Commission meeting.

Ms. Connell said the question is whether an easement from Dove Court is necessary. The Commission agreed.

Mr. Keyes said Phase 1 and 2 of the Nottingham plan layout as being presented tonight would not be affected by the Meinecke intersection design.

The Commission made the following recommendations regarding the proposed conditions of approval:

- Include a condition to dedicate the Stellar Drive right-of-way necessary for the connection to Meinecke Road. This condition would be flexible in consideration of the Meinecke Road alignment that is adopted. This dedication would be proportionate to the type of development on Lot 25. Mr. Keyes said the Commission could get the 15-foot dedication for the Stellar Drive connection by making it an easement in lieu of a right-of-way. Staff will prepare the appropriate language for this condition.
- Agreed not to include the cul-de-sac landscape island on Dove Court.
- Revise the language for Condition #D5 to include the bonding necessary for sidewalk improvements along Lots 25, 26 and 28 and Tracts A and B as well as the landscape corridor.
- Remove Condition #D2.
- Revise Condition #D8 regarding the all-weather surface.
- Revise Condition #3 as recommended by Staff.
- Include a condition that would help protect the Salisbury trees as much as possible. Ms. Connell said if a fence is built, she would recommend a chain link fence. Mr. Keyes said as quickly as the lots are built up, as soon as the property is developed the trespass through this development to the Salisbury property would significantly decrease. He thought that 99% of the homes in this project would build their own fences. Mr. Broadhurst said if there is a chain link fence as well as the property owners placing their own fence, this would affect the trees more than just one Cedar fence along the property line. He said if the Commission is going to require anything, require a six-foot Cedar fence, if it will not hurt the trees.
- Include a condition regarding the location of the building envelope on the lots adjoining the Salisbury property.
- The planter strips would be a front yard issue and maintained by the individual property owner.
- The visual corridor should be planted with low maintenance landscape materials and plants.

Mr. Schroeder said he wanted to reiterate his concern about Stellar Drive being a minor collector.

**Angela Weeks returned to the table and chaired the remainder of the meeting.**

## **5. New Business**

Carole Connell reviewed pending land use applications and the Commission's schedule. An interim Hearings Officer has been retained. This individual will hear two applications on February 29, 2000, 4:00 PM at the Senior Center.

The Commission discussed whether to hold a special meeting to review the Metro 2040 Functional Plan.

## **6. Community Comments**

**Susan Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140**, addressed the Commission. She asked if the second access to the Avamere facility had been constructed? The facility is already occupied and there is a waiting list for the 2-bedroom units. She called the Avamere telephone number was told you could have a tour and that they were open.

Mr. Schroeder said he drove by the facility and there were flowers in one of the windows and a TV turned on in one of the rooms.

The Commission asked Staff how this was possible. Mr. Keyes said they built a second access. They received a temporary occupancy permit 1-1/2 weeks ago so they could move in furniture. There was a punch list of items to finish and one of these was the second access. Chair Weeks said there is a brand new curb there and there is no secondary access. The Commission asked Staff to verify that the conditions had been met regarding the second access. Mr. Mays said he spoke to the Mayor and was told until the second access was in place, no final occupancy permit would be issued.

Susan Claus said there was a letter from Mr. Robert Simon that states they were guaranteeing the second access would be constructed prior to occupancy. This letter was sent in February 1999. Mr. Keyes said on November 5, 1999, Mr. Simon responded to a letter from the City regarding the second access and issuance of an occupancy permit.

The Commission directed Staff to prepare language which amend the Development Code to exclude garages as being counted as a parking space on all residential lots. This will be available at the next meeting.

## **7. Adjourn**

There being no further business to discuss, the meeting was adjourned at 10:35 PM. The Commission did not adjourn to the work session.

Mr. Keyes said Staff continues to work on the Transportation System Plan (TSP). A Draft was provided to the Commission at a previous meeting. There are a lot of issues to address regarding the street standards for the City. There should be a standard for industrial zoned streets.

Respectfully submitted,



Planning Department