



**City of Sherwood
PLANNING COMMISSION
Stewart Senior/Community Center
855 N. Sherwood Boulevard
February 15, 2000 - 7:00 PM**

A G E N D A

1. Call to Order/Roll Call

2. Approval of Minutes – February 1, 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. **The public hearing and record are closed. (continued from 2-1-2000 PC Mtg)**

B. SP 99-18 Lot 10 Sherwood Business Center Site Plan: a request by Partin & Hill Architects for approval for construction of two (2) buildings (Bldg #1 – 19,500 sf, Bldg #2 – 21,450 sf) to be used for flex business space containing office areas and supporting functions. The site is located off of Galbreath Drive, Lot 10 in the Industrial Park of Sherwood. Tax Lot 200, Map 2S 1 28BD.

5. PUD 98-2 Millers Landing Phase 1 and 2 Final Development Plan & Subdivision Plat: a 109-lot single family housing development on SW Edy Road and adjoining Wyndham Ridge PUD.

6. New Business

7. Community Comments *are limited to items NOT on the printed Agenda.*

8. Adjourn to Work Session to discuss Metro 2040 Compliance and the Transportation System Plan.

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 15, 2000

1. Call to Order/Roll Call

Chair Angela Weeks called the meeting to order at 7:05 PM.

Commission Members present:

Jeff Fletcher (7:10 PM)
Sterling Fox
Keith Mays
Jeff Schroeder
Ken Shannon
Angela Weeks

Staff:

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

Commission Members absent:

Adrian Emery

Chair Weeks introduced Kami Teramura, one of the City's planning consultant's. Ms. Teramura is providing planning consulting services to the City on an interim basis.

2. Minutes of February 1, 2000

Chair Weeks asked if there were any additions or corrections to the minutes of February 1, 2000. There were no comments.

Keith Mays moved the Planning Commission accept the February 1, 2000 minutes as presented. Seconded by Sterling Fox.

Vote for Passage of Motion: 5-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 discussion regarding SUB 99-8 Nottingham Subdivision Preliminary Plat. She passed the gavel to Vice-Chair Keith Mays and stepped away from the Commission table.

4A. SUB 99-8 Nottingham Subdivision Preliminary Plat

Vice-Chair Mays announced the public hearing and record are closed. He asked Staff if they wished to provide further comments. He noted that two letters were received during the 7-day time period the record was open; one from Mr. Robert Salisbury and one from Mr. Steven

Weeks. Copies were included in the Commission packets. The applicant, Mr. Broadhurst, responded to these letters and a copy of his letter dated February 14, 2000 was provided to the Commission.

Ms. Connell said the applicant recommended adding a condition. He also asked for clarification regarding wetlands dedication and paybacks for oversizing the utilities. She reviewed the recommended conditions, as revised by the Commission at the previous public hearing. She noted the following:

- Add Condition #8 to construct a six-foot, stained Cedar fence behind Lots 4-10.
- Add Condition #9 to increase the lot frontage width of Lots 26 and 28 to 12.50 feet each.
- Add Condition #E7 which would use a “conservation easement”, rather than just restricting the grading for construction within the building setbacks. Sherwood has not used these types of easements, but it is certainly common in other jurisdictions. A conservation easement is a very clear and dependable way to preserve trees. It is a legal alternative and may help the City enforce the Tree Ordinance. She read the condition.
- Add Condition #10 that the applicant may apply for any paybacks permitted in the Code for oversizing of public facilities and services.
- If the wetland is not in the Parks Master Plan, and not accepted by the Parks Advisory Board as a park, there would not be any eligible SDC credits.
- Revise Condition #D5 wording, “Sidewalk improvements shall be bonded for to state highway standards.....which will be required to be installed at the time Lot 25 develops.”
- Modified Condition #D2 that a landscape island shall not be incorporated into the cul-de-sac on Dove Court.
- Add Condition #D8 referencing if required by the TVFRD, an all-weather connection fire department access from the end of Stellar to Meinecke Road when Phase 2 is developed.
- Add Condition #D9, in Phase 1, 15 additional feet of right-of-way shall be dedicated on the west side of the existing Meinecke Road.
- Remove Condition #E8 because it is a duplicate of Condition #8.
- Revise Condition #6 that landscape corridor improvements shall be bonded for along the Highway 99W frontage adjoining Lots 25, 26 and 28 and Tracts A and B, in accordance with a low maintenance landscape corridor plan, including native trees, as approved by City Staff.

Mr. Keyes explained how the Meinecke Road improvements may occur, in particular with reference to Condition #D7. He also discussed Condition #E7 and how the drip line would be determined. Typically, the engineer would outline on the plans exactly where the conservation easement would be located. This easement would travel with the transfer of ownership of the property.

Sterling Fox moved the Planning Commission approve SUB 99-8 Nottingham Subdivision Preliminary Plat based on Staff recommendations, findings of fact, public testimony and conditions as revised. Seconded by Jeff Schroeder.

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

Ms. Connell stated that the final plat would be an administrative review by the Planning Staff. Mr. Schroeder said he was still concerned about the amount of traffic that would be using Stellar Drive.

Chair Weeks returned to the table and continued with the public hearings.

4B. SP 99-18 Lot 10 Sherwood Business Center Site Plan

Chair Weeks opened the public hearing and called for the Staff Report. Kami Teramura referred the Commission to the Staff Report dated February 10, 2000, a complete copy of which is contained in the City Planning Files. She highlighted the main points of the report and noted the following Staff recommendations:

- The applicant is proposing to construct two buildings that will house 21-flex office spaces on 2.86 acres zoned General Industrial (GI). The site is located at 13910 SW Galbrath Drive in the Industrial Park of Sherwood on Lot 10.
- The use is permitted outright in the GI zone.
- The uses for this site shall be limited to those that are permitted outright in the General Industrial (GI) zone.
- The applicant shall be required to extend landscaping along the entire southwest property line to avoid any adverse impacts to the abutting property. She referred to the site plan map. The site plan does not show any landscaping along this strip. This would be a condition of approval.
- The applicant shall increase the proposed landscaped strip along the southwest property line to 10 feet in width and plant vegetation in the landscaped strips which will grow to a minimum height of six feet.
- Eighty-seven standard parking spaces and four handicapped parking spaces are indicated on the plan. The application does not specify the number of employees anticipated on the largest shift. Staff recommends that the total number of employees during the largest combined shifts be restricted to 87. This should be an adequate capacity for the site.
- The applicant shall provide two on-site bicycle parking spaces as a condition of approval.
- The applicant shall comply with Pride Disposal's recommendation for location of the refuse containers. This is referenced as Attachment B of the Staff Report.
- The applicant shall submit an application for a sign permit with the City for approval.
- The engineering comments are included as Attachment A.
- The signal at Gerda Lane and Tualatin-Sherwood Road has been warranted for some time. The City continues to collect the TIF fees from the developments within the Industrial Park of Sherwood, where Lot 10 is located. The applicant will have the same condition as previous developments. It is Washington County's decision when this signal will be installed.

In conclusion, Staff recommends approval of SP 99-18 Sherwood Business Center, Lot #10 Site Plan with the conditions contained in the Staff Report. The decision by the Planning Commission will be a recommendation to the City Council. This application is being reviewed as a Type IV application because the building size is over 40,000 square feet.

Chair Weeks asked if the applicant wished to provide testimony.

James Partin, Partin & Hill Architects, 209 NE Lincoln, Hillsboro, Oregon 97124, addressed the Commission. He is the applicant and architect. He concurs with the recommendations of Staff, but there are some modifications and clarifications he would like to make. The owner is also in attendance. He noted:

- There are no setbacks required for the building from the property line. With regard to Condition #4, they are willing to provide a certain amount of landscape buffer that will block off only the affected windows and not the whole length of the southwest property line. This would cause a maintenance problem because it is such a narrow strip.
- They are placing a decorative, split face block wall on this side of the building, so it would not just be a metal faced building.
- He identified on the map where the parking spaces have been adjusted. The actual parking count will be 93 spaces, 84 standard spaces, 5 compact spaces and 4 handicap accessible spaces.
- They moved the location of the one refuse container as recommended by Pride Disposal.
- The use of the parking spaces will depend on the type of tenants. They are proposing to provide three bicycle spaces.
- The buildings will be single-story. They plan to construct one building now and the second building at a later date, after the first building is occupied.

Brad Taggart, Builders, Inc, Sherwood Park Business Center, 21185 NW Evergreen Parkway, Suite 101, Hillsboro, Oregon 97124, addressed the Commission. He is one of the owners of Sherwood Park Business Center. He noted:

- The type of tenants would probably be service-oriented businesses. A similar project has been built in Hillsboro and has been very successful. It is located in the heart of the high-tech area. The tenants would not be employee intensive.
- The proposed site plan would provide more than enough parking.
- Regarding screening and buffering, the building will have a 9-foot decorative CMU block wainscoting around the entire project. This will protect the building as well as benefit neighboring property owners. It will comply with Code requirements. The decorative masonry wall will be an adequate form of buffer.
- They would like to work with Pride and Staff on the location of the solid waste storage. Pride has recommended they locate the solid waste storage in the middle of the site, between the two buildings. This would be right in the line of sight when entering the property.
- They plan to construct Building #1 immediately. They will construct Building #2 when they have adequate spaced leased. They would landscape the entire area along Galbreath Drive and around Building #1. They would like to landscape for Building #2 at the time it is being construction.

Mr. Shannon reminded the applicant that if the application is approved, the approval is valid for one year. He asked if they planned to construct Building #2 within one year. If not, they would need to come back before the Commission and ask for an extension. The Code allows the applicant to request an extension of the one year period for the site plan.

Mr. Taggart said they planned to construct Building #2 within the one year time period.

Ms. Teramura said it is reasonable for the applicant to construct one building first. Her recommendation would be to change the condition for landscaping along the frontage of Galbreath Drive, within the interior parking lot and surrounding Building #1 be completed prior to occupancy. All other landscaping shall be completed prior to occupancy of Building #2.

With regard to Condition #4, it is the Commission's option to decide what is more appropriate for landscaping along the southwest property line. The condition could be rewritten to say the applicant shall work with Staff to develop the landscape for this corridor of the site.

Mr. Taggart distributed a photograph of this area of the site for the Commission to review.

Ms. Teramura discussed Condition #8 regarding Pride Disposal's recommendation. She said it would be appropriate to reword the condition that the applicant meet with Pride Disposal to come to an agreement on the location of the solid waste containers. The Commission and applicant concurred.

Mr. Schroeder asked why the applicant was proposing Regal Blue for the color of the building. The applicant said this color was chosen because it will be complimentary to the site and surrounding buildings in the area. The siding on these buildings is not a typical metal building siding product. It is a BHP product with architectural panels and is nice looking. The quality of the paint will last for 25-30 years without fading.

Chair Weeks announced that she had neglected to read the hearings disclosure statement and she did so at this time.

Chair Weeks asked if there was any proponent or opponent testimony. There being none, Chair Weeks dispensed with the rebuttal portion of the public hearing and closed the public hearing on SP 99-18 Lot 10 Sherwood Business Center Site Plan for discussion and deliberation by the Commission.

The Commission made the changes to the following conditions of approval:

- Condition #11, Landscaping along the frontage of S.W. Galbreath Drive, and within the interior of the parking and loading area, and around the perimeter of Building 1 shall be completed prior to occupancy of Building 1. Remaining landscaping around the perimeter of Building 2, as indicated on the approved landscape plan, shall be completed prior to occupancy of Building 2.
- Condition #4, The applicant shall work with the Sherwood Planning Department to determine an appropriate type of landscaping to be extended along the entire southwest property line in order to avoid any adverse impacts to the abutting property to the south.
- Condition #6, The total number of employees on site during the largest shifts combined shall be equal to the number of standard and compact parking spaces provided on site.

- Condition #7, The applicant shall provide three (3) bicycle-parking spaces on-site, with the location of the spaces receiving administrative approval by the Sherwood Planning Department.
- Condition #8, The applicant shall work with Pride Disposal to determine the appropriate number and location of refuse enclosures on site. If no agreement can be made, the applicant shall comply with Pride Disposal's requested changes as indicated on Attachment 'B'.

The Commission discussed whether any additional buffering was necessary along the back of the property between the railroad tracks. The applicant said the railroad tracks are about 50 feet from the back of the building and there is also a swale in this area between the building and the railroad tracks. They discussed the use of barkdust along the landscape strip at the southwest property line. They agreed it would not be a good plan to plant trees in this area and that the use of barkdust would be appropriate. The applicant said that barkdust would be easy to maintain.

Keith Mays moved the Planning Commission recommend to the City Council approval of SP 99-18 Lot 10 Sherwood Business Center Site Plan based on Staff recommendations, public testimony, findings of fact and conditions as revised. Seconded by Sterling Fox.

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

Chair Weeks recessed the meeting at 8:35 PM for a 10 minute break and reconvened the meeting at 8:45 PM.

5. PUD 98-2 Millers Landing Phase 1 & 2 Final Development Plan & Subdivision Plat
 Chair Weeks said Staff would like to continue this item to the next Commission meeting. Carole Connell explained that the request for a continuance is because Staff does not believe that the applicant was notified of the meeting. A member of the audience said he was notified at about 5:00 PM today and that he is the applicant. He did not have a problem proceeding with the review tonight. The Commission agreed to review this application.

Ms. Connell said the ownership of the property has changed since the preliminary plat was approved. Staff inadvertently sent the report to the original applicant.

Ms. Connell advised the Commission that this is not a public hearing. Mr. Mays asked if the Commission could receive public comments. Ms. Connell said this review is not in the hearing format, but if the Commission wanted to take comments that was their decision. She reviewed the Staff Report and noted:

- The plan was originally for 135-lots. The City Council approved 109-lots. There are two large tracts in the middle of the site that are being dedicated to the City for wetland/park, open space multiple uses.
- The purpose of this review is to look at each of the conditions of approval and assure they have been satisfied before the plat is recorded. She believed the review would be limited to this. The conditions of approval and responses are contained in the Staff Report.
- The criteria for approval are found on pages 2 and 3 of the Staff Report.

- Many of the conditions carry over to later in the project because they are not implemented until construction.
- There have been some minor changes to some of the lot dimensions from the preliminary plat. Tract A shows some access points which were relocated to be made more practical. Tract B, that was a stormwater system tract, was relocated into an easement between Lots 71 and 72. Three utility easements have been added. Lot 74 needs to be revised to the minimum 25 foot frontage.
- The CC&R's are included in the packets for the Commission. They will be amended to further meet the recommended conditions for the preliminary plat. One of the changes is to prohibit the repeating of a house elevation less than every 5th house. The CC&R's must specify that the homeowners would maintain the landscape corridors and fencing of the water quality facility.
- The Division of State Lands (DSL) permits will need to be renewed as of March 31, 2000 and kept current during construction.
- Sheet 2 of 3 needs to be revised with a note that states the storm drainage easement goes to the City of Sherwood, rather than USA.
- Tracts A, B and C should be flagged or taped off so that no trees are removed during construction.
- The applicant cannot make the road improvements on Edy Road, per Washington County, unless the DSL permits are current.
- A "farm forest waiver" has been executed by the property owner.
- A fence along the property line should be constructed prior to building permit issuance.
- The PUD is to be constructed in two phases and the applicant is requesting approval of the two phases now. Construction should commence within the one-year period of the approval of the final plat.
- There was a pedestrian trail required to go through Tract A. This trail must be approved by the City and U.S. Fish & Wildlife Service.

The conditions that have been satisfied from the preliminary plat were not included in the recommended conditions with the final development plan and plat. In conclusion, Staff recommends approval of PUD 98-2 Millers Landing Phase 1 and 2 Final Development Plan and Subdivision Plat.

Mr. Mays said he did not like the project. Mr. Shannon asked the applicant if there was a boundary dispute with the original application. The applicant, Mr. Vukanovich, said he was not aware of any dispute. Mr. Shannon asked if the Commission could add a condition. He asked for further information regarding the land dispute with the McFalls. Ms. Connell asked if this would be between two private parties and not a City issue.

Mr. Claus spoke from the audience. He said the previous property owner, the Biggi's, agreed to deed over the property which was in dispute.

Ms. Connell asked Mr. Claus to clarify what the dispute was about. Mr. Claus said the fence line is not where they claim the boundary line of the survey identifies. The fence has been there for over forty years and Lloyd McFall maintains that the fence line is the boundary line. He

prevailed against Centex and Mr. Handley earlier with this same argument. Oregon is one of the few states adverse to the way tradition runs in that if you have a fence line up for 7-10 years, it was accepted as the boundary line. The fence line here creates a boundary line dispute.

Ms. Connell asked how the Planning Commission could resolve this. Mr. Claus said the Commission doesn't because what happened in the initial hearing when this was brought up, the Biggis said they would simply deed this strip of land over to Mr. McFall. Then the Biggis sold this property to the applicant. This is what the Biggis have done with every piece, they are speculators.

Ms. Connell asked how much land was involved. Mr. Claus said he did not know, it is not a full lot, but it is enough of a value that if you don't rejig this, it will really cause havoc out there. Lloyd McFall simply expected this to go the same way it did with Centex.

Ms. Connell asked if the Commission addressed this issue at their hearing. Mr. Mays said the Commission denied the application. The other Commissioners did not remember if this was discussed by them or raised at the City Council level.

Ms. Connell said she would need to research this issue because she did not know what happened.

Mr. Claus asked Chair Weeks if he could address the Commission. Chair Weeks allowed him to address the Commission.

Mr. Claus said he was going to appeal this to the City Council, unless the Commission rejects it. The original applicant was the Biggis. They bought the property from the Millers. They submitted an application and had a hearing before the Commission. The application went through a series of changes. Initially, they were going to put in larger houses and then decided to put in similar homes to what Westfield Properties were. The Commission rejected this application and it automatically advanced to the City Council. It advanced to the Council without the findings of fact, and the Commission needs to know this, that this doesn't qualify as a PUD. In *Frankland v. Lake Oswego*, none of the conditions that need to be set out for a PUD are here. He went on to discuss the current and previous Staff. Mr. Bormet simply decided that he was going to take it upon himself to go below 5,000 square feet on the lots. He was extremely annoyed with the Planning Commission because they had not followed his dictate, even though what he was asking was illegal.

Mr. Claus said this goes to the City Council, without the finding of fact that *Frankland* requires that this is a PUD. This is a classic case of someone buying zoning. If you look at the finding of fact, the previous Staff didn't even bother to go through them because they had made up their mind. The Commission held their ground on Woodhaven and then the City Council made it clear that they would not accept anything under 5,000 square feet. He did not know what the Commission should do. Certainly, Ms. Connell, Mr. Keyes or Ms. Gibbons are not guilty of anything. This is just the classic thing that has to be stopped in Sherwood. You have somebody come in and grab a piece of ground, they make a series of promises and all of a sudden they spin it and the next thing we know we are dealing with another developer. D.R. Horton bought out

Roger and Pollock, who was a local builder/developer. Mark worked for Roger and Pollock and then transferred over to D.R. Horton. D.R. Horton is the second largest home builder in the United States, they claim. D.R. Horton acquired the property and proceeded to develop it along this so-called PUD. The previous staff literally pushed this through.

Mr. Claus said he would like LUBA to look at this because this is the classic use of a PUD without the findings of fact to support it. Estoppel and latches do not hold in the state of Oregon, so if they got an illegal subdivision, they might have to change their water and sewer, etc.

Ms. Connell said she was uncomfortable with where the Commission was at this stage. There is a lot of information attached to the Staff Report that goes into extensive detail about findings for a PUD. This came in as a PUD because the applicant gave 33% of the property to the City. There are some very detailed findings which the City Council adopted when they made their decision to approve this application. These are included in the packets. The Commission should address the criteria which applies to this application, approval of a final plat and development plan.

Mr. Shannon talked about the public hearing that was before the City Council. He wondered if the land was already sold at this point in time.

Ms. Connell said the Council approved single family housing and short of trying to control the types of houses which go on these lots, the Commission is being presented a single family plat that is exactly the same as it was preliminarily approved by the Council.

Ms. Connell reiterated that the Commission is being asked to address the criteria for final plat approval.

Mr. Shannon, Ms. Connell and Mr. Claus all spoke at the same time.

Ms. Connell suggested the Commission allow the applicant to respond.

Mark Vukanovich, D.R. Horton, 5125 SW Macadam Avenue, #145, Portland, Oregon 97201, addressed the Commission. He was a little concerned because this is not what he expected at this meeting. They purchased a piece of property in the City of Sherwood that had approval for a 109-lot subdivision. They have spent over \$2 million to develop this site. The fact the Commission would now consider not allowing the approval, is absolutely ridiculous, in his opinion. He is not trying to demean anyone here, but they bought this property as a whole purchaser.

Mr. Mays asked if they were at the public hearings for this application. Mr. Vukanovich said they bought the site after the decision for approval was made by the City Council.

Mr. Shannon said this is all about money. They bought the property because of the amount of homes they could build. They are going to build the houses and then they are gone and they really don't care about Sherwood. There are a lot of people in Wyndham Ridge who built their

dream homes and now they are going have a development adjacent to them with lot sizes less than 5,000 square feet. This is pathetic and a disgrace. This tore up the livability of the whole area. If they are in with the Biggis and they are going to develop next to his property, they will have a hard time doing that to him and his land. He said 3,800 sf lots are supposed to be the American dream and improve the livability of Sherwood. The Council approved it, but the Commission denied it. He said to let the Council approve this.

Ms. Connell said this does not go to the Council. This is not a discretionary decision at this point. The decision has been made by the Council. She said if the decision of the Commission was to deny the application, the applicant could appeal the denial, but she hoped the Commission had some findings, because she did not prepare findings for denial.

Mr. Vukanovich said the only concern he had was with the condition was regarding finishing Edy Road prior to building permit issuance. He asked if this could be clarified. Ms. Connell said she would check the file.

Chair Weeks said there is a boundary issue and asked how this could go forward without it being resolved. Mr. Schroeder said he does not agree with the lot sizes, but he did not participate in the first hearings. Mr. Shannon and neither he nor Jeff Fletcher participated either. Mr. Schroeder asked if he could abstain from voting because of his prejudice toward the smaller lot sizes.

Mr. Fletcher said lot sizes are not the issue. The Council already approved the preliminary plat application. It seems that none of the Commission favors small lots, but it is not in their authority to deny it based on this issue. The Code allows smaller lots in a planned unit development. He did not think it was appropriate to make comments on it.

In response to the Commission's question, Ms. Connell said the applicant received preliminary plat approval and they have one year to come back with the final development plan and one year to submit construction plans approved and bonded. Ms. Connell said Staff only had the final plat file and she was not sure when the preliminary plat was submitted.

Chair Weeks said the City Council approved the preliminary plat on March 23, 1999. The application was submitted earlier than this date. Mr. Claus said the one year has expired. Ms. Connell said the one year starts from the date of the decision, not when the applicant applies.

Mr. Claus argued these facts. He said Staff is telling him that this is not the stage at which to file an appeal. He was told exactly the opposite regarding Woodhaven by LUBA. LUBA told him the final plat is when you have to challenge the conditions.

Ms. Connell said Mr. Claus was incorrect. There are no findings about whether or not this is a PUD tonight. These findings have been made with the Council approval. There is a different set of criteria being reviewed tonight with the final development plan and plat. This review tonight is not a public hearing.

Mr. Claus said this is a hearing on the final plat and according to LUBA you have to wait until this hearing and you have 21 days to appeal it to them. Of course, first you have to take this to Council.

Ms. Connell reiterated that she did not believe this to be the case. She did not know about the Woodhaven case. The appeal should have happened when Council approved it as a PUD with the preliminary plat review and public hearing. These findings were made by the City Council.

Chair Weeks asked Staff to bring information back regarding the boundary dispute. She was not clear whether this is something the City should be involved in or approving the final plat until it is resolved.

Terry Keyes said with regard to the boundary issue, a surveyor signs off on the final plat and is liable if he misses a boundary. The final plat has been signed off by a surveyor. Staff will ask the applicant to provide evidence of resolution of the purported boundary dispute.

Keith Mays moved the Planning Commission continue this application to the March 7, 2000 Regular Commission meeting to allow Staff to clarify the boundary issue. Seconded by Angela Weeks.

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

6. New Business

Chair Weeks referred the Commission to a memo dated February 14, 2000 from Walt (Skip) Wendolowski, Consulting Planner for the City regarding modifications to the site plan for the Ice Hus. A copy of the memo was included in the packets.

The applicant is requesting a change to the approval. The original plan was approved for two phases with parking designed to accommodate the entire development. While two phases are assumed there is nothing on the notice of decision that requires the applicant to construct the second phase. If the second phase is not constructed there will be a significant distance between the Phase 1 building on the west side of the property and the parking lot located on the east side. The revised plan would address this by relocating the parking adjacent to the ice arena.

A copy of the approved site plan, modified site plan and September 15, 1998, Notice of Decision were also included in the packets.

Staff is not opposed to this revision. Staff recommends the Planning Commission accepted the revised site plan as being in substantial conformance with the original approval, subject to the following stipulations:

1. Any additional development of the site will be subject to a site plan review. This is consistent with the requirements of the Sherwood Zoning and Community Development code.

2. The “open space” adjacent to Borchers Drive will be placed in vegetative cover or otherwise landscaped. This is to ensure this area is not left unfinished.

Steven Prince, 3373 NW 123rd Place, Portland, OR 97229, addressed the Commission. He provided a color map of the proposal. He discussed the reasons for the modifications. They have no problem with the Staff recommendations.

It was the consensus of the Commission that the modifications to the Ice Hus Site Plan, as presented, be approved.

7. Community Comments

There were no comments.

8. Adjourn

There being no further business to discuss, the meeting was adjourned at 9:40 PM. The Commission adjourned to the work session to discuss the proposed amendments to the parking requirements. A discussion paper, dated February 8, 2000, was included in the packets. The work session adjourned at approximately 10:00 PM.

Respectfully submitted,

Planning Department