



City of Sherwood
PLANNING COMMISSION
Stewart Senior/Community Center
855 N. Sherwood Boulevard
May 30, 2000 - 7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Approval of Minutes – May 16, 2000 (not available until June 6, 2000)**
3. **Agenda Review**
4. **Community Comments** *are limited to items NOT on the printed Agenda.*
5. **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. **PUD 00-01 Kalyca Rim Preliminary Development Plan:** a request by Joe Green for a 28-unit townhome planned unit development located east of Hwy 99W and south of Gleneagle Condominiums. Tax Lots 1500, 3801, 7800, 8100, 8800, 8900, Map 2S 1 30DD. (*Dave Wechner*)
- B. **PUD 00-02 Drennan Estates Preliminary Development Plan & Plat:** a request by David & Joan Drennan for a 111-lot single-family attached and detached planned unit development located north of Sunset Blvd and east of the railroad tracks. Tax Lots 3000, 3100, 3200, Map 2S 1 31DA. (*Carole Connell*)
- C. **SP 00-01 Sherwood Industrial Park Site Plan (Oregon-Washington Lumber, owner):** a request for site plan approval to develop a 52-acre site with 390,466 sf of industrial flex buildings for use in warehouse, mfg, & incidental office use, located at 14890 SW Tualatin-Sherwood Rd, west of RR tracks and 1-mile east of Hwy 99W. Tax Lots 100, 101, 102, Map 2S 1 29D. (*Skip Wendolowski*)
6. **New Business**
7. **Adjourn**

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



APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
May 30, 2000

1. Call to Order/Roll Call

Chair Angela Weeks called the meeting to order at 7:03 PM.

Commission members present:

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

Staff:

Carole W. Connell, Planning Consultant
Shannon Johnson, City Attorney
Keith Jones, Associate Planner
Terry Keyes, City Engineer
Dave Wechner, Planning Director
Skip Wendolowski, Planning Consultant
Jan Young, Recording Secretary

Shannon Johnson and Keith Jones were introduced by Planning Director, Dave Wechner.

2. Minutes of May 16, 2000

Chair Weeks announced the minutes of May 16, 2000 would not be accepted until June 6, 2000.

3. Agenda Review

Dave Wechner announced that the Kalyca Rim application would not be heard at this meeting. Shannon Johnson advised that a Writ of Mandamas had been served. Since the case is currently in litigation, there would be no comment at this time and the application will be at a minimum postponed.

4. Community Comments

Chair Weeks asked if there was anyone who wished to provide comments.

Keith Howe, 17852 Galewood Drive, Sherwood, Oregon 97140, addressed the Commission:

- Mr. Howe asked when the 120-day rule comes into effect.
- Shannon Johnson explained the 120-day rule in ORS 227.178.
- Mr. Howe asked specifically when the 120-day rule on this application comes into effect.
- Carole Connell stated that the 120 days for the third submittal is on hold (previous applications were made in 1997, one withdrawn and one not withdrawn but not ruled on).
- Mr. Howe commented that sensitive properties sit on Cedar Creek and reported that it is imperative to avoid going to court due to exceeding the 120-day rule.
- Chair Weeks commented that there is nothing to be done since the matter is held up in court: it is beyond the control of the Commission at this point.
- Mr. Howe indicated the seriousness of the matter noting that Cedar Creek is a live creek with steelhead.

5. Public Hearing Disclosure Reading

Chair Weeks queried for conflicts and none were reported by Commission members present. Chair Weeks reported that Ken Shannon, Commission member not present, had concerns with two applications, and one of the two applications would not be heard this evening.

- 6. PUD 00-02 Drennan Estates Preliminary Development Plan & Plat:** a request by David & Joan Drennan for a 111-lot single-family attached planned unit development located north of Sunset Blvd and east of the railroad tracks. Tax Lots 3000, 3100, 3200, Map 2S 1 31DA.

Carole Connell presented the Staff Report for the Preliminary Development Plan & Plat.

- Ms. Connell stated that in exchange for 50% of the land, the developers are asking for exceptions. Ms. Connell further stated that whatever is approved or denied by the Planning Commission will still go to Council for approval.
- Ms. Connell reported that between 1989-1990 most of the zoning was lower density. The City saw that this plan would coincide with the open space plan.
- Keith Mays interjected that the open space land is not buildable one way or the other.
- Ms. Connell commented that outright dedication is not typical and there are no access options to the property. The way the roads are laid out does not align with existing streets.
- Chair Weeks asked if there were any way that the upper part of the development could be accessed through Gregory Park. Ms. Connell responded there is no way to access the upper part without crossing the creek.
- Regarding the list of PUD Conditions of Approval: Adrian Emery inquired per Condition #2 if it is known how many lots are affected by the wellhead protection zone. Ms. Connell responded that 8-10 lots are affected. Mr. Emery also inquired per conditions requiring conformance standards if HOA's (Home Owners Associations) were required on PUD residential property. Ms. Connell responded that there were no privately owned elements to this development. Mr. Emery inquired as to Tract C, Tract A, and the wellhead. Ms. Connell recognized Mr. Emery's point and asked for a list of things the Planning Commission would deem appropriate for an HOA to govern.

Dave Drennan, 15365 Hume Drive, Saratoga, California 95070-6146 addressed the Commission.

- Mr. Drennan reported previous plans for a senior mobile home park were put on hold, and then dropped.
- The assumed developable portion in 1984 was 23 acres: today it is 13 acres. Mr. Drennan stated that assumption fees paid in 1984 were based on the prior assessments.

Keith Jenke, AKS Engineering, 18961 SW 84th, Tualatin, Oregon 97062, addressed the Commission.

- Mr. Jenke stated that after talking with Carole Connell and Dave Wechner, the plan is to list all issues, get a continuance, resolve the issues and return with a revised plan.
- Mr. Jenke then introduced Exhibit A: The Drennan Subdivision Planned Unit Development (Existing Conditions Plan and Tentative Subdivision Plat).
- Chair Weeks asked if this revision made the cul de sac even longer. Mr. Jenke replied that it is actually the same length.
- Adrian Emery inquired as to parking in the area where the road crosses the wetlands area between lots 20 and 21. Terry Keyes responded that there would be no parking on both sides, sidewalk on one side.
- Mr. Jenke added that many concerns have been addressed.
 - The dead end alley has been eliminated with the entrance realigned with Greengate and the middle realigned with Redfern.
 - An emergency access entrance was added to Tract D at the City Well location.
 - Pedestrian trails are planned for the middle of the development along Cedar Creek, between the wetlands and the floodplain. Plans include boring under the railroad tracks and hooking up the water line on top of the easement. There is no crossing over the railroad tracks, but people will be able to cross over on foot. Trails will comply with ADA surface and width requirements, wider in flood areas.
 - Mr. Jenke stated that the application showed 2 phases, but a 3-phase development plan makes more sense (concentrating on the construction phase while getting the wetland permits).
 - Keith Mays asked about sprinkler lots, inquiring if fire concerns require everything to be sprinkled. Mr. Jenke responded that there is no need to sprinkle.
 - Road sections to be modified from 26 ft. to 28 ft.
 - 5 ft. planter over 5 ft. sidewalk, 20 ft. between sidewalks and garages. Townhouse sidewalks to be curb-tight.
 - One thing not included on the application was preference for FEMA flood elevation at 178 ft. The correct flood elevation is 166 ft (12 ft. less). This puts Sunset Blvd outside of the flood plain.
 - In developing lots for open space, rear setback was reduced from 20 ft. to 10 ft to give the builder more construction options. People would be able to put a deck further back behind their homes.
 - Keith Mays inquired about the long lots 91-92-93. Mr. Jenke responded that they were individual lots and would be sold separately. Keith also stated that parking is a concern with 28 ft. streets parking on one side, there will be no place to park on the street such that all vehicles will need to be on the lot or in the garage. Woodhaven was cited as an example of not being able to accommodate emergency vehicles. Keith noted also that people tend to have garages full without cars. Mr. Jenke's response was that parking would be tight, but work could be done to assure compliance with parking requirements.
 - **Andy Kelly, 9565 SW 155th Ave., Beaverton, Oregon 97007-5999** responded that people would not be allowed to stuff their garages full of personal belongings. He stated that an HOA would enforce these restrictions).
 - Adrian Emery asked if parking would be allowed along Sunset Blvd on Phase 1. Terry Keyes responded that no parking would be allowed.

- Chair Weeks queried for further questions.
- Dave Wechner asked if it was the applicant's desire to extend the 120 days at this time.
- Keith Mays indicated the applicant must specifically request a continuance between now and the next hearing.
- Dave Wechner listed the next possible hearing dates excluding June 6th, which is already full, June 20th (vacation conflict), and July 4th (holiday).
- Adrian Emery suggested July 18th to reschedule. Keith Jenke stated a possible conflict with the date, but accepted July 18th at this time.
- Chair Weeks queried for further testimony. There was no additional testimony. Chair Weeks asked if procedures allowed Commission discussion at this time. Shannon Johnson stated that questions could be asked of the applicant, but that Commission deliberation is not allowed until the hearing is closed.

Adrian Emery moved the Planning Commission accept the continuance to the July 18th hearing. Seconded by Keith Mays.

- Chair Weeks asked for clarification regarding if the motion for continuance were passed, would that stop discussion of the matter. Shannon Johnson stated that procedure withholds Commission discussion until July 18th. There being no further questions or discussion,

Vote for passage of Motion: 5-Yes, 1-No (Chair Weeks)

- 7. SP 00-01 Sherwood Industrial Park Site Plan (Oregon-Washington Lumber, owner):** a request for site plan approval to develop a 52-acre site with 390,446 sf of industrial flex buildings for use in warehouse, mfg, & incidental office use, located at 14890 SW Tualatin-Sherwood Rd, west of RR tracks and 1-mile east of Hwy 99W. Tax Lots 100, 101, 102, Map 2S 1, 29D.

Skip Wendolowski presented the Staff Report for the Sherwood Industrial Park Site Plan.

- Following presentation, Mr. Wendolowski referred to a staff addendum that had been prepared over the weekend and emailed the morning of May 30.
- The addendum indicated the following under DISCUSSION:
 - A. The wetland located on the east side of the property (along Rock Creek) is part of the Tualatin National Wildlife Refuge. The area is not owned by U.S. Fish and Wildlife but is part of a group of lands identified as within the "Refuge Acquisition Boundary."
 - B. Land within along this portion of Rock Creek is part of a designated "Greenway" and flood plain and should be dedicated outright to the public. A condition to this effect must be placed on this development if the application is approved.

- C. Development on this parcel is governed by: 1) City of Sherwood (controls zoning and actual development of the site), 2) USA controls sanitary services and water quality issues, 3) DSL and the Army Corps of Engineers is responsible for fill or removal permits within the designated wetland, and 4) U.S. Fish and Wildlife Service has input through any fill or removal permit requiring DSL/Corps review.
- D. The development of the property will require review and approval by USA and the DSL. Even if the Planning Commission approves the application, failure of the developer to comply with the regulator provisions of these agencies will effectively end the project.

- The addendum indicated the following under CONCLUSION:
 - A. Staff failed to include this information in the original report and apologizes for the unintentional omission.
 - B. Based on the site plan, staff still recommends approval of SP 00-01/Sherwood Industrial Park Site Plan subject to the conditions contained in the original staff report dated May 23, 2000 and with the addition of the following item to Condition “B.” of that report:

5. The developer shall dedicate to the City of Sherwood; lands along Rock Creek designated as “Greenway” and located within the base flood. The dedication shall be consistent with the provisions in Section 8.202.02 of the Sherwood zoning and community Development Code and shall be in a form acceptable to the City Legal Counsel.

John Brooks, VLMK Consulting Engineers, 3933 SW Kelly Avenue, Portland, Oregon 97201.

- Mr. Brooks stated they are working closely with wetlands consultants on the development and are well aware of wetlands problems.
- Mr. Brooks indicated the owner was unaware the land was within the “Refuge Acquisition Boundary.”
- Jeff Fletcher queried about marginal wetlands.
- Mr. Brooks produced a map of the proposed wetlands: filled wetlands, 221,000 sq. ft.; new wetlands, 134,000 sq. ft.; enhanced wetlands, 462,000 sq. ft.
- Chair Weeks asked if there was extensive landfill required for the upper portion.
- Mr. Brooks stated there would be considerable landfill (graded at 1% slope), the total to be in excess of mitigation requirements for creating and enhancing the wetlands consistent with DSL formulas.
- Mr. Brooks stated there are limited traffic access points. A traffic engineer is working with Washington County. Jeff Schroeder stated he had an issue with traffic on Tualatin/Sherwood Road.
- Adrian Emery referred to the U-shaped driveway on the adjoining lot next to the Tualatin/Sherwood Hwy, DEQ being on the far end.

- Chair Weeks queried for proponents to the application. None came forward.
- Chair Weeks queried for proponents to the application.
- **Ralph Webber, Refuge Manager for the Tualatin River National Wildlife Refuge administered by the U.S. Fish and Wildlife Service.**
 - Mr. Webber stated the U.S. Fish and Wildlife Service was not requested for comments for the proposal and were first notified of the project last week and have not received any of the planning documents.
 - Please refer to Mr. Webber's attached comments document.
 - Mr. Webber summarized each item (below) and stated that several letters were sent to each adjacent landowner every six months since 1992 within the approved boundary providing information on the acquisition program to encourage them to be willing sellers.
 - **Contaminants** (trace elements and heavy metals) have migrated down slope to Rock Creek in excess of DEQ standards. Properties North of Oregon Street, which are proposed for inclusion in the Refuge, are at greater risk because of their proximity to the Linke site. Manipulation of these tracts through flood plain or alterations may lead to the re-suspension of trace elements. Any manipulations of these tracts should insure that the western flood plain of Rock Creek is not intentionally flooded, thereby reducing the bioavailability of pollutants. Restoration of the flood plain should not proceed until the contaminants have been cleaned up on adjacent lands and the lands on the Linke site itself.
 - Jeff Fletcher asked when the study was done.
 - Mr. Webber stated the study was completed in 1994.
 - Chair Weeks queried about the process of a cleanup.
 - Mr. Webber stated the process was very lengthy depending on how contaminated the site is and how deep the soils are. The soil has to totally be removed from the site.
- **Refuge Boundary:** The actual boundary of the Refuge takes in the entire site. If the Service were to acquire the land, there would be no loss at all, rather a gain.
 - Adrian Emery inquired as to the time frame for acquisition.
 - Mr. Webber stated acquisition could take place immediately with a willing seller.
 - Sterling Fox inquired as to where the money was coming from to purchase the land and why the owner had not been approached.
 - Mr. Webber stated the federal funds were available through the Land and Water Conservation Project and adjacent owners were approached every six months with letters and/or personal contacts.
 - Sterling Fox inquired if the land would be condemned if the owner preferred not to sell. Mr. Webber stated the Refuge does not condemn land, but acquires land strictly on a willing seller basis.
 - Sterling Fox asked if the owner did not want to sell the land, why he would not be able to develop it. Mr. Webber stated that would

depend on the land use process. The land is within the approved boundary targeted for acquisition. If the land is developed, it will have a major impact on the Refuge being able to meet its goals in that unit. There are many environmental considerations and hurdles the developer will need to go through and get approved to be able to develop it that go far beyond the scope of the Planning Commission.

- Chair Weeks inquired if approval was obtained through the Planning Commission, there would still be additional requirements (Corps permits, DSL permits, etc.).
 - Jeff Fletcher asked about DEQ being part of the Refuge land acquisition site. Mr. Webber stated that the boundary was established in 1992 DEQ was built after that, the Refuge having had no opportunity to provide comment on the DEQ project.
 - Jeff Schroeder asked who was responsible for the contaminants found in the wetland. Mr. Webber stated that the responsible party is the landowner of the actual source of the contamination.
 - Chair Weeks asked if any cleanup had been started on the site. Mr. Webber that no cleanup has been started to his knowledge.
 - Jeff Fletcher inquired as to the claim that the wetland area on top was poor grade and not natural wetlands. Mr. Webber that he was unable to comment, not having been to that site and does not know what the determination has been as to jurisdictional wetlands (determination made by the Corps of Engineers whether it falls under their jurisdiction as to the Clean Water Act) – it was clarified that the wetlands are jurisdictional.
 - Chair Weeks inquired as to further questions. There were no further questions.
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- **Joan Patterson, 25795 SW Meadowbrook lane, Sherwood, Oregon, 97140, Co-President of Friends of the Tualatin River National Wildlife Refuge.**
 - Please refer to Ms. Patterson’s attached comments document.
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- Chair Weeks queried for anyone else who would like to address the Commission. There were no further responses.
 - Chair Weeks asked if the applicant would like to rebut.
 - John Brooks commented it was obvious there were concerns the applicant did not realize would come up at the meeting. It was not the intention to submit an application that would interfere with the Wildlife Refuge. Mr. Brooks stated they would support a request for continuance and referred to the July 18th date as full due to the prior applicant’s continuance.
 - Dave Wechner stated that July 18th was available to this applicant as well, also the 120-day rule had to be covered. If the July 18th date does not meet the needs of the applicant, then the hearing will have to be re-advertised.

Adrian Emery moved the Planning Commission accept the continuance to the July 18th hearing. Seconded by Keith Mays.

- Jeff Fletcher asked to see the toxins report on the Linke site.
- Dave Wechner stated that Staff requests the National Wildlife Refuge submit the report as part of the record.
- Dave Wechner suggested the Planning Commission, in making the motion for continuing to the July 18th date, that the continuance of the 120-day period also be recognized.

Adrian Emery amended the motion to note also that the public time limit on the 120-days is being extended 49 days to July 18th. Seconded by Keith Mays.

Vote for passage of Motion: 6-Yes, 0-No

8. Chair Weeks queried for New Business

- Meeting next week on June 6th regards to the Metro 20-40 requirements. Carole Connell will be attending the Planning Commission hearing and giving the staff report at that time.
- Update on the Sherwood School applications heard by the Hearings Examiner on May 22nd. The Elementary School and Middle School applications were heard at public hearing. School District Superintendent Jim Carlile pulled the High School application, and then tried to reinsert it at the public hearing. Since the withdrawal request was made in writing and was available, it was possible that someone would show up, wish to comment on the application, hear that it was being pulled off the schedule and not show up for the public hearing. Therefore, we are entertaining a request from the Schools to put it back on the agenda. We are going to publish notice again and advertise a new hearing date in front of the hearings officer for the High School application. A date has not been confirmed yet as the hearings officer is out of town.
- A decision has not been received from the hearings officer on the other two applications. He closed the public record and had testimony at the hearing on a number of issues and said he would consider those and issue a decision in about a week. A decision is expected this week.
- Jeff Fletcher inquired as to the determination of why the decision goes to a hearings officer. Dave Wechner stated that the Code allows Type III applications, which are quasi-judicial hearings to go to a hearings officer. END OF TAPE. Dave, if you want this in the record, you'll need to complete the thought.

9. Adjourn

There being no further business to discuss; the meeting was adjourned at 9:40 PM.

Respectfully submitted,
Planning Department