



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

A G E N D A

1. **Call to Order/Roll Call**
2. **Consent Agenda - Approval of October 17, 2000 PC Minutes**
3. **Agenda Review** (*Reminder – Joint PC/CC Work session November 14th, 7PM Senior Ctr*)
4. **Community Comments** *are limited to items NOT on the printed Agenda.*
5. **PUD 00-02 Drennan Estates Preliminary Plan & Plat (public hearing closed):** a request by David & Joan Drennan for a 97-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. (*Dave Wechner, Planning Director*)
6. **Public Hearings:** (Commissioners declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the 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. Recognize that substance, not length, determines the value of testimony. Endorse rather than repeat testimony of others.)
- A. **SP 00-12 Tualatin-Sherwood Business Park Site Plan:** request to develop a 7.60 acre site with six warehouse/office buildings located at 14935 SW Tualatin-Sherwood Rd, Tax Lots 300 & 400, Map 2S 1 29A. (*Keith Jones, Associate Planner*)
7. **New Business**
 - A. **Report from Council Liaison** (*Ken Shannon*)
8. **Adjourn to Work Session on Title 1 Housing & Employment Accommodations, Metro 2040 Functional Plan** (*Carole Connell, Planning Consultant*)

**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
November 7, 2000

1. Call to Order/Roll Call

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

Commission Members present:

Jean Lafayette
Keith Mays
Ken Shannon
Angela Weeks

Staff:

Dave Wechner, Planning Director
Terry Keyes, City Engineer
Shannon Johnson, Legal Counsel
Carole Connell, Planning Consultant
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Adrian Emery
Jeff Fletcher
Jeff Schroeder

2. Minutes of October 17, 2000

Chair Weeks asked if there were any additions or corrections to the minutes of October 17, 2000. There were no changes.

Keith Mays moved the Planning Commission accept the October 17, 2000 minutes as presented. Seconded by Ken Shannon.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

3. Agenda Review

Dave Wechner announced that the Joint City Council/Planning Commission work session is scheduled for November 14, 2000 at the Senior Center. The Commission is also scheduled for a work session on November 21, 2000 at 5:30 PM at the Senior Center. The focus of this meeting will be Old Town Design Standards. This review is in conjunction with the Urban Renewal Program. Following the work session, the Regular Commission meeting will convene at 7:00 PM on November 21st. The only item scheduled is a public hearing on Title 1 of the Metro 2040 Functional Plan.

City Staff confirmed that the November 14, 2000 work session is scheduled to begin at 6:00 PM, not 7:00 PM.

4. Community Comments

There were no comments.

5. PUD 00-02 Drennan Estates Preliminary Development Plan & Preliminary Plat

Chair Weeks announced that the public hearing was closed. The record had been left open for seven days for additional written comments following the October 17, 2000 public hearing. The record was then closed at 5:00 PM, October 24, 2000.

Dave Wechner said the record was left open for the applicant to submit design standards and address the trail system issues. The City did not receive any additional written information from the applicant or other parties. He did receive a telephone call from the applicant's representative, Keith Jehnke, AKS Engineering, advising that they were working on revising the design standards and changing some elements of the PUD.

Mr. Wechner distributed a memo and map prepared by Terry Keyes, City Engineer. The map identified the location of pathways in the vicinity of the Drennan site and how connections could be made to this development.

Mr. Wechner advised the Commission that prior to the meeting tonight, the applicant made a verbal request to him for a continuance.

Mr. Johnson advised the Commission that the hearing and record on this application were closed. To hear additional testimony, the application would need to be re-noticed and the public hearing re-opened.

Chair Weeks distributed written comments she had prepared for the Commission. A copy was also made available to the applicant.

Chair Weeks recessed the meeting at 7:20 PM for a 5-minute break to allow the Commission and applicant time to review her comments. The Regular Commission meeting recovered at 7:25 PM.

Mr. Johnson stated that after further discussion with Mr. Wechner, it was clarified that the applicant is requesting a re-opening of the public hearing to present further information on the design of the townhome site.

The Commission discussed whether to re-notice and re-open the public hearing. It was the consensus of the Commission that the applicant had been allowed sufficient time to address the questions and issues the Commission had regarding this application.

Keith Mays moved the Planning Commission not re-open the public hearing on PUD 00-02 Drennan Estates. The motion was seconded by Angela Weeks.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

Angela Weeks moved the Planning Commission adopt the findings and recommend to the City Council that PUD 00-02 Drennan Estates Preliminary Plat and Preliminary Development Plan be DENIED. Seconded by Keith Mays.

She read the recommendation, “The Planning Commission finds that the PUD overlay is not substantiated for this property as the public is not receiving any substantial benefit. There is no uniqueness in architectural design, public trails to augment the parks system, or other amenities proposed on the site (e.g., landscaping) to warrant exceptions from the standards of the underlying zoning district. The Commission finds that the proposed development is **not** in substantial conformance with the Comprehensive Plan, due to the number of exceptions and/or variances incorporated into the project. The Commission recognizes that the property is sited in an area that is unusually constrained due to existing natural features, but finds that the applicant simply wanted to develop many lots without adequate treatment of parking, drainage, or structural design, or providing public access and recreation.”

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

Mr. Wechner advised the Commission that the public hearing for this application is scheduled to be heard on November 14, 2000 by the City Council. The Commission findings will be incorporated into the Staff Report to the City Council.

Mr. Drennan said he was not clear on some of the comments. He did not know what kind of things would be considered “substantial benefit” or “uniqueness” to the City of Sherwood. He asked if the Staff or Commission could provide further direction. This information would be helpful to the applicant in submitting a future application.

The Commission directed Mr. Drennan to address his questions to Staff after the meeting.

6. Public Hearings

Chair Weeks 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.

Chair Weeks announced she had a brief discussion with Keith Mays regarding this application. Mr. Mays said he had a brief conversation with Angela Weeks regarding this application. They had also made individual site visits. Ken Shannon said he had not talked to anyone about the project. Jean Lafayette said she drove by the site and had no other disclosure.

6A. SP 00-12 Tualatin-Sherwood Business Park Site Plan

Chair Weeks opened the public hearing and called for the Staff Report. Keith Jones referred the Commission to the Staff Report dated October 31, 2000, a complete copy of which is contained in the City Planning File, SP 00-12. He identified three changes to the Staff Report:

- On pages 3 and 13, the applicant proposes to fill 0.09 acres, not 0.9 acres.
- On page 14, Item b, USA requires the applicant place a vegetative corridor or plantings between the site and the wetlands. This is not enhancement, *per se*.
- The site is located north of Tualatin-Sherwood Road at 14985 SW Tualatin-Sherwood Road, Tax Lots 300 and 400 of Map 2S 1 29A. The eastern property follows the 100-year floodplain of Rock Creek. Some wetlands exist on the eastern edge of the property.

- The site is zoned Light Industrial (LI) and business and professional offices are permitted. Manufacturing, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of certain products is a conditional use. The applicant is proposing to place five (5) office industrial buildings on the site. A sixth building in another phase will be built on the north end of the site to house the existing landscape business that is currently located on the front of the site.
- A 50-foot wetland buffer will be placed along the east edge of the site to USA standards.
- The site is on two parcels. Tax Lot 300 is within the City limits and Tax Lot 400 is currently in the process of being annexed into the City. The proposal for annexation was included with the Staff report and has a map identifying Tax Lot 400.
- The applicant is proposing a phased site plan. No buildings permits would be issued for Tax Lot 400 until it is annexed into the City. Tax Lot 400 is within the Urban Growth Boundary and does have a zoning district.

Mr. Shannon asked how there could be any assurances this would be annexed when annexations are by a vote of the public. He asked if Staff was recommending this annexation.

Mr. Wechner said the Staff is not making any recommendation regarding the annexation. Staff is reviewing whether the development proposed on land to be annexed meets City standards. If the annexation does not pass, then the applicant would only develop Tax Lot 300. Phase 1 is within the City limits on Tax Lot 300.

The Commission asked for clarification regarding the location of the buildings. Mr. Jones said the applicant could address these questions during testimony. There would not be any grading on Tax Lot 400 without County approval.

Mr. Jones said the applicant is proposing to fill 0.09 acres of the wetland and no mitigation is required. The applicant has received a Division of State Lands (DSL) permit and USA Service Provider letter which outlines the conditions for buffering. He met with the applicant, owner, Friends of the Refuge and Tualatin River National Wildlife Refuge representatives on-site in October, 2000. The TRNWR representative said the northern portion of the site would be a good area for some type of wildlife enhancement. The applicant is willing to work with these groups to do some additional enhancement beyond what is required. This has not been made a condition because it is not a Code or DSL requirement.

In conclusion, Staff recommends approval, with conditions, of SP 00-12 Tualatin-Sherwood Business Park Site Plan. This approval would be a recommendation to the City Council because the application is a Type IV.

Chair Weeks asked if the applicant wished to provide testimony.

Eric Hoff, Hoff Architecture, representing the owner, 16325 SW Boones Ferry Road, Suite 202, Lake Oswego, Oregon 97035, addressed the Commission. He noted:

- They have read the Staff Report and agree with the conditions of approval, with the exception of the extension of utilities to the property line to the west. They are looking at these issues and what size of utilities would be necessary. They are concerned about increased cost.
- He briefly discussed the process they have gone through to determine which parcels were within the City and which parcels needed to be annexed.
- They did not have any further comments or questions.

Terry Keyes advised the applicant that the sanitary sewer would be an 8-inch line and would not need to be oversized. The storm may need to be increased and there may be an opportunity for oversizing and SDC credits.

In general, the Commission said the application seemed to be very complete and they appreciated this fact.

Chair Weeks asked if there was any proponent testimony.

Chris Lapp, Deputy Refuge Manager, US Fish & Wildlife Service, 16340 SW Beef Bend Road, Sherwood, Oregon 97140, addressed the Commission. He offered a letter dated November 6, 2000 into the record. He noted:

- The USFWS does not object to the applicant obtaining a permit from the City of Sherwood for the project.
- There is an opportunity for on-site mitigation for the existing wetlands not affected by the development. These wetlands show excellent potential for wetland enhancement.
- The applicant, Friends of the Refuge, and USFWS have discussed benefits of a wetland enhancement project and encourage the City's involvement. A partnership of this nature would be an excellent model for future development proposals.
- The USFWS will provide technical assistance in this endeavor.
- The USFWS would like to see wetland mitigation occur on the northern portion of the property. There are 2.0 acres of wetlands that will not be affected by the development.
- If enhancement is going to occur, it should include the piece owned by the City of Sherwood that crosses the Rock Creek floodplain to the east of this site.
- For the 0.09 acres that will be impacted, the applicant will place \$4,372.00 into a wetland mitigation fund. The USFWS would like to form some type of informal partnership to develop some type of mitigation plan that would be submitted to the Division of State Lands for wetland enhancement on this site. From their site visit, the cost of enhancement would be less than the four-thousand dollar amount.

Joan Patterson, Friends of the Refuge, PO Box 1306, Sherwood, Oregon 97140, addressed the Commission. The Friends is a volunteer organization that supports the Tualatin River National Wildlife Refuge. She said it was a pleasure to come before the Commission. They are not in opposition to this development and were not opposed to the City issuing a permit for this development. The project design minimizes the impact this development will have on wetlands on the site. The Friends of the Refuge also support the formation of a partnership. This

partnership could be a model for future development near the Refuge. She provided written comments for the record.

Chair Weeks asked if there was anyone who wished to testify in opposition to this application.

William Boyle, 405 N. Sherwood Boulevard, Sherwood, Oregon 97140, addressed the Commission. He was not in opposition to the project, but he did not support approving an application that contained property that was not already annexed into the City. He agreed with Washington County comments. He was concerned about the possibility of Phase I being developed to City standards and Phase II, which is not yet in the City, being developed to County standards. There are times when the County does something different to what the City wants. He would recommend the project be put on hold until such time as Tax Lot 400 is annexed into the City.

Joe Broadhurst, 395 N. Sherwood Boulevard, Sherwood, Oregon 97140, addressed the Commission. He would like to see the delineation of the floodplain. Most of this property would be in the floodplain. There did not appear to be any stub to the adjacent property for access. The City keeps conditioning applications, when the application should be more clean, such as identifying the stubs on the preliminary plat. The applications need to be more thorough.

Mr. Wechner identified a 24-foot access easement noted on the site plan. There are also connections shown to adjacent properties. The number of direct access points to Tualatin-Sherwood Road would be limited by Washington County.

Mr. Jones said the existing access to Tualatin-Sherwood Road would be closed. The applicant has shown a new alignment that would occur when the Oregon-Washington Lumber site on the south of Tualatin-Sherwood Road develops.

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

Eric Hoff addressed the Commission. Mr. Hoff identified the location of the existing driveways on the map. The applicant would align their access with the existing driveway per County standards. If the Oregon-Washington Lumber site develops to the south, the applicant would realign their access to Tualatin-Sherwood Road for eliminate any off-setting driveways. He identified the wetland near their site that is owned by the City. They have been discussing forming a partnership to enhance the wetlands on this piece.

Mr. Jones said the FEMA map identifies the flood elevation at 130 feet. This was delineated along the property line. Mr. Hoff said the property line was delineated at the time that Tualatin-Sherwood Road improvements were made. They plan to design the whole project to City standards.

The Commission asked for clarification regarding Building B because it is shown as crossing the property line between Lots 300 and 400. Mr. Hoff said they plan to construct the building to City standards. The other option would be to modify Building B so that it no longer straddles the property line.

Mr. Wechner asked if the applicant was proposing to either not develop Building B the full length if the annexation does not pass or hold off on constructing Building B. Mr. Hoff responded they would not construct Building B until the results of the annexation are determined.

Mr. Wechner said that Washington County standards are different from City standards. The Staff did meet with County staff during the pre-application meeting. They discussed the possibility of Sherwood reviewing the proposal under Washington County standards and preparing the Staff Report. The County agreed to giving it the approval with the condition that nothing could be built until the result of the annexation is determined.

Chair Weeks closed the public hearing on SP 00-12 Tualatin-Sherwood Business Park Site Plan for discussion and deliberation by the Commission.

The Commission asked Staff to identify the access from this site to the adjoining properties.

Mr. Keyes said if the access from Tualatin-Sherwood Road is used as a joint easement, it would be a combination of a road and parking lot. It would be a private road through the development.

Mr. Wechner said it would be similar to the circulation through the Albertson's Marketplace. This site is industrial and there would be less traffic than what would go through a retail commercial site. The need for public road improvements through the site for access to adjoining properties would not be required.

Mr. Shannon said he was concerned about approving the application prior to Tax Lot 400 being annexed into the City.

Mr. Wechner said the applicant could have filed two separate applications; one with the County for Tax Lot 400, which is not currently in the City limits and one with the City for Tax Lot 300, which is in the City limits. Staff determined that filing one application with the City would be more acceptable.

Keith Mays moved the Planning Commission recommend to the City Council approval, with conditions, of SP 00-12 Tualatin-Sherwood Business Park Site Plan. Seconded by Angela Weeks.

Jean Lafayette asked if the Commission wanted to add a condition regarding on-site mitigation. The Commission concurred and Mr. Mays and Ms. Weeks amended the motion to include the following condition of approval:

“The applicant shall work with the Division of State Lands, Friends of the Refuge, USFWS and the City in preparing a proposal to direct the applicant’s funds for mitigation for on-site mitigation.”

Vote for Passage of Amended Motion: 3-Yes, 1-No (Shannon), 0-Abstain

7. New Business

Ms. Lafayette said she attend the last City Council meeting where the Old Town Parking Overlay was approved. She looked forward to seeing how the City will address the parking districts.

8. Adjourn

There being no further business to discuss, the Commission meeting adjourned at 8:35 PM. The Commission held a Work Session on Title 1 Housing & Employment Accommodations, Metro 2040 Function Plan review led by Carole Connell, Planning Consultant. The Work Session adjourned at 10:15 PM.

Respectfully submitted,

Dave Wechner
Planning Director