



**City of Sherwood
PLANNING COMMISSION
Masonic Hall, 60 NW Washington Street
Tuesday, April 6, 1999
7:00 PM**

A G E N D A

1. **Call to Order/Roll Call - Introduction of New Commission Members**
2. **Approval of Minutes - March 16, 1999**
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 99-1 Edy Village Preliminary Plat:** a request by Don Wilson, W-D Builders for preliminary plat approval of a 28-lot single-family subdivision located at 17110 SW Edy Road, Tax Lot 2100, Map 2S 1 30D.
- B. **PA 99-3 Hearings Officer Plan Text Amendment (Type IV)** to the Community Development Code, Part 3, amending Zoning Code Section 1.202.01 to include a definition for "Hearing Authority" and Zoning Code Chapter 3 to establish a Hearings Officer for the review of Type III decisions which include conditional uses, variances, major site plans (greater than 15,000 sf of building area) and major subdivisions (greater than 3 acres of land area).
5. **Community Comments:** are limited to items NOT on the printed agenda under Public Hearings.
6. **Other Business**
 - A. **Election of Planning Commission Chair and Vice-Chair.**
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
April 6, 1999

1. Call to Order/Roll Call

Chairman Whiteman called the meeting to order at 7:05 PM.

Commission Members present:

Adrian Emery
Sterling Fox
Keith Mays
Ken Shannon
Paul Stecher
Angela Weeks
Bill Whiteman

Staff:

Greg Turner, City Planner
Jason Tuck, Associate Planner
Roxanne Gibbons, Secretary

Each Commissioner introduced themselves and gave a brief summary of their background and how long they have lived in Sherwood. Chairman Whiteman welcomed Ken Shannon and Sterling Fox, the newly appointed Commission members. He also introduced the City Planning Staff.

2. Minutes of March 16, 1999

Chairman Whiteman asked if there were any additions or corrections to the minutes of March 16, 1999. There were none.

Keith Mays moved the Planning Commission accept the March 16, 1999 minutes as presented. Seconded by Angela Weeks.

Vote for Passage of Motion: 4-Yes, 0-No, 3-Abstain (Emery, Fox, Shannon)

3. Agenda Review

There were no changes to the Agenda.

4. Public Hearings

Chairman Whiteman read the hearings disclosure statement and requested that Commission members reveal any conflict of interest, ex-parte contact or bias regarding any issues on the agenda. There were no Commissioner disclosures.

4A. SUB 99-1 Edy Village Preliminary Plat

Chairman Whiteman called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated April 6, 1999, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The site is located south of Edy Road, directly across from Houston Drive at 17110 SW Edy Road, Tax Lot 2100, Map 2S 1 30D.
- The site is zoned High Density Residential (HDR). The applicant is proposing a subdivision of 28 single-family homes which is allowed outright in the Code. The lots range from 5,000 sf to 12,566 sf.
- The site is 6.8 acres in size with 4.92 acres being buildable. He identified the site on the map. The southern portion of the site is part of the Cedar Creek floodplain and wetland area. This area consists of 1.88 acres which the applicant is proposing to dedicate to the City as Tract B. A 25-foot buffer is being provided in accordance with Unified Sewerage Agency.
- The applicant is proposing a private street within Tract A which would provide access to Lots 14 through 17. The Staff and applicant have not come to a consensus regarding the proposed private street and how the Code is being interpreted.
- He referred the Commission to page 3 of the Staff Report, Lot Dimensions. The Code requires every lot to have at least a 25-foot width on the street side. In this case, the private drive does not meet this requirement. Staff has included a condition which requires the lots to have 25-feet of frontage onto Houston Drive. It appears this reconfiguration could reduce the number of lots within the development.
- The Parks & Open Space Master Plan dated July 24, 1999, indicates there shall be a path/trail which extends from the east property line to the west property line. A condition has been added which requires the developer to design and construct the path/trail as approved by the Planning and Engineering Departments. He identified the general area on the map.
- In response to Chairman Whiteman's question, Mr. Tuck said the Master Plan shows a path/trail which goes from 99W to Edy Road. It goes along the north side of the floodplain area. The Commission asked several more questions about the path/trail system. Mr. Tuck said the exact location of the path has not yet been determined.
- He referred the Commission to page 9, Item F of the Staff Report regarding adjoining land being developed independently or being provided access that will allow development in accordance with the Code. A condition has been included which states in addition to the street and utility stubs to the east, the same be done to the west property line to allow for future development. The adjoining property is also zoned High Density Residential (HDR). The property to the west was partitioned a few years ago into 3 lots. To meet this condition, the applicant would probably lose a lot.
- Chairman Whiteman asked if the wetlands were dedicated to the City, would the applicant receive credits or what is the City's policy. Mr. Tuck said the City and applicant have not yet had this discussion. In dealing with recent applications, which have been PUD's, the City has allowed density transfers.

In conclusion, based on Staff review, findings of fact and agency comments, Staff recommends approval of SUB 99-1 Edy Village Preliminary Subdivision Plat for 28 single-family residential lots with the conditions contained in the Staff Report.

In response to Commissioner's questions, Mr. Tuck said this property is located directly behind the List property. The lower road on the map would stub to the List property. Mr. Shannon asked for clarification regarding the private street. Mr. Tuck said Staff is requiring the applicant to provide 25-feet of frontage onto the public street, Houston Drive. To accomplish this, the

applicant would need to have flag lots and would probably lose 2 lots. Chairman Whiteman asked if the idea of a private street was unprecedented. Mr. Shannon said there have been some private streets in the past which did not hold up well. The proposed private street is 165 feet long. Mr. Turner said the plans show 22 feet of unobstructed width to meet Fire District requirements. Mr. Tuck said the Code states all private streets shall be built to public standards. This would mean a 50 foot right-of-way with a 28-foot paved width, sidewalks, curbs and planter strips. Mr. Shannon asked for clarification on the half-street improvements onto Edy Road. Mr. Tuck said the Commission could include this as a condition. The Staff Report referred to the letter from Washington County because Edy Road is a County Road. Washington County will require half-street improvements and the applicant will need to meet Washington County standards.

In response to Mr. Mays' question, Mr. Tuck said flag lots are allowed. There would have to be some provisions for fire department turnarounds. There are several other flag lots within the City which are over 150 feet long. The Commission discussed half-street improvements on the other side of the private street. Mr. Stecher summarized the three issues the Commission was being asked to review:

- Access to the west property.
- The private drive.
- The path/trail.

Chairman Whiteman opened the public hearing on SUB 99-1 Edy Village Preliminary Plat and asked if the applicant wished to provide testimony.

Matt Wellner, Land-Tech (representing the applicant), 8835 SW Canyon Lane #402, Portland, OR 97225, addressed the Commission. He thanked the City Staff for the review of the application. He said the applicant has four issues and made the following comments:

- The Fire Marshal measures fire turnarounds by going 150 feet onto a private street and from that 150 foot point, you go another 150 feet to the furthest corner of the rear of any structure, and then you do not have to have a turnaround. The tract can be over 150 feet in length as long as you go another 150 feet. The applicant is requesting Condition #2E be revised to read the applicant be allowed to have a plan approved by the Fire Marshal showing the location of all fire hydrants and access locations. This can then be presented to City Staff. He discussed another development they have done (Christopher's Place in Aloha) which has a private street tract serving four lots. This street is 164 feet in length. The applicant wants to follow the rules as interpreted by the Fire Marshal. The letter from Washington County was written by a Deputy Fire Marshal. They do not want to be held to having to build a turnaround as stated in the letter from TVFRD. They want the Fire Marshal to approve their design and if he does not approve it, they will build the turnaround.
- They would suggest the following wording for this condition, "Comply with Fire Department comments dated February 18, 1999 and supply Staff with a copy of the development plan showing all access and hydrant locations, stamped approved by TVFRD Fire Marshal."

- He referred to Condition #7 of the Staff Report. He did not believe extension of the right-of-way is necessary to allow development of the property to the west. Staff has stated they want the extension to the rear lot of the 3-lot partition to the west. The 3-lot partition was approved in 1996 and the final plat was recorded in 1998. The applicant plans to extend utilities to the west property, but the problem is if they extend the public right-of-way to public right-of-way standards, it will destroy the developability of one lot and if you do public right-of-way you cannot dead-end it. If you do a “bulb” or hammerhead in there then one lot of the partition would be destroyed. He showed what this would look like on the map. He did not think it was reasonable for the applicant to lose a lot for this extension.
- The applicant would recommend the conditions be worded, “Utilities shall be stubbed to the western property line property line to provide for future development.”
- He referred to Condition #15 of the Staff Report. Lots 14-16 are the lots shown on the proposed private street. There is a stipulation in the Code for private streets. It states the private street must be built to public street standards. He asked why there was a stipulation for private streets in the Code. The private street is going to provide adequate access to the lots and be built to meet code requirements of the Fire District and Washington County.
- Three to four lots over 150 feet in length require a 20 feet pavement width. The Fire Marshal requires 20 feet of width. The applicant has proposed 22 feet for the private street tract with a 20 foot paved surface. It may set some kind of a precedent if the private street tract was allowed, but they do a lot of the private streets in other developments and they are very nice. The Code requirement is they write covenants to provide for the maintenance of the private street. The deeded owners of this private street would be the four lot owners which access it and they would be responsible for the maintenance of it.
- If they make these flag lots, they would still need 25 feet of frontage and they would lose one or maybe two lots. They are open to doing half-street improvements, if the owner of the property to the east, when they develop in the future, would be open to also doing half street improvements.
- The last issue is the pedestrian pathway. A lot of these questions will be answered by the City Engineering Staff. The applicant wants to know if the pathway has to be 8 feet of a hard surface. Mr. Turner said the Council has said the pathway could be asphalt or bark dust or bark chips. The applicant would like to propose a bark dust or chip path. The 25-foot buffer is a USA requirement. There is a large grove of trees which the applicant would like to protect and stay out of the USA area. The path would run along the back of Lots 14-18. It could be placed in easements or tracts.
- The applicant does not have any issues with the other conditions of approval.

Mr. Stecher asked about the setbacks for the houses and the 25-foot buffer. Mr. Wellner identified the setbacks on the map.

Mr. Turner said the design and location of the pathway could be worked out with the City Staff and the applicant.

Chairman Whiteman asked if the applicant wished to provide testimony.

Don Wilson, W-D Builders, 37725 SW Thimbleberry Drive, Gaston, Oregon 97119, addressed the Commission. He is the applicant and the developer of this property. He thanked the City Staff and City for processing the application in a timely manner. He noted:

- The applicant is pretty much in agreement with all of the conditions excepts those noted previously by Mr. Wellner.
- Based on the numbers of \$60,000 per lot, he feels that a stub road to the west of the property to service the one lot is an extreme requirement. There would be almost 300 feet of access if the partition to the west was accessed off of Edy Road. He has gone out to the site to look at this partition and there would not be any sight distance problems by accessing directly onto Edy Road. If the applicant is required to provide a stub street access to the west property line it would pretty much destroy one of those lots or a portion of all three of the lots on the partition.
- With reference to the private street and its maintenance, they plan construct the street to the same standards as a public street. The only difference would be the right-of-way, curbs, gutters and sidewalks.
- He is a small builder/developer. He buys land, develops it and then builds the houses. He just finished a 38-lot subdivision in Cornelius and they built every house. It took them three years to build. They would write the CC&R's for this piece of property, and they would do a road maintenance agreement with the property owners on the private street.
- W-D Builders will make their subdivision look nice and make it an asset to the City. They have almost 2 acres in the back of the property which would be nice to have in the City's park system. It is a beautiful area and to have this open area would be great. He indicated they would be willing to dedicate this portion of the site to the City of Sherwood, basically at no cost to the City. He would be willing to work with the City to put a path system in the area.
- They would have to do easements because all of the property lines go back to the 25-foot buffer as per USA standards. His preference would be a natural material for the path system such as chips.

Mr. Stecher asked if the applicant had investigated other ways to deal with the topography of the site in the layout of the development. Mr. Wilson explained the process they followed in laying out the development of the property. He showed the Commission a topography map on how the property falls off in the back and how steep it really is. They have tried to save as much of the natural area as possible. To meet the 25-foot frontage on Houston Drive, it would even be questionable if the flag lots would work considering the slope of this property. They have not made any attempts to lay out the plan with flag lots. If they did they would lose at least one and maybe two lots.

In response to Ms. Weeks' question about Condition #12, Mr. Wilson said if they put a path along the buffer they would probably want to fence it on these four lots for security of the property owners. They would work with the City as to the location of the path.

Chairman Whiteman asked how the Title 3 wetland setbacks would affect this application. Mr. Turner said the City has not yet adopted Metro's Title 3 requirements. Mr. Wilson said they have talked about some type of retaining wall.

Chairman Whiteman asked for clarification regarding the dedication of a portion of the property to the City as a park or natural area. Mr. Wilson said he thought the applicant and the City could work together on the path.

Chairman Whiteman asked if there was anyone who wished to speak in favor of the application. There was no one. Chairman Whiteman asked if there was anyone who wished to speak in opposition to the application.

Clyde List, 21235 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. List said the property to the east of this proposal is owned by his Mother, Emilie List. They have some concerns about the limitations this proposal could have on future development of their property. He noted:

- They are concerned about the private street. They would like an agreement with the applicant as to the depth of the utility lines. They would like to consider the limitations of the water and sewer lines on their future development. They have had an attorney working on an agreement.
- He would propose that this application not go forward until they have a written agreement with the applicant not to harm the future developability of their property with regard to the utility lines on the proposed private road.

Chairman Whiteman asked Staff where the utility trunk lines go for this project. Mr. Tuck said water would be from Edy Road and sewer would be drained to a trunk line in Cedar Creek. There would be a trunk line down the proposed private road. The Engineering Department reviews the plans so they do not cause a conflict with the List property. The Engineering Department did not flag this as an issue when they did a preliminary review of the application.

Mr. List said they would want more assurance that the utilities would not affect the developability of their property in the future. He noted:

- They were grandfathered as a farm. There would be an immediate conflict in usage with their farm and the residential property. This could be alleviated if there was a fence. They would like the applicant to be conditioned to build a fence between their property and the proposed application.
- They would like some type of farm deferral noted as being in place on their property. This waiver would be noticed to potential owners of the proposed subdivision.
- If they develop their property in the future, he was concerned that Metro was going to require them to develop their property at the higher housing density. He knew that this was a hypothetical question.

Chairman Whiteman asked if there was any further opponent testimony.

Neil Grant, 1000 S. Pine Street, Sherwood, Oregon 97140, addressed the Commission. He said the design of this proposed development hinders the connectivity to his property (17182 SW Edy Road, the 3-lot partition). He distributed written comments and concerns to the Commission. He noted:

- The design hinders connectivity to the adjacent properties. They feel the solution for connectivity should be designed at an engineering level to assure all properties can be developed to the maximum potential.
- He identified their 3 lots on the map.
- The City came to the same conclusions with the Venture Properties project and he supported the City's decision with this proposal.
- He asked what has changed since 1997.
- He would favor a stub connection to his property and he is not opposed to the "bulb" going into his property.

Mr. Stecher asked him to explain the process and how the configuration for the 3 lots was designed. Mr. Grant said the main things that affected the property lines of the 3 lots was access. Access was discussed extensively. The main criteria was this was a minor land partition. The property is zoned High Density Residential (HDR) which allows 16 units per acre. Again, he supported the road connection from the west. They can get access from Edy Road, but do not have anything in writing from the City. Mr. Stecher asked him several more questions about his property.

Mr. Tuck discussed the access issues and the City's position to have limited accesses onto Edy Road. Currently, there is a driveway on a flag lot on the property to the west of the Grant partition. This driveway has access to Edy Road. Chairman Whiteman asked if this could be developed as an access point for the Grant partition. The Commission discussed what would happen if the Grant partition were developed before this application and what type of access to adjoining properties would be necessary.

Chairman Whiteman asked if there was any further opponent testimony.

Charles Blair, 21586 SW Roellich Avenue, Sherwood, Oregon 97140, addressed the Commission. He was concerned with the easement for the trail at the bottom of the wetlands. Easements on trails do not work. Most landowners do not understand what an easement is or how it affects them. If you place a trail through their property, the natural tendency is to push the fences right through the trail into the wetland area. If a trail or path is necessary in this area, it needs to be explored in depth or a condition needs to be placed on the affected lots. He hoped the developer was trying to hold the development to the top of the bank. If they are talking about a 6 foot retaining wall, the actuality of a trail will not happen. He is a professional land surveyor and an avid hiker. He has used the trails in Forest Park and this is an example where the landowners have problems with the easements. He suggested that the developer and the City come up with a plan for the trail before the application is approved. It looks like the size of some of the lots would allow some lot line adjustments to be made.

Mr. Emery advised Mr. Blair that the condition states the developer shall design and construct a path/trail.

Mr. Blair said in all likelihood the trail will be gravel or some type of bark chips. A definite plan needs to be in the works before the application is approved.

Mr. Stecher asked Staff how the City has been approaching other pathways in the City. Mr. Turner said most of the paths and trails have been done by dedicating the areas. Some of the more recent projects have not had pathways in them because no pathways have been shown on the Master Plan. Those that have been approved have been asphalt paths. Now the Council has changed the thinking in that they would rather see the barkdust paths. The City is in a transition period in this regard.

Chairman Whiteman asked if the path could be placed on the other side of the creek. Mr. Tuck said the path is being recommended in the current location because that is approximately where it is shown on the Master Plan. Mr. Blair said trying to place a path into the wetland area requires the approval of more state agencies and is another issue entirely. The Commission discussed the location of the path/trail.

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

Matt Wellner, Land-Tech (representing the applicant), 8835 SW Canyon Lane #402, Portland, OR 97225, addressed the Commission. After talking with Mr. Wilson, he would be open to shorten up the lots because there is enough square footage in Lot 14 which could be added to the lots to accommodate a path in this area. They are not sure about the fencing. They are going to work with the Engineering and Planning Departments on the type of path. He discussed connectivity to the adjacent properties. He referred the Commission to the map to identify the access to adjacent properties. He did not think it was necessary for the applicant to remove one of their lots for access.

Don Wilson, 37725 SW Thimbleberry Drive, Gaston, Oregon 97119, addressed the Commission. He appreciated Mr. List's comments and understood what he was saying. He has no objections to a condition stating they would try to keep the sanitary sewer lines at a depth to serve the List property, with the exception of not seeing the topography, if there was a real hole up there or the List property went 20 feet below his, he could not afford to put his sewer lines in. They certainly intend to design the sewer lines to be fairly deep because they will go to the USA trunk line in Cedar Creek. The City of Sherwood has the desire to have a water loop system coming off of 99W and they are going to work with the City. An 8-inch line in their subdivision is an ample water line and this will complete the loop. When Mr. List's property is developed, he will be responsible for the last section across from where the applicant's property is to 99W. With regard to the fence between his property and the List's, he will probably fence the whole subdivision anyway. He was considering a 6 foot Cedar fence or "good neighbor" type of fencing. With regard to the Grant partition, there is a very long flag lot going back to a single

family residence next to this partition and it would seem that this would be a logical place to access the 3 lots from Edy Road. With regard to the path and its location, he thought they could work with the Engineering Department and find a way to put in a path, if the City wants one. The wetland continues the other direction and goes across Edy Road into quite a swamp area so the question is where is the path going to go. He will work with the City on this. He referred the Commission to the topography map. If they had to cut off the corner of Lot 18 to get down into the area from the other sidewalk, he would grant the City an easement to do this.

Mr. Stecher asked if the path had to meet ADA requirements. Mr. Turner said he did not think that the pathways had to be ADA approved.

Chairman Whiteman closed the public hearing on SUB 99-1 Edy Village Preliminary Plat for discussion by the Commission.

Chairman Whiteman recessed the meeting at 9:05 PM and reconvened the meeting at 9:15 PM.

Chairman Whiteman announced the Commission would begin deliberations on SUB 99-1 Edy Village Preliminary Plat. The Commission reviewed each condition that was brought to their attention and made the following recommendations.

- Condition #2E, “The applicant shall comply with all Tualatin Valley Fire & Rescue District requirements prior to issuance of building permits.”

Adrian Emery moved Condition #2E be approved as rewritten. Seconded by Keith Mays.

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

Mr. Turner explained that two years ago, the easement to the neighboring property was okay. Since that time, there has been a reinterpretation from the City Attorney which changes the way the City deals with public streets and the 25-foot frontage. City Staff is in the process of setting up a meeting with the City Attorney to further discuss this issue.

Chairman Whiteman asked what would happen to the access for that flag lot to Edy Road when it is less than 300 from where this street comes in. Mr. Tuck said he believed the 300 feet is only for accesses that are for more than one unit, so single driveways are okay.

Mr. Mays said two years ago the City determined it was good planning to put a stub to the 3 lot partition so the property could be developed to its maximum potential and have minimal impact.

The Commission discussed at length how the access to adjoining property should be conditioned. The majority of the Commissioners thought access for the 3 lot partition would be best served with access directly to Edy Road.

- Condition #7, “Utilities shall be extended and stubbed to the western property line to provide for future development.”

Bill Whiteman moved Condition #7 be approved as rewritten. Seconded by Sterling Fox.

Vote for Passage of Motion: 5-Yes, 1-No (Mays), 1-Abstain (Emery)

- Condition #14, “The Parks and Open Space Master Plan, July 24, 1991, indicates that there shall be a path/trail that extends from the east property line to the west property line in the proximity of the greenway on the south portion of the site. If feasible, the developer shall design and construct the path/trail to be placed in Tract B as approved by the Planning and Engineering Departments.”

Mr. Stecher said he did not favor an easement over private property. Mr. Turner recommended the path be a part of the tract. Mr. Wilson said he would be more than willing to take off a portion of the back of those lots and dedicate this as part of Tract B to the City, if a path is found to be feasible in this area. Mr. Stecher said the location of the path looked like there was a pretty steep grade. Also, he thought it was a waste of money for the applicant to place bark chips on a the path because he did not think it was going to be used any time soon.

Adrian Emery moved Condition #14 be approved as rewritten. Seconded by Keith Mays.

Vote for Passage of Motion: 6-Yes, 0-No, 1-Abstain (Stecher)

- Condition #15, “Lots 14-17 shall have a private drive with curbs, gutters and sidewalks on one side and shall be posted no parking. The private drive shall be covered by covenants for maintenance and repair, built to City specifications, and shall meet TVFRD approval. The private drive may be converted to a half-street with public ownership if the neighboring property wishes to use it as such upon its development.”

Mr. Turner said this was the condition he discussed earlier regarding the interpretation of the City Attorney. There was considerable discussion about the issue of a private street. Mr. Shannon said to allow a private street would set a precedent. Staff advised that no parking signs could be placed on either a public or private street. Mr. Tuck said there is a private street in the Cedar Creek development. It has been there for about 3 years. Chairman Whiteman said from a business sense he participates in a private street which has a shared maintenance agreement. The maintenance and repair for the proposed private street could be covered by covenants. Mr. Stecher asked why a variance could not be used in lieu of the 25-foot frontage. Mr. Turner said they are dealing with an interpretation of the Code. Mr. Shannon said the applicant’s idea is pretty good, but he would want to see sidewalks and curbs and at least the half street improvements. The Commission suggested that the Code should be revised to more clearly define the use of public and private streets. Mr. Turner said if the Commission wishes to go with the interpretation that the Staff has been using for the last few years, what is shown on the plan is acceptable. Chairman Whiteman said the Commission would like to see this happen with no

parking and with sidewalks, curbs and gutters. Mr. Wellner said a maintenance agreement is recorded with Washington County when the CC&R's are done. The County would enforce this.

Adrian Emery moved Condition #15 be approved as rewritten. Seconded by Sterling Fox.

Keith Mays moved to amend the condition to include a 28 foot street width with parking on one side. Seconded by Ken Shannon.

Angela Weeks asked what the proposed street width is. Chairman Whiteman said the proposed width as presented is 20 feet. Mr. Tuck said if the motion is approved, the setbacks for the houses would need to be moved back. Staff is recommending flag lots.

**Vote for Passage of Amendment: 2-Yes (Mays, Shannon), 5-No, 0-Abstain
(MOTION FAILED)**

Vote for Passage of Original Motion: 5-Yes, 2-No (Mays, Weeks), 0-Abstain

It was the consensus of the Commission to add Condition #16 as follows:

- Condition #16, "Utilities shall be engineered to the depth so as not to prevent development of adjacent properties and shall be approved by the Engineering Department."

It was the consensus of the Commission to add Condition #17 as follows:

- Condition #17, "The developer shall install a solid wood or "good neighbor" style fence not to exceed 6 feet in height along easterly property line of the subject property to divide it from the current agricultural use on the adjacent property."

It was the consensus of the Commission to add Condition #18 as follows:

- Condition #18, "The applicant shall place a restriction on the deed of the plat that the homeowners will not remonstrate against the adjacent property for current farm use."

Keith Mays moved based on the findings of fact, public testimony and agency comments, the Planning Commission approve SUB 99-1 Edy Village Preliminary Plat with the conditions as revised. Seconded by Angela Weeks.

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

4B. PA 99-3 Hearings Officer Plan Text Amendment

Chairman Whiteman asked if the City Staff would ask the Mayor or a Council member to attend the April 20, 1999 Commission meeting and explain the rationale for this plan text amendment. Mr. Emery asked if it could be noticed, in addition to the legal public notices in The Times. The Commission continued this item to the April 20, 1999 Regular Commission meeting.

5. Community Comments

There were no comments.

6A. Election of Planning Commission Chair and Vice-Chair

Adrian Emery moved the Commission nominate and elect Bill Whiteman as Commission Chair and Angela Weeks as Commission Vice-Chair. The motion was seconded by Paul Stecher.

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

7. Adjourn

There being no further business to discuss, the meeting was adjourned at 10:30 PM.

Respectfully submitted,

Planning Department