



**City of Sherwood  
PLANNING COMMISSION  
Masonic Hall, 60 NW Washington Street  
Tuesday, March 3, 1998  
7:00 PM**

**A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes - February 17, 1998**
- 3. Agenda Review**
- 4. Community Comments:** are limited to items NOT on the printed agenda under Public Hearings.
- 5. Consent Agenda:** No items scheduled.
- 6. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
  - A. SUB 98-1 Woodhaven Phase 7A Preliminary Plat:** a request by Genstar for approval of a 63-lot subdivision. Tax Lot 100, Map 2S 1 31.
  - B. SUB 98-2 Woodhaven Phase 7B Preliminary Plat:** a request by Genstar for approval of a 47-lot subdivision. Tax Lot 100, Map 2S 1 31.
- 7. Other Business**
- 8. 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**  
**March 3, 1998**

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

Chairman Whiteman called the meeting to order at 7:10 PM.

Commission Members present:

Susan Claus  
Scott Franklin  
Angela Weeks  
Bill Whiteman

Staff:

Greg Turner, City Planner  
Jason Tuck, Assistant Planner  
Sue Engels, Development Director

Commission Members absent:

George Bechtold

**2. Minutes of February 17, 1998 Regular Meeting**

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of February 17, 1998. There were none.

**Susan Claus moved the Planning Commission accept the February 17, 1998  
Planning Commission minutes as presented. Seconded by Angela Weeks.**

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

**3. Agenda Review**

Chairman Whiteman asked if there were any comments or changes to the Agenda. Susan Claus said she would need to declare a conflict of interest and did not believe she could participate in the two scheduled public hearings. She knew what information should have been submitted with the packets for these phases. Angela Weeks said the proposed park is very important, in particular information on the park plan and Transportation System Plan (TSP). The Commission should receive this information. She did not feel comfortable reviewing the application when one of the approved conditions was identifying the connection to Meinecke Road. This connection was not shown on any of the maps included with the packets. Scott Franklin said the initial hearing pre-dated his appointment to the Commission. However, after reviewing the March 26, 1997 revised conditions of approval for Woodhaven, the conditions specifically address the street connections and the proposed park. This information was not included in the packets.

Sue Engels said the Parks Board has been working on revising the Parks Master Plan. The design of the proposed park will be completed at some time in the future. With regard to the road connection, the City Engineer has looked at the two street stubs going in the direction of Meinecke Road. She identified the location on the map. The City Engineer has identified a connection to Meinecke Road and under any scenario of a frontage road or not, this connection

will work. It is clear in the present City Transportation Plan that there will be a connection to Meinecke Road of a collector status. The eventual realignment of the Meinecke Road intersection would not interfere with this connection.

Chairman Whiteman said previous testimony from the property owner, Mr. Salisbury, dealt with his concerns for the relocation of a road close to the existing 150-foot trees. The Commission has not seen anything addressing this concern. The Commission has not seen the transportation study and apparently, no further consideration was given by direction of Staff for running a road along the westerly boundary of the park property to Meinecke Road. The Commission has not seen any numbers which show that Stellar Drive is wide enough to be a collector from Woodhaven to Sunset Boulevard.

Greg Turner said that Woodhaven Drive would be the collector which would turn onto Stellar Drive. Chairman Whiteman asked if any connection to Meinecke Road would be at Woodhaven Drive which is immediately adjacent to the YMCA property. Mr. Turner said this was correct.

Ms. Engels suggested the Commission address some of the questions during the hearing process and determine if there are issues which cannot be resolved tonight. Chairman Whiteman said his feeling is that the Commission has not received the information from Staff which was indicated at previous meetings the Commission would have before the application was considered. If the Commission wanted to hold the public hearing, he would not have any problem with this.

Mr. Turner asked what items the Commission felt they had not received. Chairman Whiteman noted the following items:

- How is Woodhaven going to connect to Meinecke Road. Where is the connector going to be. If it is Stellar Drive, would the connector be from Stellar Drive to Meinecke Road.
- What are the findings for not running the collector between Woodhaven Drive and Meinecke Road along the easterly boundary of the proposed park property. This idea was discussed quite extensively in previous meetings.
- Has the Parks Board talked about acquiring the property for the use of a park for the City. If this has been agreed to, what kind of stipulation does this place on the City to use this property as park property, rather than possibly selling the property to someone else, such as the School District.
- Have there been conversations between the City and the School District regarding property acquisition.
- The proposed park property takes up a lot of "tot lots", so is the intent still to have enough park property to do this. If there is a possibility this proposed park property will not be used, what happens to all of the park amenities that were placed on the Woodhaven PUD in the beginning.

Chairman Whiteman said these items are very important. If the Commission does open the public hearing for this application, he would move prior to closing the hearing, that the public hearing be continued until the next meeting to allow the Commission time to review the

information received from Staff. He asked the applicant what problems would be created by continuing the application.

Phil Nachbar, Genstar, responded the costs would be higher, but by opening the public hearing, the Commission could hear different sides of the issues. The applicant purposely divided the application into Phase 7A and Phase 7B, anticipating that a continuance may occur. He did not see any reason why Phase 7A could not move forward without Phase 7B. He would hope the Commission would hear Phase 7A. One other point is that the Commission probably would not get a decision from the Parks Board or approval of the final TSP prior to the next meeting.

Chairman Whiteman said Mr. Nachbar's request was not unreasonable.

Mr. Nachbar said his interpretation is that the plan which is before the Commission is supported by City Staff with regard to the connections.

Chairman Whiteman and Scott Franklin agreed that the public hearing for Phase 7A could be held. Ms. Weeks did not totally agree, but would follow the majority decision to open the public hearing.

#### **4. Community Comments**

Chairman Whiteman called for comments from the audience.

Robert James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. He asked if public input would be allowed during the review of Metro's regulating corridors and map. Mr. Turner said Staff had reviewed the map and planned to show it to the Commission for input. Ms. Engels said public input could be received. The goal tonight was to identify the obvious things Metro needed to change.

#### **5. Consent Agenda**

There were no items scheduled.

#### **6. 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.**

Susan Claus indicated that she had a conflict of interest and would not participate. The direct conflict would be with Phase 7B. Because the initial decision was that Phase 7 was to be treated as one phase, she did not feel the two phases could be split.

Scott Franklin said in reviewing the conditions, in particular Condition #14 of the revised conditions of approval dated March 26, 1997, the condition states that prior to Phase 7 certain things needed to be done. "In the event that a park is not located in the proposed location, the use of this location is to be determined prior to planning approval of Phases 7A, 7B and 7C." He felt the phases could be looked at separately.

Mr. Nachbar advised the Commission that the phase change was approved by the City Council at their last meeting.

**6A. SUB 98-1 Woodhaven Phase 7A Preliminary Plat**

Chairman Whiteman opened the public hearing and called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated March 3, 1998, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- Phase 7A is located with the Woodhaven PUD, north of Sunset Boulevard and east of Highway 99W. Tax Lot 100, Map 2S 1 31.
- The City Council approved revisions to the Woodhaven Final Development Plan on March 26, 1997. These are identified as Attachment A and are included with the Staff Report.
- The site consists of approximately 11.2 acres and the proposed lot sizes vary from 5,085 to 7,856 square feet which is in compliance with PUD overlay. The site is zoned Low Density Residential (LDR).
- He identified Phase 7A boundaries on the map.
- The application meets all of the required findings for preliminary plat approval.

In conclusion, based on the findings of fact, Staff recommends approval of SUB 98-1 Woodhaven Phase 7A Preliminary Plat, with the conditions contained in the Staff Report.

He noted the following proposed changes to the conditions of approval:

- Remove Condition 3G.
- Revise Condition 3L, to "Use the ornamental street lights similar to Sunset Boulevard and the Townhouse site, unless otherwise approved by the City Engineer."

In response to Chairman Whiteman's question, Mr. Tuck said there is no 8 foot concrete path along Carlson Street on the master plan. Phase 6C has a path going to the wetland open space area which is located further to the south. Ms. Engels said there are certain designated bike paths in the current Master Plan. It is not anticipated anywhere in the City that 8 foot bike paths be placed along every street. It is anticipated that on a local street, bicycle traffic can manage on the street. A combination of bike lanes or separated bike paths would be placed along major streets or certain designated off road paths would be called for.

Mr. Tuck identified the location of the bike path on the map.

Scott Franklin asked for clarification regarding Condition 3.O and Condition #4. His concerns are that there is room in the planter strips for both the storm line and the street trees. With regard to Condition 3.R., the 25-foot right of way of all corner lots, he was concerned there is enough room for school buses turning movements on this narrow of a local street. He would ask these questions during the applicant's testimony.

Phil Nachbar, Genstar Land Company NW, 11515 SW Durham Road, E-9, Tigard, Oregon 97224, addressed the Commission. He noted:

- The applicant would like to move forward with Phase 7A tonight and iron out the details as they have been brought up. They would like the Commission to make the right decision with regard to Phase 7B. The applicant does not want to rush this decision, but they do want to make sure each party is dealing with their share in bringing this to a decision.
- The applicant recognizes the Commission's concern about the connection to Meinecke Road being properly located and having some assurance that the park will happen and in that location.
- The applicant would be willing to postpone the hearing for Phase 7B if the Commission chooses, as long as they could move forward with Phase 7A.
- With regard to ornamental street lighting, the applicant thinks the lights look very nice, but the lights do represent a change in midstream. The applicant has been using the standard two watt street lights. There is a problem with the ornamental street lights and the potential light pollution they pass off. These lights are quite bright. This is more of a construction detail which would be handled during the construction plan process. The City is flexible in terms of looking at the different lighting options and the applicant is agreeable to this. The applicant does not want to be bound to a specific design of street lights which have not been used to-date in the area and may not work. The applicant is willing to work with Staff.
- With regard to the pathway, the applicant agrees with the removal of Condition 3G.
- The applicant has not quite worked out what the City standard is going to be with respect to the storm system being laterals or a collection system behind the curb. They would like the condition phrased so the City has the discretion during the construction plan approval process to specify the particular drainage option they want.

Mr. Nachbar said he would answer any questions. Twenty-six foot streets are currently installed in Phases 6A, B, and C. The applicant is assuming that City Staff has already reviewed the 25-foot radius and is comfortable with this. Mr. Franklin said they are talking about a 25-foot curb radius. The right-of-way radius is typically reduced from this. This should be resolved, but the condition should not be so specific at this time.

**Chairman Whiteman asked if there was anyone who wished to speak in favor of SUB 98-1 Woodhaven Phase 7A Preliminary Plat. There was no further proponent testimony. Chairman Whiteman asked if there was anyone who wished to speak in opposition to this application.**

Robert James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus said he would ask for a two week continuance on this application. He noted:

- This is a PUD and it has violated so many standards of a PUD that it is really unbelievable.
- They are talking about a park, the connection to Meinecke Road, expansion of the high school, some kind of a collector on the highway and they have never been able to finish the crossing at Meinecke Road.

- The City is really making a mistake if the applicant is allowed to do what they are going to do. The Woodhaven development has split the town right down the middle.
- They are talking about sewer, water, storm water and sanitary sewer connections which are now being reversed from other property owners and the City does not know if these connections can be made. The sewer connector from Meinecke Road is 18 feet deep. In order to get this to the Salisbury property, it is going to cost \$1,500 per foot.
- He talked to Jon Bormet and asked what happens if the sewer connections don't work here. The response was the City was going to follow it's usual policy which is the City will pay for the difference in the sewer lines. He asked if the City was going to pay for the difference between an 8 inch line and an 18 inch line which has to be buried 18 feet deep.
- Staff has seen the plans for a proposed subdivision on the Salisbury property which they are not sure can be put in.
- It is important to finish Woodhaven, but it is important to look at what is being done.
- What happens if Mr. Bormet and City Staff are wrong and somebody decides to challenge the frontage road and call it what it is, a collector. Suppose they go back to the transportation plan and say collectors are arteries and they are going to pay for it. The City will not get any contribution from this because there isn't enough there to do it.
- They have been told that Mr. Bormet has hired an attorney, Pam Beery, to sue over the Salisbury plan. This could be misinformation, but he would like to find out if it is misinformation.
- They are asking for a two week continuance. They would like Woodhaven to sit down and make sure the LDS Church, which has made a bonafide offer, to determine if they can build it here.
- The City may have created unbuidable property by this procedure. You may not be able to get services here.
- He hears Mr. Bormet's interpretations, but he would like to run this by LUBA. A property is not supposed to pick up \$300,000 of somebody else's money when they buy a park at a discount to offset SDC's that they never should have been given in the first place.
- Give the surrounding property owners a break. If they are going to get run over by having to put money into the road, when in the first hearing for Woodhaven the applicant was going to contribute money to Meinecke Road, and now they say they are not going to do anything.
- What the Commission is reviewing tonight will lock up the Salisbury property. They are now down to what he has objected to for a long time. Parts of the town are now not developable until Woodhaven is finished. At least have the Staff look at the elevations. Mr. Salisbury gave a topographical map to the City.
- The Meinecke corner is becoming increasingly hard to develop. Four years ago the City had ODOT's agreement and everything needed to improve the Meinecke Road intersection. Now they are acting like none of this ever happened.
- Most of the trees along the boundary line are old growth and if you get within 50 feet of the trees, you will very likely kill them.
- There are a large number of trees at the back of the Salisbury property which are over 18 inches that recently Woodhaven farmed. Have they designated which of these trees they are going to keep.



- Within two weeks, the applicant should be able to sufficiently tell everyone if the sewer will be deep enough, and where the water will drain.
- Mr. Bormet promised Mr. Salisbury, in writing, that these issues would be resolved before this subdivision went away. It was also agreed there would be a fence in place along the Salisbury property line before the houses were built. None of these conditions are added. City Staff needs to look at this letter.

Chairman Whiteman asked Staff where the sewer was located on Meinecke Road. Mr. Turner said this was something they could not answer and would need to be referred to the Engineering Department. A member of the audience said the sewer line at the Cherry Tree was an 8-inch line.

Mr. Claus said he has been asking who is going to move the sewer up and every time the answer was don't worry about it until Woodhaven gets to those phases. Now they are at these phases, they don't have a road, they have no Meinecke contribution, and they don't know where the sewer is going. He discussed the cost of property and the idea the surrounding property owners would benefit from the Woodhaven development. Now they want Mr. Salisbury to pay \$200,000 to \$300,000 to move a sewer line, if it has not been engineered properly. What is the agenda, are they trying to get the Salisbury property for a school. It makes people get very suspicious.

Chairman Whiteman asked if Mr. Claus was saying he was concerned about which direction the storm sewer and sanitary sewer will flow from this proposed subdivision on the Salisbury property. Mr. Claus said this was correct.

Chairman Whiteman asked if Mr. Claus believed the current engineering of Woodhaven would cause both to go towards Meinecke Road and for that reason the depth of the sewer to be tied into is 18 feet and to his knowledge, there is no way any portion of the proposed church property can go to the Woodhaven system. Mr. Claus said this was correct and an argument could be made that they have illegally taken water out of one drainage basin and put it into another. This is what happens when you reverse engineer yourself into a town. Meinecke Road was supposedly going to be the feeder that tied the Old Town and the rest of the City together. The tail is going to be wagging the dog on this within three years. All of these questions need to be answered. If the church property has services available to it, you will have services to everything in the area.

In response to Mr. Franklin's question, Mr. Turner said Staff had a pre-application meeting with the applicants for the Salisbury property. Mr. Claus said they could not do a formal application until they finished the environmental land study and the property was surveyed to see if a church could be built there. Only as of today, are they in a position to be able to ask that question.

**Chairman Whiteman asked if there way anyone else who wished to testify in opposition to the application.**

Keith Howe, 17852 Galewood Drive, Sherwood, Oregon 97140. Mr. Howe said Mr. Claus had already covered everything and some of the areas he was going to discuss, but he just wanted to reaffirm one thing, that he knows for a fact that this City has hired Pam Beery, specifically for the purpose of stopping this LDS Church. And Jon Bormet does not want it where it is at because it

interferes with his so-called frontage roads which are not part of the general comprehensive plan or the TSP Plan. Most of the people on the Committee that he has talked to, on the TSP Committee, don't want those frontage roads, but Jon Bormet does. He just wanted to make this clear.

Steve Weeks, 27420 SW 207<sup>th</sup>, Sherwood, Oregon 97140, addressed the Commission. Mr. Weeks asked if he was wrong in that about one year ago they were starting this plan and they were approving Phases 4, 5, 6, 7 and 8. The Commission held back Phase 7A and 7B, with somewhat of a hammer to make sure that the applicant contributed their part onto Meinecke Road and Bob Salisbury's property. He was referring to the roads that came in and dead-ended and didn't go anywhere to the Salisbury property. Now the Commission is talking about taking Phase 7A out of it and hearing it. The Commission should require the applicant to contribute as previously planned on Meinecke Road, specifically the stop light, which will or will not succeed. When the plan was approved the applicant was told to participate in the stop light. He understands the City has a bond for \$80,000. The Sunset signal was nothing in comparison to what the Meinecke Road will cost in engineering. Who is going to pay for the engineering costs? Is he going to be required to pay \$300,000 and the applicant is going to pay \$80,000, when the Woodhaven project will be putting all of the traffic through the intersection. The Commission needs to stop and look to see what is going on and everyone should do what they are supposed to do.

Angela Weeks said the \$80,000 is for the Meinecke Road improvements and has nothing to do with the signalization.

Mr. Weeks said the Woodhaven project is going to put 1300 homes in the PUD and the route which people will use will be Sunset and Meinecke Road. Who is going to pay for it?

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

Phil Nachbar, Genstar, responded to the testimony. He noted:

- Regarding the comments made about the availability of water and sewer to the Salisbury property, the existing improvements which are currently being installed in Phase 6 and will be in Phase 7, are already designed. A capacity already exists. There has been some oversizing done on some of the water and sewer pipes in Phase 6. He could not say for sure whether the intent was to increase capacity for other developments. Some of the lines are oversized. Some oversizing is shown in the preliminary plats for Phase 7A.
- He assumed the City has thought this through to the best of their abilities at this point and that there is some need for oversizing. They have built this into the previous construction plan approval.
- The City approved the plans for Phase 6 and in the middle of construction the City said the lines needed to be upsized. The City was specifically oversizing.
- The preliminary plat calls for connections to the property to the north, showing where the stubs for water and sewer will go in Phase 7B. Phase 7B shows where these stubs will go

and could be in question depending on the issues related to the proposed park and the frontage road.

- The decisions were made in Phase 6 and were continued in Phase 7. Where they stub out and meet with the property to the north is part of the decision that has to be made.
- The specific capacity decisions have already pretty much been decided. If there is any additional oversizing needed, this could and would be done during the construction plan approval process.
- They are now designing Phases 7A and 7B together. City Staff will be reviewing both of these plans in the next few weeks. The construction plans will be approved based on Woodhaven's need for water and sewer and the City's anticipated need for any oversizing.
- There is nothing indicating that the City is not doing this and the applicant understands this.
- As a part of the master planning process, the applicant is reimbursed for oversizing as appropriate. The applicant is willing to do oversizing or whatever the City would call for.
- He did recall the letter from the City Manager to Mr. Salisbury indicating the fencing requirements which would take place as a part of the development. The applicant is certainly willing to place the fencing before the development actually occurs.
- With regard to the Meinecke Road light, the original condition as written in the PUD, calls for the applicant's participation in the Meinecke Road light based on the applicant's share of contribution. This is part of the agreement and the applicant is not trying to deny it is there. They are going to participate as they did with the signal at 99W and Sunset Boulevard.

Mr. Nachbar said the applicant has always met any of the obligations the City has asked them to do and they intend to continue to do so. He did not see any reason why this application could not go forward tonight.

Angela Weeks asked if the applicant had any objections to meeting with the Salisburys to assure all of the concerns are answered. Mr. Nachbar said he had no objection to doing this. Ms. Weeks said to do this, the application would need to be continued for two weeks.

Mr. Nachbar said the proper authority to decide the oversizing is the City and not the applicant. It is not between the applicant and the Salisburys. He agrees that the City needs to plan its water and sewer as a total master plan. He would look to the City to take the active role in this process. If the Commission would like two weeks for the City, the applicant and the Salisburys to meet, this would be appropriate. The applicant would not negotiate directly with the Salisburys for this. It is a City decision.

Mr. Nachbar asked for Mr. Franklin's opinion as a registered engineer.

Scott Franklin said if the Salisburys had a pre-application meeting with City Staff, any questions concerning surrounding property could have been discussed at that meeting. City standards require that you provide utilities to upstream neighbors and this needs to be done in a logical manner.

Mr. Nachbar asked Mr. Franklin, from an engineering standpoint, if there was anything in Phase 7A that would be changed as a result of future oversizing. Phase 7A is basically an extension of Phase 6.

Mr. Franklin responded if what is already in place in Phase 6B were extended to Phase 7A, from a sewer standpoint, there is not a lot that can be done because the lines are already established. From a water standpoint, you may be able to upsize the line, if necessary, but for the short run they are talking about, this would not be the answer. Presumably, the City Engineering Staff has looked at this from a master planning standpoint, but what he is hearing from the testimony is that this has not happened. The issues are the West Villa Road extension to the north and Saunders Drive as it extends to the north and meets Phase 7B. Based on what he has seen, it appears there is enough grade in both of these to allow in 7B those services to be lowered as much as possible to get the low point in the Salisbury property. Based on the mapping provided with the packets, he did not know if there was anything in Phase 7A that would preclude development of the Salisbury property from a grade standpoint.

Mr. Nachbar suggested that there is really nothing in Phase 7A that would directly affect the Salisbury property. It would still make sense to discuss these issues with the City Engineering Staff. The more important areas seem to be in Phase 7B in terms of a connection to the property to the north.

Mr. Franklin said he has definite questions on Phase 7B, not only with utilities, but also street accesses. These issues would need to be resolved prior to making a recommendation on the application.

Mr. Nachbar said the applicant would meet with the City Engineer to identify any potential problems or issues with the sizing in Phase 7A. Chairman Whiteman said it would be important to have a response from the Engineering Staff whether Phase 7A as proposed will not have an adverse impact with regard to services to the surrounding property immediately to the north. The Commission agreed this would also be appropriate for Phase 7B.

Robert James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. He noted:

- The Commission allowed Mr. Franklin to provide expert testimony which is not allowed. During the testimony, someone openly admitted they knew about an agreement with the City Manager, and came here tonight of not honoring that agreement, if they had not brought it up.
- This is a fairly serious breach and it is an even more serious breach in an attempt to get Mr. Franklin to testify.
- If the applicant has not met the capacity required and the City has decided to buy a park and cut this end of the town off, you have a very serious problem that the Commission needs to address. This is not an engineering problem any more. The City has stopped property from developing because the general sanitary sewer plan has been violated. This PUD may be in violation of the sanitary sewer plan. They are certainly in violation of the zoning and the transportation plan. The Commission does not know the answer to this question.

- We need to put a sign up that says this isn't Kentucky, Ohio or New York, this is Oregon. That's what LCDC got us to do. That's what LUBA gets upset about. The City has a sanitary sewer plan. It's has been changed. The question is has it been engineered properly.
- The Commission cannot testify on this, that's what the public testifies on. That's why we have public meetings.
- God Bless Jon Bormet, I love his frontage roads. It is a change of the Transportation Plan. It is a civil rights violation to try and stop somebody from developing their property while he decides if he is going to screw around with the frontage roads that the citizens of Sherwood have given him no authority to implement. These are very serious accusations.
- The applicant signed an agreement and he wants to know if they can't stay within the sanitary sewer plan, he wants this subdivision stopped.
- If they are going to screw around and change the transportation plan, God Bless Jon Bormet for hiring Pam Beery. But he had better be ready to look at a Title 1983 civil rights claim if he did.
- The Commission has a very narrow purview which is not to testify and not to let Mr. Nachbar get you to say you can do it because we have a transportation plan. Have they paid any attention to this. The answer is no.
- If Centex had not violated the sanitary water plan on the other side of the highway there would have been water there. This should not have happened.
- Mr. Nachbar said they have agreed to pay for their fair share of Meinecke based on the trips they are going to generate. Jon Bormet has said they don't have to put an artery there, they'll put in feeders. What does this mean. Where is the artery.
- Jon Bormet said the frontage road is not an artery, it is not a collector. That means someone else has to pay for it.
- If the applicant has changed the master plan and the sewer and it does not work, he wants to know about it.
- Let's not end up like Ken Shannon with no water or Marian Hosler with a \$60,000 reduction in market value.

**Chairman Whiteman asked if there was any further testimony. There being none, Chairman Whiteman called for a motion.**

**Bill Whiteman moved the Planning Commission continue SUB 98-1 Woodhaven Phase 7A Preliminary Plat to the March 17, 1998 Regular Commission Meeting. Seconded by Angela Weeks.**

**Vote for Passage of Motion: 3-Yes, 0-No, 0-Abstain**

**6B. SUB 98-2 Woodhaven Phase 7B Preliminary Plat**

Chairman Whiteman stated that the applicant has indicated they have no objections if this application is continued for approximately 30 days in order to get a response to the questions generated earlier in the meeting.

**Bill Whiteman moved the Planning Commission continue SUB 98-2 Woodhaven Phase 7B Preliminary Plat to the April 7, 1998 Regular Commission Meeting. Seconded by Angela Weeks.**

**Vote for Passage of Motion: 3-Yes, 0-No, 0-Abstain**

Chairman Whiteman reviewed the primary questions regarding Phase 7A which have to deal with the sanitary sewer and storm sewer. In addition, what is the reason for changing the lighting in this particular phase. Mr. Turner said this could be answered with the other questions.

Chairman Whiteman said there was a question about the 25 foot right-of-way standard for all corner lots per City standards. Mr. Franklin said he had been told these standards had not yet been adopted. Staff will clarify Condition 3R.

Chairman Whiteman asked if Staff could provide information regarding the allowance for school buses to make turns.

Mr. Franklin asked for clarification regarding Condition 3M regarding the storm sewer laterals and whether Lot 767 should be identified specifically, as well as lots 794, 795, 796, 754, 755 and 756 which have a similar situation with the collector drains and are not included in this condition. He did not receive a firm answer from the Engineering Staff regarding the standards in this regard. This should also include Condition 3O.

Mr. Franklin asked for clarification regarding Condition #4 and the trees being planted 3 to 5 feet from the sidewalk. The planter strips are only 4 feet wide. Mr. Turner said this may be a mistake.

There were no further questions from the Commission regarding Phase 7A, SUB 98-1.

Chairman Whiteman noted the following questions regarding Phase 7B, SUB 98-2:

- Where will the connector street be placed in relation to Stellar Drive.
- What is the status of the proposed park property. Has it been considered by the Parks Board and is it included in the Parks Master Plan. Once this happens, does this commit the City to develop this property as a park or can the City do anything else they choose with the property. If the property were to be sold, what is the City's position. Could the property be sold to the School District, if it is a dedicated park.
- What is the status of the Meinecke Road intersection and connection. How would it relate to the proposed development of the Salisbury property and other surrounding properties to the west of Stellar Drive.
- Where are the storm sewer, sanitary sewer and water lines and how do they relate to the potential development of the Salisbury property as well as properties west of Stellar Drive, if it were extended to Meinecke Road. In particular, the sizing of the Woodhaven development and how it relates to providing adequate services to surrounding properties.

- What is the new standard for cul-de-sacs and could a copy be provided to the Commission. Condition 3M.

Chairman Whiteman read Condition 2A9 from the revised conditions of approval dated March 26, 1997. "The applicant shall fund a share of the cost .....of Meinecke Road at Highway 99W signalization. Such share shall be determined based on a proportionate share of traffic generated within the study area as defined for the Wyndham Ridge Subdivision and prepared by Kittelson & Associates letter....dated February 18, 1994..." The study was for Wyndham Ridge and was to determine the proportionate share of traffic Woodhaven may generate going onto Meinecke Road. If Woodhaven does not connect to Meinecke, what would their share be. Would the condition be invalid.

Ms. Engels said the Stellar Drive connection to Woodhaven Drive is within the study area. There will be some traffic generated in the study area within the Woodhaven development that would end up on Meinecke Road.

Chairman Whiteman recessed the meeting for a 5 minute break and reconvened the meeting at 9:30 PM

## **7. Other Business**

The Commission reviewed the Title 3 maps.

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

Respectfully submitted,

Planning Department