



**City of Sherwood  
PLANNING COMMISSION  
Masonic Hall, 60 NW Washington Street  
Tuesday, June 2, 1998  
7:00 PM**

**A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes - May 5, 1998**
- 3. Agenda Review**
- 4. SUB 94-9 Cedar Creek Park#2 Final Plat:** a request by Mark Seaman for final plat approval of a 23-lot single family subdivision. Tax Lot 1200, Map 2S 1 30A.
- 5. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
  - A. SP 98-4 Treske Precision Machining Site Plan:** a request by Jim Hirte, Colamette Construction and Gustav Treske for approval of a 27,700 sf office/machine facility located at 14145 SW Galbreath Drive in the Industrial Park of Sherwood. Tax Lot 600, Map 2S 1 28BC.
  - B. SP 98-5 CNC Precision Mfg Site Plan:** a request by Jim Hirte, Colamette Construction and Mircea Moga for approval of a 5,000 sf facility located at 13735 SW Galbreath Drive in the Industrial Park of Sherwood. Tax Lot 100, Map 2S 1 28BA.
- 6. Community Comments:** are limited to items NOT on the printed agenda under Public Hearings.
- 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**  
**June 2, 1998**

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

Vice-Chair Susan Claus called the meeting to order at 7:04 PM.

Commission Members present:

Susan Claus  
Adrian Emery  
Scott Franklin  
Keith Mays  
Paul Stecher  
Angela Weeks

Staff:

Sue Engels, Development Director  
Jason Tuck, Assistant Planner  
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Bill Whiteman

**2. Minutes of May 5, 1998**

Vice-Chair Claus asked if there were any corrections, additions or deletions to the minutes of May 5, 1998. There were none.

**Scott Franklin moved the Planning Commission accept the May 5, 1998  
Planning Commission minutes as presented. Seconded by Angela Weeks.**

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

**3. Agenda Review**

There were no comments.

**4. SUB 94-9 Cedar Creek Park #2 Final Plat**

Vice-Chair Claus called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated June 2, 1998, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- Staff reviewed the final plat with the approved preliminary plat and conditions of approval. The applicant has either bonded or completed the substantial public improvements. There are no substantial changes in the approved plans.

In conclusion, Staff recommends approval of SUB 94-9 Cedar Creek Park #2 Final Plat with the conditions as stated in the Staff Report.

Scott Franklin asked for clarification regarding Tract B maintenance being provided only by Lots 49 and 50. Mr. Tuck said this is a pedestrian access. Vice-Chair Claus confirmed with Mark Seaman that there is no homeowners association for this subdivision.

Mr. Tuck read Condition #L, "The pedestrian/bicycle path connecting to SW Scholls-Sherwood Road shall be 8-feet in width its entire length."

Paul Stecher asked what the adjoining property use is zoned. Mr. Tuck said the property to the south is zoned commercial. Ms. Engels said the intent is to provide pedestrian/bicycle access to this area.

Mr. Franklin asked for clarification regarding Conditions #F and #K. Mr. Tuck said the intent was to provide the easement so that the planter strip could be included. Mr. Seaman said he was aware of these two conditions.

Mr. Franklin said it seemed strange to him that two lots would bear the burden of maintaining and owning Tract B, the pedestrian/bicycle path, when it would in all likelihood be used by the general public. He asked if this is something the City is advocating and whether the applicant had a problem with this. Ms. Engels explained that this application is a reconfiguration of a previously approved subdivision. It was reconfigured so that the City could make use of a better shaped park. One of the agreements between the City and the developer was that the City would not place additional conditions on the application that were not included in the previously approved subdivision. Mr. Franklin said in light of this, should the City have ownership and maintenance of Tract B.

In response to Susan Claus's question, Ms. Engels said it is an easement. Mr. Franklin said it was a "tract". Mr. Tuck said the intent of Condition #L is that the pathway would either be concrete or asphalt. It is written that the developer would do the original work and the maintenance would go to the two lots. Mark Seaman said at this time they are planning on an asphalt pathway and this would be an all weather surface.

The Commission discussed the property owners of the two lots being responsible for the maintenance of the bicycle/pedestrian pathway which would be used by the general public. Mr. Tuck said plat restriction #4 is a maintenance agreement which would run with the plat. Mr. Stecher said it is questionable to have the two property owners responsible for the maintenance of the pathway. Mark Seaman, owner/developer, said if this is a public easement, it should not be the burden of two property owners to maintain. He thought it would be best if the City maintained this tract. The Commission asked if Staff could look at the file for some further background information regarding this issue. Mr. Tuck left the meeting to get the files.

### **Introduction of New Commission Members**

At this time, Vice-Chair Claus asked if the two new Commission members wished to introduce themselves. Adrian Emery said he has lived in Sherwood for about five years and works in downtown Portland. He first lived off of Kathy Street and now resides in the Woodhaven development. Paul Stecher said he has lived in Sherwood for about one and one-half years and

he and his family reside in the Woodhaven development. He is a real estate appraiser. The Commission welcomed the two new members to the Commission.

The Commission asked if they could be provided with copies of all the City plans, transportation, parks and open space, sanitary sewer and water master plans.

**Resumption of the discussion for SUB 94-9 Cedar Creek Park #2 Final Plat**

Jason Tuck reviewed a copy of the preliminary plat. There was no note regarding the maintenance of the tract. Mr. Seaman said he did not remember the previous discussion on this matter. Mr. Franklin said he was not suggesting the final plat be held based on the maintenance of the tract. It would be appropriate that this tract be owned and maintained by the City, in consideration of a City park be located near this tract. The Commission suggested a note be added to the final plat.

Susan Claus asked if it would be appropriate to condition that the City maintain the bicycle/pedestrian pathway unless there is something in the preliminary work that shows absolutely the two lots owners would be responsible for the maintenance.

**Scott Franklin moved the Planning Commission approve SUB 94-9 Cedar Creek Park #2 Final Plat, with the addition that Tract B be owned and maintained by the City of Sherwood. Seconded by Keith Mays.**

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

Scott Franklin said he would not have a problem with placing the maintenance on the all of the property owners if there was a homeowners association.

**5. Public Hearings**

**Vice-Chair Claus 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 disclosures.

**5A. SP 98-4 Treske Precision Machining Site Plan**

Vice-Chair Claus opened the public hearing for SP 98-4 Treske Site Plan and called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated June 2, 1998, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The applicant is Jim Hirte and the owner is Gustav Treske.
- The site is located in the Industrial Park of Sherwood, 14145 SW Galbreath Drive, Tax Lot 600, Map 2S 1 28BC. He identified the site on the map.
- The applicant is planning to build a 27,700 sf building located on the south portion of the site.

- The site contains 39 parking stalls and the applicant exceeds the requirements for the industrial zone.
- The site is in the General Industrial (GI) zone and the proposed use is permitted outright within that zone.
- The applicant has met all the findings for site plan approval as indicated in the Staff Report.
- The Code requires a public sidewalk that connects to the front of the building. A condition has been added for this requirement.
- The applicant requested an exemption from the environmental resources standards. The City is not in a position to grant the exemption and a condition has been included for this requirement to meet the environmental performance standards.

In conclusion, based on a review of the applicable Code revisions, agency comments and Staff review, Staff recommends approval of SP 98-4 Treske Precision Machining Site Plan with the conditions contained in the Staff Report.

Paul Stecher asked if a portion of the excess parking spaces are for future expansion. Mr. Tuck said he thought this to be the case.

Susan Claus asked when the Tree Ordinance had changes made to it. Mr. Tuck said the ordinance has not been amended since its approval in 1995. She asked if the applicant was aware of the recent plan text amendment to commercial uses in the industrial zoning districts. Mr. Tuck said this was approved by the City Council and will become effective in about 30 days.

Mr. Stecher asked what fire and life safety requirements had to be met by the applicant. Mr. Tuck said there are fire and building codes which the applicant must comply with. Staff sends all applications to the Tualatin Valley Fire & Rescue District for comments. There were no major issues with this application.

**Vice-Chair Claus asked if the applicant wished to provide testimony.**

Jim Hirte, representing the owner Gustav Treske, Colamette Construction, 13990 SW Galbreath Drive, Sherwood, Oregon 97140, addressed the Commission. Mr. Hirte noted:

- The applicant has addressed the issue of the building permit application for the sidewalk as well as the environmental issues. He was sure they could comply with these conditions.
- Treske Machine wants to expand their business to this location. They do computer numeric controlled machines and most of their contracts are with ESI. There are environmentally controlled room where they turn out the parts. It is a family-owned business.
- There will not be any noise from this business. They have a small fab shop which does not have any big saw or presses. They work two shifts and the main day shift has about 23 employees, with about 9 employees on the night shift.
- The applicant is not requesting the exception for the environmental issues.
- The applicant concurs with the recommended conditions of approval.
- The applicant is aware of the recent plan text amendment concerning general commercial uses in the zone.

**Vice-Chair Claus asked if there was anyone else who wished to testify in favor of the application. There being none, Vice-Chair Claus asked if there was anyone who wished to testify in opposition to the application. There being none, Vice-Chair Claus dispensed with the rebuttal portion of the hearing and closed the public hearing for SP 98-4 Treske Precision Machining Site Plan for discussion by the Commission.**

Mr. Franklin asked when the Washington County Traffic Access Report would be completed by the County. Mr. Tuck said with reference to the future requirement of a signal at Gerda Lane, the City would need to put in the signal and work with the access across from Gerda Lane. Vice-Chair Claus said the threshold for requiring the signal should be close.

The Commission did not have any further questions regarding the application.

**Susan Claus moved the Planning Commission approve SP 98-4 Treske Precision Machining Site Plan based on Staff Reports, information from the public hearing, findings of fact, and conditions as outlined in the Staff Report, with no changes. Seconded by Scott Franklin.**

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

**5B. SP 98-5 CNC Precision Manufacturing Site Plan**

Vice-Chair Claus opened the public hearing for SP 98-5 CNC Site Plan and called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated June 2, 1998, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The applicant is Jim Hirte and the owner is Mircea Moga.
- The site is located at 13735 SW Galbreath Drive in the Industrial Park of Sherwood, Tax Lot 100, Map 2S 1 28BA. It is located at the end of Galbreath Drive. He identified the area on the map.
- The applicant is proposing a 5,000 sf building located on the north end of the site.
- The applicant is proposing 9 parking stalls which meet code requirements. They have 3 employees.
- The site is approximately 2.2 acres. The applicant has completed a tree inventory.
- The site is zoned General Industrial (GI) and the proposed use is permitted outright in the current zone.
- The applicant has met the required findings for site plan approval.
- A condition has been included to provide a public sidewalk connection to the building.
- A condition has been included to provide the environmental performance standards certification.

In conclusion, Staff recommends approval of SP 98-5 CNC Precision Mfg Site Plan with the conditions as contained in the Staff Report.

In response to Mr. Stecher's question, Mr. Tuck said the power line easement for BPA runs north to south. There used to be a 60-foot access easement on the north boundary. This has been

extinguished. The applicant would own this property. The building position on the site would have no impact on the power lines and visa-versa. The applicant could address this issue further.

In response to Mr. Stecher's question, Mr. Tuck said the City does not have any lot coverage standards. The applicant must meet the parking and landscaping requirements.

**Vice-Chair Claus asked if the applicant wished to provide testimony on SP 98-5.**

Jim Hirte, representing the owner, Colamette Construction, 13990 SW Galbreath Drive, Sherwood, Oregon 97140, addressed the Commission. Mr. Hirte noted:

- The company is a computer numeric controlled machine type of operation. They turn out parts for a variety of clients in the electronic industry.
- The business is currently located in east Portland in the Parkrose district. They are moving to Sherwood with the idea of expanding.
- The dangerous tree easement gives the BPA the right to come in and trim trees should they grow to within a certain height of the power lines.
- The back easement has been abandoned. There is an easement to the left of the property which gives access to the property to the north. They believe Washington County has filed to abandon this easement as well.
- There is only one exception in the Staff Report he would like to address. There was a memo from Ahmad Qayoumi, City Engineering Staff, dated May 14, 1998, Item #3 which refers to the storm outfall needs to be directed to the north to the storm sewer easement. They have been working with the City Engineering Department and have asked to be allowed to drain to the south. The applicant will be providing the calculations and the Staff has preliminarily approved the applicant's ability to do this. This would be Condition 2D in the Staff Report.
- On both the north and south of this development there is an open ditch storm water drainage system. They never brought the one on the north back because it is too shallow by the time it gets to Lot 7. At this point, the City has given preliminary approval to go to the south, pending the documentation from the applicant that the drainage system to the south will be adequate.
- The company is very clean and quiet business and will be a good neighbor.
- The applicant has contacted BPA with regard to the location of the building on the site.
- He identified the easements on the map.

**Vice-Chair Claus asked if there was anyone else who wished to testify in favor of the application. There was no further proponent testimony. Vice-Chair Claus asked if there was anyone who wished to testify in opposition to the application. There being none, Vice-Chair Claus dispensed with the rebuttal portion of the hearing and closed the public hearing on SP 98-5 CNC Site Plan for discussion by the Commission.**

The Commission discussed the easements and building height.

**Vice-Chair Claus reopened the public hearing on SP 98-5 for a question to the applicant.**



In response to the Commission's question, Jim Hirte said with regard to the building height, the "Vacant Tree Easement" gives the BPA the right to come in and trim the trees to the certain height. He believed this to be 30 feet. They researched the building height requirements prior to purchasing the property.

At the request of the Commission, Mr. Tuck read a portion of the BPA easement agreement contained in the file.

Mr. Hirte said the applicant was aware of the recent plan text amendment regarding general commercial uses in the industrial zone.

**Vice-Chair Claus closed the public hearing on SP 98-5 for further deliberations by the Commission.**

**Scott Franklin moved the Planning Commission approve SP 98-5 CNC Precision Mfg Site Plan with the modification to Condition 2D referencing a May 14, 1998 memo from Ahmad to Jason, Item 3 regarding the storm sewer outfall going to the south direction or as approved by the City Engineering Staff. Seconded by Susan Claus.**

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

## **6. Community Comments**

Vice-Chair Claus asked if there was anyone who wished to speak on any items not included on the Agenda.

Robert J. Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus distributed a copy of memo from him dated June 2, 1998 to Ahmad Qayoumi regarding the Engineering Department Transmittal dated June 1, 1998 the Genstar Letter of Credit. He noted:

- He has a tort claim against the City alleging civil rights violations based on the due process of the law and equal treatment. The first part of this litigation, in all likelihood, will commence within 30 days.
- The City has been on notice for some time, that in his opinion, they have no logical basis whatsoever for the fees.
- As part of the conditions to Woodhaven, Phase 7B, they were to pay all costs for the Meinecke and Sunset connection. We now find, if you read their letter of credit carefully, such things as the City is attempting to apply to me on Columbia, this "fair share" has no meaning when it comes to Woodhaven.
- He asked the Commission to review the memo and attachments he placed before them.
- We now know Woodhaven's understanding is they are going to pay for the curb, gutter, asphalt and gravel, nothing else. Apparently, Staff knew this because if you look at the second letter of credit, it clearly specifies this.
- When the Planning Commission heard this, this was not brought to their attention.

- He talked about another matter which he believed points to unequal treatment and complete lack of logic in how the City is collecting money.
- The City had the highest SDC and TIF credits in the state of Oregon until recently. The SDCs were developed by experts on an assumption that the infrastructure, which is a part of the Comprehensive Plan, would be followed.
- Suppose the Staff sat down in a meeting 18 months ago with Woodhaven and changed the Sanitary Sewer Plan and did not notify the Commission. Then there is a very big argument the City SDCs aren't accurate any more.
- Suppose further the Commission was told that Woodhaven never paid any off-sites.
- Going back to Phase 6, he distributed copies to the Commission, the letter of credit of the so-called crossing at West Villa.
- He discussed the fair share agreement from Staff where you determine how much land you own in back of an infrastructure, and you pay that share of that particular infrastructure crossing. This is what they are doing on Columbia.
- On Phase 6 the Commission was told that the pedestrian path and all of the related costs, including the turn-around would be paid by Genstar, Woodhaven. The Commission was told it would be completed in the Notice of Decision before construction began.
- He could not obtain the original letter of credit. It doesn't exist. He did not know if the supplement provided to the Commission means anything.
- He read, "It is a condition of this letter of credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing by registered mail or courier that we elect not consider this letter of credit to be renewable for any additional period." The Commission has a letter of credit which can be canceled.
- The way they arrived at the Villa Road pedestrian bridge is by increasing this letter of credit from \$775,622 to \$875,622. It is amazing that they do not say what the \$100,000 is for.
- When he comes back to the Commission, he is going to give them a letter of credit for \$88,000 that is going to pay for a road that is 600 feet. We now find out the reason it was for \$88,000 is because it was not for all costs of the road. It is alleged this has been explained to the Staff.
- He said this is quite serious because it is public money they are dealing with. They were given instructions by the Commission and City Council and it appears they took it upon themselves to change the intent.
- He discussed the letter of credit which now covers bonding requirements for construction of Villa Road pedestrian bridge. He would submit the City does not have the cost of this bridge covered. It says pedestrian bridge and it says construction.
- Mr. Franklin would be a wonderful percipient witness to point out the construction costs are not the costs of that bridge. They are not even close to it.
- He discussed children crossing the bridge to get to school. He said the Commission should look at the bridge being built on Sunset and asked the Commission, when a child drowns crossing that mess, is the City ready for the wrongful death suit this kind of letter it is going to get you.

- He is being told he has to build 250 feet of road on his property and then has to pay 43% of 200 feet of road on somebody else's property. He is more than upset when he sees a piece of nonsense like this letter of credit and in the end they are all going to pay for this - a new tax base, a lawsuit or have their errors and omissions changed.
- He encouraged the Commission to start watching the Staff very carefully.
- He had no idea, and he talked to them on two occasions, that this letter of credit was going to be issued for "construction".
- He discussed the turn-around, safety devices, lighting, design and permits. By the way the bridge is not finished yet.
- This is the one part of this town, Villa Road, in addition to Oregon Street, that was under flood. It is an extremely dangerous road in the winter.
- They don't have commitments made that are said it will be done before construction. Read the Notice of Decision. They don't know how much money it will cost, yet they get this specificity in this letter of credit down to \$22.00.

Angela Weeks asked Mr. Claus if he knew what the date was on the letter of credit for the Meinecke Road connection. Mr. Claus said he thought it was expired and supposedly they have issued this new letter of credit. This is a real exercise in sophistry. He has been told the Commission Chair has point-blank asked Mr. Bormet, "I would like to know about these SDCs and TIFs" and has been told, it is none of his business. In some way, they are being told this is something other than public money. Where is the \$1.2 million that Larry Cole, this Board and the City Council told them was given out there improperly, if not illegally.

Mr. Claus said yet lawyers can be hired to stop a developer like him or the Salisburys. He mentioned Pam Beery. Yet the City cannot hire a lawyer to get their \$1.2 million back. They have been trying to get the letters of credits and every time they get them, they cannot make any sense out of them. The people he talked to in the Oregon Justice Department said these letters of credit are not worth the paper they are written on unless they are specific for a project and have the engineering attached to them. They said these letters are a real estate document.

Mr. Claus said when you have a document like this which says, "Construction costs of a pedestrian bridge." What about the lead-up, the turn-arounds they were responsible for and now are being told they are not responsible for. What is going to happen is some other developer is going to go on the other side and we are going to get one of these "fair share" agreements that Jason dreams up. They are going to pay all of the costs because they have a big chunk of land next to it when the reality of it is, your trip generation is all coming from the other side of this bridge and they should be paying for all of it.

Mr. Claus said he wants the original letter of credit. What happens if it is expired. He is extremely curious about what the other \$775,622 was used for. What is it going to be used for. Why were these tied together. Do they have construction estimates. When he starts to look for some other "fair share" formula that Mr. Tuck has used on other places, he can't find it. He has never seen a case where you've expected a land owner to pay to improve other people's property and then pay a like amount on their property. Nachbar sat up here and said we don't pay for off-site improvements. That's not true.

Mr. Claus said the Commission should take a trip to West Villa and look at where it crosses the creek. You get on the other side and you see barriers. There is about 100 feet in there where the street should have been built connecting to Woodhaven. This is Woodhaven's foot path to the downtown and to the schools. There is nothing done there for that 100 feet. It would seem if somebody has 1395 homes, they are going to be generating virtually 100% of the traffic on this bridge. If he has to pay 43% for Columbia when he is not generating 25% of the trips and he is building a like amount of street, it looks like there should be a turn-around and street down there on West Villa Road. All of this with \$100,000? He goes with what Centex tells him what they can construct streets for, if you run all costs of a small residential street and you do it honestly, you will be at \$483 a foot. If you do not bill for all of the engineer's time, you could drop it down to \$250 a foot. On West Villa there is about 100 feet they have to build and then you have to build a hammerhead on both sides. The Commission was told Genstar was going to pay for this. He makes from the letter of credit \$100,000, he would not put his kids on a bridge running 400 feet for \$50,000. They are going to build that bridge for \$10 a foot, out of what, junk lumber. They are putting kids on a bridge over a creek that gets 4-6 feet deep in certain conditions. The bridge should be nothing but the best concrete and steel bridge. This is what they thought they were getting.

Mr. Claus said if the Commission gave instructions to the Staff to do something and they took it upon themselves to change it, Staff needs to explain this to City Hall. Too often Staffs forget that they are not there to create policy, fair share agreements. They are not there to decide what you meant, if they can't understand it, they come back and get an interpretation. He discussed Meinecke and the \$5,000,000 estimate for the same street and crossing and then they turn around and let Centex out for \$35,000 or \$17,000 was their fair share. This is remarkable and it does not make any sense. I think where we got fair share is if you don't like somebody, you find out what you can charge them.

Mr. Claus said he was not going to pay \$1,500 to get in front of the Council and be told about putting a time limit on him. Where is the fair share for the \$1,500 fee.

Mr. Claus said there are whole series of questions that nobody wants to answer. What do they all go to, civil rights. He discussed the time frame for reviewing land use applications and the 120-day rule. Staff now has 30 days to review an application, so now they sit on the application for 2-3 weeks. You are usually lucky if you get it back on 28<sup>th</sup> day. After the application is deemed complete, you have 120 days for the process to be complete, which includes the 21 day appeal period. They now have two applications, 7A and 7B, of Woodhaven, that have both violated the 120-day rule. It is important because a violation of the 120-day rule gives the applicant the right to go to court and get a writ and get permits. The only way you can fight this is if the City fights it and you can go as an interested party. Isn't it interesting on the two phases everybody objected to the most, the 120-day rule was over run.

Vice-Chair Claus asked if the memo distributed to the Commission was purely informational. Mr. Claus said this was correct. The Commission could ask for information regarding all of the letters of credit. There are things the Commission needs to know.

Mr. Claus said the creek is getting more and more water in it every winter. If the children are going to cross this pedestrian bridge it needs to be constructed with safety purposes in mind. The bridge on Sunset is a safety mess. On Villa, the creek crossing is one of the most dangerous places in central Sherwood in the winter. He suggested the Commission needed to see the plans for the proposed pedestrian bridge over the creek on Villa Road.

Mr. Claus said he will bring additional proof to the Commission that what they decide is not being implemented. There is nothing in the City Charter that gives anybody in this City the right to ignore the directives from the governing body.

Vice-Chair Claus asked if the City had any drawings or estimates for the bridge. Ms. Engels said Staff could find this information out. What was required for Phase 6 was for Genstar to construct the pedestrian bridge. When you get to the final plat recording, you either have accomplished the things required by the conditions of approval or you have a surety for these items. If there is a surety for \$875,622 this probably includes a number of things. The Engineering Department makes the calculations for how much the bond amount should be. The Planning Department does not evaluate the engineering estimates. She clarified that the letter of credit amount for the Meinecke Road connection is \$87,000, not \$88,000 which is continually being referred to.

Mr. Franklin asked what the \$87,000 letter of credit was based on. Ms. Engels said it was based on a per foot estimate of \$145 for 600 feet of pavement, which included curbs and a 30 foot asphalt width.

The Commission asked if there was a similar document for the pedestrian bridge. Mr. Franklin said he would tend to agree that \$100,000 would not be enough to cover 400 feet of pedestrian bridge. Ms. Engels explained how the letter of credit would work.

Mr. Franklin asked if the letter of credit was not enough to construct the improvements, would the City have to pick up the difference. A very detailed estimate should have been included for any of these improvements. The Commission has not seen anything from the City indicating the letter of credit amounts are acceptable.

Vice-Chair Claus asked when the pedestrian bridge was to be completed. Mr. Tuck said construction is scheduled to begin in July or early August. He did not know if the permits had been taken out at this time.

The Commission asked if they could review the plans for the pedestrian bridge on Villa Road and what the improvements included. Staff will provide a recap of this information at the next Commission meeting.

Mr. Tuck said with regard to the 120-day rule, it is not a convenience for Staff to delay a project, it is a state law. The governing body has 30 days to deem the application complete. If all of the elements are not with the application, it is deemed incomplete. Once deemed complete, the application must be reviewed through the City appeal process within 120 days. Ms. Engels said

the City has been receiving a lot of land use applications and Staff reviews them in the order of receipt in as timely manner as possible. Any appeals to LUBA would be beyond the 120-day rule.

Angela Weeks asked what the Council did with Phase 7B of Woodhaven. Ms. Engels advised the City Council will hear Woodhaven Phase 7B as well as the hearing on the appeal of Woodhaven Phase 7A at their June 9, 1998 Council meeting.

Mr. Stecher discussed the Commission addressing safety issues for the pedestrian bridge and pathways from Stella Olsen Park. He talked about the Commission being aware of safety issues in reviewing any land use application. Ms. Engels explained how the condition for the pedestrian bridge was arrived at. This was a part of the modification to the Woodhaven PUD approved in March of 1997.

Vice-Chair Claus asked if the City would be building the connecting pathway to Stella Olsen Park at the same time the pedestrian bridge was being built. Ms. Engels said she did not know if a schedule for construction of this pathway had been done.

Jason Tuck reviewed the land use applications the Staff is reviewing.

Vice-Chair Claus said Mr. Bormet had advised her that there were no appeals filed with LUBA as of today for the revised Act III Theaters Site Plan. June 2, 1998 was the deadline for filing this appeal.

There being no further business to discuss, the Commission meeting was adjourned at 9:05 PM.

Respectfully submitted,

Planning Department