



**City of Sherwood
PLANNING COMMISSION
Masonic Hall, 60 NW Washington Street
Tuesday, December 1, 1998
7:00 PM**

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes - November 3 & 17, 1998**
- 3. Agenda Review**
- 4. Urban Renewal District Proposal - Review**
- 5. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the following procedure (Resolution 98-743, adopted June 9, 1998):
 - Staff Report--15 minutes
 - Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
 - Proponents—5 minutes each (applicants may not also speak as proponents.)
 - Opponents—5 minutes each
 - Rebuttal—Balance of applicant time (see above)
 - Close Public Hearing
 - Staff Final Comments—15 minutes
 - Questions of Staff/Discussion by Body—no limit
 - Decision (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)

A. PUD 98-2 Millers Landing Preliminary Development Plan & Preliminary Plat:
a request by Biggi Development for Glenn & Mary Miller for a 135-lot single-family subdivision and planned unit development located at 17780 SW Edy Road. Tax Lot 100, Map 2S 1 30C.
- 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
December 1, 1998

1. Call to Order/Roll Call

Chairman Bill Whiteman called the meeting to order at 7:00 PM.

Commission Members present:

Susan Claus
Adrian Emery
Scott Franklin
Keith Mays
Paul Stecher (7:04 PM)
Angela Weeks
Bill Whiteman

Staff:

Greg Turner, City Planner
Jason Tuck, Associate Planner
Jon Bormet, City Manager
Scott Clark, Assistant Planner
Roxanne Gibbons, Recording Secretary

2. Minutes of November 3 and November 17, 1998

Chairman Whiteman asked if there were any additions, corrections or deletions to the Planning Commission meeting minutes of November 3 and 17, 1998. There were no comments.

Susan Claus moved the Planning Commission accept the November 3, 1998 Commission meeting minutes as presented. Seconded by Angela Weeks.

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

Adrian Emery moved the Planning Commission accept the November 17, 1998 Commission meeting minutes as presented. Seconded by Scott Franklin.

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

3. Agenda Review

Chairman Whiteman said it may be appropriate to continue one of the items on the Agenda to the December 15, 1998 Regular Commission meeting. At this time, there is nothing scheduled for the December 15 meeting. He suggested the Urban Renewal District Review be continued to the December 15 meeting. He noted that the City Manager was not in favor of his suggestion and thought Chairman Whiteman would attempt to influence the other Commission members. He assured Mr. Bormet this would not be the case and there would be an opportunity for Mr. Bormet to speak on the subject. Mr. Bormet had requested about 1.5 hours to make a presentation on the Urban Renewal District proposal. Then, if the Commission wished to continue the item, they could. Chairman Whiteman polled the audience to see who was in attendance to hear a particular item. There were four citizens who came to hear the Urban Renewal District item and there were approximately 35 citizens to hear the Miller's Landing PUD land use application.

Chairman Whiteman asked Mr. Bormet if he wished to address the Commission. Mr. Bormet said the City sent a notice regarding the Urban Renewal District proposal to all of the downtown property owners of the meeting tonight. At this point, some members of the audience said they would be willing to come back to another meeting and that they had not received all of the information. Mr. Bormet said Staff would present a brief overview of the proposal and if 1.5 hours was not available, they could make a 20 minute presentation. There was an informal public meeting last night to hear this proposal, and the City Council will hold a public hearing on December 8, 1998. It is the City Council's intent to hear the information and not make a final decision on the proposal until after the first of next year.

In response to a question from the audience, Chairman Whiteman noted that the Oregon Revised Statutes state the Planning Commission will make comments to this particular issue.

Susan Claus asked Mr. Bormet if this was a statutory meeting. Mr. Bormet responded that as Chairman Whiteman said, Oregon Revised Statutes require the Commission to review this proposal. Chairman Whiteman read a part of the ORS, "Shall be presented to the Planning Commission for recommendation."

Paul Stecher asked if there were any time constraints in reviewing the proposal. Mr. Bormet said there were none. Chairman Whiteman said the 120-day deadline would not apply to this proposal.

Scott Franklin said he would like to hear the proposal. However, given the fact the 120-day deadline applies to the Miller's Landing land use application and the majority of the audience is in attendance for the PUD public hearing, he suggested the Commission hear this application first. If time allowed, the Commission could hear the Urban Renewal District proposal. Given the information received on this proposal, he would not be prepared to make any type of recommendation tonight.

Chairman Whiteman said the Commission could allow 15 minutes for a presentation prior to the PUD hearing, and not make any comments. Mr. Franklin said if it could be limited to the short time frame, he would not have a problem with that. Chairman Whiteman noted that the Urban Renewal District proposal was not a public hearing. The consultant said the typical practice on these type of issues is to allow members of the public to speak.

Paul Stecher moved the Planning Commission allow 15 minutes to hear the Urban Renewal District proposal, 5 minutes for those who signed a card to speak, the Commission not make any comments on the proposal, and then continue it to the December 15, 1998 Regular Commission meeting, at which time additional public comments could be received. Seconded by Keith Mays.

Susan Claus said the Commission had received some additional information tonight. She thought the Commission could hear the presentation, if it preserves whatever right they have as a Commission for this not to go forward and they would still have the ability to hear public comments as well as provide comments. If this was not the case, she would rather continue the item to December 15. Mr. Bormet said the 15 minute presentation would not mean the public

and Commission could not make comments at a subsequent meeting. The City Council will hold a public hearing on December 8 simply to gather more information and they would not take final action until after the first of the year.

Vote for Passage of Motion: 2-Yes (Stecher, Mays), 5-No, 0-Abstain MOTION FAILED

Adrian Emery moved the Planning Commission allow 15 minutes to hear the Urban Renewal District proposal only. THE MOTION DIED DUE TO LACK OF A SECOND.

Susan Claus moved the Planning Commission continue Agenda Item #4 Urban Renewal District to the December 15, 1998 Regular Commission meeting. This meeting should be held at the Senior Center. Seconded by Adrian Emery.

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

Mr. Bormet announced that anyone in attendance who was interested could go next door to City Hall to hear a presentation tonight.

4. Urban Renewal District Proposal Review

This item was continued to the December 15, 1998 Regular Commission meeting.

5. Public Hearings

Chairman Whiteman read the public 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 announced her family owns property next to the proposed development, PUD 98-2 Millers Landing application, and there is a boundary dispute. Therefore, she had a conflict of interest and she would not participate in this application.

Scott Franklin announced he may have a potential conflict of interest because his firm has done work with the developer in the past. However, he did not feel this would affect his participation or decision and he planned to fully participate in the public hearing for this application.

5A. PUD 98-2 Miller's Landing Preliminary Development Plan and Preliminary Plat

Chairman Whiteman called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated December 1, 1998, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The site is located south of Edy Road at 17780 SW Edy Road, Tax Lot 100, Map 2S 1 30C. It is just north of the Wyndham Ridge PUD. He identified the location on the map.
- He reviewed the Development Code criteria for PUD approval. The PUD review shall be by both the Planning Commission and City Council.

- The applicant is requesting preliminary development plan and preliminary plat approval for a 135-lot single family PUD.
- The lots are proposed to have a minimum width of 36 feet and minimum depth of 90 feet. The minimum lot size is 3,240 sf. The proposed lot sizes range from 3,240 sf to 6,313 sf. The proposed setbacks are 15 foot front yard, 5 foot side yard and 20 foot front yard setbacks with garages. The corner lots front street side yards would be 10 feet.
- He showed the proposed elevations for this PUD. The floor plans range from approximately 1,500 to 1,600 sf. All of the proposed dwellings are 2-story.
- The applicant is proposing to dedicate the wetland and flood plain areas to the City, identified in Tracts A, B and C. Tract B consists of 1.47 acres and has been designated as a park.
- The site is 24.33 acres and contained a sensitive area. He identified the area on the map.
- The majority of the site is zoned Low Density Residential (LDR). The northeast corner of the site is zoned High Density Residential (HDR). Single-family, detached units are permitted outright within these zones.
- The applicant is requesting a density transfer, as allowed in Chapter 8, "Density transfers are allowed where there are natural areas identified on the Natural Resources and Plan Map." The natural areas which will be dedicated are in exchange for this density transfer.
- In order for the developable portion of the site to accommodate the density transfer, the lots sizes have been reduced.
- The design of the project and open space amenities provides an attractive development alternative while still maintaining the densities of the zone and goals and objectives of the natural area protection.
- The Staff Report contained findings for the PUD approval for the preliminary plat approval.
- The 1991 Transportation Plan shows there should be a minor collector which would extend from the south to Edy Road. He identified the area on the map. The applicant is providing this connection through the PUD by connecting to Wyndham Ridge to the south to Edy Road.

Based upon the findings of fact, Staff recommends approval of PUD 98-2 Miller's Landing Preliminary Development Plan and Preliminary Plat subject to the conditions in the Staff Report.

In response to the Chairman Whiteman's question, Mr. Tuck identified the wetland locations on the site. Chairman Whiteman asked if it was the City's policy to buy the wetlands and grant SDC credits for the wetlands. Mr. Tuck said he did not believe this was the case for this project. Chairman Whiteman said there would be no SDC credits given and no public funds used to set aside the park property. Mr. Tuck said this was correct and the Homeowner's Association would be responsible for maintaining the park property. The total area to be dedicated is 8.08 acres.

Mr. Tuck said there are provisions in the Development Code which allow an application for a PUD. These are related to natural features, constraints, topography and land identified on the Natural Features Plan Map. The PUD allows the smaller lots sizes for the particular zoning. The HDR zone on the property is within the 100 year floodplain and is undevelopable.

Keith Mays said the plans the Commission received show several lots with the front width being less than 36 feet. Scott Franklin said the concern is within the underlying zone the minimum lot width at the front property line is supposed to be 25 feet. Is it the City's position that this is also

modified by the PUD? Mr. Turner said there were no lots which were less than 25 feet in the front. Mr. Mays identified several lots which were less than 25 feet on the frontage. Mr. Tuck said there seemed to be some inconsistencies. The Staff Report could be revised.

Mr. Stecher asked for clarification regarding the number of allowable dwelling units. Chairman Whiteman asked if there was no buildable property under the HDR zone, how could the number of dwelling units be applied to the proposal. Mr. Turner said you would still look at the entire property whether it is buildable or not. Mr. Stecher asked how you could use the multi-family density by using detached single-family housing. Mr. Turner said this is a request for a PUD and not a single-family subdivision.

Scott Franklin asked if the comments from Washington County had been addressed, in particular access onto Edy Road being aligned with the Oregon Trail Subdivision. Mr. Turner said the alignment may not align exactly and there may need to be some adjustment made. Mr. Franklin said this should be addressed by the applicant.

Chairman Whiteman opened the public hearing on PUD 98-2 Miller's Landing Preliminary Development Plan and Preliminary Plat. He asked if the applicant and their representatives wished to provide testimony.

Ryan O'Brien, Planning Consultants Design Group, 233 SE Washington Street, Hillsboro, Oregon 97123, representing the applicant, addressed the Commission. Mr. O'Brien noted:

- He identified where the headwaters for the drainage channel are located in relation to the Cedar Creek flood plain area. There is a very distinct separation between the two developable areas on the property.
- The City's Comprehensive Plan requires a collector street to connect along the western boundary line of the property to Edy Road. They have met Washington County's separation requirements for access. They have already certified the site location for the access.
- The applicant will coordinate with Washington County where the streets will align with the other developments on the north side of Edy Road.
- The site is extremely beautiful and the applicant is providing a reasonable number of housing units that are adjacent to the open space area. Almost all of the open space area will remain in tact.
- The applicant has met with the Division of State Lands and Corps of Engineers and they agreed that the location of the wetland crossing in the development will have the least impact on the wetlands and natural resources of the site.
- He identified the open space areas to be developed as a park and to be left in a natural state.
- The lot sizes are 36 feet wide basically at the building line. They might be a little narrower where the garage is located. Some of the cul-de-sac and corner lots will have a common driveway approach, but all will have separate driveways.
- He referenced to the Arbor Lane PUD which is a similar type of development in the City.
- This project will be a planned development with one particular developer and one home builder. Eck Construction Company will be building the homes in the project and they build a high quality type of home.

- Biggi Development has been in business for over 10 years. Most of their projects have been very high-end projects. They are a very hands-on project manager.
- Market studies show the demand for this type of housing is absolutely astronomical. This project will provide more affordable housing and is an alternative to multi-family housing.
- This project will satisfy the City's requirements to meet the Metro 2040 plan by providing higher density.
- They are trying to attract a certain market and this is the best mix. It will not look like the standard high density development.
- This is the most compatible type of development for the area.
- The actual traffic volumes from this development identified only 4 vehicles in the AM and 10 vehicles in the PM would go to the south. The reason for this is when going northbound on Highway 99W, there is only a right-in, right-out access to the Wyndham Ridge Development.
- Because of the park and the larger lots in certain areas of the development, you really don't have a development which is right on top of adjacent developments. It is somewhat isolated because of the natural buffer area and the intersection.
- This project provides a secondary access to the subdivision to the south.

In response to Mr. Franklin's question, Mr. O'Brien said the lot sizes in Arbor Lane are approximately 5,000 square feet. The price range of homes in the Millers Landing PUD will probably be between \$140,000 and \$160,000.

Michael Biggi, Biggi Development, said he would like to defer his comments to the builder, Steven Eck. He thought the price range for the homes would be a little higher than what Mr. O'Brien stated, \$150,000 to \$170,000.

Steven Eck, 23689 S. Pine Street, Sherwood, Oregon 97140, addressed the Commission. He has lived in Sherwood for about 6 years and done quite a bit of building in the Sherwood area. He has seen a lot of projects in the Sherwood area which he is not real proud of because of the inter-mixing of different homes styles and lack of amenities such as trees and landscaping. He has been involved with this project because he thinks it is the type of project that Sherwood wants. He knows it is higher density than what he would like, but if this project is not done, their children will not be able to afford a house. He is striving to get community parks, upgrade street lights, street trees and property landscaping. The beautification, design and color scheme will help make this project sellable and make people proud to live there. He said the project street scape reminds him of the small cottage type homes. The development will have curved streets, greenery behind the homes, and this property lends itself to this type of development. The huge green space which divides the development makes it more like two projects and not just one big development. The property would be great with big lots and very expensive homes, but what would this do. They would be giving a unique property to people who can afford it. For the people who can't afford it or are first time home buyers, this project will provide something that has a little uniqueness. The green space will be slightly filled in with a culvert type of crossing at the narrowest point. There will be some retaining walls to minimize the impact on the wetland areas. The Corps of Engineers would like to see two separate developments, but this would not achieve what the City wants by getting access to Edy Road. It would also mean 70 or so homes would have a greater impact on the Wyndham Ridge development.

Angela Weeks asked if this development would be participating in the future signalization at Meinecke Road and Highway 99W. Mr. Turner said this development is not part of the original area. The traffic numbers seem to be minimal. The Commission said the traffic would be minimal until the Meinecke Road/99W signal was installed and then it would have a greater impact.

Mr. O'Brien discussed the wetland mitigation which will be in two locations. He identified the areas on the map.

Chairman Whiteman recessed the meeting for a 5 minute break at 8: 15 PM and reconvened the meeting at 8:25 PM.

Chairman Whiteman asked if there was anyone who wished to speak as a proponent of the project.

Roy Armour, 17476 SW Edy Road, Sherwood, Oregon 97140, addressed the Commission. His property is just to the east of the Millers Landing PUD proposal. They moved to Sherwood 10 years ago for the sole purpose of an investment. Now it is time to take advantage of the investment. Mr. Biggi has explained what he proposes to do with the Miller property. They do not have any problem with the proposal. It is a sign of the times, progress will go on and they are in favor of the project.

Robert J. Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. His being a proponent is conditional. He was surprised by the small lots because the Biggi's tend to build larger homes. He has a land contract sale for the McFall property and bought the Bischof property outright. The County has recorded what is an illegal plat. It was not to be recorded, so now they will have to lot line adjust it into the Bischof piece. They now have about 20 acres along Highway 99W. The fences have been there for about 40 years. Part of their agreement with the McFalls is he will sue if anyone tries to go onto their side of the fences. The Biggi's are trying to take part of this ground with this subdivision. He identified the area on the map. He would suspect the Biggi's are trying to dedicate this to the City. He would litigate over this issue with the subdivision to stop it if they are talking about dedicating it to the City. The next time the City sends someone out to fly over his property to take pictures when he is doing what the Division of Forestry told him to do, remember what he is saying. The City will never own this property because of the City's high-handed, outrageous actions. He also told this to the Biggis and Millers. The Division of Forestry was telling him what he had to do because the City allowed a bunch of developers to go in and cut all the good trees off of the property before he bought it. He spent \$50,000 cleaning up the property and nine months getting the Forestry permit. Then he gets a letter written by Mr. Bormet, he gets trespass on his property, and five major agencies looking at what was being done. Every agency told him they do not know what this is all about. The point is that this changes the PUD map. That end of the property is above the flood plain, there has been a road there for 30 years, it is above the wetlands and is not regulated wetlands, and it is another road out. The City sent people flying over his property and 5 different agencies after him. What this is about is that Mr. Bormet does not like him.

Chairman Whiteman asked if there was any further proponent testimony. There being none, Chairman Whiteman called for opponent testimony.

Daniel King, 21537 SW Roellich Avenue, Sherwood, Oregon 97140, addressed the Commission. His lot is right next to the proposed park of the Millers Landing PUD. He identified the area on the map and said he has no objection to the park, but does have a couple of other objections. Before he bought his property, he called the City and asked what the minimum lot size was for the LDR zone or a PUD. He was told the PUD lot size would be 5,000 sf. He understands the trade for the wetlands area, but he does not understand how they trade an HDR zone into the other area. The 1.37 acres results in an additional 20 homes. The standard lot size in the Centex (Wyndham Ridge) development is 5,500 sf. So you are looking at going from about 55-65 foot lot frontages to 36 foot lot frontage homes with this PUD. This is his problem. The homes proposed in the PUD are diametrically opposed to the ones in the Wyndham Ridge neighborhood. Most people do not want to emphasize the garage in front of the house. Most of the Centex homes have garages that are flush or set back to the front of the house. This is quite a different look from the roadside. He does not like the 5 foot side setbacks being proposed even though it is standard. He would rather see the lower area of the PUD flow with the Wyndham Ridge neighborhood and leave the smaller lots in the upper area of the PUD. He was also concerned about traffic coming through his neighborhood from this PUD, in particular when the other two signals are placed on Highway 99W, especially the one on Meinecke Road. This is something else to take into consideration. When the property is developed, he was also concerned about access before and during construction. He does not want everything coming down his street. He would like to see all of the access for the construction coming off of Edy Road. In response to questions from the Commission, he said no one has come to their homeowner's association. Centex is still selling homes in the 1,200-1,300 sf range on a 7,000 sf lot for about \$150,000. In their third phase, the lots are 70 x 100 feet. He agrees with the need for affordable housing, but he does not think that all of the houses must look the same to be affordable. The Centex homes range from 1,200 sf to 2,500 sf. The most expensive homes are about \$250,000.

David Muenich, 21516 SW Roellich Avenue, Sherwood, Oregon 97140, addressed the Commission. He moved to Sherwood about 10 months ago and lives right across the road from the proposed development. He did not see the HDR density transfer for 20 more homes as a good trade when the land is undevelopable. His other concerns were the size of the houses, the lot sizes, traffic and safety for the children in the neighborhood. His house would not fit on any of the lots in this proposed PUD. All of the lots in Phase 3 of Wyndham Ridge are 7,000 sf.

Peter Timmen, 21502 SW Roellich Avenue, Sherwood, Oregon 97140, addressed the Commission. He lives in the very last house on Roellich Avenue, right next door to Mr. Muenich. He does not have a controversy with the proposed subdivision. He is concerned about the rapid growth Sherwood is experiencing and how it is going to continue. How will this additional number of homes affect Sherwood. He has lived in Sherwood less than one year, but one of the things they liked about Sherwood was its small town atmosphere. He knows that within 10-15 years progress will push the growth up to where he came from. How fast does the

Commission want Sherwood to grow and what is going to be given up for that livability. He was also concerned about the 100 year flood plain and whether the Corps of Engineers' estimates would prevent any flooding on these streets or any back up of the creek into their neighborhood. He agreed with the other opponents regarding the increased traffic, kids' safety, the lots sizes and the HDR density transfer being abused.

Ken Rychlick, 21970 SW Edy Road, Sherwood, Oregon 97140, addressed the Commission. His concerns deal with the property on the west side of this development. It is owned by his parents. As noted in the Staff Report, it does lay outside the City and the UGB. He identified the location on the map. With the proposed PUD, there will be about 30 homes along the property line with no real buffer between the two properties. He thought there may be complaints from people who may live in the PUD about the noise of typical farming uses from his parents property. He asked if the property could be fenced the entire length on the west side. His parents have had some cases of trespassing and vandalism from the Wyndham Ridge development and going through their orchard. He would like to see a "farm forest waiver" included in the approval of the PUD. This would make potential buyers aware of the different uses on the adjoining property. Right now his parents farm filberts and walnuts. On the notice material which was sent out on the preliminary plat map, the City map shows a minor collector coming off of Elwert Road and then basically running along the back of Wyndham Ridge and then on his parents property. He did not see this on the plan, but he would like to have as a part of the record that this is not a proposed feeder. He said there is no easement for this.

Mr. Turner said the map shows basically what the Transportation Plan shows that the collector runs from Elwert and goes along the property lines.

Susan Claus said as a point of information, the Oregon Trail Subdivision has in its CC&R's the farming practices waiver.

Charles Blair, 21586 SW Roellich Avenue, Sherwood, Oregon 97140, addressed the Commission. He and his neighbors were not opposed to this development per se, they were opposed to the density they are creating, going from LDR at 5 homes per acre to 9-1/2 houses per acre because of the small HDR density transfer. The Staff Report states the PUD will create a "similar environment". If you try to imagine the existing setbacks, right now there is a 100 foot visual corridor going down Roellich Avenue. The proposed PUD will have a visual corridor narrowed down to 80 feet. This is going to impact the property and the number of homes on this property will be a detriment to the wetlands. They are trying to protect the wetlands by not having them developed, but having more houses in this small area will still impact the wetlands. He also noted the street connection being a high speed connector to Highway 99W. No one from the Biggi Corporation contacted any of the homeowners in Wyndham Ridge who would be impacted by this proposed PUD. If they had, maybe some of these problems and objections from the homeowners would have been eliminated. They are trying to decrease the lots sizes down to 3,200 sf which is less than one-half of the underlying LDR zone lot size of 7,000 sf. He understands they are trying to make up for some of the unbuildable portion of the property, but they knew about these wetlands prior to purchasing it. The developer also knew a density transfer would make the purchase more appealing. He said Centex was able to build homes one

year ago for about \$120,000 on a 5,500 sf lot. He asked people to drive through the Centex development and look at the diversity of the homes to see what can be developed on similar properties.

Tim Grace, 20582 SW Duckridge Place, Sherwood, Oregon 97140, addressed the Commission. He entered a letter dated December 1, 1998 into the record. He went through the Development Code and his letter identified some sections which he thought would be of interest to the Planning Commission. He made references to Sections 2.102, 2.102.01 LDR zone, 2.102.02G Permitted Uses, 2.101.07 Special Density, and 2.101.07C, “The Commission determines that the higher density development would better preserve natural resources as compared to a one (1) unit to the acre design.” He did not believe the natural resources are better preserved by increasing the allowable density around the natural resources that we are trying to protect. The majority of the land where the resource is located is within the flood plain overlay. This land is not developable even if it is not dedicated to the City.

Craig Eastwood, 21704 SW Roellich Avenue, Sherwood, Oregon 97140, addressed the Commission. He supports the other Wyndham Ridge neighbors. Most of the points he wanted to raise have already been mentioned. He was concerned about the increased traffic and how Elwert Road is already very busy. He was not in favor of the high density housing and it was not in keeping with the surrounding environment. He knows development must continue, but they would like to see it kept in the same style or have the same square footage of lots. He has lived in the neighborhood for one year. They have a 5,500 sf lot and reducing it to 3,300 sf would be 50% less and a huge reduction. One of the applicants said a lot of the developments in the Sherwood area were unacceptable and people were not proud of them. He did not believe that is the case in the Centex community. This type of high density PUD would set a precedent for future developments in the area and he was not sure the citizens of Sherwood really want this to occur. With the houses being so close together you would not be able to appreciate the green space anyway. No one has contacted the Wyndham Ridge homeowners association. He wanted to know how many different house designs were going to be available in this project.

Gordon Edwards, 21600 SW Roellich Avenue, Sherwood, Oregon 97140, addressed the Commission. His concerns with the proposed development are the size of the lots. He lives on a 5,200 sf lot which is smaller than some of his neighbors. He looked at developments with 3,000 sf lots and they did not have the same feel or richness to the neighborhood when you get these cracker-box, two-story homes which are side-by-side. He bought one of the smaller home plans in the Centex subdivision about one year ago and paid in the mid-\$140,000’s. It is now probably worth about \$150,000. This is affordable housing in the Portland area. If they are trying to build a lot more homes that are \$10,000 less, who are they going to be attracting to Sherwood? This is something that needs to be considered. He had some of the same concerns regarding traffic and access. He thought the development could happen, but the key is to keep the lots in the 5,200 sf or 5,500 sf range. He does not have a very big front or back yard and he could not fathom what a 3,600 sf lot would be like. If this is all the space they have, where are the kids going to play? Is it going to be in the streets? They can’t play in the orchards or wetlands. One small park in the corner of this PUD is not suitable for all of the development.

Keith Howe, 17852 Galewood Drive, Sherwood, Oregon 97140, addressed the Commission. He was not opposed to the development of this property, but he and his wife are realtors and they make their money by selling homes. He has a problem with the size of the homes. When someone buys a home from him, he wants to assure them, particularly if it is a new home, that they are going to have the benefit of property appreciation. If you have 3,200 sf lots, you will bring down the property values of the surrounding developments. He has a copy of the minutes from February 1997 where Mr. Bormet told the City Council that he did not want first time buyers in Sherwood, he wanted move-up buyers. All of sudden lots are going to 3,000 sf. They are trying to do the same thing in Woodhaven. He lives in Woodhaven and going to the smaller lots will destroy the property value of his home. He has identified two other properties in Sherwood where the City has said if you want to build, you must have 3,000 sf lots. You need to look at what is going on. This is a money grab. Mr. Bormet wants the money for all of these projects he has going on in the City. This is his personal opinion and he thinks the Commission should consider all of these things.

Pat McDonald, 20541 SW Duckridge Place, Sherwood, Oregon 97140, addressed the Commission. He attended a meeting with the developer of Oregon Trail to discuss the wetland area. He is new to Sherwood and as he listens to the testimony, he wondered what the agenda is and he keeps hearing about the City Manager. There is some sort of an agenda happening in Sherwood and he cannot quite figure it out. When he lived in San Francisco he saw the same type of two-story homes as are being proposed in this development. Sherwood is a growing community and the question is what Sherwood wants to be when they grow up. We can't stop progress, but certainly we can do planned development as we go along. He cautioned the Commission and the developers to be sensitive to the area, the community and the citizens of Sherwood. He does not want to see this as only what someone else said, just a "money grab".

Lowal Labahn, 18283 SW Edy Road, Sherwood, Oregon 97140, addressed the Commission. He said Sherwood is no longer a quaint community and as far as he was concerned the community does not need any more development. He urged the Commission to vote against this application. There are enough problems with vandalism and traffic and the roads are awful.

Chris Simmons, 21558 SW Roellich Avenue, Sherwood, Oregon 97140, addressed the Commission. He said most of his points had already been brought up. The original plan has been amended and the initial submission of a 3 foot side yard tells a lot about the original design of what was trying to be accomplished with the overall plat layout. If you can imagine only having 6 feet between buildings that you could reach out and touch on either side speaks to trying to put as many dwellings onto a lot or plat as one could squeeze on. There have been a lot of points regarding traffic and not being able to stop progress. He understands this completely. He does not think it is a bad idea, but putting more homes in this area equals more people. This equals increased traffic. The Commission voiced some concerns before public testimony was provided and this speaks a lot about the application. The parcel is a beautiful area and before it gets developed the Commission should look at it. The builder has mentioned a number of amenities such as trees, curved roads and parks. Nice amenities do not equal good design. He asked the Commission to consider allowing larger lot sizes in this area. There are better decisions that can be made in terms of the overall design for this neighborhood and not trying to

get as many dwelling units as possible on small lots. The builder even said this is a higher density than what he would want. He asked if the Commission would want to live next door to this development. A reasonable number of homes in this area is less than what is being proposed.

Eric Hansen, 21565 SW Roellich Avenue, Sherwood, Oregon 97140, addressed the Commission. He lives a couple of doors down from the planned community. He talked about the safety for children and he has three young children. There are a lot of young families in his neighborhood with young children. His biggest concern is the type of people who would be drawn to the community that is being proposed. He sees a lot of young people with families trying to get started. This area is a major cut-through to avoid the traffic of Highway 99W. With such small lots the children are going to be on the streets. He even saw one plan to put a bus line down Roellich which would personally appall him. Section 2.202.02 of the Development Code states, "Before approving a planned unit development the Commission shall find that the proposal is in harmony with the surrounding area or its potential use and incorporates unified or internally compatible architectural treatments." This proposal is completely different from the adjoining property. He has a 2,400 sf house and the proposal is talking about a 3,200 sf lots. He does not mind the development, he would prefer it not happen, but he knows something is going to happen because it is within the UGB, but he would ask the developer put in larger lots and fit it within the 7,000 sf lots and at a minimum the 5,500 sf lots.

Chairman Whiteman told the audience, as required by the Development Code, this PUD application will also be heard by the City Council, regardless of the Commission decision. Public notices are sent to property owners within 100 feet of the proposed development, notices are posted through the City, and notices are also published in The Times newspaper two consecutive weeks prior to the public hearing.

Sandy Rome, 1780 E. Willamette Street, Sherwood, Oregon 97140, addressed the Commission. He said he should probably not be speaking as much as an opponent as proponent. The subdivision is being brought to the Commission by property owners who have had a farm for a lifetime. Because the zoning states if you need the land, it is available, and it can be bought and purchased, and has the services, this is what you do to it. When he came before the Commission previously he claimed he has been a target. He is a target because if this does not work out or there are problems, the citizens of Sherwood end up paying for it. As a landlord in Sherwood, it presents an opportunity for him because there is always a person in some subdivision who gets transferred and must sell his home when there are 73 new homes on the market and he can get a bargain. The City Staff wants more because more gives them more building permits, more SDCs per lot, etc., but everything ultimately gets passed down to the owner. Does the City really need trailer park lots in this subdivision. He talked about the type of housing being proposed. He asked the Commission to consider that while the developer has 100 or so lots, what happens if they reconfigure some of the lots and make the minimum lot size be 5,000 sf. There are always give and takes. He knows the livability of a 5,000 sf lot versus a 3,300 sf lot has got to be meaningful. Woodhaven is trying to do the same thing. A PUD can get the allowances for density transfers, but the only person who really pays for all of this is not the person buying the house, it is every citizen who lives in the town. You don't take Staff saying it's good, build it

and they will come. The bottom line is the citizens will pay for the small lots because it means more kids in schools and more water usage and other services. The City should not have to give away just because they use the term Planned Unit Development. He would like to see this development come forward, but with enough conditions and restrictions that the citizens don't give any more away with these density transfers.

Susan Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Her comments are not either for or against the proposal, they have to do with procedure. This is a two hearing process and the work the Commission does on this application goes before the City Council. There have been other situations where work the Commission has done on a two hearing process, by the time it got to the City Council, additional Staff wording and comments were added and what the Council reviewed did not look anything like what the Commission recommended. She was not opposed to Staff adding or trying to subtract, she was opposed to an unfair representation of what happened at the Planning Commission level. She did not know what the Commission would decide on this application, but she wanted assurance the Council would review a true representation from this meeting. It would be a tragedy if the public input from this meeting was lost at the City Council level.

Chairman Whiteman asked if there was anyone else who wished to speak.

Charles Blair asked for clarification about Section 2.202.02E of the Development Code. Mr. Turner said if the Commission recommended approval of the application, the City Council could still deny the PUD application. Mr. Franklin said the final development plan approval comes from City Council and the statement is intended to bind the City to enforce the notice of decision.

Mr. Franklin asked Staff if the water system for this development would be looped or the developer would participate in the upgrade of the water system. Mr. Tuck said the Director of Engineering Services said this property would not be part of the water looping plan. Mr. Franklin said two properties to the east of this were required to participate and he wondered why this development would not be required to participate. Mr. Tuck said Phase 3 of Wyndham Ridge will have a booster station.

Susan Claus asked for a point of order. She said this property had recently been annexed into the City and she wondered if that was why it was not included in the water looping system plan for the area. There have been water problems in this whole area and each of the parcels were put on an allotment. She asked if Staff could check into or verify this.

Jim Claus said he talked to Roy Priest of Centex Homes about the Bull Run water line that won't work and apparently the City has run out of money to fix it because of the purchase of the Snyder Property. He brought up the fact that the City had paid for the Sherwood View Estates Pump Station. There was a serious pump station problem in Woodhaven. He asked what Centex was going to do because they really have a water pressure problem. In fact, if they don't loop the systems now, they can't get it. Mr. Priest told him that the pump station is part of the general plan. It is purely, 100%, the City's obligation to pay for it and Centex has taken this position with the City. The Commission needs to know this because if there are inadequate funds there,

to stay out of a misfeasance, as we now know the City Staff is in malfeasance with the Bull Run water line, the Commission needs to place a provision on this application to make sure the pump station can go in. If this subdivision is built and problems occur the City is directly liable for it. The City will really have problems if they do not have the funds to put it in.

Charles Blair said he talked to Scott Clark, Assistant Planner, regarding the annexation of this property. He said surrounding property owners are to be notified of recently annexed parcels. He knows of at least one property owner who was not notified about this annexation. Mr. Clark said the Portland Metropolitan Boundary Commission was involved in notifying the property owners.

Chairman Whiteman recessed the meeting for a 10 minute break and reconvened the meeting at 10:00 PM.

Chairman Whiteman said there was one card handed to him during the break from someone who wished to speak in opposition to this application.

Mark Barteld, 21639 Aldridge Terrace, Sherwood, Oregon 97140, addressed the Commission. He said his neighbors have been real articulate about the issues they face. His house is quite a bit away from Roellich Avenue, but he walks his dog along the path behind their homes and that is how he knows his neighbors. He is absolutely stymied that the City would consider the number of units for this development. He was shocked that someone would have the temerity to propose 135 units on this small area. It would be an understatement to say he was not concerned about property values. When you invite that kind of sized unit into a neighborhood he starts worrying about who it will attract, who will live there, yuppie-types who love real estate signs and come and go as they please, is it going to be the elderly or is it going to become low cost housing. He is not against development, it is going to happen. Let's just be reasonable about this. Beside real estate signs that might go up there is the parking problem. You have common driveways and single car garages. If you have company where is everyone going to park? If you multiply this by every third or fourth house you have a lot of cars parking on the streets. Developers do not make it affordable to buy a house. There are 25 Grenaches in his neighborhood and it will look unsightly after awhile. To have this type of condensed area, you have to have a strong neighborhood association and there is no assurance you will have this, especially if there is no stability. The smaller the property, the smaller the homes, the more mobility you will have. He has noticed since he has lived in Sherwood, which has not been a long time, there is a lot more buildable land on the west side of Highway 99W. There is already some real small housing on the west side of 99W. There are some duplex units (Wildflower) and a very interesting development across the street with small, little houses. The demand may be high for these type of units, but he has not heard who is interested in buying these. He is not some upper, middle class person looking for some great house. Wherever the demand is, he hopes you ask these people where do they come from and if they are people who are willing to pay \$150,000 for a house will they still be living there one year later. He wants some stability in his neighborhood.

Chairman Whiteman asked if the applicant wished to provide rebuttal testimony.

Ryan O'Brien, representing the applicant, addressed the Commission. The type of housing has been tested in the market and it is the most successful housing on the market today. He cited a development in the West Hills. The people buying the houses could not quite afford the \$200,000 homes, are people who had lived in apartments, young families and they usually have 2 cars. He said the proposed development would have plenty of parking. The lots in the other development were 30 ft by 80 ft with 3 ft side yards. The demand was so strong, the next level will have lots 35 ft wide which will have a little bit bigger house. The developers cannot control the market. If the lots for the proposal are increased in size the price would go up. He showed the Commission how they could do 5,000 sf lots on this project. They would have to take out a large number of trees and some of the wetland area would be destroyed. He identified the floodplain areas on the map. The homes would be larger and more expensive. What the people who testified are saying is that only the people who can afford a \$200,000 home can live in this area. In response to Ms. Weeks' question, he said the original plan had larger lots on the southern portion of the parcel. If they did 5,000 sf lots on the southern portion of the parcel, they would get the same number of lots, but the lots would be smaller on the upper portion. With regard to the boundary dispute, which is about 1,000 sf of land, basically in the open space, he said they would be willing to deed this to Mr. Claus. It has absolutely no benefit to the developer.

Steve Eck said there is no way to reproduce what Centex did with their subdivision at the price level they are offering. The times have changed and costs for land and buildings have increased. He wanted to stress that they are being pushed into higher density whether we like it or not. Even with a 5,000 sf lot, with 10 feet between the homes, you still will not be able to see the forest in the back of the home from the street. What they are talking about here is a very beautiful piece of property, is it going to be developed for people that are first time buyers or starter home market, or is it going to go to people that are in a move-up market. The Commission has this choice. They could put in larger lots and people will pay the higher prices.

Mr. O'Brien said there was a question of the setbacks. Many of the lots are 100 feet deep, exactly the same as Wyndham Ridge. As far as compatibility, the developer chose to create this park situation and some separation with this development. Properties are maintained very well where you have one developer and one home builder because there is more control. He reminded the Commission that the Staff is recommending approval of this application.

Chairman Whiteman closed the public hearing on PUD 98-2 Millers Landing Preliminary Development Plan and Preliminary Plat for discussion by the Commission.

Chairman Whiteman said he would like to review the findings that caused this application to be a PUD. Mr. Tuck said there are findings and there are PUD objectives. He reviewed Section 2.202.01B of the Development Code. With regard to the diversified housing, Mr. Turner said they could be providing diversified housing within the PUD or providing something from the community at-large. In this case, they are providing something that is different from the surrounding area as far as the lot sizes.

The Commission discussed density transfers and underlying zoning. Mr. Turner said, in this case, the dedication of the open space allows the density transfer. Mr. Tuck read the density

transfer section of the Development Code. They could not do the smaller lot sizes unless they were proposing a planned unit development.

Ms. Weeks said as a Commission member, she did not want to be setting a precedent by allowing lots as small as those being proposed with this PUD when considering there were no similar lot sizes within the surrounding area.

Mr. Mays said a concern he had was that these homes would probably be bought by young families with children and there seemed to be a lack of yard space for children to play in.

Mr. Stecher said if the City has to meet Metro guidelines, the price per acre for tract land in the future will cost more. If you are tired of paying \$200,000 an acre in tract land, don't play the Metro game. The developer argued for affordability and what he heard from residents is we don't want affordable housing and that is why they moved to Sherwood. He did not hear any testimony from people who may want to buy homes in a higher density neighborhood. He heard the testimony tonight and will take this into consideration. He looked at the 1991 Transportation Plan which states a minor collector has a 60 ft right-of-way. The plat showed a 50 foot right-of-way.

Mr. Franklin asked if the City Engineering Standard Drawings contained anything regarding typical street widths. The Staff Report refers to 55-foot wide right-of-way. Mr. Turner said he did not know if these were a part of the drawings. A PUD can vary from the standard. The standard the PUD is using is based on what the City has been using as far as street standards.

Mr. Stecher thought they would have some problems in the future as they make streets smaller and smaller. The wider roads for collectors allow for more visibility. In this instance, if there is going to be some volume of vehicles using it, there will be children in the area and the drivers need some vantage to compensate and allow more visibility. Mr. Tuck said Roellich Lane has a 50-foot wide right-of-way, 30-foot paved, the same as this proposal. Mr. Stecher thought this was a bad decision.

Chairman Whiteman said he would vote no on this proposal and vote no on this even being a PUD. All he heard was build with the higher density and see how many homes we can get on the parcel. He heard a lot of testimony about how beautiful the area is. If this area is so beautiful, it may be another opportunity to enhance and make the community what they dream it might be. An executive homesite with 7,000 sf lots under LDR could be just as attractive as the higher density and smaller lots. He does not favor 3,000 sf lots in the City of Sherwood. He said he lives on a 7,500 sf lot and he can still hear his neighbor when they are both in their homes. He did not think the proposal was good for the community because we end up developing for the market and not the environment. He did not feel it was in the best interest to endorse a development to fit the market place. He did not see there were sufficient findings to cause this application to be a PUD rather than just a subdivision.

Mr. Franklin said he shared some of Chairman Whiteman's concerns. He believed there are sufficient findings to allow this to be a PUD. However, as such, this provides the Commission

an opportunity to deviate from the typical lot sizes. He is uncomfortable with the 36 ft wide lots and the streetscape that this provides. He is concerned with the 3,000 sf lots. The water system needs to be addressed and the connection to Meinecke is a concern.

Chairman Whiteman reviewed the concerns of the Commission:

- The size of the lots and density of the PUD.
- The water distribution system in this area.
- A fence on the west side of this development.
- Construction traffic.
- The collector street and increased traffic.
- The farm forest waiver question and adjacent property owners.
- The participation in the Meinecke Road/Highway 99W signalization.

Chairman Whiteman moved the Planning Commission deny PUD 98-2 Millers Landing Preliminary Development and Preliminary Plat and directed Staff to prepare findings recommending denial based on the density of the PUD, width of the minor collector road proposed as it relates to the Transportation Plan, and the water looping. These findings would be reviewed and adopted at the December 15, 1998 Regular Commission meeting. Seconded by Adrian Emery.

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

6. Community Comments

Chairman Whiteman asked if there was anyone who wished to speak.

Barbara Leonard, PO Box 33, Sherwood, Oregon 97140, addressed the Commission. She wanted to comment on citizen involvement in the City of Sherwood. She sits on the Washington County Planning Commission and appreciates the job the Sherwood Commission members are doing. She has been frustrated in the past with Mr. Bormet because there seems to be no citizen involvement. When she attended the Council meeting the other night, her property was described as a blight on Sherwood. Mr. Bormet indicated at that meeting there would be plenty of time to receive public comment on the Urban Renewal proposal. She asked the Commission to help assure the citizens have their input. Usually only the Planner handling the agenda item is present at the public hearing meeting. Mr. Bormet's comments and attitude at this Commission meeting were abhorrent to her. Staff is supposed to be an unbiased body which provides information for the Commission to consider. Mr. Bormet seems to be a big proponent for growth in Sherwood. She is not against the Urban Renewal District, but she does not appreciate how he is going about increasing a budget from \$9 million, and if you look at it properly it is \$22 million. Mr. Bormet is supposed to offer good advice and be at the beck and call of the Commission. If the Commission has questions, they ask him or Staff and then Staff should be quiet.

Dan Leonard, PO Box 33, Sherwood, Oregon 97140, addressed the Commission about the Urban Renewal District proposal and public involvement. It seems like a lot of the proposal has been put together by Staff and the general public input has been very limited. They attended a

presentation last night and one of the slides had red circles around certain properties to be redeveloped. One of the properties belong to the Leonards and it has an existing business on it. Now Mr. Bormet has decided this should be redeveloped, not at the City's expense, but at the property owners expense. There is an old saying, "If it looks or sounds too good to be true, it probably is." He thinks this is what the urban renewal is about. Mr. Bormet is really pushing for a new City Hall and tying a lot of other things into this.

Robert J. Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. The only reason Sherwood is starting to function again is because the Planning Commission is drawing a line against not allowing public information. If you look at the Attorney General's Public Record and Meetings Record, the City Council has apparently repeatedly violated sections of it. He said Mr. Bormet could not be hired and evaluated in his job performance without public input. They may all remember the streamlining process when they were all told by the Council it was none of their business. There are two things that seem to be none of their business in this town, what is being spent on SDCs and what Mr. Bormet does. After that everything else seems to be the public's business. They are starting to violate certain laws. If this is true, it is pure malfeasance. Supposedly, last summer, three of the four City wells went down. They would not pump water. He could not believe Mr. Bormet's articles in the newspaper. He said, "What do you expect, it is not raining out." He has the idea it rains and then it runs down to the well and they pump it out. He never once acknowledged that only one well was up and was beginning to pump bad water. If this is true and the Bull Run water line leaks and the City can't put it on line, the town could have been out of water. If that happens, the City would be bankrupt because they would be sued by everybody and there could be wrongful death suits. What's more than that is it is malfeasance because there was no moratorium and no suggestion of water rationing and there was nothing done during this whole period, but pray it doesn't happen and I don't have to explain why the Bull Run waterline leaks. This is malfeasance by not only the Staff, but the City Council.

Mr. Claus concluded by stating if you do not pay considerable attention to the Public Meeting Laws, and you start allowing an executive session in the middle of a City Council meeting, during a recess, without notice, content or record, and all of a sudden the Council comes back and reverses a vote on 7B, you have committed, as a body, a violation of the Government Standards & Practices. He hoped this would change when Mr. Hitchcock takes over as Mayor, because he is a stickler for following the rules. He said the Commission needs to hold the line and take back the fast track from the Staff. Somebody pushed the developers of Miller's Landing towards this type of development. This is another policy decision. Who is making these policy decisions. The Charter does not give Mr. Bormet the reason to make them, but somebody comes in and thinks they can push this policy to pick up extra density. It is fine until you start extending personal legal liabilities and you put this town's health at risk. When they first moved to Sherwood they had people ask them to buy their property for the local improvement district bond. The previous City Manager built one local improvement district (LID) after another and forced the market and this town was on the verge of bankruptcy from 1983 until the SDC credits were passed. He discussed how he got the land he sold to the US Fish & Wildlife. The City had put in an LID just like the Urban Renewal District, they forced the market and they bankrupted the previous property owner. He bought the property for \$248,000 and when they got to the title

company they had to pay almost \$300,000 because this is how much the LID was on that piece of property. They had the same pattern, a City Manager that closed off the input and had grand ideas and a Commission that would not hold the line. The City is right back to the same thing where there is someone that is going over the national average on bonding. The City of Sherwood was literally debt free until they built the YMCA. When Mr. Bormet came to the City, the City had \$20 million in the bank. Now we do not even know how much money the City has in the bank. We are back to the same thing where the public is being closed off. He hoped the Commission would hold its ground.

7. Other Business

Chairman Whiteman said they would meet on December 15, 1998 at the Senior Center if it was available. He asked if Staff could advise the Commission of the rules and procedures on public participation when the Commission reviews the Urban Renewal District proposal.

8. Adjourn

There being no further business to discuss, the Commission meeting was adjourned at 11:15 PM.

Respectfully submitted,

Planning Department