



**City of Sherwood  
PLANNING COMMISSION  
855 N. Sherwood Blvd  
Tuesday, February 18, 1997  
7:00 PM**

**A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes of February 4, 1997**
- 3. Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
- 4. Consent Agenda - No applications scheduled.**
- 5. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
  - A. VAR 97-1 ES&A Sign & Awning:** (continued from February 4, 1997) a request by ES&A Sign & Awning for a Variance to allow a 170 sf sign where the General Industrial Zone only allows a sign of 60 sf, to be located at 13921 SW Tualatin-Sherwood Rd, Tax Lot 500, Map 2S 1 28BD.
  - B. CUP 97-1/SP 97-1 Nextel:** (continued from February 4, 1997) a request by Nextel Communications for a Conditional Use Permit and Site Plan to install an unmanned radio telecommunications facility consisting of a 150-foot lattice tower and an 11 ft x 20 ft concrete shelter enclosed in a 40 ft x 40 ft fenced area at 20475 SW Cipole Rd, a portion of Tax Lot 601, Map 2S 1 28A. **Staff is recommending this application be continued.**
  - C. PUD 93-3 Woodhaven Final Development Plan Changes:** (continued from February 4, 1997, public hearing closed) a request by Genstar Land Co NW for modifications to the approved Woodhaven PUD.
  - D. SP 97-2 Avinu Warehouse:** a request by Erik Kalik for site plan approval for construction of a 24,960 sq ft office/warehouse located on Galbreath Drive in the Industrial Park of Sherwood, Lot 2. Tax Lot 200, Map 2S 1 28BC.

**(OVER) →**

- E. MLP 96-8 & SUB 96-7 Seely Estates:** a request by Beacon Homes for a minor land partition to divide an existing 12.99 acre parcel into two lots, and preliminary plat approval for a 32-lot subdivision, located adjacent to and east of Seely Lane, north and adjacent to Scholls-Sherwood Rd, north of Highway 99W. Tax Lot 2200, Map 2S 1 30A.
  
- F. PA 97-4 Plan Text Amendment - Section 2.305.05 Decks:** an amendment to allow uncovered decks which are 30 inches or lower to encroach into the required rear yard setback up to 5 feet from the property line. If the ground slopes away from the edge of the deck, the deck height shall be measured at a point 5 feet away from the edge of the deck.

**6. Other Business**

**7. Adjourn**

**ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED  
TO THE NEXT REGULARLY SCHEDULED MEETING**

# **APPROVED MINUTES**

City of Sherwood, Oregon  
**Planning Commission Minutes**  
**February 18, 1997**

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

Vice-Chair Chris Corrado called the meeting to order at 7:00 PM.

Commission Members present:

Allen Baker  
George Bechtold  
Susan Claus (7:10 PM)  
Chris Corrado  
Rick Hohnbaum (9:10 PM left)  
Angela Weeks

Commission Members absent:

Bill Whiteman

Staff:

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

**2. Minutes of February 4, 1997 Commission Meeting**

Vice-Chair Corrado asked if there were any corrections, additions or deletions to the minutes of February 4, 1997. Rick Hohnbaum noted that his first name was misspelled on Page 12. There were no further comments.

**Rick Hohnbaum moved the Planning Commission accept the February 4, 1997, Planning Commission meeting minutes as corrected. Seconded by George Bechtold.**

**Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain**

**3. Community Comments**

Vice-Chair Corrado called for comments from the audience regarding any items not on the printed agenda. There were no community comments.

**4. Consent Agenda**

There were no land use applications scheduled.

**5. Public Hearings**

**Vice-Chair Corrado 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.**

George Bechtold announced that he would not be participating in Agenda Item 5C PUD 93-3 Woodhaven Final Development Plan Changes.

**5A. VAR 97-1 ES&A Sign & Awning**

Vice-Chair Corrado called for the Staff Report and noted that this application was continued from the February 4, 1997 Commission meeting. Jason Tuck referred the Commission to the

Staff Report dated February 4, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He presented slides of the site, the proposed sign and noted:

- The property is located at 13921 Tualatin-Sherwood Road, Tax Lot 500, Map 2S 1 28BD.
- The site is zoned General Industrial (GI).
- The applicant is requesting a variance to the maximum square footage allowed for a free standing sign located within a GI zone. The applicant is requesting a sign that is approximately 170 square feet in size. The Sign Code only allows 60 square feet in the GI zone.
- The proposed sign is approximately 24 feet high, 12 wide, with two columns, a temperature and time reader board, and has various colors of green, gray, white and red. There is an area for five (5) tenant panels.
- A review of the required findings for a variance approval determined that the application did not meet the findings. Each of these findings was addressed in detail in the Staff Report.

In conclusion, based on a review of the applicable Code provisions, agency comments and Staff review, Staff recommends denial of VAR 97-1, ES&A Sign & Awning.

In response to Mr. Baker's question, Mr. Tuck said that wall signs are permitted. Mr. Hohnbaum asked for clarification regarding the square footage of the sign. Mr. Tuck responded Staff interprets the Code in measuring the square footage area of the sign from the bottom of the tenant panel to the top of the sign. The complete sign is 24 feet high. The applicant has to meet all of the required findings for variance approval.

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

Buzz Blumm, ES&A Sign & Awning, 1210 Oakpatch Road, Eugene, Oregon 97402, addressed the Commission. He thanked the Commission for allowing their application to be heard first on the agenda. The owner and general manager were also in attendance to provide testimony. He noted:

- The crux of his presentation concerns the readability of the sign, especially for motorists traveling eastbound on Tualatin-Sherwood Road, from Sherwood towards the property. The State has eliminated the left-turn onto the east end of the property from Tualatin-Sherwood Road. Therefore, it is imperative that people be able to see the property and read the sign before they get to the west end property entrance so they can make the left turn into the site. If they miss this turn, they would have to go further on Tualatin-Sherwood Road to the Oregon Street intersection light to turnaround.
- The property is about 600 feet wide and the sign is about 250 feet away from the west end. If the sign were any smaller the presentation would not be readable, according to the formula of readability which is 40 feet of readability for 1 inch of letter height. The height of the letters on the sign panels or tenant copy are 6 inches high and therefore readable for 240 feet. This is an industry standard formula.
- The Code allows a sign of 60 square feet per property in industrial zones such as this. However, if that property were only 80-100 feet wide, with one fairly small building on it, the same 60 square foot sign is allowed. This site will have 5-6 tenants, a massive building, and is 600 feet wide. They feel this is a discrepancy which should be considered.

Mr. Blumm said he would answer any questions and deferred to the property owner and general manager. Mr. Baker asked what type of customer the business would attract; impulse buyers or regular customers who know where they are going. Mr. Blumm said the Albertson's retail center located on Tualatin-Sherwood Road feel it is important to have a larger sign to attract customers. John's Import Auto is retail oriented.

Wallace Gamble, General Manager, John's Import Auto, 4701 SE 24<sup>th</sup> Street, Portland, Oregon 97202, addressed the Commission. He presented the following documents for the record:

- "Today's Modern Auto Recycler" information paper. (Read into the record)
- Fee Calculations for Land Use Category, Business and Commercial from Washington County.
- Page 2 of the Kittelson & Associates, Inc. report regarding Traffic Impact Fees dated 2-14-96.
- April 1, 1996 letter from Carole Connell to Kittelson & Associates regarding Sherwood Auto Center TIF Estimate.
- Page 28, Chapter 5 of the Sherwood Comprehensive Plan, Part 3, Zoning & Community Development Code, Section 5.703.02 Commercial Zones regarding free standing signs.

Mr. Gamble presented some background information on the project and specifically noted:

- They were very excited about this project and it is very important to them. They felt it is important to their industry and automotive industry at-large because of the unique nature of this project.
- They attract a high retail audience and wholesale audience. The nature of the facility is a retail/wholesale environment, not an industrial environment. It is a commercial environment rather than industrial.
- The mainstay of their business is used parts. They could have built a traditional wrecking yard complex. These are eyesores as well as dinosaurs. Their present facility has moved out of that view and the new facility will move them farther into the 21<sup>st</sup> Century. They wanted to build something new, exciting and something which would attract people to it. This would be something they and the community could be proud of. They doubled their investment to build the newest, most modern facility of its type.
- The facility is totally different in nature than an industrial use facility. They consider it a totally commercial facility.
- He read the information paper to give the Commission some background on the usage of the facility and the fact that this has nothing to do with an industrialized setting.
- They went into the project with no hidden agenda. They told the City what they were building, who was going to be leasing space, what processes were going to be there, and all these things indicated a commercial usage of the land - no manufacturing and no industrialization.
- To accomplish the thing they do, they need personnel, capital, inventory and customers. Advertising and signage attract customers. Putting the signs on the front of the building are all well and good, but on a busy road such as Tualatin-Sherwood Road, customers are already passing by the facility, trying to turn to the side looking for signs, or as they are approaching

from the west, they do not see the sign and have to go all the way to the Oregon Street intersection signal or make a U-turn creating a traffic hazard.

- The sign is very important for their business and the commercial nature of their business as well as for their tenants.
- When tenants advertise 13921 Tualatin-Sherwood Road, they will not be able to advertise in the Tualatin-Sherwood Auto Center. Business cards will not say in the Tualatin-Sherwood Auto Center. These tenants will be a body shop, a repair shop and either a lube and oil or an auto upholstery repair shop, all of which are retail in nature, not industrial.
- The City relied on the information they provided to make a decision to allow them to build a commercial use, retail/wholesale facility.
- They have done what they said they said they would do. They built the most modern, newest facility of its type, and they will lease to other commercial businesses. He asked that the Commission entertain the notion that this is a commercial use facility and not a general industrial use facility.
- The Washington County fee calculations used in business and commercial include their type of business. Used car sales, auto parts sales, service stations, tire, battery and accessories, are included in these categories. The facility clearly qualifies as a commercial application.
- They had a traffic impact study done by Kittelson & Associates which used the Washington County criteria in basing their study on a commercial use facility.
- They submitted this report to the City and City Staff concurred with the TIF estimate based on the commercial usage.
- They asked Carole Connell if this is a commercial usage, and they relied upon the comments of Ms. Connell regarding what type of signage they would have in a commercial use facility. This information was provided verbally.
- He referenced the Zoning Code, Chapter 5, page 28 regarding the types of signs permitted in commercial zones because the length of the frontage of their property exceeds 300 feet. In this case, they would be allowed two signs with a 750 square foot face. Signs this large would take care of the problems at either end of their property for visual identification.
- They did not ask for what they thought was appropriate. They wanted a sign which was adequate and reasonable. They understand that there is some gray area here regarding the type and size of signs allowed.
- His presentation is not based on legal precedent, City Ordinances or Washington County rules, but there is adequate justification with what is being presented that the variance for the sign should be allowed.
- All they are asking for is adequate signage based on common sense, promises made in good faith by the City to them, and what is there.

Mr. Gamble said he would answer any questions.

John Tercek, Vice-President, John's Import Auto, 4701 SE 24<sup>th</sup> Street, Portland, Oregon 97202, addressed the Commission. Mr. Tercek noted:

- They made their presentation to the Commission on January 16, 1996, and their application was submitted on November 4, 1995. The application contained a picture of a sign that was proportionate to this sign size. Carole Connell had indicated prior to that and her quote was, "I don't even really want to tell you how big of a sign you can have." This is what he was



told through the planning process. She indicated one and one-half feet per square foot of lineal frontage.

- His position is “bigger is not necessarily better,” but they have what he perceives as extraordinary circumstances. He referenced the slides showing the building on the site.
- If you look at the actual physical location, general industrial, most of these partitions in the area are what would be constricted to a general industrial area. You have destination points. This is customary in an industrial zone. The fact the site is on a frontage road is the reason they located their building there. Tualatin-Sherwood Road may have been an industrial area, but for their benefit, the traffic is heavy and does not feel like an industrial zone anymore, especially with the signal at Oregon Street.
- Their use is a commercial application. You will not have time to see a smaller sign identifying their location when coming past the railroad tracks. Once you see their entrance, you have about 100 feet to turn into the site. There are safety issues to consider.
- The Commission should consider the facia, the frontage, the quantity of leasable spaces and visibility portrays an extraordinary circumstance in allowing this variance request.

Mr. Tercek said he would answer any questions. Susan Claus asked if they planned to do any wall signs. Mr. Tercek said depending on what is done with the main signs, he personally did not want to clutter up the building with signage. He also noted:

- He does not like neon signs on buildings. A sign which correlates with the facia of the building would not be excessive or obtrusive. Neon or some type of light, especially on a leasable space, has to be correlated with the owner’s requests. Again, depending on what is done with the main sign, he may have painted on letters with possibly some lights shining on these letters. This would be more for evening traffic.
- When they purchased the property, he felt it was a combination of both industrial and commercial. Tualatin-Sherwood Road or Edy Road probably used to be mostly industrial, but right down the street you have Albertson’s and Pacific Lumber which are commercial. Right across the street is another commercial property, Pride Disposal. The warehousing of automobile parts is a commercial activity. It is an industrial activity in the back, but it is a commercial exit of their sales.
- Their sales are comprised of approximately 100 customers per day, 50 of them retail and 50 of them are deliveries. At this point most of their customers are impulse buyers, because their specific location is not impulse, but most other auto parts stores are typically in retail centers for impulse oriented buyers.
- They did not look at signage requirements for industrial districts, because signage was not at the top with regard to their specific concerns for the site.
- He explained the topography around the site.
- They did not find out there was a problem with the proposed sign size until they submitted for the sign permit in November and their building was almost complete. This has been one of the delays in their opening. Whatever decision is made tonight, they will still need some type of sign at opening.
- The tenants will be independent businesses.

Mr. Blumm said the standards he referred to regarding readability for letter height are sign industry standards.



Jason Tuck clarified that a commercial use is allowed in an industrial zone, but the industrial standards still apply.

**Vice-Chair Corrado asked if there was any further proponent testimony. There was none. Vice-Chair Corrado asked if there was anyone who wished to speak in opposition to the application.**

James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus made reference to several legal cases regarding the administrative process to use when the zoning process has been exhausted, and specifically noted:

- The applicant is asking for an exception to the sign code. None of the burdens required by Code have been met by the applicant for this sign variance.
- The applicant states he did not read the code, did not look at the code to determine if there were other alternatives, and simply wants a free standing sign because it looks better.
- The applicant said they have to put a sign next to a driveway because that is what people look for. Mr. Claus has never heard this before and does not know of any sign code written that way in the United States. Usually there has to be clearance and distance from the driveway as specified by the Uniform Building Code.
- The applicant has not presented the Commission with any evidence at all. Standard sign visual is one inch to fifty feet standard visual clarity, not one inch to forty. It is one inch to twenty-five feet when dealing with a mixed audience or people over 85 years.
- The applicant simply wants an off-premise sign. Neon lighting is not a sign. Neon lighting is custom made luminous tubing.
- It comes down to the test for a variance which is called a self-imposed hardship. The applicant did this to himself.
- You can't change the Code. It is industrial zoning. The applicant is really asking for a change of zoning for the change of the sign and it can't be done. It violates every single U.S. Supreme Court ruling as well as violates State law.
- The City had enough of people trying to change the Comprehensive Plan and try to say it is a mere zoning change. Any changes to the Comprehensive Plan must be done through the public hearing process.
- The applicant has imposed a self-imposed hardship and should not be allowed the variance.

**Vice-Chair Corrado asked if there was any further opponent testimony. There was none. Vice-Chair Corrado asked if the applicant wished to provide rebuttal testimony.**

John Tercek addressed the Commission. In response to an individual, who in all due respect, has tried to insult individuals, was totally unprofessional. They are not trying to change the code, they are going by what they were told verbally.

**Vice-Chair Corrado closed the public hearing on VAR 97-1 ES&A Sign & Awning for discussion by the Commission.**

Rick Hohnbaum asked if this type of situation had been dealt with in the past, a commercial use in an industrial zone. Jason Tuck said to his knowledge there was no precedent. The largest sign in the City is probably the McDonalds sign or the Sherwood Market Center sign. Mr. Baker said

the Sherwood Market Center did not have the name of every business on it and he did not support the variance request. Vice-Chair Corrado said it is fairly clear that the Commission must follow the Code and the applicant has not met any of the requiring findings. He agreed with Mr. Baker that the applicant may be able to use the main sign for the Tualatin Sherwood Auto Center and put the names of the individual tenants on the buildings. The City welcomes the business, it is going to be a great service to the community, and he would hope that the decision tonight would not have a negative effect on their enthusiasm. George Bechtold said the Commission is obligated to look at the five specific criteria in the Zoning Code, not just one or two. Angela Weeks said the design of the sign was not unattractive and she did not see anything wrong with the sign, especially at this location on Tualatin-Sherwood Road. There was no further discussion.

Vice-Chair Corrado said unfortunately, historic comments or past observations by previous Planning Department employees are not something the Commission can put a lot of weight on at this time. The City is under new management, a new direction and trying to be held accountable as much as possible to meet the Code as it exists.

**Susan Claus moved the Planning Commission deny VAR 97-1 ES&A Signs based on a review of applicable code provisions, agency comments, Staff review, public hearing testimony and material submitted for the record. Seconded by George Bechtold.**

**Vote for Passage of Motion: 5-Yes, 1- No (Weeks), 0-Abstain**

Vice-Chair Corrado advised the applicant they had the option of appealing this decision to the City Council.

**5B. CUP 97-1/SP 97-1 Nextel** (continued from February 4, 1997)

Sue Engels reported that Staff is recommending this application be continued. On January 28, 1997, the City Council adopted Ordinance 97-1019, the plan text amendment which created the appropriate zoning that would allow this site plan and conditional use permit. This ordinance will become effective 30 days after adoption, February 28, 1997. The first Commission meeting after that would be March 4, 1997.

**Rick Hohnbaum moved the Planning Commission continue CUP 97-1/SP 97-1 Nextel to the March 4, 1997 Commission meeting, as recommended by Staff. Seconded by Susan Claus.**

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

**5C. PUD 93-3 Woodhaven Final Development Plan Changes (Public Hearing Closed)**

Vice-Chair Corrado asked Staff if there was further information regarding this application. George Bechtold did not participate in the discussion for this application. Sue Engels referred the Commission to the following items:

- An updated phasing plan which was distributed to the Commission members.
- Memo of February 18, 1997 of Redrafted Additional Conditions from the Planning Department.

Ms. Engels presented a brief summary regarding the status of the application and recommended conditions of approval. She noted:

- The phasing plan incorporates the suggestions made to the applicant regarding the phase numbers and boundaries. The previous Phase 9 has been made a part of Phase 4A and 4B. Twelve lots, including the cul-de-sac have been included in Phase 7A. Phase 7 now encompasses all of the issues regarding the Meinecke Road connection and the proposed neighborhood park.
- The application is a PUD amendment incorporating a number of changes, some requested by the applicant and some requested by the City.
- The applicant's changes include:
  - The ability to build either multi-family or townhomes on the two multi-family sites in Phase 5.
  - The ability to put townhomes or single family residences on the townhome site in Phase 1.
  - An option in the neighborhood commercial site in Phase 5 to be multi-family or townhomes. Staff recommends against this request.
  - Additional bikepaths will be built which are not on the City's Transportation Plan or Parks Plan and are not creditable. The applicant feels these additional bikepaths will be beneficial to the development.
- The City has requested the following changes:
  - A multi-family site bordered by Sunset Boulevard and 99W has been purchased by the City for the future YMCA recreational facility. The zoning for this site will be changed from multi-family to institutional public.
  - In lieu of a bikepath connecting to Villa Road, build an elevated pedestrian/bicycle bridge.
  - A proposed neighborhood park in lieu of the numerous tot-lots in the development.
  - Narrowing some street widths.
  - The Homeowner's Association will have responsibility for the maintenance of the open spaces.
  - The applicant would explore the possibility of having a regional stormwater facility and determine if it is beneficial to the City and works for the applicant. If this is not feasible, the existing stormwater ponds are adequate to serve the development.
  - A slight adjustment in not putting lots at the northern edge of the development to allow more flexibility to deal with the future road issues.

Ms. Engels discussed the issues of concern the Commission had as a result of the previous meeting. These included:

- The neighborhood commercial site having flexible zoning.
- The history of Villa Road and its current status in relation to the City's Transportation Plan.
- The collector street connection from Sunset Boulevard to Meinecke Road.
- Whether the neighborhood park had been agreed to by the City's Park Board and how it would be developed.

Ms. Engels reported that a subcommittee of the Planning Commission met to further discuss these issues. She responded to the Commission's concerns and noted:

- Staff recommends the neighborhood commercial site not have flexible zoning. It should be zoned as neighborhood commercial or multi-family townhomes.
- The City's Transportation Plan dated 1991, which is the current plan, does not show Villa Road as connecting Old Town to 99W for vehicular traffic. The plans discuss the problems with Villa Road in that the topography would make it difficult to maintain as a connecting road. The residents on both sides of Villa Road preferred that it not be a through street, did not want much traffic, could live with a cul-de-sac on either end, but wanted peace and quiet. The residents preferred a bikepath as a connection. They had no interest in Villa Road being a through street. The original conditions for the Woodhaven PUD regarding Villa Road were that the applicant was required to put a bikepath connecting both ends of Villa Road. Because of the flooding in the last couple of winters, City Staff recommended placing an elevated bridge for a pedestrian/bicycle path connection.
- A collector connection to Meinecke Road and the location of the neighborhood park in relation to the road, appear to be of most concern to the Commission. In response to that, Staff made further revisions to the proposed conditions which suggest that any formal decisions regarding these two issues will need to be made with submittal of Phase 7 of the Woodhaven PUD. She reviewed the proposed language contained in the February 18, 1997 Memo.

Additional concerns submitted included:

- Whether the amount of systems development charge credits the developer has received are appropriate.
- Negotiations regarding the neighborhood park property be handled appropriately.
- What are the potential future maintenance costs of the public improvements in the development.

These are issues which are not normally dealt with by a Planning Commission. Staff suggested the Commission draft a letter to the City Council regarding any of the above concerns. This would be included with the recommendation from the Commission to the Council.

Ms. Engels said the Commission and Council need to consider meeting the 120-day deadline in reviewing this application. Staff's recommendation regarding PUD 93-3 Woodhaven Final Development Plan Changes and modifications to adopted conditions of approval, is that it be approved with the conditions and map as presented tonight, with a recommendation for approval from the Commission to the City Council. This approval would include a letter from the Commission to the City Council.

Mr. Hohnbaum asked for clarification regarding the phasing. Ms. Engels responded if the applicant submits any phasing out of order, this request must be approved by the City Council. The Zoning Code states that the phasing plan for a PUD must be followed numerically. The Commission would not hear this request because it would go directly to the City Council. The applicant will submit Phase 4A and 4B next.

It was the consensus of the Commission that the neighborhood commercial site remain with that zoning.

The Commission had a lengthy discussion and deliberations regarding the application. Susan Claus said the map presented shows the phase numbering changes, but thought it was discussed that the Meinecke Road connection would be next to the proposed neighborhood park, which she would support. Rick Hohnbaum said he would like to see a decision for the connection prior to Phase 7. The Commission agreed there was not enough information to get a consensus at this time regarding exactly where this connecting road should be placed.

Ms. Engels advised that Staff is working on a request for proposal to prepare a Transportation System Plan (TSP) for Sherwood. This TSP would update the City's current transportation plan. The TSP process would probably take about one year. The timing of Phase 7 being submitted should be close to this timeline. Susan Claus asked if Phases 4A and 4B could coincide with Phase 7 submittal. Ms. Engels responded Phases 4A and 4B represent a somewhat different product which the applicant would like to have available for development prior to Phase 7. The Commission would be a part of the transportation system plan approval process. She explained why Staff asked the applicant to renumber the phases.

The Commission agreed that the issue of funding for the collector street to Meinecke Road needed to be determined. Ms. Engels stated it could not be determined how the whole road would be paid for at this time. This could be determined at the time of Phase 7 submittal. However, she is aware a developer pays for all the roads which are inside their development. The City has not required a developer to fund a road which is outside their development. Mr. Hohnbaum said it looked like the Commission was being asked to plan a collector street, starting with Phase 7. Ms. Engels said the wording for this condition could be revised. Part of this collector exists at Sunset Boulevard and Woodhaven Drive and Sunset Boulevard and Pinehurst Drive.

Susan Claus stated it was part of the original approval for the Woodhaven PUD that the applicant would be responsible for taking the connection to Meinecke Road. The Commission agreed this should remain a condition. Susan Claus said the 1991 Transportation Plan includes a connection from Sunset Boulevard to Meinecke Road. She would like to see the connection to Meinecke Road go next to the proposed neighborhood park.

*Mr. Hohnbaum had to leave the meeting at 9:07 PM.*

The Commission drafted additional wording for Condition #2 in the February 18, 1997 memo, as follows, "The applicant will pay all costs for the full length of the collector road less any appropriate SDC credits for the collector."

The Commission amended Condition #1 in the February 18, 1997 memo. "The Parks Advisory Board and City Council shall review and approve the incorporation of a neighborhood park facing Meinecke Road. In the event that a neighborhood park is not located at its proposed location, the use of that location is to be determined prior to planning approval of Phases 7A, 7B and 8."

City Staff will verify that all of the Lot numbers contained in Attachment A of the conditions are correct and current.

The Commission recommended the following additional changes to conditions contained in Attachment A:

- Page 4, Condition #2.A.5, leave in, "...and Meinecke Road...".
- Page 4, Condition #2.A.9, leave in and reword, "Thirty-five (35) foot dedication from centerline and half-street improvements to City standards along the PUD's Meinecke Road frontage if the property is within the applicant's control at the time the street improvements are warranted."

Ms. Engels said a part of Phases 6A, 6B and 6C will include the design of the pedestrian/bicycle bridge connecting both ends of Villa Road. She referred to the condition in Attachment A. With reference to the last condition in the February 18, 1997 memo regarding the maximum number of units for the development, the base number will be 1148 excluding the conditions adopted relative to multi-family or townhome sites and the neighborhood park.

The Commission said the Council would need to see an updated Woodhaven map, including the renumbering of the Phases and showing Option A or B regarding the location of the Meinecke Road connection, one with the neighborhood park and one without the neighborhood park. Susan Claus had several concerns regarding the final plan with and without the neighborhood park. She thought the Commission should review the plan again if the neighborhood park is not included as a part of the Park's Master Plan. Ms. Engels advised that the City's Parks Board will be meeting to discuss the proposed neighborhood park details, including parking.

There being no further discussion,

**Chris Corrado moved the Planning Commission recommend to the City Council approval of PUD 93-3 Woodhaven Final Development Plan Changes, based on the Staff Report, conditions as modified as Attachment A and February 18, 1997 memo, public testimony and Commission deliberations, including a letter from the Commission to the Council stating a strong recommendation from the Commission for the road connecting Sunset Boulevard to Meinecke Road. Seconded by Allen Baker.**

**Vote for Passage of Motion: 2-Yes (Baker, Corrado), 2-No (Claus, Weeks), 0-Abstain**

Ms. Engels said the failure of the motion was basically a denial of the application.

Susan Claus said the Commission has a planned unit development with particular zoning and although many questions were answered, there still seemed to be, within the scope of boundaries of that particular zone, some infrastructure which is unknown. Ms. Engels read the Code language regarding PUD amendments. If the PUD amendment is denied by the Commission tonight, the applicant would next go through the appeal process if they still wanted make these changes to the Woodhaven PUD. The applicant would also have the option of continuing with the development of the PUD as previously approved. Angela Weeks said she would still like to have input from the City's Parks Board prior to approving this application.

After further discussion, Susan Claus said she was willing to change her vote to support recommending the application to the Council. However, it is important for the City Council to



be aware of the Commission's concerns and that the recommendation was not a consensus of the Commission.

**Chris Corrado moved the Planning Commission recommend to the City Council approval of PUD 93-3 Woodhaven Final Development Plan Changes, based on the Staff Report, conditions as modified as Attachment A and February 18, 1997 memo, public testimony and Commission deliberations, including a letter from the Commission to the Council stating a strong recommendation from the Commission for the road connecting Sunset Boulevard and Meinecke Road. Seconded by Allen Baker.**

**A roll call vote was taken. Commissioner Bechtold did not participate. Commissioners Hohnbaum and Whiteman were not in attendance.**

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

The Commissioners will prepare the appropriate letter for the City Council regarding PUD 93-3. Ms. Engels said the first available meeting of the Council to hear this application would be March 11, 1997.

**Vice-Chair Corrado recessed the meeting at 10:07 PM and reconvened at 10:17 PM.**

#### **5D. SP 97-2 Avinu Warehouse**

Vice-Chair Corrado called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated February 18, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He presented slides of the site and noted:

- The site is 2.33 acres located in the Industrial Park of Sherwood, Lot 2, Tax Lot 200, Map 2S 1 28BC.
- The site is zoned General Industrial (GI). The applicant is proposing a 28,067 square foot warehouse/office facility which is permitted outright within this zone. They will distribute heating equipment and related parts and accessories.
- The site plan illustrates 20 parking stalls which will be utilized by 20 employees who work at the facility. The site contains space for additional parking if needed in the future. The current requirements in the GI zone are one parking space per employee.
- The applicant has agreed to provide parking stalls to meet the standard of 9 feet x 20 feet.
- The application meets the site plan review criteria and zoning district standards for Chapter 2, 5, 6, 8 and 9.
- A tree inventory will need to be submitted in accordance with the Code and this is a condition of approval.
- The site has access to all services conforming to the Code.

In conclusion, Staff recommends approval of SP 97-2 Avinu subject to the conditions of approval contained in the Staff Report.

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



Ralph Hill, Partin & Hill Architects & Planners, 209 NE Lincoln, Hillsboro, Oregon 97124, addressed the Commission. He will verify whether there are any significant trees on the site which would require a tree survey. The applicant has agreed to meet the parking stall standards as conditioned in the Staff Report. The site is fully accessible from the street sidewalks and meets ADA requirements. He said he would answer any questions.

Erik Kalik, owner, PO Box 2087, Wilsonville, Oregon 97070, addressed the Commission. Mr. Kalik asked for clarification regarding the comments from Washington County. In particular, who would be responsible for the possible future traffic signal at Gerda Lane and Tualatin-Sherwood Road.

Ms. Engels stated if this application is the one which warrants a signal at this location, this would need to be dealt with through the County. She could not say how the signal would be totally funded since this would be determined at the time the signal is warrant. This determination would not be an arbitrary decision by Washington County.

Mr. Kalik said the warehouse will have both a ground level and dock high loading area for trucks coming to the site. They do not do provide air conditioning equipment. They are not a retail operation, but solely wholesale. They will ship from this location as well as provide a truck pick-up area. They supply prefabricated heating equipment for residential homes. There is no fabrication, the facility will be quiet and fairly clean. A lot of their employees do not drive, some use public transit and some do not even own vehicles. They are relocating from downtown northwest Portland.

**Vice-Chair Corrado asked if there was any further proponent testimony. There was none. Vice-Chair Corrado asked if there was anyone who wished to speak in opposition to the application. There being none, the rebuttal portion of the public hearing was dispensed with.**

**Vice-Chair Corrado closed the public hearing for SP 97-2 Avinu for discussion by the Commission.**

Jason Tuck explained that the City requires at tree inventory for every application when the site has trees on it. He thought there were trees on this site, but was not sure because he needed to determine where the property line was located.

**George Bechtold moved the Planning Commission approve SP 97-2 Avinu based on the Staff Report, agency comments, findings of fact and public testimony subject to the conditions contained in the Staff Report. Seconded by Angela Weeks.**

**Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain**

SP 97-2 was approved subject to the following conditions:

1. The final development plans shall be in substantial compliance with the submitted plans dated stamped January 17, 1997, except as modified herein.

2. Prior to the submittal of plans for building plan check, provide engineered construction plans to the City and all applicable agencies for public and private improvements including costs, maintenance and bonding provisions in compliance with City, USA, WCDLUT and TVFRD standards. The plans shall include provisions for streets, street trees, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, site lighting, landscaping and signage.

In particular:

- A. Comply with R+O 96-44 Unified Sewerage Agency.
  - B. Comply with Storm Water Quality Chapter 3 Design and Construction standards by USA for Water Quality and Water Quantity.
  - C. The domestic water service and backflow device shall be moved out of the driveway location and into the landscape area.
  - D. The plans indicate an existing underground vault. Note that this does not exist. There is an electrical vault at the front corner of the property.
  - E. Submit downstream analysis of storm conveyance of water quality calculations.
2. Mark driveways and circulation lanes for directional flow with painted arrows on the pavement, and signage if necessary.
  3. Provide wheel stops in parking stalls so the vehicles do not project into the landscaped areas.
  4. Provide a final landscape plan for City approval prior to building permit issuance.
  5. All exterior signage shall be subject to the review and approval of the City's Planning and Building Departments prior to the installation of any signs.
  6. Provide a tree inventory as required by the Code if there are any non-commercially planted trees on the subject site. The applicant shall comply with any mitigation measures that may be established.
  7. Provide adequate parking stalls as required by the Code.
  8. Comply with Washington County Department of Land Use Transportation required conditions of approval, refer to letter dated January 28, 1997.
  9. Comply with Tualatin Valley Fire & Rescue required conditions of approval, refer to letter dated February 5, 1997.
  10. Prior to building permit issuance, the street lights for Galbreath Drive shall be energized.

This approval is valid for one (1) year.

**5E. MLP 96-8/SP 96-7 Seely Estates**

Vice-Chair Corrado called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated February 18, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He presented slides of the site and noted:

- The site is located at the northeast corner of Scholls-Sherwood Road and Seely Lane, 20280 Seely Lane, Tax Lot 2200, Map 2S 1 30A.
- The site is zoned Medium Density Residential Low (MDRL) and the minimum lot size allowed for single family dwelling units is 5,000 sq ft. The preliminary plat indicates that all lots are at least 80 ft in depth, have at least 25 feet of street frontage and are at least 50 ft wide at the building line.
- The application includes a minor land partition for two lots, each meeting code requirements. The 31-lot subdivision is proposed on Parcel 2 of the partition.
- There is an existing Christmas tree farm located on the site. Christmas tree farms are excluded from the tree survey requirements.
- The applicant is proposing to improve Seely Lane to a width of 28 feet with a right-of-way of 42 feet. The interior streets have a right-of-way of 50 feet with a 26 foot wide street with a 5 foot planter strip and 5 foot sidewalk.
- There are no private streets proposed with the application.
- The plat complies with the Comprehensive Plan and applicable zoning district regulations.
- With regard to Seely Lane, Washington County has responded that Seely Lane will be a temporary access until additional access is provided. Land to the north, east and west will be provided public access that will allow future development.
- The application meets the required findings for a minor land partition.
- There is a wetland on Parcel 1 which will remain undisturbed.
- Staff will be meeting with Washington County to determine the requirements for the landscape corridor along Scholls-Sherwood Road.
- The applicant will dedicate the right-of-way on their property side to make full street improvements from curb to curb with a planter strip and sidewalk on one side. The planter strip, sidewalk, and 8-feet of right-of-way will be dedicated when the adjacent property is developed.

Mr. Tuck read into the record a letter from the adjacent property owners, the Wetzels dated February 17, 1997. Regarding public improvement services to their property when Seely Estates is developed. The conditions contained in the Staff Report will take care of this issue.

In conclusion, Staff recommends approval of MLP 96-8 and SUB 96-7 Seely Estates subject to the conditions contained in the Staff Report, conditions in the addendum included with the packets and letter from Washington County dated February 11, 1997 regarding the access from Scholls-Sherwood Road to Seely Lane being temporary and that the applicant will be responsible to close this access when another access is provided.

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

Peter Kusyk, Beacon Homes, 9500 SW 125<sup>th</sup> Avenue, Beaverton, Oregon 97005, addressed the Commission. They had not seen the February 11, 1997 letter from Washington County, but did not have any problems with the conditions contained in the Staff Report. Regarding the Wetzel letter, they will be running public services to the edge of the Seely Estates subdivision.

Jerry Palmer, Alpha Engineering, 9600 SW Oak Street, Suite 230, Portland, Oregon 97223, addressed the Commission. They concur with the Staff recommendations and conditions of approval as written. He asked for clarification regarding Condition 2D referencing the “sensitive area” in Parcel 1, and dedication of these lands or floodplains as parks as a part of the of the partition, as just setting aside a tract which may be transferred at a later date and the dedication is not being required as part of the minor partition. Mr. Tuck said this was correct.

Mr. Palmer discussed the background regarding the Seely Lane access. He spoke with Tom Harry at Washington County. Because of the developments which occurred on the south side of Scholls-Sherwood Road, Seely Lane does not meet the spacing standards. There is only 850 feet between Lynlly and Lavender Lanes to the south. Regarding the standard that Seely Lane is going to be an interim street, they would ask the Commission’s consideration that the condition reflect the improvements be at an interim standard from Scholls-Sherwood Road. Interim standards would be the same pavement width but without curb and gutter on one side.

Susan Claus asked that the condition reflect that the stubbing to adjoining properties will occur. Mr. Tuck responded that Staff has a review process which will see that the stubbing is provided.

**Vice-Chair Corrado asked if there was anyone else who wished to speak in favor of the application. There was no further proponent testimony. Vice-Chair Corrado asked if there was anyone who wished to speak in opposition to the application.**

Arnold Conzelman, 11964 SW 175<sup>th</sup>, Beaverton, Oregon 97005, addressed the Commission. He said he did not wish to speak in opposition to the application, but did have some concerns. He noted:

- His parents own adjoining property to the proposed site, 33 acres, next to the wetlands. There is a ditch which goes to the Tualatin River which they use for farming and irrigation of their vegetables. The Tualatin River National Wildlife Refuge also owns property in this area. All of the adjoining property owners maintain the ditch which is a right-of-way. This agreement is on the property deeds. They are concerned that the current tiles will not be able to handle to additional water runoff. He asked who would be required to keep this up or put in a bigger ditch because of the Seely Estates development. They have a private pond for pumping water. He did not want to pump out polluted water onto his vegetables.
- He asked if a fence could be place between his property and Seely Estates because they raise vegetables for sale.

Jason Tuck said the water quality facility is designed to take care of any pollution. The runoff will be picked up by the street and dumped into the water quality facility. The facility is designed to USA Standards. Mr. Conzelman said the facility did not look large enough for this purpose. Mr. Bechtold pointed out that USA does not have any water quality monitoring system for their ponds in place at this time.

Susan Claus asked if they had a copy of the ditch agreement. Mr. Conzelman said this maintenance information should be on the deeds of both Parcel 1 and Parcel 2.

George Bechtold said water quality is a concern because USA sets the standards, but there are no standards for monitoring. This is happening all around the Tualatin River National Wildlife Refuge, in both residential and industrial properties. At the City level, anything to address these concerns is needed.

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

Jerry Palmer, Alpha Engineering, 9600 SW Oak Street, Suite 230, Portland, Oregon 97223, addressed the Commission. Mr. Palmer stated with their title search, they did not see any trace of the deed restriction in reference to maintaining the ditch. However, this does not mean it does not exist and they will research this further. The Fosters will be maintaining ownership of Parcel 1 at this time. The water quality pond is designed to USA standards and is approved for use by DEQ. The purpose of the pond is for pre-treatment of the runoff from the streets, which includes oil. One of the concerns they have on the project is that if they do provide the water quality treatment before it leaves the development site that the pond is designed to the USA standards. It is a pond and not a bio-swale. They did not design the pond as proposed for water quantity. They have the Foster's permission to look at some options for the pond which is a part of the purchase agreement.

The applicant would be agreeable to place a fence on the west side property line to keep people from going into or possibly removing any of the Conzelman's vegetables.

Mr. Bechtold asked if the property owners could be assured of the water quality that would be coming down other than USA standards. Mr. Palmer said they are just starting to get scientific data to be applied for water quality standards being met to the "best management practices." They will be following these standards. There is water quality monitoring being done by USA, but they are behind.

**Vice-Chairman Corrado closed the public hearing on SUB 96-7/MLP 96-8 Seely Estates for discussion by the Commission.**

The Commission discussed the maintenance of the water quality pond. Ms. Engels said the conditions do require maintenance of the water quality ponds. However, Mr. Palmer did bring up the question of water quantity as well as the quality of the water. The applicant may need to take this into consideration. Mr. Bechtold asked if US Fish & Wildlife representatives had any input regarding this application with reference to the water going into the Refuge. Perhaps they could be included in this process. Vice-Chair Corrado said maybe they would have the scientific information to advise and perhaps alleviate some of the concerns of the adjacent property owners which were brought up tonight.

Jason Tuck said Staff met with representatives of the USF&W about three weeks ago and this project was discussed. They did not have any concerns, but were not specifically made aware there was farmer drawing water for irrigating purposes.

Susan Claus suggested continuing this application to obtain any documentation available from the USF&W regarding this issue. If Parcel 1 is being encumbered by something like a ditch being maintained by property owners or someone getting their livelihood from farming and now turning it into a suburban activity, there should be some type of an allowance to assure the water quality will not be less than it is now with the development of the property. The City does not have any historical information regarding water quality or quantity monitoring.

**At the request of the Commission, Vice-Chair Corrado re-opened the public hearing on SUB 96-7/MLP 96-8 Seely Estates.**

Peter Kusyk, Beacon Homes, 9500 SW 125<sup>th</sup> Avenue, Beaverton, Oregon 97005, addressed the Commission. Mr. Kusyk said he thought these questions were already answered in Condition 2B where each lot within the development shall be provided with access to public storm sewer. If they are going to have a problem with water quantity, the applicant will have to mitigate some lots. With the purchase of the property, the Fosters recognized at the time they were bringing the purchase together that they did not have the water quality or quantity permission to do some form of easement or whatever would be required in combination with the two properties to speak to this issue. The quality of the water is being taken care of by USA filtration system in the pond. If there is an issue with quantity, they would put a condition in 2B and there should not be any quantity coming down the roadway.

Jason Tuck said the stormwater analysis would be done at the engineering stage of the application.

**Vice-Chair Corrado closed the public hearing on SUB 96-7/MLP 96-8 Seely Estates for discussion by the Commission.**

The Commission agreed after hearing the public testimony that there were concerns regarding the water quality and water quantity. They directed Staff to do the following:

- Bring the USF&W into this discussion for further information regarding the water quality, water quantity and the flow questions.
- Prepare language which would assure the property owners they will be able to continue with their livelihood.
- Provide a copy of the deed restrictions.

**George Bechtold moved the Planning Commission continue SUB 96-7/MLP 96-8 Seely Estates to the March 4, 1997 Commission Meeting. The public hearing will remain open. Seconded by Susan Claus.**

**Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain**

**5F. PA 97-4 Plan Text Amendment - Section 2.305.05 Decks**

Vice-Chair Corrado recommended, since it was 11:30 PM, that this Agenda Item be continued.

**Susan Claus moved the Planning Commission continue PA 97-4 Plan Text Amendment, Section 2.305.05 Decks to the March 4, 1997 Commission Meeting. Seconded by George Bechtold.**

**Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain**

**6. Other Business**

Sue Engels provide information regarding the Planning Commissioner's Training Seminar scheduled for March 29, 1997. It is being presented by the American Planning Association, Oregon Chapter. Funds are budgeted for any of the Commissioner's interested in attending this seminar. She will advise the Commissioners who the speakers will be.

There was no other business presented to the Commission.

There being no further business to discuss, the meeting was adjourned at 11:40 PM.

Respectfully submitted,

Planning Department