



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

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes of March 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. MLP 96-8/SUB 96-7 Seely Estates:** (continued from March 4, 1997, public hearing record open) a request by Beacon Homes for a two-lot minor land partition 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.
 - B. SP 96-13 Revised Sherwood Mini-Storage:** a request by NSP Development to modify approved site plan by changing exterior materials for outside of buildings to be located off of Tualatin-Sherwood Road, Tax Lots 900-901, Map 2S 1 29B.
 - C. SUB 96-10 Dorothy Meadows Preliminary Plat:** a request by CES, Inc. for preliminary plat approval of a 9-lot single family subdivision located at 17223 SW Edy Road, Tax Lot 700, Map 2S 1 30AC.
 - D. PA 97-5 Wiltbank Annexation: (Withdrawn)** This plan map amendment has been withdrawn by the City because the Code does not require a public hearing.
- 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
March 18, 1997

1. Call to Order/Roll Call

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

Commission Members present:

Allen Baker
George Bechtold
Susan Claus (7:20 PM)
Rick Hohnbaum
Angela Weeks
Bill Whitman

Staff:

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

Commission Members absent:

Chris Corrado

2. Minutes of March 4, 1997 Commission Meeting

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of March 4, 1997. There were no comments.

Rick Hohnbaum moved the Planning Commission accept the March 4, 1997, Planning Commission meeting minutes as presented. Seconded by George Bechtold.

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

3. Community Comments

Chairman Whiteman called for comments from the audience regarding any items not on the printed agenda.

Conrad Claus, 125 NW First Street, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus distributed a copy of the Frankland v. City of Lake Oswego case to the Commissioners. He briefly described the case and its relation to Planned Unit Developments (PUDs). He specifically noted:

- He discussed this case at the March 11, 1997 City Council meeting with regard to the public hearing for PUD 93-3 Woodhaven proposed changes.
- The case is important because it talks about the reasoning behind PUDs, good policy for a PUD, and certain legal requirements for a PUD.
- The case involved an apartment complex in the Mountain Park area. Changes were made to the apartments from the original plans which resulted in the litigation.
- The Court found that you cannot make changes to a PUD unless the changes are in accordance with the established process. The owner of the PUD is bound by the original representations.
- In the case of Woodhaven, the YMCA is a fairly large change.

- He thought the Commission may find this case helpful.

Chairman Whiteman asked Mr. Claus how this would apply to the Commission because City Council sets policy, not the Commission. Mr. Claus said the Commission does not set policy, but the Commission does interpret what is good policy. Unless the Commission is given a very detailed set of instructions, they have some leeway in the decision-making process. Chairman Whiteman thanked Mr. Claus for the information.

Chairman Whiteman introduced Scott Franklin. Mr. Franklin was appointed by the Mayor to fill Rick Hohnbaum's position which expires in 1997. Mr. Franklin will take his seat at the April 1, 1997 Commission meeting.

There were no further comments.

4. Consent Agenda

There were no land use applications scheduled.

5. Public Hearings

Chairman Whiteman read the hearings disclosure statement and requested that Commission members reveal any conflict of interest, ex-parte contact or bias regarding any issues on the agenda.

There were no Commissioner disclosures.

5A. MLP 96-8/SUB 96-7 Seely Estates (continued from March 4, 1997)

Chairman Whiteman called for the Staff Report. Greg Turner reported that in response to questions which arose at the March 4, 1997 Commission meeting, Staff met with the applicant and representatives from the US Fish & Wildlife Service (USFWS). He entered two letters into the record:

- March 13, 1997 letter from Beacon Homes regarding the meeting.
- March 18, 1997 letter from US Fish & Wildlife Service regarding the application.

The parties agreed that the applicant would set aside three of the lots located closest to the wetlands area. No building would occur in this area. As a result, Staff proposes changing Condition C to read, "The developer shall set aside Lots 6, 7 and the lot which currently contains the water quality facility, to be used for water quality and as a trailhead buffer for the Tualatin River National Wildlife Refuge, subject to the approval of the City, USA and the USFWS." This agreement involves the USFWS contacting USA to facilitate the drainage going to the refuge area and how this would be handled. More discussions between the applicant and USA would be required.

Mr. Turner reviewed the March 18, 1997 letter from the USFWS. The USFWS has a more stringent requirement in defining wetlands. They did come to an agreement at the meeting that this area, whether it was uplands or wetlands, needs to be preserved. The letter discussed what is on the particular lots, the detention pond and other ways to mitigate the water drainage. The USFWS concurred with the Staff recommendations being made tonight.

In response to Mr. Bechtold's question, Mr. Turner advised there are 32-lots if you count the water quality facility lot. The applicant will present testimony regarding an application for a variance.

Mr. Hohnbaum asked if the applicant would be receiving parks systems development credits for these lots. Mr. Turner said the applicant would not receive credits for these lots.

Chairman Whiteman opened the public hearing on SUB 96-7/MLP 96-8 Seely Estates and asked if the applicant wished to provide further testimony.

Peter Kusyk, Beacon Homes, 9500 SW 125th Avenue, Beaverton, Oregon 97005, addressed the Commission. Mr. Kusyk noted:

- The applicant met with the USFWS and the Conzelmans to assure that there was agreement on two points - the easement that was previously discussed and how to deal with the wetlands and refuge area.
- After meeting with USFWS representatives and Staff, it was resolved that they were not really talking about "wetlands", but they were talking about "sensitive areas". There was consensus that the wetland area was mapped correctly. The original application proposed 31-lots and a water retention lot. The applicant agreed to set aside Lot 6, Lot 7, and the water retention lot for use as a trailhead buffer. Because of the configuration Lots 6 and 7, the required water quality facility will be closer to the street.
- In return, the applicant will apply for a variance on the eight (8) lots which abut Scholls-Sherwood Road. There is enough depth in the subdivision that by shortening the width of these lots, they would be able to get a ninth lot which would still meet the square footage requirements, but would not have the frontage. This would be the trade-off for giving all the area needed by the USFWS to establish a trailhead and have a buffer so that they do not end up with a lot line in a protection area. This was the compromise agreed to by all parties.
- The net effect is that the applicant would lose one lot, but the benefit to everyone is that they are going to have a well-protected, well-established buffer area, the water quality feature will be in an undisturbed area and it would be a win-win situation for everyone.
- The Conzelmans are in attendance to provide testimony, if needed. After walking the property with them, the applicant believes they have met their concerns.

Mr. Turner clarified that the applicant would be applying for a variance to the width of the lots along Scholls-Sherwood Road.

In response to Allen Baker's question, Mr. Kusyk said they would be willing to place a fence along the property line of the Conzelman's and this subdivision.

Chairman Whiteman asked if there was anyone else to wished to testify. There was no further proponent testimony and no opponent testimony. The rebuttal portion of the hearing was dispensed with and Chairman Whiteman closed the public hearing on SUB 96-7/MLP 96-8 Seely Estates, for discussion by the Commission.

The Commission concurred with Condition 2C as read into the record by Mr. Turner.

The Commission agreed to add Condition #12 which would require the applicant to place a fence on the east property line of the site adjoining the Conzelman property.

Rick Hohnbaum moved the Planning Commission approve MLP 96-8/SUB 96-7 Seely Estates based on the Staff Report, findings of fact, public testimony, and conditions as revised. Seconded by Allen Baker.

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

MLP 96-8/SUB 96-7 Seely Estates was approved with the following conditions:

1. The final development plans shall be in substantial compliance with the submitted plans dated stamped January 24, 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, Pride, 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. Each lot within the development must be provided with a means of disposal for sanitary sewer. The means of disposal shall be in accordance with the Resolution and Order 96-44 (Unified Sewerage Agency's Construction Design Handbook, July 1996 edition). Verify that public sanitary sewer is available to up-hill adjacent properties, or extend service as required by R&O 96-44.
- B. Each lot within the development shall be provided with access to public storm sewer. Verify that public storm sewer is available to up-hill adjacent properties, or extent storm sewer service as required by R&O 96-44. Hydraulic and hydrological analysis of storm conveyance system is necessary. If downstream storm conveyance does not have the capacity to convey the volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow.
- C. The developer shall set aside Lots 6, 7 and the lot currently designated as Tract A water quality pond to be used for water quality and as a trailhead buffer for the Tualatin River National Wildlife Refuge, subject to the approval of the City, USA and the US Fish & Wildlife Service.
- D. As part of the Minor Land Partition, Parcel 1 appears to contain floodplain and a "sensitive area", in which case, the sensitive area and its buffer should be placed in a separate tract. Research the feasibility in developing a constructed wetlands in Parcel 1 to handle the water quality requirements for both Parcels 1 and 2.

Developer must preserve a 25 foot corridor as described in R&O 96-44 separating the sensitive area from the impact of the development.

- E. Fire hydrants for single family dwellings and duplexes shall be placed at each intersection. Intermediate fire hydrants are required if any portion of a structure exceeds 500 feet from a hydrant as measured in an approved manner around the outside of the structure and along approved fire apparatus access roadways. Placement of additional fire hydrants shall be approved by the Chief. (UFC Sec. 903.4.2.2).
 - F. The proposed water lines shall be a minimum of 8-inches in diameter.
 - G. Indicate location of existing water line to Tax Lot 2100.
 - H. Applicant shall participate in a second connection to the City of Sherwood water system across Highway 99W. The amount of participation has not been identified at this time. The City's consultants are currently in the preliminary design phase of the project.
 - I. Comply with Washington County Department of Land Use and Transportation comments, letter dated December 2, 1996 (copy attached).
3. Conform to the following minimum dimensional standards for single family parcels.
- a. Front yards: 20 feet
 - b. Side yards: 5 feet
Corner lot (street side): 15 feet
 - c. Rear yards: 20 feet
 - d. Accessory structure: 5 feet
 - e. Height: 2 stories or 30 feet
 - f. Minimum Lot Size: 5,000 square feet
4. Each lot shall be provided with a minimum of two (2) street trees (three (3) street trees for corner lots) in the planter strip in accordance with City specifications. The trees shall be two (2) inches in diameter at Breast Height (DBH 4.5 ft above mean ground level) and at least six (6) feet in height. Trees are to be uniformly planted 25 feet apart and 3 to 5 feet from sidewalks and driveways. Tree species to be in accordance with City approved street trees. Street trees shall be planted prior to occupancy unless otherwise approved by the City.
5. Street names to be in accordance with City standards and approved by Washington County.
6. The street profile for the local streets in the subdivision shall include a 50-foot right-of-way, 26-foot paved width curb to curb, 5-foot planter strip adjacent to the curb and a 5-foot sidewalk adjacent to the property line. The street profile for Seely Lane shall include 42-foot right-of-way, 28-foot paved width curb to curb, a 5-foot planter strip adjacent to

the curb and a 5-foot sidewalk adjacent to the property line on the east side of Seely. The west side of Seely shall be improved with a curb.

7. Submit 15 copies of the Subdivision Final Plat for the Planning Commission Consent Agenda approval prior to recordation with Washington County.
8. Supply the city with three (3) copies of the Preliminary Partition Plat prior to recordation with Washington County, for City Staff review.
9. Record the Partition Plat with Washington County and supply the City with three (3) copies of the recorded plat.
10. Establish Seely Estates CC&R's and a homeowner's association to guarantee maintenance of common areas including, but not limited to, the landscape corridor on Scholls-Sherwood Road, the front yard planter strips adjoining the internal streets and the landscaping. A subsequent agreement, approved by City Council, will require the homeowner's association to maintain common areas as noted herein. Said agreement shall also provide a mechanism for the collection of money from property owners for maintenance of the common areas by the City in the event the homeowner's association fails to comply with this condition.
11. Provide a landscape corridor plan adjoining Scholls-Sherwood Road for City Staff and County Staff approval. Solid fences are prohibited in or adjacent to the corridor. Maintenance of the corridor is the responsibility of the homeowner's association.
12. Prior to building permit issuance, the applicant shall install a fence along the Conzelman property (east property line), as agreed to by all parties.

This approval is valid for one (1) year.

5B. SP 96-13 Revised Sherwood Mini-Storage

Chairman Whiteman called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated March 18, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The application is a revision to an approved site plan for the Sherwood Mini-Storage, City File SP 96-13. The applicant is NSP Development, Inc.
- The request is to change the siding of the structures from split face concrete block to metal siding.
- The Zoning Code does not contain design review criteria relative to the appearance of structures. However, one of the objectives of the site plan review process is to minimize the adverse visual effects caused by the design of a new development.
- The proposed change to metal siding would tend to give the building a more temporal appearance.

In conclusion, Staff recommends denial of SP 96-13 Revised Sherwood Mini-Storage and reaffirms the Planning Commission's previous approval and findings as contained in the original Staff Report.

Mr. Tuck showed the Commission the previously approved elevations of the mini-storage buildings as well as the proposed modified elevations. In response to Mr. Hohnbaum's question, Mr. Tuck pointed out which the portion of the buildings would be seen from Tualatin-Sherwood Road. The landscaping would remain as previously approved. The end of the buildings would be seen from Tualatin-Sherwood Road if you were heading west. One of the ends would be obstructed by the office.

Chairman Whiteman opened the public hearing on SP 96-13 Revised Sherwood Mini-Storage and asked the applicant if they wished to provide testimony.

Alan Kravitz, AIA, NSP Development, Inc, 4380 SW Macadam Avenue, Suite 370, Portland, Oregon 97201, addressed the Commission. Mr. Kravitz explained in more detail why they were requesting the change.

- It is basically through their naiveté of never doing a mini-storage before that they are coming back before the Commission.
- They found that certain materials have a better function in some places. In other places, the metal siding is purely to save some money.
- He showed additional drawings of the site and mini-storage buildings. He identified the areas where metal siding would be used instead of concrete block.
- They did not make any changes to the office and it will remain concrete block.
- The inside face of the mini-storage buildings would be metal siding. They learned from other operators that people tend to run into the concrete block. It is very hard to patch the concrete block. Using a metal panel in this area would allow them to take off any damaged panel and replace it. Most of the metal siding would be on the internal side of the mini-storage.
- The proposed use of metal siding on the back of the mini-storage at the lower levels would be covered by the landscaping hedge. The top of the back side of the mini-storage was always planned to be metal siding.
- There are a few ends of the buildings inside of the project which will be metal. They believe this would be an upgrade to have a painted, metal surface. The metal is just as sturdy and has a much more resilient finish. The metal would be more maintenance free.
- The landscaping will also block most of the driveway area from street view.
- They have chosen a warm gray color for the metal siding. The facias and tops will be white metal, and the doors are a cobalt blue color. They tried to choose colors which would be visually compatible.
- In response to Mr. Whiteman's question, he said they would be willing to use split concrete block on the one end of the mini-storage facing Tualatin-Sherwood Road.

Chairman Whiteman asked if there was anyone else who wished to speak in favor of the application. There was no further proponent testimony. Chairman Whiteman asked if there was anyone who wished to speak in opposition to the application. There was no opposition testimony and Chairman Whiteman dispensed with the rebuttal portion of the

hearing and closed the public hearing on SP 96-13 Revised Sherwood Mini-Storage for discussion by the Commission.

Mr. Hohnbaum said he has more than a fair amount of experience in driving through establishments such as the proposed mini-storage. He agreed with the estimation of the applicant that concrete block does get hit, crumbles and is hard to repair. He agreed with the compromise to do the one end wall of the mini-storage in concrete block, the same as the office and then going to metal siding, as requested by the applicant, for the other outside areas of the buildings.

Mr. Tuck said the interpretation of the fence code is that landscaping would be considered a hedge which would allow a height not to exceed 6 feet. The elevation of the roof line is 8 feet.

Susan Claus said she did not have a problem with metal siding if the split face block was put on the southeast side end of the buildings and if they planted more mature arborvitae. She recommended the applicant be given a 2 foot variance on the fence code. Mr. Turner explained a variance would require additional public hearings.

After further discussion, the Commission concurred that the applicant be given an administrative variance which would allow the hedge to be not more than 7.5 feet high. They developed conditions for approval of this application.

Susan Claus moved the Planning Commission approve SP 96-13 Revised Sherwood Mini-Storage based on the findings of fact, public testimony, Commission review, same criteria as approved with the original application, and conditions prepared by the Commission. Seconded by Rick Hohnbaum.

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

SP 96-13 Revised Sherwood Mini-Storage was approved subject to the following conditions:

1. The applicant shall plant mature arborvitae closer together and apply for an administrative variance of the fence code to allow a hedge height not to exceed 7.5 feet.
2. The storage buildings shall have metal siding as outlined in the amended site plan with the exception of the southeast corner facing Tualatin-Sherwood Road which shall be concrete block.

5C. SUB 96-10 Dorothy Meadows Preliminary Plat

Chairman Whiteman called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated March 18, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The site is located north of SW Edy Road and west of SW Houston Drive at 17223 SW Edy Road, Tax Map 2S 1 30AC, Tax Lot 700.
- The applicant is requesting preliminary plat approval for a 9-lot single-family subdivision. The site is zoned Medium Density Residential Low (MDRL). The minimum lot size allowed for single-family dwelling units is 5,000 sf. The required setbacks for each lot is contained in

the conditions of approval. The setbacks for the flag lot labeled as Lot 4 are defined in the conditions of approval.

- There are approximately 47 trees on the site and the applicant has submitted detailed tree inventory.
- The applicant is proposing to improve the local street to a 42-foot right-of-way. The current City standards for a local street is a 50-foot right-of-way with a 26-foot wide street with a 5-foot planter strip and 5-foot sidewalk. The applicant shall comply with the current street standards which have been included in the conditions of approval.
- There are no private streets proposed with this application.
- Adequate water, sanitary sewer and other public facilities exist to support the use of the land proposed in the plat.

In conclusion, based on the findings of fact and agency comments, Staff recommends approval of SUB 96-10 Dorothy Meadows with the revised conditions. Greg Turner reviewed the recommended changes to Condition 2B, and Condition 2F. In response to the Commission's questions, Mr. Turner discussed the street "eyebrow" and what it would look like. There was a concern from a neighbor regarding the street running straight towards their house and this was an attempt by the applicant to show how this street could still maintain the required setback and go around the existing house. Engineering Staff recommended removing the excess pavement of the "eyebrow" and this proposal would still meet fire department standards. Mr. Turner said that the applicant will be requesting a number of changes to the proposed conditions.

Chairman Whiteman opened the public hearing on SUB 96-10 Dorothy Meadows and asked if the applicant wished to provide testimony.

Carl Jensen, Consulting Engineering Services, Inc., 15256 SW Greenbrier Parkway, Beaverton, Oregon 97006, addressed the Commission. Mr. Jensen said he would go through the Staff Report and present a history of the project. He noted:

- The applicant has a few concerns with some of the conditions contained in the Staff Report.
- Initially they discussed with Staff doing a simple cul-de-sac or stub street with a hammerhead on the end to maximize use of the property. Through the discussions, Staff recommended that to be in compliance the applicant would need to show the stub to the west and provide access. The neighboring property has an existing house which could be jeopardized by this stub street. Subsequently, Staff asked the applicant to modify the street to move it up with a bend in the road.
- In dealing with this issue, it is not the applicant's preference to provide the access to the west to be in compliance with the Code. Other jurisdictions have considered providing pedestrian access in these types of cases rather than vehicle access. Staff is requiring the applicant to provide vehicle access to the west.
- Staff has required tree mitigation on an inch-per-inch caliper basis. The applicant pointed out that the way the Code is written it states that the trees within the public right-of-way are not to be included in this mitigation. A number of trees will be impacted by the development of the lots and street configuration. The applicant would like the Commission's consideration of this fact.
- The City has adopted a new street standards. The applicant was told they could request 22 ft of pavement with a 42-foot right-of-way. In the meantime the adopted standard was created.

If you add the 26 feet with the 10 feet on each side of the road, you basically get 46 feet. They have asked Staff why they have to give an additional 4 feet. The response was Staff wanted to create a 2 foot strip behind the sidewalk. The applicant would like to have the 2 feet incorporated into the lot to make the lots bigger and more valuable.

- With regard to Condition 2E, the applicant shall participate in a second connection to the City water system across Highway 99W, is a contradiction to the statement contained in the Staff Report under the findings. In most other jurisdictions, if you have adequate water and services, there is no need to basically participate in another off-site requirement. If the subdivision is adequately served, the applicant should not be tagged for a pro-rata share as a part of the conditions of approval. He should participate like everyone else in the City with the upgrade to the system. This is an unfair burden being placed upon the applicant and they would like to see Condition 2E removed.
- With regard to Condition 2F, there is a statement that gives the applicant the option of how they provide access to the adjacent property. You don't have to provide vehicular access, it can be pedestrian or you can say don't provide any connection at all. This is at the discretion of Staff. Staff is asking the applicant to comply with their interpretation of the Code in order to be considered in compliance with the Code. The applicant does not wish to provide either one of these connections to the west. There are property owners in attendance tonight who will voice their objections to this connection. He said the applicant held a meeting with the neighbors last week to review the proposed project.
- With regard to the tree mitigation and the way the Code is written, it will cost approximately \$20,000 to pay the parks fee to mitigate the site. The Code states the City "may" require this, it is not mandated. The Commission may consider waiving this requirement. The applicant is requesting some consideration to this condition. It is not appropriate to place such a burden on the developer in this case because it is such a small development.
- The public utility easements (PUE) do have trees which would need to be removed. These should be considered as being a part of the right-of-way and be exempt from the tree mitigation.
- With regard to meeting other agency requirements, each one of these agencies have conditions and requirements that are in conflict with City standards. Some are more and some are less restrictive. It is his contention that he does not like the way Condition #2 is worded with regard to complying with other agency standards. The City has had many changes with planning and engineering staff. Where there is a conflict, it should be to City standards, but he did not want to have a planner or engineer saying these are our standards today and then a new city engineer or planner saying something different in order to be in compliance. He asked that the reference to the other agencies in this condition be removed and state, "Comply with City standards."
- With regard to Condition 2H, removing the "eyebrow" and replace with an elbow section, the applicant was referred to the City Engineer. The City Engineer said he wanted to minimize the amount of asphalt required to satisfy this condition. He distributed copies of Plan A and Plan B. Plan A showed the street as required by the City Engineer. This plan has not yet been reviewed by the City Engineer.
- With regard to Condition #8, the flag lot, if one is chosen as the rear property line, then the other should be a side yard. They would like to wording changed so if one or the other is considered the rear yard, then the opposite one be considered the side yard and not have the 20 foot setback imposed on that portion of the lot.

- The applicant would like to recommend removing Condition #9. The City Engineer has indicated that Edy Road may become a City road at a future date. The County standards for minimum spacing is a 100 foot separation from closest curb to closest curb. The applicant is providing approximately 200 feet to the east and to the west.

Mr. Jensen said he would answer any questions. Chairman Whiteman asked Mr. Jensen if he had any type of written summation. The Commission agreed to take a break so that Mr. Jensen could prepare a brief written summation regarding the Staff Report and conditions of approval.

Chairman Whiteman adjourned the meeting for a 10-minute break at 8:45 PM and reconvened the Commission meeting at 8:55 PM.

Chairman Whiteman asked if there was any further proponent testimony. There was no further proponent testimony.

Chairman Whiteman read a letter into the record from Richard and Lori Rome, 17295 SW Edy Road, Sherwood, Oregon 97140, dated March 18, 1997 regarding SUB 96-10 Dorothy Meadows. They never received any written notice of the hearing and were not aware of the development until March 12, 1997. They are opposed to the location of the road access as proposed by the developer for several reasons. They attached an alternate plat map that would set the road access back farther from Edy Road to diversify the traffic pattern. The Romes own the property to the west of the development. This letter was made a part of the record.

Chairman Whiteman asked if there was anyone else who wished to testify, either proponent or opponent.

William Ray, 17135 SW Houston Court, Sherwood, Oregon 97140, addressed the Commission. Mr. Ray said he lives in a cul-de-sac in Houston Park and his property adjoins Lot 2 of the proposed subdivision. He would like to see as many trees saved as possible. They bought their property because of the privacy and view they had in their back yard with the trees. If the street could be made into a cul-de-sac to save more trees, he would be supportive of this plan. He has talked to the developers about some type of privacy fence being put up to maintain some type of privacy in their back yard. Most of the mature trees are on the proposed development and at this time only a wire fence is between the property lines.

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

Lori Rome, 17295 SW Edy Road, Sherwood, Oregon 97140, addressed the Commission. Ms. Rome said they just bought their house and the property behind. She identified the location of their back yard and how the proposed street would affect their property and back yard. They would really prefer it if the road were out of their back yard.

Chairman Whiteman asked if there was anyone else who wished to provide testimony. There was no further testimony and Chairman Whiteman closed the public hearing on SUB 96-10 Dorothy Meadows for discussion by the Commission.

Chairman Whiteman reviewed for the Commission each of the applicant's requests regarding the Staff Report and proposed conditions of approval.

George Bechtold asked if the developer was going to be the builder. Mr. DeHarpport said they did not know yet.

Sue Engels discussed the 50-foot right-of-way street standard. You also have to allow for the curbs on each side. The 46-foot right-of-way would not be adequate. The City Engineer has recommended not going back to less than the 50-foot right-of-way. This would allow the City flexibility in accessing improvements.

Ms. Engels said there has been a great deal of discussion before the Commission and City Council regarding the City Tree Ordinance and its enforcement. The applicant is asking for an arrangement which would not be offered to another developer. Developers of large or small lots do not have to replace trees which are within the right-of-way. As Staff reviewed the road and development patterns for this area, if they could go back, this piece would have come in at the same time as Houston Court. However, this was not the case and this piece of property is not easy to develop. Staff would not recommend any deviation from the current tree ordinance.

Ms. Engels discussed Condition #2 regarding complying with outside agencies. This is a standard condition which is imposed on every development application. Staff would not recommend removing these agencies from this condition.

Ms. Engels discussed the applicant's participating in a second connection to the City of Sherwood water system across Highway 99W. The findings state the water system is fairly adequate. The problem on this side of Highway 99W is there is no looping of the water system yet and there needs to be looping. Staff is suggesting it would be the burden of future developments to loop the water system. The water pressure is adequate, but without the system being looped, any interruption in the line would stop the water. The City's master plan indicates that the system should be looped. The question is whether each subdivision should be required to participate in the looping. This is the reason for Condition #2E.

Chairman Whiteman asked if this was one of the reasons the City charges systems development charges. Mr. Hohnbaum reviewed the history and principle of SDCs. The developer would be paying SDC's because the total system needs more volume to deal with this development. It would also depend on whether the looping is a part of the master water plan. Ms. Engels said to completely answer the question would require looking at the calculations for the SDC charges. SDC charges are being collected for water system improvements. The City will try to get an estimate of these improvements for the developer. Staff recommends it is appropriate for the developer to participate in some of the cost of the looping.

Ms. Engels said Staff would not recommend changing Condition #6 and would support the City Engineer's requirements.

Ms. Engels discussed flag lots and how the setbacks are determined. Staff would not recommend changing Condition #8. Mr. Turner identified the setbacks for Lot 4 on the map. The City tries to discourage flag lots whenever possible.

Ms. Engels discussed access to Edy Road and Condition #9. This condition will allow the City to deal with future development. Stubbing the street to the adjacent property does not necessarily mean that the adjacent property would develop. The purpose of the condition is to provide planning for future connectivity. The plan provided by the Romes would not allow the most efficient use of the property. Staff would not recommend removing this condition.

Mr. Hohnbaum asked if the applicant has a deeded access to Edy Road. Mr. Jensen said no, but the site does have access to Edy Road with the present driveway. Susan Claus said the Planning Commission is not adverse to infill planning, but the westerly access is appropriate. This is a good opportunity to provide a connection to future parcels. She supported moving the westerly access so that it would at least provide a 20 foot setback to the existing house. Chairman Whiteman said the Romes should be aware that setbacks would have to be met if the property was ever developed and the road continued through.

Mr. Jensen said the cost of the privacy fence on the northern boundary could be split between the property owners and developer. This should be left to the property owners to decide.

Mr. Hohnbaum asked for clarification regarding the tree inventory provided in the packets. He understood the Code defined a significant natural area as 50 trees, which are 5 inches or greater within 20,000 sf. Ms. Engels said Staff would re-examine the tree inventory.

Chairman Whiteman asked that the City Engineer review Plan A and Plan B as provided by the applicant. Mr. Jensen said both plans meet fire department standards for turning radius.

Chairman Whiteman asked Staff to notify the Romes of the appeal process and if possible, try to clarify the road connection.

Chairman Whiteman moved the Planning Commission approve SUB 96-10 Dorothy Meadows based on staff recommendations, findings of fact, public testimony and conditions as revised by Staff. Seconded by Susan Claus.

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

SUB 96-10 Dorothy Meadows was approved subject to the following conditions:

The following conditions were placed on approval of the application:

1. The final development plans shall be in substantial compliance with the plans stamped February 18, 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, Pride, 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, tree mitigation, and signage.

In particular:

- A. Each lot within the development must be provided with a means of disposal for sanitary sewer. The means of disposal shall be in accordance with the Resolution and Order 96-44 (Unified Sewerage Agency's Construction Design Handbook, July 1996 edition). Verify that public sanitary sewer is available to up-hill adjacent properties, or extend service as required by R&O 96-44.
- B. Each lot within the development shall be shown to drain to the street or provide a connection to public storm sewer. Verify that public storm sewer is available to up-hill adjacent properties, or extent storm sewer service as required by R&O 96-44. Hydraulic and hydrological analysis of storm conveyance system is necessary. If downstream storm conveyance does not have the capacity to convey the volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow in the zone influence as defined by USA standards.
- C. Fire hydrants for single family dwellings and duplexes shall be placed at each intersection. Intermediate fire hydrants are required if any portion of a structure exceeds 500 feet from a hydrant as measured in an approved manner around the outside of the structure and along approved fire apparatus access roadways. Placement of additional fire hydrants shall be approved by the Chief. (UFC Sec. 903.4.2.2)
- D. The proposed water lines shall be a minimum of 8 inches in diameter.
- E. Applicant shall participate in a second connection to the City of Sherwood water system across Highway 99W. The amount of participation has not been identified at this time. The City's consultants are currently in the preliminary design phase of the project.
- F. Comply with Washington County Department of Land Use and Transportation comments letter dated December 23, 1996, with the exception of Item I.C.3, which shall be modified to read, "The final plat shall contain a restriction which states that no direct vehicular access shall be permitted to SW Edy Road, except at approved access points."
- G. The City will support a fee in lieu of the water quality facility, however, as an interim measure, Dorothy Meadows will be required to incorporate sumped catch basins and sedimentation manholes into the final design to remove as much phosphorus from the runoff from 100 percent of the newly constructed impervious surfaces as possible.
- H. Remove the eyebrow portion of the proposed local street and replace with an elbow section. Adjust the property lines, where necessary, to maintain a 25 foot minimum street frontage.

3. Conform to the following minimum dimensional standards for single family parcels.
 - a. Front yards: 20 feet
 - b. Side yards: 5 feet
Corner lot (street side): 15 feet
 - c. Rear yards: 20 feet
 - d. Accessory structure: 5 feet
 - e. Height: 2 stories or 30 feet
 - f. Minimum Lot Size: 5,000 square feet
4. Provide a street planting plan to the City for approval. Each lot shall be provided with a minimum of two (2) street trees (three (3) street trees for corner lots) in the planter strip in accordance with City specifications. The trees shall be two (2) inches in diameter at Breast Height (DBH 4.5 ft above mean ground level) and at least six (6) feet in height. Trees are to be uniformly planted 25 feet apart and 3 to 5 feet from sidewalks and driveways. Tree species to be in accordance with City approved street trees. Street trees shall be planted by the developer prior to occupancy of 75% or more of the houses. The street trees shall be planted in substantial conformance with the plan and unless other circumstances prevail which may alter the plan slightly.
5. Street names to be in accordance with City standards and approved by Washington County.
6. The street profile for the local streets in the subdivision shall include a 50-foot right-of-way, 26-foot paved width curb to curb, 5-foot planter strip adjacent to the curb and a 5-foot sidewalk adjacent to the property line.
7. Submit 15 copies of the Subdivision Final Plat for the Planning Commission Consent Agenda approval prior to recordation with Washington County.
8. Lot #4 (flag lot) shall comply with the building envelope as indicated on the preliminary plat. Specifically, maintain a setback of 20 feet from the north and east property lines.
9. At this juncture, the City does not know if the proposed access to Edy Road from Dorothy Meadows is going to be a permanent access. The proposed street may be closed in the future due to access spacing conflicts along Edy Road. This information shall be conveyed to the potential owners of lots in this subdivision by the land developer.
10. Staff shall confirm the arborist report concerning the tree count and size.

This approval is valid for one (1) year.

5D. PA 97-5 Wiltbank Annexation

This plan map amendment was withdrawn by the City because the Code does not require a public hearing for this type of annexation.

6. Other Business

Chairman Whiteman thanked Rick Hohnbaum for his service as a Commissioner and wished him well.

Chairman Whiteman said he has spent some time trying to learn about SDC's and how they were applied to Woodhaven. Because the Commission is not the policy-making body, other than making recommendation to the Council, their hands are somewhat tied in making these types of policy decisions. He suggested if the Commissioners had any questions, they should take the time to go to City Hall and ask questions of Staff.

Susan Claus said she did not believe the Planning Commission ever contemplated the City would be picking up over \$250,000 for roads for the entrance to Woodhaven. It is important that the Commission is educated on the types of improvements and what credits developers are eligible to receive. Chairman Whiteman said he agreed that the Commissioners needed to be aware of SDC credits, in particular when the Commission is reviewing PUD applications.

Chairman Whiteman suggested a joint meeting of the Commission, Parks Board and Council would be appropriate to discuss some of these issues. Angela Weeks said this could be held in the workshop session prior to a Council meeting.

Sue Engels reported that Metro passed a Functional Plan on February 18, 1997. This plan implements certain regulations that Metro will be imposing on cities and counties. During the 18 months required to package this plan, Metro will require cities and counties to amend their comprehensive plans and codes to be in compliance with this Functional Plan. Staff will be sending any proposed Code changes to Metro as well as the Department of Land Conservation & Development (DLCD). Jon Kvistad is the area representative on Metro.

There being no further business to discuss, the meeting was adjourned at 10:25 PM.

Respectfully submitted,

Planning Department