



**City of Sherwood
PLANNING COMMISSION**

855 N. Sherwood Blvd

Tuesday, May 20, 1997

7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes of May 6, 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. SUB 97-4 Woodhaven Phase 6 Preliminary Plat:** (continued from May 6, 1997, public hearing closed) a request by Genstar for preliminary plat approval of a 180-lot single family subdivision in the Woodhaven PUD.
 - B. SUB 96-9 Wyndham Ridge #3 Preliminary Plat:** (continued from May 6, 1997) a request by Centex Homes for preliminary plat approval of a 69-lot single family subdivision located south of the existing Wyndham Ridge PUD. Tax Lots 1000, 1101, Map 2S 1 31B.
 - C. VAR 97-2 Seely Estates:** a request by Beacon Homes for a 5.5 foot lot width variance for Lots 24-31 where the Medium Density Residential Low (MDRL) Zone allows lot widths of 50 feet. Tax Lot 2200, Map 2S 1 30A.
 - D. PA 97-6 Plan Text Amendment - GC Uses:** removing Section 2.110.02J and Section 2.111.02N which would remove the "General Commercial (GC)" uses from the list of permitted uses in the Light Industrial (LI) and General Industrial (GI) zones. (*Community Development Code, Part 3*)
 - E. PA 97-7 Plan Map Amendment:** a City-initiated Plan Map Amendment to rezone Tax Lots 800 and 801, Map 2S 1 30D from Medium Density Residential Low (MDRL) to General Commercial (GC).
- 6. Other Business**
 - A. Election of Planning Commission Chair and Vice-Chair**
- 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
May 20, 1997

1. Call to Order/Roll Call

Chairman Whiteman called the meeting to order at 7:05 PM.

Commission Members present:

Allen Baker
George Bechtold
Susan Claus
Angela Weeks
Bill Whiteman

Staff:

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

Commission Members absent:

Scott Franklin

Chairman Whiteman referred the Commission to a letter dated May 8, 1997 from Harlon Rains regarding the audience not being able to hear the Commission and testimony during the Planning Commission meetings. The room set-up tonight was rearranged in an attempt to improve the acoustics during the meeting.

Chairman Whiteman advised the Commission he met with the Mayor and Staff regarding the ability to move the Commission business along during the course of the meeting. It was suggested that the Commission allow a certain amount of time for people testifying. He was not ready to move in that direction at this time. However, the hearing disclosure does point out that the public testimony must be limited to the findings or other City or State land use standards which they believe identify any conflicts. He asked that individuals testifying adhere to this and be more specific in bringing items to the Commission. He discussed the public hearing process in general and how he planned to direct this process.

Chairman Whiteman reported he has reviewed several City Ordinances regarding things the Commission can and cannot do.

Chairman Whiteman announced that Agenda Item 5E, PA 97-7 Plan Map Amendment to rezone Tax Lots 800 and 801 was being removed from the Agenda and continued to another date.

Chairman Whiteman referred the Commission to a letter from the City Attorney dated April 23, 1997 regarding what the City's Code provides for continuances and holding the record open, in particular Oregon Revised Statutes 197.763(6)(a). He asked Sue Engels to summarize the contents of the letter.

Sue Engels stated ORS 197.763(6)(a) dictates the conduct of local quasi-judicial land use hearings. At the initial public hearing any participant can request that the record be left open or have the matter continued. If the participant requests that the record be left open for seven (7)

days, the Commission must grant this request. The record is left open for seven days and anyone can submit additional evidence. If anyone wants an opportunity to comment on what has been submitted, they must notify the City in writing. The public testimony would be closed and the record would be left open for seven days. At the next meeting, if someone wished to present testimony on the new evidence, the Commission would reopen the record and allow further testimony. If there is no additional evidence presented within the seven day timeframe, there is nothing further to comment on and no reason to reopen the public hearing. If the public hearing is continued to another date, without closing the record, this leaves open the opportunity for someone to submit additional evidence past the seven day period.

Chairman Whiteman asked for further clarification if additional evidence is presented within the seven day timeframe and someone wants the opportunity to respond, do they have to make the request in writing and within what timeframe. If additional evidence is presented and the Commission considers these items and another request is made to keep the record open for an additional seven days, does the Commission have to grant this request.

Allen Baker referred to 6c which states, "If the hearings authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings authority shall reopen the record pursuant to subsection (7) of this section."

Ms. Engels said she would address these questions to the City Attorney and report back to the Commission.

Jon Bormet advised that Staff would not recommend the Commission make any type of tentative decision until both the record and public hearing are closed.

2. Minutes of May 6, 1997 Commission Meeting

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of May 6, 1997. There were no comments.

Susan Claus moved the Planning Commission accept the May 6, 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. There were no community 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.

Susan Claus announced she would not be participating in the public hearing for Agenda Items 5A, SUB 97-4 Woodhaven Phase 6 Preliminary Plat and 5B, SUB 96-9 Wyndham Ridge #3 Preliminary Plat.

George Bechtold announced he may have a potential conflict of interest with Agenda Item 5A, SUB 97-4 Woodhaven Phase 6 Preliminary Plat, but to make the quorum he would continue to sit during the public hearing process.

Chairman Whiteman asked Mr. Bormet if a quorum is seated and someone has a conflict of interest and leaves the table which does not leave a quorum, can the Commission still take action. Mr. Bormet deferred the question to Ms. Engels. Ms. Engels said if there is a quorum, you need to have a majority of the quorum to take any action. A quorum of the Commission is four members and a majority of that quorum would be a vote of three members to take any action.

5A. SUB 97-4 Woodhaven Phase 6 Preliminary Plat

Chairman Whiteman announced that at the May 6, 1997 Commission meeting the public hearing was closed and at a participant's request the record was left open for seven days. There was no additional evidence presented within the seven day timeframe and therefore the public hearing would remain closed. He asked if the Commission had any further questions of Staff.

Chairman Whiteman asked at what point the City puts up street signs in a subdivision. It was suggested to him that the signs go up as soon as there is any activity in the subdivision. Mr. Bormet said the City used to require the developer to do this, and now the City puts up the street signs in the subdivision very early in the development process. This is a change which has occurred over the last 6 months.

Mr. Baker said it took a long time before street signs were placed where he lives. Mr. Bormet said the City would need to track this type of information. However, he was sure that the 9-1-1 Dispatch Center would have location information even if there were no street signs in place.

Angela Weeks asked if the Commission would receive any design information for the Villa Road connection. Mr. Turner said the City has not received any plans for this connection. This is something the City Staff would make a decision on. Chairman Whiteman said he inquired about the design of the connection for Villa Road and was told that the design of the bridge connection would not be a part of the Commission's purview and that it is an engineering question.

Mr. Baker said the concern regarding how the adjacent property owners could be affected was a part of the Commission's review. Sue Engels said the property owners, the applicant and Staff

have met on the site to look at the design for the connection as well as mitigating any possible effect on the adjacent property owners.

There were no further questions from the Commission.

Bill Whiteman moved the Planning Commission approve SUB 97-4 Woodhaven Phase 6 Preliminary Plat based on the Staff Report, findings of fact, public testimony and conditions as provided. Seconded by Allen Baker.

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

Susan Claus did not participate or vote on the motion.

SUB 97-4 Woodhaven Phase 6 Preliminary Plat was approved subject to the following conditions:

1. The final development plans shall be in substantial compliance with the plans date stamped March 26, 1997, except as modified herein.
2. The developer shall comply with the conditions as contained in the Notice of Decision for the Woodhaven Modified Final PUD Master Plan dated March 26, 1997.
3. Prior to the submittal of plans for building plan check, provide engineered construction plans to the city and 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, street 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). Engineer shall 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. Engineer shall verify that public storm sewer is available to up-hill adjacent properties, or extend storm 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 provide a water quality facility to treat the new impervious surface being constructed as part of this development.
 - D. The developer shall preserve a 25-foot corridor as described in R&O 96-44 separating the sensitive area from the impact of development. The wetland/sensitive area shall be identified on the plans.
 - E. A joint 1200-C erosion control permit is required.
 - F. The typical pavement sections shall indicate underdrain and storm sewer collection line from the downspouts.
 - G. A drainage map for the pre and post development condition and drainage shed areas shall be provided by the developer. Also indicate the area for water quality and detention pond.
 - H. Provide sanitary and storm sewer stubs for the future phases.
 - I. A 25 foot radius is required at the right-of-way of all corner lots per City standard.
 - J. The developer shall make provisions for gravity drainage for roofs, foundations and low point drains to the collection line behind the curbs.
 - K. The developer shall apply for DSL (or DEQ) permit from the Division of State Lands for wetland areas. Provide the City with all appropriate documentation.
 - L. The developer shall participate in a water pressure upgrade for the site.
 - M. The cul-de-sac diameter at the pavement shall be 80 feet.
 - N. The developer shall make a provision to maintain a positive drainage flow where two property lines abut each other at side and rear.
 - O. All building elevation pads are required at the time of construction plans review.
 - P. All weather access is required for the sanitary sewer and storm sewer manholes.
4. Provide a street tree planting plan to the City for approval. Each lot shall be provided with a minimum of two (2) street trees (or a minimum of three (3) street trees for corner lots) in the planter strip in accordance with City specifications. Trees are to be uniformly planted 25 feet apart and 3 to 5 ft. from sidewalks and driveways. 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. 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 approved street tree planting plan unless other circumstances prevail which may alter the plan slightly.

5. All bike paths shown as part of Phase 6 on the Woodhaven Modified Development Plan shall be constructed or bonded for prior to final plat approval.
6. The Villa Road improvements as stated in Condition 3F of the Notice of Decision dated March 26, 1997 for the Woodhaven Modified Development Plan which includes a paved pedestrian/bicycle path and bridge at the end of Villa Road to the opposite bank of Cedar Creek shall be completed as part of Phase 6.
7. As stated in Condition 14 of the Notice of Decision dated March 26, 1997 for the Woodhaven Modified Development Plan, the applicant shall provide a surety for the construction costs to complete the collector street from Sunset Boulevard to Meinecke Road as part of Phase 6.
8. The three lots located south of Villa Road in the northeastern corner of Phase 6 may contain a minimum rear yard setback of 15 feet.
9. Street names need to be in accordance with City standards and approved by Washington County.
10. Submit 15 copies of the Subdivision Final Plat for the Planning Commission consent agenda approval prior to recordation with Washington County.

This approval is valid for one (1) year.

5B. SUB 96-9 Wyndham Ridge #3 Preliminary Plat

Chairman Whiteman called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated May 20, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The site is located south of the existing Wyndham Ridge PUD, west of Highway 99W and east of Elwert Road.
- The applicant is requesting preliminary plat approval for a 69-lot single family subdivision. The site contains 17.46 acres and the overall density is 3.95 dwelling units per acre based on the total acreage.
- The proposed lot sizes vary from 7,000 sf to 10,291 sf which is in compliance with the Low Density Residential (LDR) Zone.
- The site is relatively steep. It slopes to the northeast from an elevation of 304 feet to an elevation of 218 feet at the lowest point. The majority of the site is currently vacant.
- The preliminary plat indicates that the proposed lots meet the minimum dimensional requirements required in the zone.
- The site borders General Commercial (GC) properties to the east and southeast. The properties to the north and southwest are zoned Low Density Residential (LDR).

- The applicant is proposing to install a 6 foot high chain link fence with solid wood slats along Lots 21-51 between the subject property and the commercially zoned lots to comply with the criteria set out in the Code. The Code states when there are adjacent commercial and residential uses it needs to be buffered by a 6 foot sight-obscuring hedge or screen such as a fence.
- The streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades and other standards. The street standards have changed since the Wyndham Ridge PUD was approved. The local streets will be improved to a width of 26 feet within a 50 foot right-of-way. The proposed streets will contain a 5-foot planter strip along the street and a 5-foot sidewalk on both sides. The applicant is proposing to improve the connecting street (Swanstrom Drive) to a width of 28 feet within a 50 foot right-of-way which conform to the City's new street standards.
- There are no private streets proposed with this application.
- All of the proposed lots have access to a public street.
- City services will be extended to the adjacent properties to the south, north and east. The Urban Growth Boundary (UGB) is located on the western boundary of the property and services will not be extended beyond this line.
- The applicant will be conditioned to line up Aimers Terrace with Bushong Terrace.
- The property lies in a portion of the City which cannot be serviced by the gravity water system that is already in place. The City's Water Service Plan Update indicates that a booster pump and separate distribution system is required to provide adequate water service to the general area of the proposed subdivision. The applicant will construct a water booster pump station and make other water line improvements to facilitate the development.
- The adjacent property is not under the same ownership, but the applicant is providing access to these sites.
- The tree and woodland inventories have been submitted as required by the Code. There are some existing trees on the site which the applicant will be required to mitigate the removal of which are not in the right-of-way or needed for other public improvements.

In conclusion, based on the findings of fact and agency comments, Staff recommends approval of SUB 96-9 Wyndham Ridge #3 Preliminary Plat with the conditions contained in the Staff Report dated May 20, 1997. The conditions of the Staff Report were revised for clarification following a review by City Staff and the applicant.

Mr. Baker asked who would be responsible for the booster station and whether this should be specified in the conditions of approval. Mr. Turner referred to Condition 2.S which could be reworded for clarification. The applicant would put in the booster station and the cost would be shared by the property owners in this area once the properties are developed.

Chairman Whiteman asked if there would be any participation by the applicant for the Meinecke Road intersection. Mr. Turner said this application is outside the area that was drawn originally in the Kittelson traffic report. The Kittelson report included the area closer to Highway 99W which was the Wyndham Ridge PUD.

Sue Engels clarified that the applicant would build the booster station and be entitled to credits from the systems development charges. The applicant would be providing the water improvements in order to service the subdivision. If these improvements have the capacity to service other properties, the applicant would be eligible for credits. Mr. Baker asked if this should be included as a part of the condition.

Chairman Whiteman asked if the 26 foot wide street would mean no parking on either side of the street in the residential areas. Mr. Tuck said this is what the Fire Department recommends. Chairman Whiteman asked if it would be signed and how it would be enforced. Mr. Tuck said it would be a condition of approval.

Chairman Whiteman asked how long the 26 foot street widths have been in effect and whether any other subdivisions had been conditioned to this street width. Mr. Tuck said Seely Estates and Dorothy Meadows will have 26 foot paved streets with a 50 foot right-of-way.

Mr. Baker asked why the City wanted this narrow of a street in a residential area and where visitors would be expected to park after the driveway way full. Mr. Turner said the Fire District would like to see a wider street so trucks could get by each other. Typically, a 26 foot wide street would allow a fire truck access, even with parking on both sides of the street. Based on their standards, the Fire District recommends no parking on either side of the street. At this point, the decision is left to the property owners whether they want to park on the street. The Commission could impose a condition for no parking on either side of the street or only one side of the street.

Mr. Bechtold said in the past there have been subdivisions with parking on one side of the street and the property owners where not advised prior to purchasing their homes until the City placed the no parking signs.

Chairman Whiteman opened by public hearing on SUB 96-9 Wyndham Ridge #3 Preliminary Plat and asked if the applicant wished to provide testimony.

Roy Priest, Development Manager, Centex Homes, 4000 Kruse Way Place, Building 2, #300, Lake Oswego, Oregon 97035, addressed the Commission. Mr. Priest said they have worked with the Staff, reviewed the conditions and do not have any major differences. He specifically noted:

- The applicant is proposing to design and construct the water booster station. Because the station will ultimately serve and have the capacity to serve an area larger than the subdivision, they did specify and request that the station be considered for either system development credits or some advance financing credits as allowed by the Code over a 10-year period and be collected from SDC's from other future developments that are served by this station and reimbursed to the applicant. He wanted to make it clear that this was part of their application, is allowed for in the Code, and they are providing capacity in the station for a larger area than just the subdivision. The Code Sections pertaining to this are in Chapter 6, Section 6.502.03, which deals with the cost reimbursement for over-sizing.
- Elwert Road is a County facility and currently has a sight distance problem. The sight distance is restricted after the crest near the intersection of Elwert Road and proposed

Swanstrom Drive. The sight distance is functional for about 25 MPH. They did a speed study and found 85% of the cars travel 54 MPH. The applicant proposes to reconstruct the sight distance crest and correct the sight distance and operation problem on Elwert Road. They would ask for TIF credits for reimbursement for correction of this sight distance problem. Elwert Road is a County facility and the TIF money will be paid to the City and the City would need to authorize the release to the applicant for any reimbursement.

Mr. Priest said these are the main issues. The other issues related to the subdivision are fairly straightforward and addressed in their application. He would be happy to answer any questions.

Mr. Bechtold asked if the TIF credit request had been discussed with the City. Mr. Priest responded the TIF credit request was a part of the application. He did not know if there had been any actual verbal conversations with City Staff at this time. They have talked with Staff regarding the design of the water booster station.

Chairman Whiteman asked if the City has indicated which direction they would be leaning toward, SDC credits or the zone of benefit. Mr. Priest said the City has not indicated either preference. The applicant would prefer the SDC method and their initial proposal was they would take the SDC credits from the water services for their subdivision up to the maximum amount they could recover and if there was still excess expense left with the station, then that excess would be financed through some other finance method such as collecting SDCs from future developments. They would recover a portion of the money through their development and a portion through other developments. This would be for the over-sized portion or the excess capacity that is being provided. There were several options presented by the City's consultant regarding the size and capacity of the station.

Chairman Whiteman asked what the added traffic would be when this property is fully developed. Mr. Priest responded the trips at Handley Street would add about 24 trips in the PM peak hour. The total additional traffic for the 69 houses would be about 660 trips. About 55% of this amount will ultimately wind up through the Handley/Meinecke Road intersection from different directions. About 25% would go out to Elwert Road and then to Highway 99W and back through this intersection from a different direction.

Chairman Whiteman asked how the applicant felt about people who used the intersection by going north in the southbound lane which comes into this subdivision, including construction vehicles. Mr. Priest said they certainly do not encourage or support people doing this. The intersection design was pretty much dictated by ODOT. The applicant had proposed something a little different because they were concerned about this type of circulation. ODOT dictated the design and felt the current design, which is in place, would be adequate. The intersection is clearly designed and marked to be a right-out. Once the signal is in place at Sunset Boulevard and Highway 99W the whole traffic distribution may shift. The distribution he discussed earlier was predicated on the signal not being in place. The applicant participated in the signalization at Meinecke/Highway 99W intersection with the Wyndham Ridge PUD and at a fairly high level, not just based on percentage of traffic, but they participated in the traffic study which was done for the entire district. They spent a lot of time and money studying this intersection.

Chairman Whiteman asked if it would cause a hardship if Handley Street was closed from entering Highway 99W. Mr. Priest said there would be some problem with this because the Transportation Planning Rule (TPR) would create some obstacles for its closure. The TPR goals are to reduce the overall amount of travel. The closure of Handley Street may come under ODOT's jurisdiction and there would also be the question of emergency vehicle access. There was a significant amount of discussion during Phase 1 regarding alternative access.

Chairman Whiteman asked if there was anyone else who wished to speak in favor of the application.

Robert J. Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus said there are three very specific reasons they would like to see this project go forward:

- It gives them the proper fire outlet.
- It finishes the fencing.
- They have made a complete landscape agreement.

He specifically noted:

- Centex Homes has the best record of not asking for SDCs for which they are absolutely not entitled to.
- Because of the property elevation and previous engineering had not indicated exactly what should have been indicated, all of the property on the other side of Claus's, with the exception of their property, cannot receive adequate water. Without development of this property, they are shut down and could not be developed. This would be from the Shannon property on up. He identified the area on the map.
- Ultimately, the only way to protect the City water system is to put a booster system in and go underneath the Highway 99W and connect to Woodhaven. He understands that this is being planned.
- Regarding Meinecke Road, when the State was willing to give \$600,000, Wyndham Ridge had already made enough of a contribution that they could have gone ahead with the intersection. No one knows the reason why Mr. Rapp decided not to take the \$600,000 and finish the Meinecke Road intersection. Centex was the only developer who stepped up and said here's land, money, engineering and even contributed money they did not have to and went over their limit. Still the Meinecke Road intersection was not constructed.
- The problem with closing Handley Street is that Elwert Road is completely under engineered. It is also turning into a complete bypass.
- As soon as Centex found out there was an engineering problem with Elwert Road they identified the problem as sight distance and were willing to fix it.
- Centex has dealt with safety issues, utility issues, surveyed the area, done the stormwater management for the entire area, and they intend to bring in sewer and water in all phases. The City will not get another developer to do this for the price that Centex is doing it. They are the only ones who walked away from parks SDCs to give the City land.

- He discussed the previous stormwater problem with the Wyndham Ridge PUD and how it was resolved. Centex and Roy Priest were very cooperative in solving this problem.
- The City is starting to look at connecting utilities to adjacent properties, talking about engineering, traffic safety, and contributions which is imperative.
- This development needs the booster station, a change in the sewer lines, the Shannon property definitely needs water which Centex is willing to provide and go the extra step. With this application the Planning Commission is really starting to get control of the growth and Staff is starting to watch future costs to finish this development, connect Elwert Road to Sunset Boulevard, and this is the best developer the City can get.
- Every obstacle that is put in front of Centex, they deal with.

Chairman Whiteman asked if there was anyone else who wished to speak in favor of the application.

Ken Shannon, 22275 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Shannon noted:

- He identified the General Commercial (GC) property he owns next to this development on the map.
- His concern, due his commercial business, is kids coming through the back of his property and possible theft. He needs a security type fence along the fence line. Mr. Priest said this was not a problem to provide.
- He wanted utilities and water and Mr. Priest said this was not a problem and was willing to help Mr. Shannon all they could. It has been a pleasure working with Mr. Priest.
- He sees lines on the map going across his property for the potential frontage road. He said this is somebody's pipe dream and he will go to court to prevent this.
- He supports the security fence with slats.
- Mr. Priest said they would landscape this fence line which he also supports.

Chairman Whiteman asked if there way anyone else who wished to speak in favor of the application. There was no further proponent testimony. Chairman Whiteman called for anyone wishing to speak in opposition to this application.

Doug Rux, 17956 SW Handley Street, Sherwood, Oregon 97140, addressed the Commission. Mr. Rux said the Commission has heard testimony about how good Centex is in doing their development, but he wanted to raise some issues which he hoped the Commission would consider. The public hearing notice identified two parcels as part of this subdivision. The Staff Report indicates there are three parcels.

Mr. Tuck responded that the Tax Lot 900 property line was adjusted with Tax Lot 1000 and the Tax Lot 1101 property line was adjusted with Tax Lot 1000. There were three parcels involved with the initial development, Tax Lot 1000 being the main parcel.

Mr. Rux made some general comments about the Staff Report. He is a land use planner who deals with these issues on a daily basis. He found it very difficult to read the report and find out

what the criteria standards are and where they come from. There are no Code citations. For items A,B, C, etc. he could not tell where this information comes from. The normal homeowner would have no idea what any of this information means. He also noted:

- Staff had indicated there was a revised Staff Report. He called and requested a copy of the Staff Report and received the report dated May 6, 1997. It appears there have been some revisions made which he is not aware of and is unable to speak to at this time because this information was not made available to him under his initial request. On this fact alone, he would suggest they need to continue the hearing and provide him with information consistent with their own hearing notice.
- With regard to the fence, if he understands correctly it will be placed along the fence line between the residential and commercial properties. The Wyndham Ridge #1 and #2, CC&R's which the Commission does not have the ability to enforce, state the homeowners are required to build four types of fences. Three of these designs are cedar fences and a fourth design is a white PVC. In Wyndham Ridge #1, they built the white PVC solid type securing fence. In Wyndham Ridge #2, they used the cedar type securing fence. In Wyndham Ridge #3, they want to put up a chain link fence. Chain link is not very pleasing to the eye. It is going to be in a resident's back yard and they will still see the commercial property. The likelihood is that later on they will want to take out the chain link fence and he wants to put in a fence that looks a little bit better. A chain link fence with wooden slats will deteriorate in 6-7 years and look terrible. With regard to the adjacent property owner's concern for security, he would suggest the Commission require the applicant to install a sight-obscuring wood fence, eight feet in height. Because it is over 6 feet will require building division approval. It will provide screening, it will be uniform with the Wyndham Ridge #1 and #2 subdivisions and the height will make it difficult for children to climb over the top and hopefully, provide the needed security.
- Section G of the Staff Report refers to some tree removal which is going to occur. If the developer removes the trees and they have to mitigate, who makes the decision on what this mitigation is going to be. If they are, they are using discretion and discretion requires that you have to provide notice. He did not note anything in his particular copy of the Staff Report which indicates the criteria or standards being used. Are they objective or subjective?
- Regarding the proposed water quality facility behind Lots 5 and 6, which is also the proposed booster pump station for the water, when they purchased their home on Lot 5, the sales people at Centex did not indicate they were planning the next phase of their subdivision. He thought they were going to have an open space behind their house. He is a land use planner and understands that nothing is for sure. Now they are planning a water quality facility which is a hazard, but is needed and required. USA requires that you have to treat your stormwater before it can be dumped into a public storm system or wetlands, stream or corridor. There is going to be one behind their house and he sees nothing showing what type of security is going to be provided. Is it going to be fenced off, how is it going to be maintained, who is going to own it, who is going to maintain it. The water quality facility constructed by Centex in Wyndham Ridge #1 is overgrown, full of clover, not maintained, and his neighbors told him before he moved in that there was not a fence up and kids were running down there in the winter time. This is a heck of a liability for somebody. If a child drowns, who is going to be responsible, Centex or are they going to pass this burden on to the homeowners

association or the City. He requested the water quality facility be fenced off on three sides of the property and work with City Staff to come up with some solution along the street side portion.

- Is the booster pump station going to be above or below ground. What is the structure going to look like. Is there going to be noise. There is nothing in the Staff Report which addresses these issues. He, personally, does not want to look out his back yard at some type of metal or tin building which has been constructed to contain an above ground booster pump station. He would like to see the design. Is it going to be tasteful and is it going to be in character with the homes being built in the area.
- It has been indicated that Centex has participated in the signalization at the intersection of 99W and Meinecke Road and Handley Street. No one brought up the fact that when you purchased a lot in Wyndham Ridge #1 or #2, it comes on the title report there is a non-remonstrance agreement to do the street improvements out there, which could include the signal. Centex is not going to pay for it, the homeowners are. Now they are adding 69 more lots and being told the traffic distribution may shift to Sunset Boulevard and 99W. No one knows. The information in the report indicates a study done by Washington County which only deals with the Washington County Transportation Plan, nothing else.
- The Chairman is correct that when people go out Handley Street, they go to the pork chop, turn left against the flow of traffic and go across. He sees it every morning when he goes to work. He thought the idea of closing Handley Street is a great idea, close it off. There is another relief valve when you get to Elwert. As he understood some of the past history concerning the Wyndham Ridge development and Centex is that they were trying to get out building an intersection there.
- Now they are going to have 69 new houses, 690 trips a day and trips per home being generated from this new subdivision. They are trying to understand from the developer and applicant how these trips are going to go down Elwert Road, up to Sunset Boulevard and back around. Some may, but when they come home, they are not going to go past their home and go up to the signal, make a right hand turn to come back down Elwert Road to come into their subdivision. They are going use Handley Street. They are going to establish a pattern when they go to work which they will continue to use it. The City is not obligating Wyndham Ridge Phase #3 for any of the costs for construction of this signal. He does not know where Sherwood is with their capital improvement program. It is very interesting that ODOT was going to put in \$600,000 for the signal and the City did not do it. The City missed the boat in this regard. The City needs to obligate Phase 3 for its share in the costs of this intersection which those residents are going to use.
- He asked that he receive a copy of the Decision Notice, a copy of the minutes of this Commission meeting, and make sure that Centex does something that is good for the community.
- They heard that there was an issue about the Transportation Planning Rule and whether closing off Handley Street would fly or not. The TPR has nothing to do with this. Sherwood did not have to apply the TPR if it continued to not have the population base. He is aghast at the fact the City is allowing residential development to be built next to commercial and not providing pedestrian connectivity. He has concerns about vehicular connectivity and he has discussed this with Mr. Turner, specifically how to access the front piece of commercial property along Handley Street. All of the residents in his neighborhood are adamantly

opposed to having any commercial traffic coming down Handley Street and down Aimers Terrace to come back to this commercial piece of property. It is a residential neighborhood. You have 99W, if you need to plan and build for a frontage road, you need to do this now to accommodate that. Give the residents a little bit of grace, you can hear all the traffic on 99W now.

- He thought the Commission needed to continue the hearing. The Staff Report is not adequate to address all of the standards that apply to this particular application. There is nothing in the Staff Report which alludes to the fencing between the residential and commercial property. The Staff Report says the applicant is proposing a fence.
- All of the information needs to be put on the table and made available to those who want to testify.
- If the Commission decides not to continue to the hearing, at least leave the record open for seven days so people have the opportunity to respond in writing.

Chairman Whiteman verified Mr. Rux made a request for the Staff Report, he received it, but did not receive a copy of the updated Staff Report. Mr. Rux said this was correct.

Chairman Whiteman reviewed Mr. Rux's concerns regarding the Staff Report being incomplete, in particular the fencing and booster station.

Mr. Rux asked the Commission to continue the hearing until the Staff Report specifically addresses all of the criteria that are in the development regulations and cite where these come from and address all of them point by point. If the Commission decides not to continue the public hearing, considering the 120-day deadline, he asked that the Commission leave the record open for seven (7) days and he would come back with a written detail.

Chairman Whiteman said he appreciated Mr. Rux's preparedness.

Chairman Whiteman asked if there was anyone else who wished to speak in opposition to the application.

Dave Heironimus, 21989 SW Aldridge Terrace, Sherwood, Oregon 97140, addressed the Commission. He was one of the first homeowners in Phase 1 (Lot 63) of the Centex neighborhood. He agreed with a lot of what Mr. Rux said. He noted:

- He did not know if this was the correct forum, but there is a greenway or wetland area which he and some of his neighbors would hope with the development of Phase 3, may get some park land back for some of the residents.
- He identified the area on the map.
- This is going to be a large housing development, most of the parks are fairly far away and it would be nice to have some park land near this development.
- He asked if the Commission could consider this request.

Chairman Whiteman asked if there was anyone else who wished to testify in opposition to this application.

Joan Reynolds, 21880 SW Elwert Road, Sherwood, Oregon 97140, addressed the Commission. Ms. Reynolds said she was not really in opposition, but she wanted to verify that Elwert Road has become a bypass. It has been indicated that 55 MPH was the average speed, she would say it is more like 75 MPH. She asked if there were any plans for widening Elwert Road or putting in sidewalks, and if so, how far these would go. She wanted to know how large the booster station was going to be and how many homes it would be built to accommodate in addition to the 69 homes. She liked the idea of a park because there are no parks on the west side of Highway 99W. Highway 99W is very difficult for children to cross to enjoy some of the parks on the other side of the highway.

Chairman Whiteman asked if there was anyone else who wished to testify for or against the application. There being no further testimony, Chairman Whiteman asked if the applicant wished to provide any rebuttal testimony.

Roy Priest, Centex Homes, again addressed the Commission. When Mr. Tuck presented the Staff Report initially, he indicated that Aimers Terrace was being relocated to the west to align with Bushong. They met with the Staff to discuss the relocation and it was agreed that Aimers Terrace would be relocated to coincide with the intersection of List Place and the condition actually indicated it will be relocated to List Place. He noted the area on the map. He wanted to clarify this for the record. He noted:

- Handley Street is designated as a collector street in the City's Transportation Plan. Its function is to collect traffic from the district and move it to the arterials.
- The fence that is constructed along the northern boundary of the Claus property which is the southern boundary of Phase 1, the specific material was requested by Mr. Claus at the public hearing. They agreed to install the fence material that was specifically requested. It was approved for a continuation of this fence along his west property line and along the north boundary of the Shannon property. If they desired to have a different fence material, the applicant was certainly willing to construct the fence of the material they want.
- The fence along the UGB line, which is a 6 foot wood fence, was a condition of approval that required this fence be built, along with agreement of six different property owners and the City as to the fence material used. Everyone wanted wood and that is why wood was used. This is why there is this type of fence mix, it had nothing to do with costs. These materials were requested by the adjoining property owners and they built these fences in compliance with these requests.
- A portion of the fencing along the open space is a sight-obscuring fence and that goes to a rail fence. Again, this change was requested by the City and the applicant accommodated this request.
- An eight foot fence would require a variance since the fence ordinance only allows a 6 foot fence. This is 6 feet, including the top berm.
- Regarding the trees, the stand of trees are Christmas trees and Christmas trees are not regulated under the Code. They are specifically exempted from regulation. Any other trees would be regulated by the Code.

- The Handley intersection is going to be regulated by ODOT. Most of this intersection is complete. It would require ODOT's approval, because when you close that intersection it is going to change all of the traffic to other access points on Highway 99W. ODOT controls access to Highway 99W.
- The park issue is addressed in their application. In Phase 1 they constructed a pedestrian path along the open space. The open space is intended to be a path for use, it was not intended to be a park. There is another open space in the northwest corner of Phase 2 which is also a pathway open space. There was a condition of approval with the Wyndham Ridge PUD to construct a pedestrian pathway. The applicant complied with this condition.
- The pump station has not been designed, but he believed it would be an above ground station. It will be a building that is somewhat compatible with the housing in the neighborhood. The building will be made as attractive as possible. The pump station will be located on the water quality tract. The water quality facilities in all of the phases will be landscaped as stated in the agreement with the City by July 31.
- The homeowners association has a provision to maintain these facilities, although they are technically owned by the City. Some time ago they met with Staff and there was discussion about who would maintain these facilities. It was made clear by the City that they did not have the funds to maintain these wetlands or facilities and they asked the developer to provide for this maintenance. The applicant has done this.
- The facility in Phase 1 is fenced on three sides. It is currently has open space behind it. Staff and the applicant have discussed fencing it on the fourth side.
- The water quality facility in Phase 2 is fenced in as part of the larger path of open space which was a wetlands area. There is a fence which goes around the entire perimeter.
- The applicant can insulate the building for the pump station. The pumps have electric motors so there should not be a significant amount of noise from them. There is an internal combustion auxiliary generator in the building to keep the water pump station in operation if the power goes out. The operation of this would be in emergency situations only. A lot of the generators are set up with controls to exercise the generator once a week or once a month to help lubricate the motor.
- The pump station will become a public facility.
- The over-sizing of this pump station will have the ability to potentially serve a service district of about 210 total units and over 184 acres. The service district area is comprised of a mix of commercial and residential property.
- The portion of Elwert Road, which is a County Road, which has the sight distance problem is about 740 lineal feet. Over this portion they would place sidewalks along the frontage of the development and the road would be widened to 28 feet through the 740 feet and then tapered back to the match the existing pavement section. He was not aware of any plans by Washington County to make any improvements to Elwert Road in this area at this time.

Mr. Bechtold asked Mr. Priest for information regarding any of the improvement costs being passed on to the homeowners for the signalization. Mr. Priest said if there is a waiver of remonstrance, this waiver of remonstrance was a condition imposed by the City, not something that was imposed by Centex. Additionally, Centex is paying TIF fees on all of the units which are being built. These TIF fees are available for construction of the intersection improvements. They paid a lump sum amount of money that was their share of the intersection improvement that

came from traffic that was generated by the development as a percentage of the traffic of the intersection. If Wyndham Ridge increased the traffic at the intersection by 30%, then their cost was 30%. This is how it was determined. The Kittelson Report indicated that the signal was not warranted by single family development, the signal warrants are only met when the commercial property on the north side of Highway 99W develops.

Ms. Weeks asked about the open space area. Mr. Priest said all of the open space that is in Phase 1 is passive. He identified the area on the map. The portion that you could say is usable as active recreation area is the wetland. The bounds of it is not topographically usable as active open space. They built a pathway for connectivity.

Chairman Whiteman asked if the City had talked to the applicant about any open space within Wyndham Ridge #3 to allow for a neighborhood park. Mr. Priest said they have had some discussions with Staff and how this could be accomplished. Under the subdivision application, how the property is designed and the requirements of the Code, they can not do a park. It is not feasible and there is no requirement within in the Code.

Chairman Whiteman said it is interesting to note that there are no park properties on the west side of Highway 99W. Mr. Priest said the City's Parks and Open Space Master Plan recognizes that there were no parks. The Plan recommended one neighborhood park and two mini-parks, north of the highway, but it was not specific in the location. These were not planned parks, but are mentioned in the Plan as a potential need.

Chairman Whiteman asked if there was anyone else who wanted to testify. There was no more testimony.

Chairman Whiteman said the Commission has heard the request for a continuance of SUB 96-9 Wyndham Ridge #3. He asked if Staff wished to provide any comments.

Jason Tuck addressed the notice requirements. The public notice had indicated Tax Lots 1000 and 1101, Map 2S 1 31B. Previously, there was a lot line adjustment between Tax Lots 1101 and 1000. There was also a lot line adjustment between Tax Lots 1000 and 900 which was also completed. The notice went above and beyond the criteria for noticing by including Tax Lot 1101. Tax Lot 1000 is the principal parcel for this subdivision.

Mr. Tuck said the City's Fence Ordinance allows fences 6 feet in height. An 8 foot fence would require a variance request. The Tree Ordinance has been tested several times at the Planning Commission level. The ordinance requires an inch-to-inch replacement of trees.

Mr. Tuck read Code Section 5.203.01 Landscaping Standards for Perimeter Screens and Buffering. It states, "A minimum 6 foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial or industrial uses. In addition, plants and other landscaping features may be required by the Commission in locations and sizes necessary to protect the privacy of residences and

buffer any adverse effects of adjoining uses.” The chain link fence was requested by the property owners. Staff reviews the development proposal to see if it meets the standards set out in the Code. A chain link fence with wooden slats, under the definition of sight-obscuring wooden fence, would meet this criteria. Mr. Turner said this would be the interpretation of Staff.

Mr. Turner addressed the revised Staff Report. The revisions were basically a clarification of the conditions with regard to the City Engineer review and approval. A record of individuals names and addresses is kept in the file identifying who requested a copy of the Staff Report. The City is required to provide a Staff Report to the applicant and/or their representative as stated on the land use application form. The Code requires that the Staff Report be made available for public review at least seven (7) days prior to the public hearing. As required by Code, the public notice advises the availability of the City Planning Staff Report for inspection at no cost, or copies at a reasonable cost, available at the City Hall, contact person(s) names and telephone number. The public hearing notice requirements are contained on Code Section 3.203.01. The question is whether there was a change to the overall Staff Report other than a clarification of adding the City Engineer to some of the conditions.

Chairman Whiteman asked if the Commission had any comments regarding the request for a continuance. Mr. Bechtold confirmed that the 120-day deadline was July 11, 1997.

Chairman Whiteman asked if there was anyone else who wished to testify for or against SUB 96-9 Wyndham Ridge #3 Preliminary Plat.

Doug Rux, again addressed the Commission. Mr. Rux said he was very concerned with some of the activities that are occurring. City Staff has indicated a chain link fence is a wood fence. They interpret this as being the case. Interpreting at a public hearing what a particular condition of the Code is, making a decision and not notifying anybody, the interpretation that is made has to be arrived at by the City Council. Unless there is a standing interpretation that a chain link fence is a wood fence, he would like to see it. A chain link fence is a chain link fence, you may have wood slats in it, but it is not a wood fence. He is still concerned about the pump station. It is going to be in his back yard. He would ask that the pump station be put under ground. It can be put in a vault the same as other utilities. It is going to be tested once a week or once a month, however, during the last week their power went out three times. Every time the power goes out the generator is going to kick on. He does not find this acceptable. He understands the need for a pump station, but the City needs to take a very hard look at how it is designed so that the existing residents are not impacted. He still questioned the public notice, the Staff Report indicating three Tax Lots and the notice indicating two Tax Lots. He does not want to have a chain link fence in a residential back yard abutting a commercial property. The only other fence out there is a solid, cedar fence. One standard states you have to have a sight-obscuring fence. It can be wood, masonry and to have landscaping is great. The Commission should require a wood fence. If they have to have landscaping, require it. If they have to have a variance, have them come back and get a variance for the fence to go above 6 feet. There is a conflict in the Code, one says it has to be a minimum of 6 feet and one says it has to be a maximum of 6 feet.

Mr. Rux said what is in the public's interest, remember all ordinances are based on and deal with public health, safety and welfare. There is not much to say about water quality, but there is a safety issue. He and his neighbors all have young children. How are they going to keep children from going into the water quality facilities. There is too great a liability for the developer or the City.

Robert J. Claus, again addressed the Commission. Mr. Claus wanted to make it clear that he requested the chain link fence. He does not care what Mr. Rux says and he really does not like his interpretation of the Code. They have said the slats are a wood fence. This is a matter of public record. A great deal of the testimony tonight is not in the right forum. The City Parks Board deals with parks. The Parks Board designates parks makes a recommendation to the Commission or City Council. The applicant is going to put in a water quality facility to meet a number of standards and you simply meet the conditions of this. It is too bad if someone bought property next to one, and equally bad if they do not like, but he can tell the Commission that it is nothing but a stall tactic. The water quality facility will meet all standards, it will be fenced in and it is not a function of the Commission, it is a Staff function. This is the same with the developed pathways. He is sorry about someone not wanting a pump station, but they need to think clearly about what is happening. The pump station has to be engineered and it is necessary to service the areas. There was clear testimony about Elwert Road and transportation. The Traffic Impact Fees (TIFs) are what is going to pay for the signalization. TIFs are leveled on commercial and industrial property, but in particular commercial properties. There is a set TIF residentially which is calculated and if there is an additional impact they collect the fees. All of the property owners in the area will have TIFs leveled on them. It is not appropriate to talk about a non-remonstrance agreement when the TIFs have been paid and confuse this with a local improvement district. It is not professional or accurate. The non-remonstrance agreements that are required as a standard for subdivisions are for another purpose and have nothing to do with the process. All of the points are interesting, but they actually to a large degree inaccurate.

Mr. Claus again stated he wanted the chain link fence and he asked for a chain link fence. If they want to put in slats, fine, but he does not want some cedar fence that will have both an economic and physical life of about 10 years. The word connectivity is a nice buzz word. The connectivity they are going to have is supposed to be done with the frontage road and sidewalks. Exactly what they are objecting to is they don't want people trespassing on their facilities. That is why they want a chain link fence.

Ken Shannon, again addressed the Commission. Mr. Shannon said he also requested the chain link fence because he wanted a security fence to protect his commercial business. He does not want kids coming through and does not want the liability. The City is bringing a residential property to his existing commercial business. This has been done in other areas of the City. He wants a security fence and not one that will fall down or be torn apart.

Dave Heironimus, again addressed the Commission. Mr. Heironimus said he was sorry he talked about a park in front of the Commission. He logically assumed the Commission was the correct forum. He will go to the Parks Board with this request and he apologized if he wasted anyone's time.

Chairman Whiteman asked if there was anyone else who wished to speak regarding SUB 96-9 Wyndham Ridge Phase 3. There was no further testimony. Chairman Whiteman closed the public hearing on SUB 96-9 Wyndham Ridge Phase 3. The record will be left open for seven (7) days for additional written evidence. This application will be continued to the June 3, 1997 Commission meeting as the first agenda item under public hearings.

Mr. Bechtold suggested the opponents to the application and the developer get together to try and work out some of their concerns. Mr. Turner said the details of the booster station would be made through the City Engineer. The Commission asked if the City Engineer could be made available at the June 3, 1997 Commission meeting. Mr. Turner said the City Engineer is aware that the pump station is above ground and is aware of the details.

Mr. Baker said it is good that Centex worked with the property owners regarding the chain link fence. As a homeowner he would not want to look at it, but it would be within his right to put up a solid wood fence to block his view of the chain link fence. City Staff interprets the Code and if you disagree with the interpretation you have the right to appeal it.

5C. VAR 97-2 Seely Estates

Chairman Whiteman called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated May 20, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The property is located at the northeast corner of Scholls-Sherwood Road and Seely Lane, the previously approved preliminary subdivision plat for Seely Estates.
- The applicant is requesting a variance to the minimum lot width standards in the Medium Density Residential Low (MDRL) zone for Lots 24-31 to allow lot widths of 44.5 where 50 feet is the standard. The request is based on the US Fish & Wildlife Service request to set aside a trailhead buffer in the previously approved subdivision (SUB 96-7).
- The area is close to the Tualatin River National Wildlife Refuge and has been identified as a trailhead buffer, both of which are circumstances that the applicant has no control over.
- The approval of the variance will not be detrimental to the purposes of the Code or other property in the zone or general vicinity. If the variance is approved the overall density requirements of the zone will still be met.
- The variance is requested to relieve a hardship due to the natural topography and wildlife areas in the general vicinity.
- The hardship does not arise from a violation of the Code.

In conclusion, based on a review of the applicable Code provisions, agency comments and Staff review, Staff recommends approval of VAR 97-2 Seely with the condition that the applicant comply with all required setbacks of the MDRL Zone.

Chairman Whiteman opened the public hearing on VAR 97-2 Seely and asked if the applicant wished to provide testimony.

Peter Kusyk, Beacon Homes, 9500 SW 125th Avenue, Beaverton, Oregon 97005, addressed the Commission. Mr. Kusyk reviewed the plat that was approved with the original subdivision. The plat numbering shows Lots 1-32, leaving Lots 6, 7 and Tract A to the trailhead buffer. The applicant asked if they could renumber the lots 1-33 and identify Tract A as Lot 8. This will make it easier for the accounting purposes of the applicant. They would be able to identify the gift to the US Fish & Wildlife Service for a trailhead buffer as Lots 6, 7 and 8. Mr. Kusyk said he was referring to a tax credit.

Susan Claus said it is typical in a subdivision that there is a portion that is set aside as a “tract” for the water quality facility or pond. The Commission discussed adding a condition regarding changing the lot numbers.

Mr. Kusyk said they have read and agree with the Staff Report.

Chairman Whiteman asked if there was anyone who wished to testify in favor of the application. There was no proponent testimony. Chairman Whiteman asked if there was anyone who wished to testify in opposition to the application. There was no opponent testimony, the rebuttal portion was dispensed with, and Chairman Whiteman closed the public hearing on VAR 97-2 Seely for discussion by the Commission.

Mr. Turner read proposed condition regarding the lot numbers and trailhead buffer.

Susan Claus moved the Planning Commission approve VAR 97-2 Seely based on the Staff Report, findings of fact, and public testimony, with the addition of a condition regarding the trailhead buffer and lot numbering. Seconded by George Bechtold.

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

VAR 97-2 Seely was approved subject to the following conditions:

1. Comply with all required setbacks of the Medium Density Residential Low (MDRL) Zone.
2. The developer shall set aside Lots 6, 7 and 7A (formerly 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.

This approval is valid for one (1) year.

5D. PA 97-6 Plan Text Amendment - GC Uses

Chairman Whiteman called for the Staff Report. Greg Turner referred the Commission to the Staff Report dated May 20, 1997, a complete copy of which is contained in the Planning Commission’s minutes book. He noted:

- The City-initiated application proposes to remove the general commercial uses from the list of permitted uses in the Light Industrial (LI) and General Industrial (GI) zones.
- The GC zone is primarily comprised of uses which are retail, service or office types uses. The industrial zoning is primarily to provide manufacturing, warehousing, packaging and treatment of products which have been previously prepared from raw materials.
- The allowance of GC uses in the industrial zones conflicts with the overall purpose of the industrial zoning districts.
- Staff is recommending that the GC uses not be allowed in the industrial zones.
- The proposed amendment to the Zoning and Community Development Code has been identified by the Commission as a problem area which needs to be corrected.
- This is the first step. The next step will be to look at all of the uses in the zones.

In conclusion, Staff recommends approval of PA 97-6 GC Uses Plan Text Amendments.

In response to Mr. Baker's question, Mr. Turner said the Sherwood Auto Center on Tualatin-Sherwood Road, retail aspect of this business would not be allowed under this Code amendment. Any previously approved retail uses in the industrial zones would not be affected, unless the use was discontinued for a period of three months or more.

Chairman Whiteman asked if a coffee shop would be allowed in the industrial zones. Ms. Engels said it would have to be defined as whether it was wholesale to the trade. Non-conforming uses would not be affected unless they were discontinued for a certain period of time. There may be further modifications to the uses in each zone. Industrial land is less expensive than commercial property. The industrial infrastructure is not set up for the high volume of pedestrians and vehicles.

Chairman Whiteman asked if there was any public testimony regarding PA 97-6 Plan Text Amendment - GC Uses. There was no one to speak in favor or in opposition to the application. Chairman Whiteman closed the public hearing on PA 97-6 for discussion by the Commission.

Susan Claus asked what the noticing requirements were for Plan Text Amendments. Mr. Turner said the notice is published two weeks prior to the hearing as well as being posted in at least 5 locations throughout the City. Staff tries to notify anyone who may have future land use applications which could be affected by Plan Text Amendments to the Code.

Ms. Engels said any amendments to the City Zoning Map must satisfy the requirements of the Urban Growth Management Functional Plan. This requires the City to prohibit retail uses larger than 60,000 sf of gross leasable area per building or business in the Industrial areas.

Susan Claus moved the Planning Commission recommend approval of PA 97-6 Plan Text Amendment, GC Uses to the City Council as defined in the Staff Report. Seconded by Angela Weeks.

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

The following Plan Text Amendments were approved:

Code Section 2.110.02 Permitted Uses, Light Industrial (LI):

~~J. Uses permitted outright in the GC zone, Section 2.109.02, except for adult entertainment businesses which are prohibited.~~

Code Section 2.111.02 Permitted Uses, General Industrial (GI):

~~N. Other uses permitted outright in the GC zone, Section 2.109.02, and LI zone, Section 2.110.02, except for adult entertainment businesses which are permitted.~~

5E. PA 97-7 Plan Map Amendment - Tax Lots 800 and 801

Chairman Whiteman announced Staff is recommending this application be continued.

Bill Whiteman moved the Planning Commission continue PA 97-7 Plan Map Amendment to date uncertain as requested by Staff. Seconded by Susan Claus.

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

6A. Election of Planning Commission Chair and Vice-Chair

Chairman Whiteman opened the nominations for Planning Commission Chair. Susan Claus nominated Bill Whiteman. There were no other nominations. Chairman Whiteman closed the nominations and called for a vote. The Commission unanimously voted for Bill Whiteman as Planning Commission Chair.

Chairman Whiteman opened the nominations for Planning Commission Vice-Chair. Angela Weeks nominated Susan Claus. There were no other nominations. Chairman Whiteman closed the nominations and called for a vote. The Commission unanimously voted for Susan Claus as Planning Commission Vice-Chair.

Other Business

Susan Claus said the individual who testified during the Wyndham Ridge hearing that he received the first Staff Report, but not the revised report, knew at the May 6 hearing that this application was going to be continued to May 20. She did not how much burden should be placed on the Staff to monitor who receives staff reports, other than the applicant.

Chairman Whiteman said if someone asks for a Staff Report and the report is changed, Staff should be aware that this would be a red flag and most probably receive opposition testimony. Maybe some type of a tickler system would be appropriate for notifying these individuals.

Susan Claus asked for an update regarding the Commission meeting with the City Council. Chairman Whiteman advised he met with the Mayor today and he has not set a time for this

meeting. The Mayor will take this to the Council and a response probably will not be received until after June 2.

Chairman Whiteman said one of the things that is important to note that there is no place Staff can find any direction being given to what the duties of the Planning Commission are other than the Oregon Revised Statutes. He has spoke with the City Manager from time to time and has been told there are certain things which are not in the realm of the Commission's review. He asked the City Manager to show him where it tells him this information. The Comprehensive Plan talks about some citizens advisory board to the Comprehensive Planning Commission, but does not specifically address the Planning Commission. The first thing he did when he was elected chair of the Commission was to ask where the duties of the Planning Commission are outlined. To-date he has not seen anything in this regard.

Mr. Bechtold said he could not recall where the Planning Commission decision was ever successfully appealed.

Angela Weeks commended Staff for including the date the application was received, deemed complete, and 120-day deadline in the Staff Report. It is very helpful. She thought there are also a lot of things the homeowners association and developer could take care of without the Commission becoming involved.

Chairman Whiteman said public participation is a great resource and he would not like to see it diminished in any way. Credit needs to be given for anyone willing to come in front of the Commission to present testimony.

Mr. Tuck reviewed the list of applications scheduled for public hearing on June 3, 1997.

Chairman Whiteman asked if the Commission could receive information on Elwert Road and whether it was in the 5-year plan for Washington County improvements. This may become more important as the YMCA is built.

Sue Engels said Staff will bring information to the next meeting as requested by the Commission regarding the public hearing process.

Mr. Baker said he finds it frustrating following the hearings and discussion when it appears everything has been met satisfactorily to have a Commission member vote no on an application. Ms. Claus explained how she determines whether or not to vote in favor of an application. Mr. Baker said he would like to hear any concerns because they may be valid enough to help change his vote. Ms. Claus said she would keep this in mind.

There being no further business to discuss, the meeting was adjourned at 10:15 PM.

Respectfully submitted,

Planning Department