



**City of Sherwood
PLANNING COMMISSION
855 N. Sherwood Blvd
Tuesday, June 17, 1997
7:00 PM**

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes of June 3, 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. PUD 97-1 Edy Road Preliminary Plan & Preliminary Plat:** (continued from June 3, 1997) a request by Venture Properties for a 33-lot planned unit development and preliminary subdivision plat, located at 17110 SW Edy Rd. Tax Lot 2100, Map 2S 1 30D.
 - B. SUB 97-2 Lucas Subdivision Preliminary Plat:** (continued from June 3, 1997) a request by Lucas Development for preliminary plat approval of a 5-lot subdivision, located at the intersection of SW Borchers Dr and Pacific Highway. Tax Lot 300, Map 2S 1 29B.
- 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
June 17, 1997

1. Call to Order/Roll Call

Vice-Chair Susan Claus called the meeting to order at 7:05PM.

Commission Members present:

Allen Baker
Susan Claus
Scott Franklin
Angela Weeks

Staff:

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

Commission Members absent:

George Bechtold
Bill Whiteman

2. Minutes of June 3, 1997 Commission Meeting

Vice-Chair Claus asked if there were any corrections, additions or deletions to the minutes of June 3, 1997. There were no comments.

Allen Baker moved the Planning Commission accept the June 3, 1997, Planning Commission meeting minutes as presented. Seconded by Scott Franklin.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

3. Community Comments

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

4. Consent Agenda

There were no land use applications scheduled.

5. Public Hearings

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

Scott Franklin announced he had a potential conflict of interest with Agenda Item 5A, PUD 97-1 Edy Road Preliminary Development Plan and Preliminary Plat. The applicant is a client of the company he works for, however, this is not one of the company's projects. He did not feel this would affect his decision-making process and he planned to fully participate in the public hearing for this land use application.

5B. SUB 97-2 Lucas Subdivision Preliminary Plat (continued from June 3, 1997)

Vice-Chair Claus referred the Commission to a June 16, 1997 letter from the applicant's attorney requesting a continuance to the July 1, 1997 Commission meeting. The applicant's request would advance the 120-day deadline by two additional weeks.

Scott Franklin moved the Planning Commission continue SUB 97-2 Lucas Subdivision Preliminary Plat to the July 1, 1997 Commission meeting, as per the applicant's request. Seconded by Allen Baker.

Vote for Passage of Motion: 4-Yes, 0-No, 0- Abstain

5A. PUD 97-1 Edy Road Preliminary Development Plan and Preliminary Plat (continued from June 3, 1997)

Vice-Chair Claus announced that this land use application was continued by the Commission. At the June 3, 1997 Commission meeting, the Commission made some specific requests for additional information regarding the application. She asked if Staff had an updated report.

Greg Turner reported the City had not received any further information from the applicant since the June 3, 1997 Commission meeting.

Vice-Chair Claus opened the public hearing on PUD 97-1 Edy Road Preliminary Development Plan and Preliminary Plat and asked if the applicant wished to provide additional testimony.

Renee Cannon, Venture Properties, 5000 SW Meadows Road, Suite 151, Lake Oswego, Oregon 97035, addressed the Commission. Ms. Cannon said she would like to address a few items, in particular:

- Regarding the water line, she had talked to the City Engineer, but still does not have a clear understanding why the applicant will be required to build a water line that is over the capacity required to serve the proposed PUD. The applicant is willing to build over capacity on their own property as long it does not exceed a \$10,000 difference in costs between an 8-inch and 12-inch line. They are willing to take this water line to the edge of their property.
- According to the best information she has, the existing service meets the required pressure and they believe there is no place in the Comprehensive Plan showing the water line recommended by Staff. The applicant does not believe that it can be required for this PUD application.
- Regarding the western street stub to the adjoining property, the access to the west of their property had, at the time of partitioning, direct access to Edy Road. The change that has been required by adding the street to the west will eliminate two lots from the PUD. It will interrupt the streetscape on the eastern portion of the PUD. She did not find a requirement in the Transportation Plan for this condition. She did not know what ordinance the City had regarding spacing of more than 100 feet for the access.
- Regarding the open space, the applicant is willing to donate the open space with the specific criteria that there be some language regarding tree removal being restricted.

- Regarding the easement, she was not clear on the requirement for a 30 foot or 20 foot easement. The applicant would like to see 20 feet and she asked for further clarification.
- Regarding the requirements for a materials list, roofing, siding, window treatments, porches or decks and exterior colors, the applicant believes this is asking beyond what the Code requires. This would restrict the applicant unduly to use any product that may occur between the time of development and actual construction.

Ms. Cannon said the applicant would like to have a decision from the Commission tonight, even with the expectation that it may not be positive. If the decision were negative, they would like to be able to move forward, if necessary, with the appeal process to the City Council.

Allen Baker asked for clarification regarding the applicant's request to restrict removal of any trees for the pathway. Ms. Cannon said they are trying to prevent, as a homeowner's association, being unduly extorted to remove trees to put in an eight foot wide asphalt pathway. They would prefer a small pathway that could be done by hand and not require heavy equipment which in turn would ruin the undergrowth and trees that exist. Heavy equipment such as backhoes really make a mess. The trees that exist on the site are a real amenity to this proposed community.

Scott Franklin said it looked like the pathway moving in a southeasterly direction would not affect the trees for a short distance, but the trees in the lower area would be affected by an asphalt pathway. Trees could be destroyed with the use of heavy equipment which would be needed to build a path and meeting a goal. Referencing the water line, it would be difficult for the City to require a property owner to obtain an easement. The City has the ability to obtain easements and he did not know if it was appropriate to require the property owner to do this.

Sue Engels responded to the applicant's concerns. She referenced the City's Water Master Plan which analyzed the fire flow for the area and included the site for the proposed PUD. The Plan stated that the needs of the City were arrived at assuming a population of 7,000. The Plan simulated the need for fire flows in the City, in general the ability to adequately provide fire flows to most areas of the City. There were three areas that fire flows could not reach desired pressures and one of the areas was the Edy Road area. The City has the water supply, but not the distribution system needed for the estimated population figures. She identified the area on the map. All of the Edy Road area is being served by one water line without any looping. She discussed whether it was appropriate to condition an individual developer to acquire easements or whatever is needed to bring something to their property. If it is true that adequate fire flow cannot be delivered to this property, then the developer needs this water line for its development of the PUD. There are situations when a developer may need something and they have to bring it from the point it exists to their property. They may have to buy land or acquire easements to accomplish this.

Ms. Engels addressed the concerns of the applicant regarding the open space. The City could accomplish what the applicant would like to see regarding the open space. All of the parties have an interest in not removing trees unnecessarily. The City is not suggesting the asphalt pathway be built at this time because it will eventually become a part of the whole system. The City has a strong interest in keeping the trees as a natural area. In other developments in the City, when the

City puts in an asphalt path, the City maintains this path if it is a hard surface type of bike path. The homeowners would not be expected to maintain or replace an asphalt bike path if this type of path was feasible.

Greg Turner discussed the materials list. One of the findings for a PUD is that the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments. Staff recommended a condition be added that a materials list be reviewed and approved by the Commission. It is the Commission's decision whether they would like to see the materials list now or at some point in the future.

Mr. Turner addressed the western street stub. The Code and Comprehensive Plan address the connectivity of streets. After Staff reviewed this proposal, it was determined that addressing both sides of this property with stub streets would be what was needed in this area, as well as taking into account the Engineering requirements for spacing of driveways along Edy Road.

Mr. Franklin said if there is adequate fire flow now, and the applicant is required to build the water line, then it is needed for the project and the City would be justified in requiring the applicant to get the easements.

Renee Cannon provided further testimony. She talked with the City Engineer today and had a difficult time obtaining a clear answer. The City Engineer told her there is sufficient water to serve the subdivision, but there is not sufficient water for looping. She asked what the requirement is for water flow. The City Engineer said the State requires 20 psi and there is 25 psi in this area. He referenced the requirements of Cincinnati, which she was not interested in. If there is 25 psi, the applicant does not believe it is their responsibility to build the whole water line. With future development of the whole area it will probably be needed. Dorothy Meadows will be using this same water line. The applicant is willing to build over capacity from an 8 inch to 12 inch line on the east side for continuation wherever the City wants the easements if it does not exceed \$10,000 difference. They do not believe it would exceed this cost. She did not think the City has the authority to condition the water line improvements on the developer. The applicant would like to assist, but not be the sole provider of the water line improvements.

Sue Engels said the Water Master Plan states the fire flow for this area is not adequate. This makes it a fire and life safety concern.

Vice-Chair Claus asked if there was anyone else who wished to testify. There being no further testimony, Vice-Chair Claus closed the public hearing on PUD 97-1 Edy Road Preliminary Development Plan and Preliminary Plat for discussion by the Commission.

Vice-Chair Claus said the lack of a materials list is enough for denial of the application. It is a very important part of the application. There are some things the City could do to work out the concerns regarding the open space. She asked if any of the Commissions had further comments.

Mr. Baker said the lack of a materials list should be enough for denial of the application. At the June 3, 1997 meeting, the Commission specifically asked that this be provided tonight. This is a very important aspect of a PUD and is one of the findings for approval contained in the Code.

Angela Weeks said the Commission asked for further information from the applicant and it has not been received. This information is required for PUD's and has been asked of previous applicants.

Vice-Chair Claus said a PUD is a whole design package and it is difficult when granting a PUD to leave everything up to the applicant and not have the materials list.

Mr. Franklin said if the Code allows the request for a materials list, the Commission is justified in asking for this information. He asked if the Commission has the authority to request materials on single family homes. Susan Claus said it is a combination, the materials list, elevations and design. Mr. Franklin said if the Commission were able to look at examples of other "Z" lot subdivisions this would have been helpful.

Vice-Chair Claus said the City is trying to build a local street network and the Master Plan very rarely shows any local streets. The Commission asked for a revision showing the western stub and this was not submitted. The applicant still believes this stub will cause them to lose two lots versus one lot and that this western stub is beyond what they should be required to do.

Vice-Chair Claus said the applicant has specifically requested the Commission make a decision tonight and they did not want a further continuance to provide these materials.

Ms. Weeks asked for further clarification regarding the fire flow. Ms Engels said at the time of an application, fire flow calculations are a part of the general conditions recommended by the Fire Department. The City Engineer's concerns are the water line looping. The Commission agreed that the fire flow needed to be brought up to adequately serve the area.

Mr. Turner said Staff would need to develop findings recommending denial of the application because the Staff Report was written for approval subject to the conditions. Staff would present these findings at the July 1, 1997 Commission meeting for adoption by the Commission.

Susan Claus moved the Planning Commission recommend denial of PUD 97-1 Edy Road Preliminary Development Plan and Preliminary Plat based on the public hearing testimony, the Staff Report, information obtained, and because the applicant did not provide an adequate materials list and elevations, the application not being complete, the plat not showing the western stub modification, and the \$10,000 maximum amount the applicant wished to place on the water line improvements. The application, as presented, was not in the best interest of planning and did not comply with Commission guidelines. Staff will prepare findings based on denial of the application for review by the Commission at the July 1, 1997 Regular Commission meeting. Seconded by Allen Baker.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

Vice-Chair Claus asked Staff to prepare findings for denial of PUD 97-1 Edy Road Preliminary Development Plan and Preliminary Plat.

Sue Engels clarified that the final decision would be after the Commission adopted the findings for denial of the application. The 21 day appeal period would follow the decision on July 1, 1997. For the applicant, the appeal period would begin on the date the final decision notice was mailed.

6. Other Business

Greg Turner reviewed the schedule for land use applications to be heard by the Commission.

Sue Engels discussed the process Staff uses for deeming an application complete.

There being no further business to discuss, the meeting was adjourned at 8:00 PM.

Respectfully submitted,

Planning Department