



**City of Sherwood  
PLANNING COMMISSION  
855 N. Sherwood Blvd  
Tuesday, July 15, 1997  
7:00 PM**

**A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes of July 1, 1997**
- 3. Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
- 4. Consent Agenda**
- 5. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
  - A. SUB 97-2 Lucas Subdivision Preliminary Plat:** (continued from July 1, 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.
  - B. SP 97-6 YMCA Site Plan:** a request by the City of Sherwood for site plan approval of a recreational facility to be located at the northwest corner of Woodhaven Drive & Sunset Blvd. Tax Lot 9100, Map 2S 1 31CB.
- 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**  
**July 15, 1997**

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

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

Commission Members present:

Allen Baker  
Susan Claus  
Scott Franklin  
Doug Saxton  
Bill Whiteman

Staff:

Jon Bormet, City Manager  
Greg Turner, City Planner  
Jason Tuck, Assistant Planner  
Scott Spence, Asst to City Manager  
Roxanne Gibbons, Recording Secretary

Commission Members absent:

George Bechtold  
Angela Weeks

**2. Minutes of July 1, 1997 Commission Meeting**

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of July 1, 1997. There were no comments.

**Susan Claus moved the Planning Commission accept the July 1, 1997, Planning Commission meeting minutes as presented. Seconded by Doug Saxton.**

**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**

Prior to opening the public hearings, Chairman Whiteman directed the Commission's attention to a letter dated July 15, 1997, from the applicant regarding SUB 97-2 Lucas Subdivision.

**5A. SUB 97-2 Lucas Subdivision (continued from July 1, 1997)**

Chairman Whiteman announced that the City and the applicant have requested a continuance to the August 5, 1997 Regular Commission meeting.

**Susan Claus moved the Planning Commission continue SUB 97-2 Lucas Subdivision Preliminary Plat to the August 5, 1997 Commission meeting, as per the request of the applicant and the City. Seconded by Doug Saxton.**

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

Chairman Whiteman directed the Commission's attention to the following correspondence which was placed on the tables:

- July 10, 1997 letter from Michael Ray, Corridor Planner, ODOT requesting a continuance on SP 97-6 YMCA Site Plan.
- July 14, 1997 letter from Michael Ray, Corridor Planner, ODOT, outlining the reasons ODOT was requesting a continuance on SP 97-6 YMCA Site Plan.
- July 15, 1997 memo from Jon Bormet to the Planning Commission regarding the ODOT request for a continuance on SP 97-6 YMCA Site Plan and the recommendation to deny the request.

Chairman Whiteman said prior to opening the public hearing the Commission would need to decide if they wanted to continue SP 97-6 YMCA Site Plan to the August 5, 1997 Commission meeting, leave the record open for seven additional days to allow a response from ODOT on the traffic study, or deny the request from ODOT for a continuance and hold the public hearing on the matter.

He announced that he had ex-parte contact with Mr. Ray, ODOT and the City Manager, Jon Bormet regarding this issue.

Chairman Whiteman read the July 10, 1997 ODOT letter into the record:

(July 10, 1997 letter from Michael Ray, ODOT.) This is to request a continuance on case #SP97-6, the application for a YMCA at the intersection on OR 99W and Sunset Boulevard.

According to Section 3.104.02, of the Sherwood Comprehensive Plan, "If additional materials are provided in support of an application later than (20) calendar days in advance of the initial hearing before the Commission...any party to the application, or party notified of the hearing as per Section 3.202.03, may make a request to the City...for a hearing continuance.

Since ODOT is a property owner (OR 99W) adjacent to the proposed YMCA and as such, a party to the application, and since the traffic analysis has been received by the City later than the (20) calendar days in advance of the hearing, and since the traffic analysis has a direct effect on the operation of a state facility ODOT feels the request for continuance is in accordance with Section 3.104.02, of the Sherwood Comprehensive Plan.

ODOT has to review the traffic analysis to see if it is correct in its assumption about the operation of the state facility due to traffic generated by the proposed recreation facility. In particular, we are concerned about the operation of the new signal at Sunset Blvd and OR 99W. This signal was approved under the assumption that the property accommodating the YMCA was to be multi-family housing.

If you have any questions, please call me at 731.8283.

Allen Baker pointed out that the Code states, "If, in the City's determination, there is a valid basis for the continuance request, said request shall be granted." The request for a continuance is not automatic.

Chairman Whiteman read the July 14, 1997, ODOT letter into the record:

(July 14, 1997 letter from Michael Ray, ODOT.) Outlined below are the reasons that ODOT feels the above application should be continued:

- The original traffic study done for the area was for the Woodhaven PUD. At that time (1994), the proposed use for the parcel in question was for multi-family residents.

Athletic facilities and apartments have different traffic generation patterns. As a transportation provider, ODOT needs to know if there will be any impact (positive or negative) on the state facility (OR 99W) so that we can address it.

- The traffic analysis was submitted to ODOT two working days before the Planning Commission hearing for approval of the application.

In our 07 July 1997, response to the application letter, ODOT requested that a traffic study be done to assess the impacts of the YMCA development on the surrounding transportation network. We received the traffic study on 11 July 1997. The Planning Commission hearing is scheduled for 15 July 1997. Section 3.104.02 of the City of Sherwood Comprehensive Plan details the procedure required if new information is provided in support of an application if the new information is received later than 20 calendar days in advance of the initial hearing.

- The application shows the right-of-way for a new connection parallel to OR 99W. While ODOT applauds the inclusion of the right-of-way, we wonder why it is not being built at the time of construction of the YMCA.

The City of Sherwood is the developer of the property, therefore they are a logical choice for providing the new local street across their property. If the City has a plan for the construction of the road, it should be in the application. How can the City condition development of a new road on future developments if they are not willing to step up to the plate and build their section? If the City just provides an easement for the road, each developer to the north will do the same. The outcome will be a paper street that serves no one. If the road were to be constructed as part of this project, the next developer to the north of the YMCA would have an alternative access, thereby reducing reliance on OR 99W.

- A 20 day continuance will not jeopardize the project.

The developer is the City. The City wants a YMCA. The YMCA will operate the facility. There has been no indication that any of the interested parties will pull out of the deal if a continuance is granted. If the submitted traffic study is adequate in its analysis of future traffic operations, ODOT will be satisfied and the project can continue. If the analysis is found to be inadequate, measures can be taken to address the problem and the project can then proceed. The projected completion date for the YMCA is Fall 1998 or Spring 1999. A 20 day continuance is a minor postponement.

- The City should have had all the required information in order before scheduling the application hearing before the Planning Commission.

All parties, including ODOT need to have sufficient time to analyze all the supporting information with the application before making a recommendation.

ODOT is not against the building of a YMCA for the citizens of Sherwood. Recreational opportunities are very important in today's hectic society. But, it is important that that tenets of Oregon's unique land use laws are applied so that development occurs in an orderly fashion and that adverse impacts that may arise are dealt with upfront, instead of after-the-fact.

Chairman Whiteman said Mr. Ray did not plan to attend the meeting tonight. The purpose of the second letter was to provide additional support to the request for a continuance.

Chairman Whiteman read the City Manager's memo into the record:

(July 15, 1997 Jon Bormet Memo.) As you know ODOT has requested a continuance of the proposed YMCA. I recommend that you reject their request. The City sent this site plan to ODOT as it routinely does, and received a response from them on July 7. As part of that letter, ODOT made just two **requirements**. (1) Put in a curb and sidewalks and (2) No 99W access is permitted. Those requirements have been met.

Among the **recommendations** they made were:

- Allow for widening Sunset to six lanes.
- Provide for a Park and Ride.
- Provide a traffic study.

The first two requests are not relevant to the site or consistent with City policy. However, as a courtesy, we provide ODOT a copy of the traffic study. ODOT has responded to this courtesy by turning right around and requesting a 20 day continuance because they have been unable to "study our study" over the past three work days. It is ironic that had we not provided the traffic report, this would not be an issue. It is unfortunate that we might be delayed because of our good faith cooperation with ODOT.

The fact is, according to a letter of July 7, the only issue that concerns ODOT is the left turn from Sunset to Woodhaven. That issue can be resolved by the City in an entirely separate forum from the YMCA site plan.

The YMCA is the work of the citizens of Sherwood, we have voted for , designed, and will ultimately pay for the facility. Those citizens have the right to expect that we will move expeditiously to make their dreams a reality and I believe those expectations to be valid.

On the other hand, ODOT feels no such sense of priority and have made a request for a continuance because they need more time to study a traffic report that was not required in the first place. I hope the Planning Commission will find that request for a continuance to be unwarranted and not valid.

Jon Bormet stated that he did not have a formal presentation, but would answer any questions. He noted:

- The City is in a hurry to move ahead with the YMCA project. The City has an agreement with Hoffman Construction as the CM/GC. There will be a ground-breaking which is planned for August 6, 1997. Senator Wyden and Representative Furse will be in attendance.
- The site plan does not have all of the facade completed.

- He was disappointed in ODOT's behavior. It is not typical behavior, to his knowledge, in the way one state agency treats a local jurisdiction.
- The YMCA project has been talked about for over a year and ODOT has been involved in this process.
- There are some key misstatements in the two ODOT letters. ODOT brought in the Sunset Boulevard-Highway 99W traffic signal. Timing was not of the essence in placing the signal. For Mr. Ray to say a continuance would not do any harm is fundamentally wrong.
- The City is not opening the YMCA on January 1, 1999. The plan is to open the YMCA on June 1, 1998.
- Time is of the essence. Dirt needs to be moved to provide a basement for the YMCA and weather conditions would have an effect.
- He wished the City could give ODOT the 20 days to study the study, but the City really cannot do this.
- ODOT has no authority over the City except what they have stated:
  - No access to 99W.
  - Place curbs and sidewalks along the highway frontage.
- As stated in ODOT's July 7, 1997 letter, the only reason ODOT wants a traffic study done using the v/c ratio to determine if it will be necessary to lengthen the east bound left turn storage on Sunset Boulevard at Woodhaven. Lengthening the left turn lane would require removing some or all of the landscaped median. ODOT requested the opportunity to review and comment on the traffic study.
- It may be different if the applicant was a private property owner. The applicant is the City.
- The City should not be in the business of complying with state agency requests when it complies in good faith and the agency can delay the hearing for 20 days. This is not the way to do business.
- The totality of the request for a continuance is a "nothing issue." Instead of writing letters, Mr. Ray could have reviewed the traffic study data. The City is not required to provide ODOT with this information. It was provided as a courtesy.
- Losing 3-4 weeks at this time of year would have an adverse effect on the YMCA project scheduling and completion date.

Mr. Saxton asked for clarification regarding the number of parking spaces. Mr. Bormet said the YMCA peak hour traffic may be less than the apartments peak hour traffic. The July 8th Traffic Report from Kittelson & Associates was provided to ODOT and contained the same recommendations.

Chairman Whiteman asked if the Commissioners wished to provide further input.

Susan Claus said during her term as a Commissioner it has been up and down with ODOT. Mr. Ray has been involved with the process for over a year and she was somewhat surprised with the request for a continuance. If they are talking about off site improvements with the City, for instance, the shopping center was approved with one of the entrances being left as an unanswered question between the owner, the City and ODOT. She did not see why the Commission could not proceed and whatever input ODOT had could be received later. This would not affect the Commission's review of the site plan because they are talking about an off site improvement.



She would recommend that the Commission proceed with the public hearing on the YMCA Site Plan.

Allen Baker said he agreed with Ms. Claus's recommendation. The traffic study is not that complicated and ODOT should be able to do a review in a timely manner. The ODOT letter of July 14th requested a traffic study, not that a traffic study was required.

Doug Saxton said given the fact that the current configuration of roads is approved under the assumption that the land was going to be used for high density, multi-family dwellings, with a higher number of parking spaces and higher volume of traffic, there should not be too much problem with the YMCA. He would agree with the other Commissioners to continue with the public hearing.

Scott Franklin said he concurred with the other Commissioners. Based on the comments from the City Manager regarding the traffic study and ODOT letter of July 7, this issue had been addressed.

Chairman Whiteman said the consensus of the Commission was to continue with the public hearing for the YMCA. He asked that the motion include the findings to satisfy the continuance issue and not set a precedent for future actions of the Commission. He wanted to be sure that if the applicant was someone other than the City, they would be treated the same, especially when talking about an issue of information provided in a timely manner. The Commission had not previously seen a copy of the July 7, 1997 ODOT letter from Marah Danielson. If the traffic study was a recommendation and not a requirement, why did the City do the study. The traffic study is dated July 8, 1997. These were his concerns.

Mr. Saxton said the City is not alone in being in a hurry to get a project started. This same request is heard from many applicants.

**Susan Claus moved the Planning Commission deny the request from the Oregon Department of Transportation (ODOT) for a continuance of SP 97-6 YMCA Site Plan based on the findings in the ODOT letter dated July 7, 1997 which contained two requirements and some recommendations, these two requirements being met by the City and the City meeting some of the recommendations, the fact that the existing configuration of the streets was previously deemed adequate to handle a higher traffic volume than would be generated by the YMCA, and it is an off-site improvement which may or may not be recommended and not required. Seconded by Scott Franklin.**

Chairman Whiteman said the letter talks about the possibility of a signal at Sunset Boulevard and Woodhaven Drive. He asked what kind of control ODOT has in this case. Greg Turner said ODOT does not have control over City streets, but generally they make recommendations to be considered by the City. ODOT makes these same type of recommendations on other projects within the City. Chairman Whiteman read the July 7, 1997 from Marah Danielson, ODOT, into the record:



(July 7, 1997 letter from Marah Danielson, ODOT.) Thank you for providing ODOT the opportunity to comment on the development review for the Sherwood YMCA. The subject property is located adjacent to Oregon 99W. According to the Oregon Highway Plan, OR 99W is an Access Oregon Highway and has a statewide level of significance. We have an interest in ensuring that proposed land uses do not negatively impact the facility's safe and efficient high to moderate-speed operations with limited interruptions of flow in urban and urbanizing areas.

We have reviewed the provided materials on this case and have the following comments:

- ODOT requires curb and sidewalks along the highway frontage.
- No direct access to the highway will be permitted by ODOT.
- We recommend that no direct access to Sunset Boulevard be permitted.
- The site plan indicates the eastbound right lane on Sunset Boulevard at Woodhaven Drive as a right turn only lane. We have a dual left turn lane feeding into this lane off the highway, therefore the two eastbound lanes should continue through the intersection a few hundred feet before tapering down to one to help ensure the efficient use of the dual left turn lane and to avoid creating a trap lane. (This improvement is primarily in response to the Woodhaven development and other developments in the area)
- We recommend the City require the applicant to dedicate adequate right-of-way or, at a minimum, adequate setbacks in the site design to accommodate the possibility of future widening of Sunset Boulevard to 6 lanes. Although no detailed study has been done to assess its impacts, it is anticipated buildout of the area and completion of the east local collector could result in signals being warranted at the Sunset Blvd/Woodhaven Drive intersection. Due to the traffic volumes involved and the proximity of the OR 99W intersection, it is anticipated this section of Sunset Boulevard may have to be widened to 6 or more lanes in the future.
- ODOT will require the construction of a bus pull out if the city is successful in obtaining transit service for this location and the service involves a bus stop on the highway.
- We recommend the City consider requiring the applicant to allocate some of the development's parking for a park and ride if transit service is obtained for this location.
- We recommend the City require the applicant to perform a traffic study using the v/c ratio to determine if it will be necessary to lengthen the east bound left turn storage on Sunset Boulevard at Woodhaven. Lengthening the left turn lane would require removing some or all of the landscaped median. ODOT requests the opportunity to review and comment on the traffic study.
- Construction plans for Highway 99W improvements will need to be reviewed and approved by ODOT. Potential connection to the State storm drain system, and all work in the right-of-way will require an ODOT permit. For additional information and follow-up contact Jane Estes, Permit Specialist, ODOT District 2A, at 229-5002.

If you have any questions regarding the above comments, please contact me at 731-8258. For specific questions regarding traffic comments contact Martin Jensvold, Senior Transportation Analyst at 731-8219. Please send a copy of the Decision and Conditions of Approval for this case.

## **The Commission voted on the motion.**

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

### **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.**

Chairman Whiteman advised he had ex-parte contact with the City Manager regarding SP 97-6 YMCA Site Plan. He did not believe this would have an effect on his decision-making process.

There were no further Commissioner disclosures.

#### **5B. SP 97-6 YMCA Site Plan**

**Chairman Whiteman opened the public hearing for SP 97-6 YMCA Site Plan and asked if the applicant or their representatives wished to provide testimony.**

Chairman Whiteman called for the Staff Report. Greg Turner referred the Commission to the Staff Report dated July 15, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The City is proposing to construct a 43,000 sq ft recreational facility to be operated by the YMCA. The development will consist of 150 space parking lot with 67 spaces for overflow, a loading area, parking landscaping and general landscaping located around the perimeter of the site.
- The site is located at the northeast corner of Highway 99W, Sunset Boulevard and Highway 99W. The site consist of 8.73 acres and is zoned Low Density Residential (LDR) with a PUD overlay. The PUD was previously revised and the site has been designated for a recreational facility. The proposed use is permitted outright in the zone.
- The 150 parking spaces are located off of Woodhaven Drive.
- The building primarily consists of a gym, pool and support spaces. He referred the Commission to the architect's renderings showing several views of the proposed building.
- The proposed development meets the applicable zoning district standards and all provisions of Chapters 2, 5, 6, 8 and 9.
- The traffic impact study concludes that traffic for the YMCA would increase traffic flow in the area, however, the impact for the proposed development could be accommodated by existing roads.

In conclusion, based on a review of the applicable code provisions, agency comments and Staff review, Staff recommends approval of SP 97-6 YMCA Site Plan subject to the conditions contained in the Staff Report.

In response to Chairman Whiteman's question, Mr. Turner identified the property lines for the site and the location of the parking spaces. The plans show the potential frontage road which will be dependent on the Transportation System Plan being done by the City. Jon Bormet discussed the width of the driveway which would be consistent with the street widths. Although the plans show the frontage road, the site plan is frontage road neutral. The driveway at Woodhaven Drive and Fitch Drive would be 36 feet wide.

Mr. Franklin said it is confusing when the frontage road is being shown on the plans at this point in time. He asked where the storm water facility was going to be located. Mr. Ralph Willson, LSW Architects, identified the area on the map.

Ralph Willson, LSW Architects, 2300 Main Street, Suite 100, Vancouver, Washington 98660, addressed the Commission. Mr. Willson noted:

- He discussed the two elevations for the YMCA as shown on the renderings.
- They have tried to incorporate building materials that are used in the northwest as well as in the City. They are using a CMU combination of split face/ground face concrete masonry units much like the Archer Glen Elementary School. The building would have brick accents.
- The roof would be sloped and gabled with green tone hues over the pool, gym and much of the core area.
- They are trying to open the pool area with glass.

Chairman Whiteman asked if gym area was going to be covered and open on the sides.

Mr. Willson said at this point the gym has a concrete floor and three walls. The northmost wall has some returns to it, but it is not filled in. The gym will be used for multiple activities. He deferred the specific activities to the presentation of the YMCA representatives. He discussed the landscaping in more detail. There are two different locations for the bikepath, dependent on the outcome of the proposed frontage road. Without the frontage road, the bikepath would come down the north side of Woodhaven Drive. The bicycle parking area will contain more spaces than required by the Code.

Mark Young, YMCA, 11928 SW Dickinson Court, Portland, Oregon, addressed the Commission. Mr. Young noted:

- There are three concepts they are trying to create. They are creating a gathering place, a place for families and a place that is very active.
- They spent a day and one-half meeting with citizens on what they wanted to see in a YMCA.
- There are 2,200 YMCA's throughout the country. It is the largest, non-profit organization in the United States.
- The YMCA brings the community together. It is the community's YMCA. The "Y" is often the center of the community activities.
- Studies show where new YMCA's are built, 80% of the public that belongs to the "Y" on a monthly basis will belong with their family.
- You need to have separate places for activities as well as places to get together as a family for activities. The "Y" will be designed to accomplish this goal.
- The space will be flexible. The lobby area will be a nice place for people to gather. The "Y" will have plenty for all ages to do.
- The "Y" is mind, body and spirit. There will be many things happening at the "Y".
- The key elements of the "Y" will be the gym area, pool area and open space.
- He discussed several of the many activities the "Y" will provide.
- The open gym concept is a blending of technologies. Even during the coldest winter times there will be programs for the gym area. The individual's body heat will keep them plenty warm.

- The difference between an open and enclosed gym is the limitation of activities which could be provided. The gym will be a multi-use area.

Mr. Franklin said the review Committee had decided on a covered basketball gym. He asked Mr. Bormet at what point this was changed and why.

Mr. Bormet responded that throughout the process it was decided to provide a multi-purpose facility keeping in mind the \$4 to \$4.5 million budget. The gym could be enclosed at a later time with funds generated from the operation of the “Y” instead of using taxpayers dollars at the onset.

Mr. Willson said it could cost approximately \$200,000 to enclose the gym. This would include heating, ventilation and something other than a concrete floor.

Mr. Young said the “Y” is having conversations with Nike. If Nike participates, there is a “Nike” floor which could be used. If they do not participate, the floor will be concrete.

Mr. Bormet said the City and the “Y” are looking at several ways of getting more for the dollar. He explained that the renderings being presented tonight are a concept. The City is presenting a building footprint, parking area and landscaping tonight for site plan approval. The City does not know for sure that what is being shown will be what the building will ultimately look like. The City will come back to the Commission with final elevations. He asked that the Commission allow about thirty (30) days to present this information. Also, with the site plan, the City is not asking for an endorsement or approval for a frontage road.

**Chairman Whiteman asked if there was anyone who wished to speak in favor of SP 97-6 YMCA Site Plan.**

Robert James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus noted:

- The Commission is reviewing a footprint of a building of a site plan. The Commission is not approving elevations.
- The State creates municipalities which are different than a corporation or individual. A municipality is a legal name. He discussed the enabling acts.
- There are no notification requirements to ODOT. ODOT has a federal compliance agreement they need to pay attention to and one of the items is to stay out of local politics. The City is not required to notify ODOT or required to notify anyone. The City is required to notice a certain number of days in advance of the hearing.
- Mr. Ray from ODOT is not in a position to ask for the things in the letter. There is an enabling act for ODOT which does not allow this request.
- The City is different than an individual. If someone wants to sue the City, they have to fill out a tort claim first. If this is not done within ninety (90) days, an individual cannot sue the City.

- The letter from ODOT is ridiculous. Who is Michael Ray to decide who is going to run the City. Mr. Ray has no official standing to do this.
- He (Claus) objected to the siting of the YMCA, but he supported the YMCA. He attended the meeting to voice his opinion and he lost.
- The City Manager is working within a budget for the YMCA. The first thing to do is get a site plan and then come back with the elevations.
- ODOT is not subject to the zoning laws, sovereigns are. Mr. Ray and ODOT do not have any jurisdiction for the City's right-of-way.
- What was the "agenda" for the letters from ODOT. Why didn't ODOT follow standard operating procedures. Mr. Ray was supposed to go through the Planning Commission via the City. What brought these letters on. Why isn't Mr. Ray in attendance tonight.
- He discussed the hotel purchase by the City for City Hall. All people talked about was how much money Mr. Claus was making. They did not talk about the issues and there was an "agenda" involved.
- The Commission has a fiduciary obligation to the City of Sherwood.
- He talked about the roadway SDC nonsense during the term of a previous Chairman of the Planning Commission and Mayor. The City is unable to clean up the thousands of dollars lost to Woodhaven, but now a capital project can be stopped and risk \$60,000-70,000 in penalties from the contractors. What kind of thinking is this.
- What is being seen is a sickening example of bad government. This is waste, fraud and abuse if the YMCA project is not moved ahead. The City does not have enough money to finish the "Y" the way we want to now. Prices have gone up. The facility is going to be beautiful.
- They have a stop light, no thanks to ODOT.
- The Commission has an obligation as a municipal corporation to watch out for his money and if they don't..... it is a waste, fraud and abuse of public money.
- Why would someone ask for a delay of the footprint that could cost upwards of \$100,000, a breach of contract, and make it so that the facility cannot be finished. Who has this "agenda" in this town. What elected official says we can't finish the YMCA on time.
- The current Staff is trying to stop some of the previous waste of City funds.
- The Director of ODOT needs to be asked if it is standard procedure to bypass City Staff.
- Someone is trying to take the YMCA and blackmail the City into a frontage road. What is the agenda. Someone from ODOT is trying to kill the YMCA just because they have a bad feeling for City Staff.
- If the City does not move on the YMCA now, they are going to lose it because there are limited budgets.
- He has heard the same things out of the Mayor that he heard over SDC's. The City needs the TIF's to build the City.
- He would like the YMCA Site Plan moved forward. He does not want to see any more comments about the frontage road. The frontage road has not been approved or disapproved.

**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 SP 97-6 YMCA Site Plan.**

Keith Howe, 780 NW Gleneagle Drive, Sherwood, Oregon 97140, addressed the Commission. Mr. Howe said he was not in opposition to the YMCA, but he did have some questions. He asked Mr. Bormet the following:

- Will the YMCA cost more than the amount that was raised through the bond issue?

Mr. Bormet said he did not know. The Commission is looking at a site plan. What was raised in the vote was \$7.9 million. It could cost more than this. The question is what has been set aside for the “Y”. The City is trying to get the “Y” built for a total budget of \$5 million. The City has discussed with the YMCA people that if there are any additional monies required that there would be a mechanism through the YMCA to recoup this money.

- If there are cost overruns, are there going to be additional bond issues?

Mr. Bormet said he could guarantee that there will be no additional taxes related to this property.

Mr. Howe pointed out a couple of other issues and noted:

- He is a real estate agent and has access to some of the Woodhaven people. There was some concern that the public noticing process was not met. He identified the individuals. He also read the ORS regarding the noticing process.

Mr. Bormet confirmed that the individuals in question were mailed a copy of the public notice for the YMCA. In addition, the public notice is published two weeks prior to the hearing in a newspaper of general circulation. The notices are published in the Tigard and Tualatin Times.

Mr. Howe asked if the frontage road can be shown on the site plan when it is not a part of the Transportation Plan.

Mr. Baker said the frontage road is being shown to make allowance for it. It is part of the public record that it is not being endorsed.

Mr. Bormet suggested that any future plans not include the proposed frontage road. The Commission concurred with this suggestion.

**Chairman Whiteman asked if there was any further testimony. There being none, Chairman Whiteman asked for rebuttal testimony.**

Robert James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus noted:

- There has been a very serious accusation about noticing. The person making the accusations does not have standing to make that complaint.
- The procedure that is being used by the City meets the noticing requirements.



- There are “agendas” here. The Commission is going to approve a footprint of the building. Nothing else is being approved. This is not why the hearing has been called. He wanted this to be clearly stated in the record.
- If this is appealed, he will actively oppose any appeal. He does not want anyone making standing statements.
- No one has ever told the City they must use a domicile newspaper for the public notices.

**There was no further testimony and Chairman Whiteman closed the public hearing on SP 97-6 YMCA Site Plan for discussion by the Commission.**

Scott Franklin asked what provisions are being made for any cost overruns. Mr. Bormet said the City has budgeted a 5-10% contingency. He hopes there are not overruns. In the budget, the City has segregated the ball fields from the YMCA. If any additional money is needed, it would not come from the ball field budget. There would not be any trades between the two budgets. If they need more money they may go to other City discretionary funds maybe for some temporary loans. He does not anticipate that this will happen and he is very optimistic.

Chairman Whiteman asked if the Commission wished to place any further conditions on the YMCA Site Plan. The Commission discussed adding conditions relative to the parking spaces, the building elevations, and references to the proposed frontage road. Mr. Bormet said he would prefer that these not be made conditions and that the City would comply with the additional requests for information from the Commission.

**Susan Claus moved the Planning Commission approved SP 97-6 YMCA Site Plan based on the Staff Report, findings of fact, agency comments and public testimony. A review of the final elevations and building exteriors, adequate bicycle spaces and removal of the frontage road from future plans were additional requests of the Planning Commission. Seconded by Allen Baker.**

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

SP 97-6 YMCA Site Plan 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 standard plans dated June 20, 1997, except as modified herein.
2. Prior to the submittal of plans for building plan check, provide engineered construction plans to the City and all applicable agencies for public and private improvements including costs, maintenance and bonding provisions in compliance with City, USA, WCDLUT and TVFRD standards. The plans shall include provisions for streets, street trees, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, site lighting, landscaping and signage.



In Particular:

- A. The development shall be provided with a means of disposal for sanitary sewer. The means of disposal should be in accordance with R&O 96-44 (Unified Sewerage Agency's Construction Design Standards, July 1996 edition). Engineer shall verify that public sanitary sewer is available to uphill adjacent properties, or extend service as required by R&O 96-44.
  - B. The development shall have access to public storm sewer. Engineer shall verify that public storm sewer is available to uphill 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. Developer shall provide a water quality facility to treat the new impervious surface being constructed as part of this development.
  - D. A "Sensitive Area" exists. Developer must preserve a 25-foot corridor as described in R&O 96-44 separating the sensitive area from the impact of development. The creek wetland / sensitive area shall be identified on plans.
  - E. A joint 1200-C erosion control permit is required.
  - F. Provide a drainage map and calculations.
  - G. The applicant is required to participate in the water upgrade (Booster Station) for the area.
  - H. All low points and drains to be connected to the storm system.
  - I. Provide a map for the proposed utilities for the site and sizes for water, sanitary and other facilities.
3. Provide a final landscape plan for city approval prior to building permit issuance.
  4. All exterior signage shall be subject to the review and approval of the City's Planning and Building Departments prior to the installation of any signs.
  5. Provide a solid waste disposal facility located on-site. The placement and design shall be coordinated with Pride Disposal.
  6. Provide landscape areas at least 64 square feet in area located every 15 parking stalls.

7. Provide parking lot lighting for the site. The lighting shall be design so as to not interfere with adjacent residential uses.

This approval is valid for one (1) year.

Mr. Bormet invited the Commission to the August 6, 1997, 10:00 AM ground breaking for the YMCA. Senator Wyden and Representative Furse have been invited to attend.

The Commission directed Staff to send a letter to Mr. Michael Ray at ODOT identifying the reasons the Commission denied ODOT's request for a continuance, including copies to those people listed on ODOT's letter.

Mr. Bormet advised the Commission that the City Council had denied the Plan Text Amendment to remove the General Commercial (GC) uses from the list of permitted uses in the Light Industrial (LI) and General Industrial (GI) zones (PA 97-6).

The Commission discussed scheduling a work session with the City Council. Mr. Bormet will schedule this meeting and advise the Commission. This meeting will probably be scheduled for August 1997.

There being no further business to discuss, the meeting was adjourned at 9:10 PM.

Respectfully submitted,

Planning Department