



**City of Sherwood  
PLANNING COMMISSION**

**855 N. Sherwood Blvd**

**Tuesday, August 19, 1997**

**7:00 PM**

**A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes of August 5, 1997**
- 3. Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
- 4. Consent Agenda**
  - A. SUB 97-3 Woodhaven Phase 4 Final Plat:** for an 83-lot single family subdivision in the Woodhaven PUD.
  - B. SUB 97-4 Woodhaven Phase 6A & 6B Final Plat:** for a 121-lot single family subdivision in the Woodhaven PUD.
  - C. SUB 96-7 Seely Estates Final Plat:** for a 30-lot single family subdivision east of Seely Lane and adjacent to Scholls-Sherwood Road.
  - D. SUB 97-5 Woodhaven Townhomes Final Plat:** for a 70-lot townhome subdivision located in the Woodhaven PUD.
- 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 August 5, 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. CUP 97-3 Sherwood Community PreSchool:** a request by Kim Teasdale for approval of a conditional use permit to operate a preschool to be located at 310 NE First Street. Tax Lot 1700, Map 2S 1 32BA.
- 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**  
**August 19, 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  
Angela Weeks (7:08 PM)  
Bill Whiteman

Staff:

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

Commission Members absent:

George Bechtold

**2. Minutes of August 5, 1997 Commission Meeting**

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of August 5, 1997. There were no comments.

**Susan Claus moved the Planning Commission accept the August 5, 1997, Planning Commission meeting minutes as presented. Seconded by Scott Franklin.**

**Vote for Passage of Motion: 4-Yes, 0-No, 1-Abstain (Saxton)**

**3. Community Comments**

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

Robert J. Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus said there are a number of land use applications for Woodhaven on the Consent Agenda. He specifically noted:

- He believed the applications are in violation of the agreement made with the Planning Commission.
- He knows the applications are in violation of the agreements made with him and City Staff.
- He did not believe the applications belonged on the Consent Agenda because the Commission is being asked to overlook substantial changes and defer them to a later Commission meeting for review. The items include the pedestrian/bike crossing on Villa

Road not being contained in the applications. He was most concerned about this issue. It has been separated out into some new quasi-subdivision called Phase 6C.

- He wants to appeal this to both the City Council and LUBA.
- He asked that the following Woodhaven Final Plat applications be removed from the Consent Agenda:
  - Item 4A SUB 97-3 Woodhaven Phase 4 Final Plat;
  - Item 4B SUB 97-4 Woodhaven Phase 6A and 6B Final Plat;
  - Item 4D SUB 97-5 Woodhaven Townhomes Final Plat.
- SUB 97-4 Woodhaven Phase 6 is now being discussed as Phase 6A, 6B and 6C. The impact on the neighborhood which needed to be assessed is the crossing of Villa Road. There seems to be no denial that Woodhaven will build something, and the applicant wants to put this issue off for later consideration under Phase 6C. The applicant's reasons relate to the construction, not plans, bonding or funding. Adjacent property owners are being asked to hold off until the applicant decides what they want to do.
- Considering all of the frontage road problems the City is having, this has got to stop.
- There is nothing he can do with his property until he has a specific drawing signed off regarding the Villa Road crossing.

There were no further community comments.

Phil Nachbar, Genstar Land Company NW, asked if he could provide rebuttal testimony and asked if the previous comments were appropriate.

Chairman Whiteman said Consent Agenda items were not a public hearing forum. If a Commission member asked that an item be removed from the Consent Agenda, the discussion would be limited to Staff and Commission comments. If the Commission felt it was necessary to open it to a public hearing, the proper noticing would be required.

Sue Engels said she would verify with the City Attorney whether there is an appeal process for Consent Agenda items. The Commission has received Staff Reports for every item on the Consent Agenda. The Staff Reports should answer any questions regarding the conditions of approval. If the Commission still has questions, it would be appropriate for them to ask that a particular item be removed from the Consent Agenda for discussion.

Chairman Whiteman announced that Agenda Item 5A SUB 97-2 Lucas Subdivision Preliminary Plat was going to be continued to a future date.

Chairman Whiteman asked if the Commission wished to remove any items from the Consent Agenda.

Allen Baker asked that Item 4B SUB 97-4 Woodhaven Phase 6A & 6B Final Plat be removed from the Consent Agenda.

Susan Claus asked that Items 4A, 4B, and 4D be removed from the Consent Agenda. Ms. Claus said in the past the Final Plats came before the Commission as a separate agenda item which was

not included in the public hearing process, and not included under the Consent Agenda. As a separate agenda item the Commission was able to discuss each final plat application.

#### **4. Consent Agenda**

**Susan Claus moved the Planning Commission approve the Consent Agenda as amended. This approval included SUB 96-7 Seely Estate Final Plat. Seconded by Allen Baker.**

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

#### **4A. SUB 97-3 Woodhaven Phase 4 Final Plat**

Chairman Whiteman announced that the discussion would be limited to the Commission and City Staff.

Susan Claus asked how the Commission could approve a Final Plat which is part of a PUD when there is a significant part of the infrastructure which has not been met.

Sue Engels said SUB 97-3 Woodhaven Phase 4 Final Plat was approved by the Commission with conditions. The Staff Report states that the conditions have been met for this phase.

Ms. Claus said the pedestrian/bike path access on Villa Road would affect the entire PUD. The applicant is asking that this condition be dealt with under Phase 6C. The Commission reviewed and approved Phase 6 as one phase, not sub-phases 6A, 6B and 6C. There is an infrastructure question on linking the downtown Sherwood area to a portion of the PUD.

Doug Saxton asked if the only infrastructure question was Villa Road. The issue seems to relate to Phase 6, SUB 97-4. Chairman Whiteman said the question is whether the Villa Road crossing would affect the entire PUD and from an infrastructure standpoint should the final plat approvals be held until this question is resolved.

Sue Engels said there may be certain phases of the Woodhaven PUD which would be affected more by the Villa Road crossing. However, as an example, Pinehurst Drive was not required to be built entirely prior to approving certain phases of the Woodhaven PUD.

Allen Baker said the issue seemed to point to SUB 97-4 Woodhaven Phase 6. If the Villa Road connection were a road, it may be different. However, since it is a bike/pedestrian pathway, it seems to relate only to Phase 6.

**Allen Baker moved the Planning Commission approve SUB 97-3 Woodhaven Phase 4 Final Plat, subject to the conditions contained in the Staff Report dated August 19, 1997. Seconded by Doug Saxton.**

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

#### **4B. SUB 97-4 Woodhaven Phase 6A & 6B Final Plat**

Greg Turner stated that the questions seem to relate to Conditions #5, 6 and 7 contained in the Staff Report dated August 19, 1997. These are conditions which refer to Phase 6. The bikepaths have been bonded for. Staff has listed that the Villa Road improvements would be completed as part of Phase 6C. Also, the developer will provide a surety for the required improvements to complete the collector street from Sunset Boulevard to Meinecke Road as part of Phase 6C. It is up to the Planning Commission to determine if they want to allow the applicant to break down Phase 6 into Phases 6A, 6B and 6C.

Chairman Whiteman asked if the Commission considered Woodhaven Phase 6 as one phase. Mr. Turner said this was correct. Chairman Whiteman asked Staff what the applicant's reasons were for not applying for final plat approval of Phase 6 as a whole.

Sue Engels said this decision came more from the City Engineer than the applicant. There are several outstanding issues which include:

- The number and level of improvements on Villa Road.
- The Villa Road pedestrian/bike crossing.
- The booster facility.
- The bonding of the road connection to Meinecke Road.

The City Engineer will determine what will be needed from the developer. He was comfortable with having these items considered under Phase 6C and Phases 6A and 6B being presented to the Commission for final plat approval.

Chairman Whiteman said 6A and 6B all come up to Villa Road. Woodhaven Phase 6 is incomplete without 6C. Phase 6 was approved by the Commission as one application. Mr. Turner said this was correct. He asked if it was Staff's opinion that the primary responsibility for completeness of this application rested with the City Engineer's office. Mr. Turner said it rested with both the Planning and Engineering Departments. Chairman Whiteman said he would recommend continuing Woodhaven Phase 6 to the September 2 Commission meeting to allow more time to resolve these outstanding issues.

Chairman Whiteman said his main concern was that the Commission not set a precedent for considering future land use applications.

The Commission concurred that they had previously asked to see what the pedestrian/bike crossing for Villa Road would look like.

**Bill Whiteman moved the Planning Commission continue SUB 97-4 Woodhaven Phase 6A and 6B Final Plat to the September 2, 1997 Regular Commission meeting so that Phase 6C could be included and the Commission could review the Final Plat for Woodhaven Phase 6 as a whole. Seconded by Angela Weeks.**

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

**4D. SUB 97-5 Woodhaven Townhomes Final Plat**

Greg Turner reported that all of the conditions have been met.

Susan Claus asked why these Woodhaven applications are being referred to as subdivisions. Chairman Whiteman said the various phases have been called subdivisions since Phase 1. Sue Engels said as each phase comes in it is a one hearing process which goes only to the Planning Commission, unless it is appealed to the City Council. If each phase were referred to as a "PUD" there may be some inference that the application would have a two hearing process.

Mr. Turner referred the Commission to the townhome elevations which showed the different color schemes.

There were no further Commissioner questions of Staff.

**Allen Baker moved the Planning Commission approved SUB 97-5 Woodhaven Townhomes Final Plat, subject to the conditions contained in the Staff Report dated August 19, 1997. Seconded by Scott Franklin.**

**Vote for Passage of Motion: 5-Yes, 1-No (Claus), 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.**

There were no Commissioner disclosures.

#### **5A. SUB 97-2 Lucas Subdivision Preliminary Plat** (continued from August 5, 1997)

Chairman Whiteman announced that the Applicant and City Staff have requested this application be continued to September 16, 1997. Greg Turner reported that the status report referred to September 2, 1997. Staff and the applicant met today and mutually agreed on the September 16 date, due to the nature of the traffic study the City is having done which will look at the intersection and pending applications for Act III, Lucas Subdivision and Sherwood Crossroads.

**Doug Saxton moved the Planning Commission continue SUB 97-2 Lucas Subdivision Preliminary Plat to the September 16, 1997 Commission meeting as requested by the applicant and the City Staff. Seconded by Angela Weeks.**

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

#### **5B. CUP 97-3 Sherwood Community PreSchool**

Chairman Whiteman called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated August 19, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He identified the location on the map and noted:

- The applicant is requesting conditional use approval to operate a preschool at 310 NE First Street. The proposed number of students is twelve at one time. There would be two daily sessions. There would be one teacher (the applicant ) on site.

- The site consists of 0.15 acres described as Tax Lot 1700, Map 2S 1 32BA.
- The site currently contains a house and shed/garage.
- The applicant is in the process of remodeling the house to accommodate the preschool use.
- The site is zoned Medium Density Residential Low (MDRL) and requires a conditional use within the current zoning designations.
- Public facilities and services are adequate for the proposed use.
- The applicant has complied with the required zone standard and approval criteria.
- The City of Sherwood is a rapidly growing area and recent enrollment figures show schools to be either at capacity or over capacity.
- The location of the preschool in the central area of the City will well serve the public need.
- Surrounding property will not be adversely affected by the use. The property to the north is owned by the School District. The property to the south has a metal shed and open graveled area. There is no one living on this site. The property to the east and west are both residential houses. No surrounding property owners have contacted the City with regard to this application.
- Slides of the site were shown to the Commission. He identified the location of the handicapped parking stall and off street parking.

In summary, based on a review of the applicable code provisions, agency comments and Staff review, Staff recommends approval of CUP 97-3 with the conditions stated in the Staff Report. The comments from the Building Department have been included in the report. The applicant will provide the Building Department information showing the location of smoke detectors and the 20 foot wide unobstructed right-of-way as access to the public street.

Chairman Whiteman asked what ADA requirements would need to be met by the PreSchool. Mr. Tuck responded on an existing structure that a percentage of the improvements to the structure must be towards ADA access. Providing the one handicapped access parking stall meets this requirement. The State relies on the City to see that the preschool meets State code requirements.

Mr. Tuck identified the location of curbs and sidewalks in the area of the proposed PreSchool. He was not aware of any capital improvement projects for this area of the City.

**Chairman Whiteman opened the public hearing for CUP 97-3 Sherwood Community Pre-School and asked if the applicant wished to provide testimony.**

Kimberly Teasdale, PO Box 146, Sherwood, Oregon 97140, addressed the Commission. Ms. Teasdale said she did not have a formal presentation and would answer any questions. She noted:

- She is a certified teacher. The house would not accommodate more than 12 children at one session.
- The house will be used for the preschool only and will not be used as a residence.
- The shed will be used for storage.
- The house will be made handicapped accessible for any children enrolled with such needs.



- The side porch will be an emergency access/exit.
- The bathroom door entry is 2 ft, 6 inches wide.
- They have not talked to the State regarding ADA requirements.

Ms. Teasdale showed the Commission where the handicapped parking stall would be located as well as the location of the other parking spaces. She also identified the location of the exits from the house.

**Chairman Whiteman asked if there was anyone else who wished to testify in favor of the application. There was no further proponent testimony. Chairman Whiteman asked if there was anyone who wished to speak in opposition to the application. There was no opponent testimony and Chairman Whiteman dispensed with the rebuttal portion of the hearing and closed the public hearing for CUP 97-3 Sherwood Community Pre-School for discussion by the Commission.**

Susan Claus discussed the informal graveled access to Oregon Street. She was concerned about vehicle circulation for the area and that people would use this route to gain access to Oregon Street. Maybe the circulation could be improved with signage. When you approach this dead end street if you are not familiar with the area, you are somewhat confused about which route to take.

Mr. Turner said the applicant could advise the parents not to use the graveled access to Oregon Street.

The Commission discussed other options for vehicular parking and circulation. Chairman Whiteman suggested placing a 15 minute parking sign by the preschool. Staff will work with the applicant to assure that there adequate vehicle parking and circulation.

There being no further discussion,

**Doug Saxton moved the Planning Commission approve CUP 97-3 Sherwood Community PreSchool based on the findings of fact, Staff Report and recommendations and public testimony subject to the conditions contained in the Staff Report. Seconded by Angela Weeks.**

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

CUP 97-3 Sherwood Community PreSchool was approved subject to the following conditions:

Building Department:

1. All rooms used for the subject use shall be located on the first floor.

2. There shall be a minimum 20 ft wide right-of-way, unobstructed, and maintained only as access to the public street. There shall be at least 1 exit located on the access way or street.
3. Smoke detectors shall be installed throughout the common atmosphere, through which the exit must pass. Detectors shall be audible in the interior room.
4. Due to the size of the lot, it may not be fully fenced, as there is an inadequate "safe dispersal area." The fence shown on the plot plan is acceptable, for this plan review, however, a fence permit, and review is still required, unless this is an existing fence.
5. Toilet rooms shall have an operable window, not less than 3 sq. ft. in area, or a vertical duct, or an exhaust fan capable of 50 cfm.

Planning Department:

6. The parking area shall contain four off-street parking stalls (9' X 20'), one of which shall be a handicapped stall. The parking stalls shall be located on-site and paved in accordance with the Development Code. Approved access shall be provided from the handicapped space to the front door as required by the City's Building Department.
7. Any proposed signage shall not exceed thirty six (36) square feet in size. Signs shall be attached flat against buildings or setback a minimum of fifteen (15) feet from property lines adjacent to public streets.

Fire Department:

8. Comply with the Fire Department comments letter dated August 12, 1997.

This approval is valid for one (1) year.

**6. Other Business**

Greg Turner reported that Staff had been in contact with the Montessori School regarding the condition to provide a hard surface driveway. The City Attorney has confirmed that this condition was valid. A letter will be prepared by Staff to the Montessori School regarding providing a hard surface driveway.

The Commission discussed at length the Consent Agenda and how items are dealt with under this category. Staff will ask the City Attorney for further clarification and report back to the Commission. The Commission agreed that some guidelines would be appropriate.

Chairman Whiteman announced the City Boards Work Session is scheduled for Thursday, August 21, 1997 at 6:00 PM. Mr. Baker noted that he had not received any notices.

Sue Engels announced the City Open House will be held on Wednesday, August 20, 1997 at Stella Olsen Park.

Chairman Whiteman asked Staff to provide copies of the ordinances which established the City Parks Advisory Board and Landmarks Advisory Board.

Chairman Whiteman recognized Mr. Robert J. Claus, who discussed further the Consent Agenda and the process citizens could use if they had concerns with any items placed under this agenda category. He stated that it was Staff's decision to place certain items under the Consent Agenda. Staff should remove an item from the Consent Agenda when they are made aware of any objections from the public that there was a major omission. It was his opinion that Staff was being developer friendly. The only alternative for citizens to use would be a restraining order. He thanked Chairman Whiteman for continuing the land use action to the September 2, 1997 Commission meeting.

Chairman Whiteman stated that he had been made aware of the concerns with Woodhaven Phase 6 prior to the Commission meeting tonight. City Staff had advised him that there were some citizen concerns with this final plat as it was being presented tonight.

Chairman Whiteman reiterated that the City Attorney will be asked to provide a written opinion regarding Consent Agenda items and citizen's rights to provide comments.

There being no further business to discuss, the meeting was adjourned at 9:00 PM.

Respectfully submitted,

Planning Department