



**City of Sherwood
PLANNING COMMISSION
855 N. Sherwood Blvd
Tuesday, September 2, 1997
7:00 PM**

A G E N D A

1. **Call to Order/Roll Call**
2. **Approval of Minutes of August 19, 1997**
3. **Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
4. **Consent Agenda - no items scheduled.**
5. **SUB 97-4 Woodhaven Phase 6A & 6B Final Plats:** for a 121-lot single-family subdivision in the Woodhaven PUD.
6. **Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
 - A. **SUB 96-6 Sherwood Crossroads Subdivision Preliminary Plat:** (continued from August 5, 1997) a request by One Sherwood Development LLC for preliminary plat approval of a 7-lot commercial subdivision, located at the corner of Scholls-Sherwood Rd at Highway 99W. Tax Lot 300, Map 2S 1 29B. **The applicant and City have requested a continuance to the September 16, 1997 Commission Mtg.**
 - B. **SUB 97-6 Edgewood Subdivision Preliminary Plat:** a request by Jayson Wiltbank & Joe Broadhurst for preliminary plat approval of a 17-lot subdivision located at 23395 Old Highway 99W. Tax Lot 1701, Map 2S 1 36D.
 - C. **SUB 97-7 Charles Burck Hts 2 Preliminary Plat:** a request by CES, Inc for preliminary plat approval of a 22-lot subdivision located south of Sunset Blvd and west of Murdock Rd. Tax Lots 100 and 200, Map 2S 1 32DD.
7. **Other Business**
8. **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
September 2, 1997

1. Call to Order/Roll Call

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

Commission Members present:

Allen Baker (7:08 PM)
George Bechtold
Susan Claus
Scott Franklin
Doug Saxton
Angela Weeks (7:35 PM)

Staff:

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

Commission Members absent:

Bill Whiteman

2. Minutes of August 19, 1997 Commission Meeting

Vice-Chair Claus asked if there were any corrections, additions or deletions to the minutes of August 19, 1997. There were no comments.

Scott Franklin moved the Planning Commission accept the August 19, 1997, Planning Commission meeting minutes as presented. Seconded by Doug Saxton.

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

3. Community Comments

Vice-Chair Claus called for comments from the audience regarding any items not on the printed agenda.

Conrad Claus, 125 NW First Street, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus said he is an attorney representing Robert and Lila Salisbury and Robert J. Claus. He had a couple of comments regarding the changes to the Woodhaven PUD as follows:

- Neither of his clients received notification for Phases 4, 5 or 6. Lack of notification for Phases 4 and 5 will form a basis for an appeal.
- It is important for Phase 6, and all other phases, to require Staff to notify adjacent property owners.
- The second area is that he is somewhat concerned with these phases in Woodhaven being characterized as subdivisions rather than as phases of a PUD as both of these have been presented, qualitatively, and there is an issue there.

- It makes it very difficult for him to determine what the cost of appeal would be. His clients need to know what the costs and process will be for an appeal. He asked the Commission to let them know.

Vice-Chair Claus advised Mr. Conrad Claus that Woodhaven Phase 6A and 6B was scheduled as an Agenda item at this meeting. She asked Staff to provide appeal information.

Mr. Claus said the response they received earlier regarding an appeal was incorrect. He did not receive a fee schedule. Staff told them there was no appeal to City Council, which is a clear violation of the Code.

Greg Turner advised that a response from City Attorney Dittman was mailed to the Planning Commission regarding the questions raised at the August 19, 1997 Commission meeting. The response included the process for appealing final plats, dealing with items on the Consent Agenda and the process to use for public input. Mr. Turner said the legal opinion stated there is an appeal right for final plats.

Mr. Claus asked if he could receive a copy of Mr. Dittman's opinion. Staff will send this information to Mr. Claus.

Mr. Turner asked Mr. Claus if he was referencing notification for final plats or preliminary plats. Mr. Claus said he is speaking of notification for final plats. Mr. Turner said the Development Code does not require notification of adjacent property owners for final plats. The final plat is not a public hearing.

Mr. Claus said in this case, because the preliminary plat was so vague, there is a need for notification for the final plat review. He asked if this notification could be provided. Mr. Turner said Staff could notify the adjacent property owners when the final plat was scheduled. Staff will also provide information on the fees for an appeal to Mr. Claus.

There were no further community comments.

4. Consent Agenda

Vice-Chair Claus announced there were no items scheduled.

5. SUB 97-4 Woodhaven Phase 6A & 6B Final Plats

Mr. Turner advised the Commission that this application would not be heard tonight. It will be presented to the Commission as a whole, as requested by the Commission at their August 19, 1997 meeting. The Commission directed the applicant to bring back the full Phase 6 of Woodhaven for final plat review. The Phase 6 final plat will be postponed until it can be brought to the Commission as a whole package. The Commission agreed with this decision.

6. 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.

6A. SUB 96-6 Sherwood Crossroads Preliminary Plat (continued from 8-5-97)

Vice-Chair Claus announced that the Applicant and the City have requested a continuance to the September 16, 1997 Regular Commission Meeting.

George Bechtold moved the Planning Commission continue SUB 96-6 Sherwood Crossroads Preliminary Plat to the September 16, 1997 Commission Meeting, as requested by the applicant and the City. Seconded by Doug Saxton.

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

6C. SUB 97-7 Charles Burck Heights 2 Preliminary Plat

Vice-Chair Claus referred the Commission to a letter from the applicant, Rod Loewer, Northland Construction, dated September 2, 1997. The letter stated, "Due to recent developments and events relating to our project and the Sunset Murdock Capital Improvements Project, we hereby withdraw our application for Subdivision 97-7 Charles Burck Heights II. Unfortunately, unforeseen costs have caused us to re-evaluate the feasibility of the project. We understand we will lose our application fee of \$2,433.0, but nonetheless want to thank you for your efforts on our behalf.

The Commission accepted the withdrawal of the application for SUB 97-7 Charles Burck Heights 2 Preliminary Plat by the applicant.

6B. SUB 97-6 Edgewood Subdivision Preliminary Plat

Vice-Chair Claus asked if there were any Commissioner disclosures.

George Bechtold advised he had ex-parte contact and a potential conflict of interest. He planned to participate in the discussion, but did not plan to vote on the matter.

Scott Franklin advised he had a telephone conversation with the City Engineering Staff regarding this application. He was not sure if this was considered ex-parte contact. Vice-Chair Claus advised that this was not ex-parte contact.

Susan Claus advised she knows the applicant for this project and has a potential conflict of interest. She did not see this as having any effect on her decision making or her ability to participate in this hearing or vote on the application.

Vice-Chair Claus called for the Staff Report. David Brooks referred the Commission to the Staff Report dated September 2, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The site is located at 23395 SW Old Highway 99W, Tax Lot 1701, Map 2S 1 36D. The site was recently annexed into the City.

- The application is for a 17-lot residential subdivision. The site contains approximately 1.99 acres. The subdivision will include 12 single-family attached dwelling units and 5 single-family detached dwelling units. The proposed lot sizes vary from 4,000 sf to 5,500 sf and are in compliance with the applicable zoning district.
- The site is zoned Medium Density Residential High (MDRH) and the proposed use is permitted outright in the zone.
- He presented slides of the site.
- The application proposes an entrance to the new subdivision which aligns with the existing Colfelt Lane across Old Hwy 99. The new extension of Colfelt Lane will be stubbed to the property line of the adjoining parcel to the south to allow for future development. The City has modified its street standards since Colfelt Lane was built and the right-of-way for the new extension of Colfelt Lane within the subdivision widens from 42 feet to 50 feet as it crosses Old Hwy 99. The existing Colfelt Lane has been narrowed at the intersection of Old Hwy 99 to approximately 20 feet to allow for the preservation of two large trees on either side. The extension within the subdivision will have a surface width of 28 feet curb to curb.
- A condition of approval has been added to modify Lots 1 and 16 to reflect a 15-foot street side yard setback.
- A condition of approval has been added requiring that all proposed lots must be connected to the City's water system.
- A condition has been included which states that one fire hydrant shall be provided on Colfelt Lane near Lot 1.
- The applicant will be required to establish a landscaped visual corridor of 25 feet. The applicant is required to provide heavy plantings of trees for a visual and acoustical buffer between Highway 99W and the proposed development.

In conclusion, based on a review of the applicable Code provisions, agency comments and Staff review, Staff recommends approval of SUB 97-6 Edgewood Subdivision Preliminary Plat with the conditions included in the Staff Report.

Allen Baker asked for clarification in determining setbacks for corner lots making reference to the Fence Code and corner lots having basically two front yards. Mr. Brooks said there is a specific setback requirement for street side yards. Mr. Turner said in determining setbacks there is one front yard and a street side yard.

In response to another question, Mr. Tuck said Old Highway 99 is under the City's jurisdiction.

Scott Franklin asked about the tree inventory. Mr. Brooks distributed copies of the tree inventory and landscape plan to the Commissioners.

Doug Saxton asked for clarification regarding the condition from USA referencing the possibility of a "sensitive area". Mr. Brooks said this may be referencing the outflow which drains underneath Highway 99. Mr. Franklin said the problem with this is, based on his experience with USA, they are notorious for including conditions on projects and having the Staff trying to deal with the conditions. If there is a sensitive area on the site, then this should be clarified in the

condition. Mr. Brooks said the City Engineer was aware of the situation and comments from USA. The City Engineering Staff comments are also included in the conditions of approval.

Mr. Turner said with future applications the City Staff will verify USA comments with the agency. Mr. Franklin said this would be acceptable.

Mr. Franklin asked for clarification regarding Condition #5 requiring curbs and sidewalks on Highway 99W frontage by ODOT. The Commission asked if the City was obligated to require the applicant to conform with this condition. Mr. Turner said ODOT sent a letter which stated curbs and sidewalks are required on the Highway 99W frontage. The Code also requires this on Highway 99W.

Vice-Chair Claus reviewed the hearing process and opened the public hearing on SUB 97-6 Edgewood Subdivision Preliminary Plat and asked if the applicant wished to provide testimony.

Jayson Wiltbank, 21965 SW Edy Road, Sherwood, Oregon 97140, addressed the Commission. He specifically noted:

- The Planning Staff did an excellent job in presenting the report.
- He had some of the same concerns which were brought up by Mr. Franklin and Mr. Saxton regarding the “sensitive area” and what USA requires.
- They had the same concerns with the curb and sidewalk being required on Highway 99W frontage. To his knowledge, no one else has done this and yet it is being required of them. Is this something they should really be spending the money for, putting sidewalks all along 99W when it is so busy. This did not make a lot of sense to him to spend that kind of money.
- Basically, they worked long and hard on trying to prepare everything to be complete. Their engineer was not in attendance.
- He just flew in from Phoenix due to an illness in the family.
- In response to an earlier question, there was an old shed on the property and he instructed the backhoe operator to go ahead and tear down the old structure as well as clear out the drainage ditch along the property.
- He asked the Commission to consider approving the application for the 17-lot residential subdivision. There are 12 single-family attached dwelling units which would be similar to the Wildflower subdivision. There are also 5 single-family homes.
- The issue of Colfelt Lane being narrow was to save the two large trees across the street. They will comply with the City’s recommendation to put in the 50 foot wide access with very nice planter strips, etc.

Mr. Wiltbank said he would answer any questions.

Vice-Chair Claus asked if they had any discussions on the drainage area with Washington County (referencing Condition #3). Mr. Wiltbank said they have not received any information from the County. They did some research and found that initially Woodhaven, which is right next to this tract of land, basically the whole drainage area was included in Woodhaven’s

proposal for storm drainage. Their detention ponds would accommodate anything in the land, including this piece, into their drainage ponds. His engineer has drawn out enough drainage to be able to hook into the current drainage system. Mr. Franklin said this was probably the preliminary plan of Woodhaven and he would recommend the applicant look at what is actually in place in this area to assure the final plan did, in fact, take this property into account. Mr. Tuck said Staff would review this with City Engineering Staff.

Mr. Wiltbank said basically they did not have any corrections to the proposed conditions of approval. They fully intend to comply with the conditions listed in the report and really have no objections to any of these. The report was very thorough. With regard to the sidewalks along Highway 99W, if it is recommended that they have to do it, they will do it. He would ask the Commission if this is something they want in the City of Sherwood, sidewalks along Highway 99W. He would leave this decision to the Commission.

In response to Mr. Saxton's question, Mr. Wiltbank said the 25 foot visual corridor included the 5 foot easement. This will not deter from the sight distance for Highway 99W. Mr. Tuck said the visual landscape corridor could be included within the right-of-way from behind the sidewalk towards the property. Mr. Saxton asked if they had to put in curbs and sidewalks, would this be included in the 25 feet. Mr. Tuck said it would start at the back of the sidewalk. Mr. Franklin said the question is whether the 25 foot visual corridor includes the sidewalk.

Mr. Tuck read from the Code, "In residential developments where fences are typically desired... Highway 99... the corridor may be placed in road right-of-way between the property line and the sidewalk." The Commission had several questions about the visual corridor layout and how this layout would be determined. Sue Engels said where a visual landscape corridor is required, the sidewalk was not counted as part of the corridor. Mr. Franklin said it seemed somewhat vague.

Vice-Chair Claus asked the Commission if there was consensus regarding the placement of the sidewalk along Highway 99W. Mr. Saxton said to forget the sidewalk because it is not a safe place for people to be walking. If they must require a sidewalk, include it in the 25 foot visual landscape corridor. Mr. Franklin said the intent of the Code is to allow for landscaping to accommodate the visual corridor. Mr. Turner said the Commission could direct Staff how the visual corridor should look and possibly revise Condition #7.

Mr. Franklin asked about the water quality facility and its location. There are two issues, one is to assure the development does not increase the potential flow from the project and the other is the treatment of runoff. There is a specific requirement which has to be met and confirmation whether Woodhaven's facility will accommodate this development. Mr. Wiltbank said they are providing adequate catch basins and the application included the calculation on this runoff. Mr. Franklin said Condition #2C would probably cover this requirement. Mr. Wiltbank said there are several detention ponds where drainage would flow. They did not plan to build a drainage detention pond on the site.

Vice-Chair Claus asked if there was anyone who wished to testify in favor of the application, SUB 97-6 Edgewood Subdivision Preliminary Plat.

Marian Hosler, 22822 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Ms. Hosler noted:

- She and her sister own the land to the point of this project. They granted an easement for Genstar for the sight distance needed for the construction of the signal at Woodhaven Drive and Highway 99W. A sidewalk on Highway 99W would go along right to the west of their property up to the point. The sidewalk would go right into the middle of the intersection. It would stop and she thought that there would be no point in having it.
- They agreed to the easement and sight distance to allow the signal to be constructed. The sight distance is very important in this area. Even the trees along the north property may affect the sight distance.
- She was not against the application, but wanted the Commission to be aware of the sight distance easement. It is a 15 foot easement which goes to about zero feet.
- She did not believe that sidewalks would be a good idea, south of the signal on 99W. The sidewalk would go right into the intersection.
- They own the triangular piece of property and it is about 250 feet deep and then tapers down.

Vice-Chair Claus asked if there was anyone else who wished to testify in favor of the application.

Todd Kurilo, 23214 SW Old Highway 99, Sherwood, Oregon 97140, a resident of Woodhaven, addressed the Commission. He noted:

- He was concerned about the water pressure in the area with the addition of 17 homes. There is supposed to be some sort of fund generated for some type of booster station. He wanted to know if this would be implemented before or after the development and how this would affect the current water pressure which is only at about 30-35 pounds.

Sue Engels said as part of the conditions for Woodhaven, they are to provide the booster facility. This should be in place at about the same time this development occurs. Mr. Tuck said Condition #F, under Engineering deals with this issue. The applicant will be participating in the upgrade of the water system to improve water pressure and volume.

Vice-Chair Claus asked if there were any other proponents for the application. There being none, Vice-Chair Claus asked if there was anyone who wished to speak in opposition to the application. There being none, the rebuttal portion of the hearing was dispensed with and Vice-Chair Claus closed the public hearing on SUB 97-6 Edgewood Subdivision Preliminary Plat for discussion by the Commission.

Angela Weeks asked for an opinion from Staff regarding requiring a sidewalk on Highway 99W. Mr. Turner read from Code Section 6.306.01B, "For Highway 99W, major or minor arterials, or in special industrial districts, the Commission may approve a development without sidewalks if alternative pedestrian routes are available." The Commission has the option to determine if there are other alternatives. Mr. Franklin said it may not make sense to put the sidewalks along 99W,

Woodhaven was required to do so, and they are going to have a short stretch of sidewalk there with no one getting access to that from this development. There is no connection. Mr. Tuck said this will be the same requirement when adjacent property develops.

The discussion led to what was located on the surrounding property. Mr. Bechtold said the Commission should be consistent with whatever the decision is regarding the sidewalk. Mr. Saxton suggested allowing the sidewalk to be placed within the 25 foot visual corridor. Vice-Chair Claus asked if they had the ability to over-ride ODOT's recommendation. Mr. Franklin said this may be part of the problem, because ODOT may not be as consistent with their requirements. This is an ODOT requirement as part of their roadway system.

Sue Engels said the Code was written prior to the Transportation Planning Rule (TPR). It may be that ODOT has to require an alternative mode of transportation along their highway. ODOT may be required to provide pedestrian access along the highway. Mr. Saxton asked why Genstar was not required to put in sidewalks on the south side of Sunset at Highway 99W. Ms. Engels said they do not own this property.

Mr. Baker said the sidewalk requirement is the same requirement being made of other developments. This takes into consideration that with future development there will be a connected system of sidewalks. He said the Code requires it and ODOT requires sidewalks. The Commission discussed the topography of the property along 99W in this area.

Vice-Chair Claus asked if there was a consensus from the Commission and if there was any latitude, maybe a suggestion could be made to Staff. 99W is under ODOT's jurisdiction and there is not too much the Commission can do. Staff could be directed to deal with the issue if there is some ambiguity in the Code for the distance of the visual corridor, and to include or exclude the sidewalk in this corridor. Mr. Bechtold emphasized that any decision should be consistent so that it could be applied consistently.

Sue Engels asked the Commission if they would like to see the plans for the landscape corridor after it is developed. The Commission would not want to jeopardize the sight distance for the signal which was very difficult to receive approval on. ODOT maintains the landscape corridor on Highway 99W. The Commission could ask to see the final plan for this project. Vice-Chair Claus said ODOT is very timely in maintaining the corridor along Highway 99W. Mr. Tuck said the plantings would, hopefully, screen the sound which would come from 99W. The landscape corridor would be an acoustical and visual buffer for the homes. The plantings are to be low maintenance, drought resistant and meet the criteria of the Code.

Ms. Engels said the Urban Growth Boundary (UGB) is just south of this property. However, the Urban Reserve Area (URA) goes considerably further south of this property, so there is the potential for the sidewalk to continue some distance to the south on 99W.

There was no consensus from the Commission on what the visual corridor of Highway 99W should look like. The Commission reworded Condition #7 regarding the visual landscape corridor.

Vice-Chair Claus re-opened the public hearing on SUB 97-6 Edgewood Subdivision Preliminary Plat for additional testimony specifically regarding the visual corridor.

Marian Hosler addressed the Commission. She stated ODOT made the requirement for plantings on 99W and they specified the sight distance.

Jayson Wiltbank addressed the Commission regarding the visual corridor. The Hoslers were very kind in giving the easement which would allow for the traffic signal. Many hours were expended in this effort. The whole issue was "Don't block visibility." His property was right next to the Hoslers' property and they are talking about a corridor and saying, plant trees. This did not make a lot of sense to him because what they are trying to do is not lessen the visibility. As far as the issue of the sidewalk, it does not go anywhere. If the Commission would take a look, it doesn't go anywhere. There will be very few people that will ever walk on this sidewalk. They are putting a sidewalk on the other side of their property to accommodate pedestrian travel and have plenty of accessibility from Old Highway 99. You could not cross Highway 99W if you tried because it is so heavily impacted with traffic. It does not make a lot of sense to put in the sidewalk along 99W. If they make his project, Edgewood, put in a sidewalk, then everybody else, you have set a precedent, to put a sidewalk all the way down 99W which does not go anywhere. You are spending a whole bunch of money to accomplish very little. He could see some landscaping or some low visibility plants with some barkdust. He could also see the six foot wood fence to stop the noise within the 25 foot corridor, but not to plants trees, put sidewalks in, etc. Why would you put sidewalks all along there. It does not make a lot of sense to him. Their landscape plans shows trees only because the Staff made this recommendation. They are limited because it is really not spelled out in the Code. His request to the Commission is to fix that and to correct the Code with ODOT and come back with the guidance and they would comply with whatever that would be. There has not been any discussion to remove any of the existing trees along the highway. They are low, scrub oak type trees and are not very tall.

Vice-Chair Claus closed the public hearing on SUB 97-6 Edgewood Subdivision Preliminary Plat for further discussion by the Commission.

Mr. Franklin suggested that any visual corridor on Highway 99W or any landscaping that is put in not restrict the required sight distance for that intersection.

Mr. Baker asked who had jurisdiction for the visual corridor along 99W. Mr. Tuck responded it was ODOT's decision and 99W was under their jurisdiction. Mr. Baker said the Commission is wasting their time talking about something that is not within the Commission's jurisdiction to decide.

Based on Staff comments, Vice-Chair Claus said the Commission should make some type of determination or recommendation on the visual corridor. The visual landscape corridor would have to be worked out between City Staff, ODOT and the applicant.

Mr. Franklin asked if the trees would be street trees or deciduous trees. Deciduous trees would not do much to buffer sound. Sue Engels said the Code does not say everything within the visual landscape corridor has to be deciduous trees. Mr. Tuck said there are two different requirements; a visual landscape corridor requirement and a street tree planting requirement.

Vice-Chair Claus read the revised wording for Condition #7. There were no objections from the Commission.

The Commission reviewed the other conditions of the Staff Report.

Mr. Franklin suggested that Condition #2J be reworded to include approval by the City Engineer and to change the word “off-site” to “on-site.” He was not sure that an “all weather access” was necessary. He wanted to be sure that Staff had the ability to make that decision. Mr. Turner read the reworded condition.

Mr. Saxton asked if Condition #2D was going to be reworded. Mr. Turner said Staff would verify the possible “sensitive area” with USA. The Commission discussed rewording the condition for clarification. Mr. Baker said he thought the condition was fine as presented. He did not feel the Commission needed to change every word of every condition.

Vice-Chair Claus asked that reworded Condition #7 be read. It was read as follows, “The Visual Landscape Corridor along Hwy 99W shall be completed with Staff, ODOT and applicant design prior to building permit issuance on any of the proposed lots. Planning Commission shall receive copy of final visual landscape corridor plan at the time of Final Plat review.”

Vice-Chair Claus asked if they wanted to make a statement on the ambiguity in the Code regarding sidewalks. Mr. Bechtold suggested Staff review this issue and make a recommendation to the Commission. Mr. Baker said he agreed that it should be done consistently. He had no problem with the Code either way. There was no consensus from the Commission whether sidewalks should be included in the 25 foot corridor. They did agree that Staff should review this issue.

There being no further discussion,

Doug Saxton moved the Planning Commission approve SUB 97-6 Edgewood Subdivision Preliminary Plat based on the Staff Report, agency comments, findings of fact, public testimony and Conditions #2J and 7 as revised. Seconded by Allen Baker.

Vice-Chair Claus asked Mr. Saxton if he wanted to include the revised Condition #2D in his motion.

Doug Saxton moved to amend the original motion to include Condition #2D as revised. Seconded by Susan Claus.

Vote for Passage of Amendment to Motion: 4-Yes, 1-No (Baker), 1-Abstain (Bechtold)

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

SUB 97-6 Edgewood Subdivision Preliminary Plat was approved subject to the following conditions:

The following conditions were placed on the approval of the Preliminary Plat:

1. The final development plans shall be in substantial compliance with the plans date stamped June 13, 1997, except as modified herein.
2. Prior to 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, WC DLUT, 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:

Unified Sewerage Agency:

- A. Each lot within the development should 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 should verify that public sanitary sewer is available to uphill adjacent properties, or extend service as required by R&O 96-44.
- B. Each lot within the development should have access to public storm sewer. Engineer should 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 capacity to convey the volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow.
- C. Developer should provide a water quality facility to treat the new impervious surface being constructed as part of this development.
- D. If a "Sensitive Area" exists, the developer must preserve a 25-foot corridor as described in R&O 96-44 separating the sensitive area from the impact of development. The sensitive area shall be identified on plans.

Engineering:

- E. Please provide a drainage map that will indicate future on-site drainage storage and off-site drainage detention. Also, at the preliminary stage of development, the developer / engineer is required to furnish to the City preliminary upstream and downstream storm analysis per USA standards. Water, sanitary sewer, and storm sewer are subject to the City's approval.
 - F. Cost participation in the upgrade of water system to improve the water pressure and volume is required.
 - G. Each lot must have its own separate sanitary sewer lateral. The plans indicate a lateral for each two lots which is not permitted.
 - H. All low point and rain drains to be connected to the storm sewer.
 - I. Plans indicate 2 inch water service line serving two properties; please provide detail at the time of construction plans.
 - J. Sanitary sewer will require an all weather access per USA standards for the on-site sanitary sewers, unless approved as otherwise by the City Engineer.
 - K. Pavement typical section standards for the local streets are 2 inches of Class B and 1 ½ inches of Class C.
 - L. Plans indicate 8 inch water line in front of Lot 17 as existing, however, City records do not indicate that it has been constructed. Each lot shall have water service and construction plans shall indicate connection to the City's water system.
3. The proposed drainage area and off-site runoff are within the Oregon Department of Transportation (ODOT) and Washington County jurisdiction. ODOT and Washington County approval for changes in conveyance must be obtained prior to approval of the proposed drainage system.
 4. Submit 15 copies of the Subdivision Final Plat for Planning Commission and staff review prior to recordation with Washington County.
 5. Curb and sidewalks are required on Oregon Hwy 99W frontage by ODOT. A permit must be attained for all construction plans and work in the ODOT right-of-way.
 6. All public improvements required to service these lots shall be improved or bonded for prior to Final Plat approval.
 7. The Visual Landscape Corridor along Hwy 99W shall be completed with Staff, ODOT and applicant design prior to building permit issuance on any of the proposed lots.

Planning Commission shall receive copy of final visual landscape corridor plan at the time of Final Plat review.

8. A 15 foot street side yard setback is required for Lots 1 and 16.
9. Provide one fire hydrant on Colfelt Lane near Lot 1.
10. Any existing wells shall be abandoned in accordance with Washington County standards.
11. The existing house shall be connected to sanitary sewer and water along with the rest of the lots in the subdivision.

This approval is valid for one (1) year.

7. Other Business

Mr. Saxton said he would like to see an engineering study or information on how much vegetation would decrease the sound level from Highway 99W or any other major street. He thought 100 feet of trees are required to get a significant decrease in the amount of sound. Staff will look into this issue.

Mr. Baker asked about the Consent Agenda and the opinion from Mr. Dittman. He understood the opinion to read that the final plat should be noticed for public hearing if there was a problem. He also read that a public hearing was not required. He asked for further clarification.

Ms. Engels said if a citizen has a problem with a final plat, they could provide a written request to have the matter removed from the Consent Agenda. The Commission could discuss the request and determine if further review or, in fact, a public hearing was necessary. The public hearing would require the proper noticing. The Code does not require final plats to be heard under the public hearing process. She asked the Commission how they wanted to deal with final plats.

Mr. Franklin said if the final plat is heard as a public hearing, then potentially more conditions could be imposed on the development after all the improvements are in place. He did not think this would be right.

Mr. Baker said he was not suggesting that more conditions be added. What the Commission could do, in the case of Woodhaven, when a resident has a problem with an item on the Consent Agenda, the Commission could pull the item and hear what the citizen concern was and deal with it in a timely manner. Ms. Engels reiterated that the Code does not require a public hearing on a final plat review. If the Commission wished to have a public hearing for final plats, this would require changing the Code through a plan text amendment. Mr. Baker said he would like to see the final plats on the Consent Agenda, but under Community Comments, if someone had a problem they could ask for an item to be removed from the Consent Agenda.

The Commission discussed at length changing the order or adding another heading to the Agenda. Mr. Saxton said it was his understanding that the final plat should reflect, with very minor differences, what the preliminary plat showed. Mr. Bechtold said if the final plat comes before them as a Consent Agenda and they do not like it, they could deny it. Ms. Engels said the Commission could pull the item from the Consent Agenda and discuss it.

Vice-Chair Claus discussed possible language for Community Comments to identify what the public could or could not comment on. She had discussed this with Chairman Whiteman. The point of community comments are that anything scheduled for a public hearing should be discussed under "Public Hearing". The Community Comments section states that comments are limited to items not on the printed agenda. She did not think this was accurate. She proposed the following wording be added under Community Comments, "Community comments are only limited if the comments relate to an item on tonight's agenda that will be heard in the formal public hearing. Any comments you may have that relate to an item up for public hearing on tonight's agenda will be heard during that particular hearing." This leaves community comments open to anything, except those items under the formal public hearing process. Chairman Whiteman thought this would be a good change.

Ms. Engels said if a citizen was allowed to comment on an application which was not under the public hearing process, the applicant may not be in attendance to provide any rebuttal. Vice-Chair Claus suggested that anyone who attends the public hearing could request that they receive notice when the final plat comes through. Ms. Engels said Staff could accommodate these types of requests. It would not be a formal notification, but could be in the form of sending an agenda to the requesting party.

Mr. Saxton suggested the Commission could ask if anyone objects to any item on the Consent Agenda without providing a platform for testimony. If there was an objection, the Commission could remove the item and determine what the objection is, in a forum which would allow all parties to make comments. Staff said that this would be more in the format of a public hearing which would require proper noticing to meet State statutes.

Ms. Engels said the preliminary plat provides the public hearing where citizens have an opportunity to express their opinions. At the time the preliminary plat is heard, the Commission could announce that if anyone was interested in being notified of when the final plat would be placed on the Agenda, to please give their name and address to the City Staff or Recording Secretary. Any objections should be in writing to the Planning Staff or Commission and this would eliminate the need for another public hearing. Planning Agendas and Staff Reports are required to be made available not less than seven (7) days prior to the hearing. If a final plat is scheduled in advance of the seven days, the Staff could notify those interested parties.

Mr. Baker said he did not see the difference in someone writing a letter or providing comments at the meeting. Mr. Tuck said at the letter stage, for instance, all of the issues relating to the Woodhaven Phase 6 final plat could have been avoided. Any concerns could have been resolved prior to the final plat being presented to the Commission. He said the 120-day deadline also needs to be considered in this equation.

Mr. Baker said if the final plat is not substantially different than the preliminary plat, then the Commission would not have any basis to have an issue with the final plat. Ms. Engels said the preliminary plat would normally be the end of the public hearing process. The 120-day deadline for preliminary plats includes the appeal process. The 120-day deadline does not apply to the final plat since it does not go through the public hearing process.

Mr. Saxton said if someone objects to an item on the Consent Agenda, they should communicate in writing because it would generally be more cogent communication than standing up at the podium ad-hoc. This would allow the Planning Staff to review the concern prior to the application coming before the Commission. If the Commission did not remove an item from the Consent Agenda and approved it, the citizen could appeal the Commission's action to the City Council.

The Commission discussed adding another Agenda Heading which would allow the Chair to advise of any changes or additions to the Agenda being presented. This could also be the time for Commissioner comments. This would be prior to the Community Comments and Public Hearing sections of the Agenda. "Agenda Review" was the consensus of the Commission. Staff was directed to revise the Agenda to allow this information to be presented.

Mr. Turner reviewed the schedule for upcoming Commission meetings.

Ms. Engels announced the following:

- The City Open House will be held on September 3, 1997 followed by the last concert of the summer series of concerts at Stella Olsen Park.
- The Planning Commission will hold a Special Commission Meeting on Thursday, September 11, 1997 at the Community Center.

There being no further business to discuss, the meeting was adjourned at 9:45 PM.

Respectfully submitted,

Planning Department