

REVISED

AGENDA



**City of Sherwood
PLANNING COMMISSION
855 N. Sherwood Blvd
Tuesday, October 7, 1997
AGENDA**

WORK SESSION - 6:00 P.M.

1. **Call to Order/Roll Call**
2. **Discussion**
 - A. Discuss the projected traffic concerns relative to the intersection of 99W and Tualatin-Sherwood Road
3. **Adjournment**

REGULAR PLANNING COMMISSION MEETING - 7:00 P.M.

1. **Call to Order/Roll Call**
2. **Approval of Minutes - Sept 11, 1997 Workshop & Sept 16, 1997 Regular Mtg.**
3. **Agenda Review**
4. **Community Comments:** *are limited to* items NOT on the printed agenda under Public Hearings.
5. **Site Plan Review Exemption:** a determination has been made to exempt a proposed minor modification to Sherwood Plaza from the requirement of a site plan review. The applicant is Mercury Development.

6. **Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
 - A. **PA 97-8 Plan Text Amendments:** Streamlining the planning process including provisions for expedited land divisions and limited land use decisions. Portions of Chapters 1,2,3,4,5 and 7 of the Development Code, Part 3 would be revised.

Planning Commission Meeting October 7, 1997

- B. **SUB 97-2 Lucas Subdivision Preliminary Plat:** (continued from Sept 16, 1997) 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.
 - C. **SUB 96-6 Sherwood Crossroads Subdivision Preliminary Plat:** (continued from Sept 16, 1997) for preliminary plat approval of a 9-lot commercial subdivision, located corner of Scholls-Sherwood Rd & Hwy 99W. Tax Lot 300, Map 2S 1 29B.
 - D. **SP 97-4 Act III Theaters Site Plan:** a request for site plan approval of a 16-screen theater and 3 commercial pads, located east of Hwy 99W and north of Tualatin-Sherwood Road. Tax Lots 700 and 1100, Map 2S 1 29B.
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
October 7, 1997

Work Session - 6:00 PM

The Planning Commission held a work session to discuss the projected traffic concerns relative to the intersection of 99W and Tualatin-Sherwood Road.

1. Call to Order/Roll Call

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

Commission Members present:

Allen Baker
George Bechtold
Susan Claus
Scott Franklin
Doug Saxton
Angela Weeks
Bill Whiteman

Staff:

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

2. Minutes of Sept 11, 1997 Workshop Meeting & September 16, 1997 Regular Mtg

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of September 11 and 16, 1997. Susan Claus requested that a clarification be made to page 4 of the September 11, 1997 Workshop minutes referencing the fact that even though it was not a public hearing, she was declaring a potential conflict of interest. She asked to change the word "and" to "was" in the September 16, 1997 Commission minutes, page 1, first paragraph, second sentence. There were no further comments.

Susan Claus moved the Planning Commission accept the September 11, 1997, and September 16, 1997 Planning Commission minutes as revised. Seconded by Allen Baker.

Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain

3. Agenda Review

Chairman Whiteman advised that the Commission had received a letter dated October 6, 1997 from Act III Theatres to Jon Bormet, City Manager. He read the letter as follows, "Pursuant to our conversation this date, due to the number of items on the planning commission's agenda for the evening of October 7, 1997, the likelihood of getting before the commission that evening is unlikely. As we have agreed, it would serve the community a greater benefit to continue the hearing of the Act III application until October 21, 1997. Please accept this letter as a formal request of this continuance. In addition, we desire that you notify all interested parties of the informational open house which you have graciously organized to be held Wednesday, October 15, 1997, at the Senior Center." The letter was signed by Tim Reed, Vice President of Real

Estate. Chairman Whiteman noted there were several citizens in attendance who wished to speak regarding this application. City Staff had been handing out an announcement concerning the October 15, 1997 open house and rescheduling the application to the October 21, 1997 Commission meeting, as requested by the applicant. Chairman Whiteman asked if there was a motion to continue the application.

Doug Saxton moved the Planning Commission continue SP 97-4 Act III Theatres Site Plan to the October 21, 1997 Commission meeting, as requested by the applicant. Seconded by Angela Weeks.

Vote for Passage of Motion: 6-Yes, 0-No, 1-Abstain (Claus)

4. Community Comments

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

Linda Houtari, 580 SE Highland Drive, Sherwood, Oregon 97140, addressed the Commission. Ms. Houtari said she was in attendance specifically to discuss the Act III agenda item. She made an attempt to call the City and was told the application would be discussed tonight. She has four small children and she made extensive plans and expense to attend the meeting. She made reference to Mr. Bormet and said “shame on you” for trying to put this over on the people of Sherwood. There are a lot of people in attendance tonight to speak on this issue.

Robert James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus said he would go one step further. It is absolute nonsense that the minute a little community pressure comes in the Act III people can quickly schedule a community meeting and tell the Commission they can hear the application a week after that. There is an example tonight that the Commission should be very cautious on. He discussed Mr. Robert Moses from New York, who Franklin D. Roosevelt finally stopped because he had gotten so far out of hand. Mr. Claus was in disagreement with how the application was being continued and more meetings were being scheduled. They have already been told that Act III will be getting an entrance in an earlier, non-public workshop meeting. Now they find that the applicant can cancel the hearing with 24-hour notice, have a meeting for a select group of people and then hold a public hearing on October 21. He said one of the things that is happening in Sherwood is that things are moving right by the citizens. Look what happened at Woodhaven. Now we are having major innovations to the street patterns and the innovator, Act III, decides they want to have a meeting and then a meeting after that. The application should have a public hearing for Act III, then they should answer some questions and then they should schedule a public meeting because the application is not complete.

Mr. Claus said they have committed to keep the Robin Hood Theater open, they have lost money, it is starting to come around, they have agreed to give a very large part of it to the community, if that’s the will of the community, but he does not want any more “back door” deals. If the community wants a true performing arts center, he and his partners would put up the better part of \$200,000. He wants this to be a community meeting and the community to want it. It isn’t

going to happen with a one week advance notice of a meeting next week. He asked the Commission to slow the application down, find out what the community wants, and give the community some time for input. The Act III application should have included a full picture of what the site is going to look like at least 30 days prior to the public hearing so everyone could see what is planned. It is important that the Commission receive community input on the application.

Dr. Marilyn Sorensen, 16890 SW Daffodil Street, Sherwood, Oregon 97140, addressed the Commission. Dr. Sorensen said she was also concerned about how things get postponed. She was in attendance at the September 16, 1997 Commission meeting to address SUB 96-6 Sherwood Crossroads application. She is a psychologist with a practice in Portland and had to cancel appointments to be in attendance that night. As it happened, the application was not heard that night. It is a problem for many citizens to come to a meeting and find out that an application is being continued.

Greg Turner, City Planner, said City Staff has done what is required by the Code regarding noticing for the public hearings. Staff has tried to do some extra things as far as Act III in terms of the newspaper articles, but the noticing requirements are being met. There is no particular policy regarding applicants who ask for a continuance. The Act III continuance request was faxed to Staff today, which did not allow enough time to post notices of the continuance. Staff refers the requests for a continuance to the Commission. The Commission decides if a continuance is in order.

Several citizens voiced concern that Staff was handing out the notice for the rescheduled Act III meetings at the door before the Commission even considered the request for a continuance.

Jon Bormet, City Manager, said past practice has been that the Staff and Commission honor the applicant's requests for a continuance. He suggested those in attendance give their name and phone number to Staff and what application they are interested in, and Staff would try notify them if an application is not going to be heard.

Susan Claus said several people were turned away at the door tonight being told the Act III application would not be heard tonight and here is the notice. Now there is no way to contact them.

Mr. Bormet said he thought anyone calling City Hall was told that the applicant for Act III had asked for a continuance and it would not be heard tonight.

George Bechtold discussed the procedure the Commission uses. If an item is on the agenda under the public hearings, the Commission has to formally go through the process of either granting or not granting the request for continuance.

Ms. Houtari said 24-hours notice is not acceptable for citizens who have a concern regarding an application. The applicant's representative should have been in attendance tonight.

Chairman Whiteman said past practice of the Commission has been to grant requests for a continuance. The question for the Commission is whether six days is sufficient to reach some conclusion regarding questions on an application.

Doug Saxton said there was an insinuation made that the October 21 meeting was inadvertently selected. October 21 is the next regularly scheduled meeting of the Commission. Maybe the Commission should establish a policy that they would not necessarily grant continuances unless they are received several days in advance of the Commission meeting.

Mr. Turner said an applicant can ask for a continuance at the Commission meeting.

Allen Baker said in the past the Commission has granted a continuance, normally to the next Commission meeting. He would like to see it structured if an applicant requests a continuance, the 120-day deadline stops, but the Commission determines when the application would be rescheduled.

Sue Engels said the Act III application was the last public hearing application on tonight's agenda. In all likelihood, with the full agenda, this application probably would not have been heard within the meeting timeframe. This issue was noted by the applicant in asking for a continuance. There have been times when an application was scheduled, there were interested citizens in attendance who waited all night long, only to have the meeting adjourned without hearing the application because other applications took up the allotted time. This has happened in the past.

Chairman Whiteman said he would support that when a continuance is requested by an applicant, the Commission determine when it would be rescheduled, rather than the applicant.

Sue Engels said once an application is deemed complete the 120-day clock starts. This deadline is only extended if the applicant asks for a continuance. The applicant has the option to waive the 120-day rule.

Mr. Bormet suggested anyone interested in an application call City Hall between 2:00 PM and 4:00 PM and ask what is on the Planning Commission Agenda for a particular meeting. People can call the front desk at 624-5522 or ask for Roxanne in the Planning Department, who will know the schedule.

Sandy Rome, 1780 E. Willamette, Sherwood, Oregon 97140, addressed the Commission. Mr. Rome said Act III has every right to ask for a continuance, but as a citizen of Sherwood, the Robin Hood Theater has been fun and there is a lot of history in Sherwood. He talked about undergrounding the utilities in Old Town, the Pacific Lumber sewer hook-up, and other issues to which the City has seemingly turned a deaf ear to citizen's concerns. He appreciates the efforts of the Commission, but the citizen turn out tonight should mean something.

Chairman Whiteman discussed the role of the Planning Commission. The members are not elected officials, but are appointed to deal with the provisions of the Development Code. They

are limited with what they can and cannot do under that Code. They are not policymakers and they are not the City Council. Any decision the Commission makes is strictly advisory to the City Council. The impact the citizens have on this body is certainly important, but it is also very important if the citizens do not like what is done that they go to the City Council. The Code requires only one hearing for site plan applications. The Act III site plan application would not be heard by the Council, unless it is appealed.

Angela Weeks said the request by Act III representatives for a continuance is not unique. Mr. Baker said it has been successful in the past when the applicant and concerned citizens have met prior to the public hearing to resolve concerns.

Mr. Claus said it is important that people are allowed enough time to react. This is not the standard situation. The Act III applicant has been successful in getting the Staff to reset a public hearing. Let the citizens have a level playing field.

Barbara Bennink, 21615 SW Elwert Road, Sherwood, Oregon 97140, addressed the Commission. Ms. Bennink asked for clarification regarding how much weight citizen input would have if an application meets all of the Code criteria.

George Bechtold said anyone who had questions is more than welcome to call him and he would try to answer their questions regarding the application process in general. He has found in the past that an emotional argument probably would not change anything. However, public input can make changes in the process. He cited the Therm-Tec application as an example.

Mr. Turner said individuals are welcome to come to City Hall to review a land use application. Ms. Engels advised that the Staff Report is available at least seven (7) days in advance of the public hearing. Copies are available to the public at a reasonable cost.

Ms. Engels and Mr. Bormet discussed the 120-day deadline and schedule for Commission and Council meetings. The public information meeting on October 15 is not a City meeting. It is an Act III community discussion.

Mr. Baker asked if the fee schedule had been revised, in particular to waiving the fee in certain cases. Ms. Engels said a change of fees would be a resolution to the City Council and to-date the fee schedule has not been revised.

Chairman Whiteman asked if there was a motion to reconsider continuing SP 97-4 Act III Theatres Site Plan to the October 21, 1997 Regular Commission meeting. There was no motion.

Ms. Bennink asked if a mass mailing to the citizens of Sherwood regarding Act III Site Plan would be feasible. Chairman Whiteman said past practice and policy is that the public notices are posted at various locations throughout the City. Mr. Bormet said if the City starts to give individuals hand-outs on a particular application, it would be hard to draw the line for other applications. The notices are published in The Tigard-Tualatin Times as well as being posted throughout the City.

An unidentified citizen said the City could provide a telephone number with a voice-mail which could include information on Planning Commission or City Council agenda items.

Jane Mantle asked if there were plans, either formally or informally, for a Wal-Mart to come to Sherwood. Mr. Bormet said he was sure that as soon as he says they have not talked to Wal-Mart and there is no application, tomorrow morning there would be a call from Wal-Mart. The City has not received an application for a Wal-Mart at this time.

Chairman Whiteman thanked the people who were in attendance for coming to the meeting.

Chairman Whiteman recessed the meeting at 8:15 PM for a break and reconvened the meeting at 8:25 PM.

5. Site Plan Review Exemption - Sherwood Plaza

Greg Turner reported that the owners of the Sherwood Plaza are requesting site plan exemption for remodeling the north end of the shopping center building. The plans are to remove the walled area, add nine parking spaces and additional landscaping. The City makes the initial determination of whether a proposed project requires site plan review or whether the project is exempt. He identified the area on the map. Staff has reviewed the findings of Code Section 5.102.01 and determined the proposed modifications are not substantial and the subject change does not require review by the Planning Commission.

Allen Baker asked if Staff had looked at how close the entrance to the plaza is to the nine new parking stalls. He asked if this would cause a traffic problem. Mr. Turner responded Staff reviewed the plan for visibility. The landscaping in this area could be lowered to allow the appropriate visibility.

In response to Ms. Weeks' question, Mr. Turner said there is currently a driveway exiting out the back of the plaza.

The Commission was concerned that the plan allow the proper traffic circulation. Mr. Turner said Staff could work with the applicant to work out some of the traffic circulation issues. The plans show two entrances facing north of the plaza. The Commission agreed that the plans would improve the appearance of the plaza. Mr. Bormet encouraged the Commission to approve the site plan exemption, identify their concerns and allow Staff and the applicant to work together to address these concerns.

Bill Whiteman moved the Planning Commission allow the site plan exemption for the Sherwood Plaza remodel based on the findings of Code Section 5.102.01 that the proposed modifications are not deemed a substantial alteration to the original approved plans. Seconded by George Bechtold.

The Commission directed Staff to work with the applicant and address the following concerns:

- Traffic circulation for the plaza.

- Landscaping which would allow the proper visibility for traffic entering and exiting the plaza.
- Placing a curb to alleviate the potential for traffic congestion into the plaza.

Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain

6. 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.

6A. PA 97-8 Plan Text Amendments - Streamlining the Planning Process

Chairman Whiteman said three members of the Commission have suggested this item be placed later on the agenda due to the other land use applications which had previously been continued. He asked if there was a motion to move this item.

Susan Claus moved the Planning Commission place Agenda Item 6A. PA 97-8 Plan Text Amendments after public hearing items 6B and 6C. Seconded by Doug Saxton.

Mr. Bormet advised that on behalf of the City Council, this plan text amendment is scheduled for a public hearing on Tuesday, October 14, 1997. There have been two workshop meetings to discuss this amendment. It is the expectation of the Council to streamline the planning approval process. It is important for the City to have this amendment reviewed. Ms. Claus said she thought this agenda item would take more than ten minutes to discuss. Plan Text Amendments require two public hearings, a recommendation from the Planning Commission and a decision by the City Council. There being no further discussion, the Commission voted on the motion.

Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain

6B. SUB 97-2 Lucas Subdivision Preliminary Plat

Chairman Whiteman opened the public hearing for SUB 97-2 Lucas Subdivision Preliminary Plat and called for the Staff Report. Greg Turner referred the Commission to the Staff Report dated October 7, 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 application is for a 5-lot subdivision located north and south of Scholls-Sherwood Road, west of Highway 99W and east of Borchers Drive, Tax Lot 300, Map 2S 1 29B. The proposed lot sizes vary from 0.33 acres to 9.32 acres which are in compliance with the minimum square footage requirements of the General Commercial (GC) and Retail Commercial (RC) zones.
- The reason for the application is to prepare Lot 1 for future subdivision and development.
- The request also legitimizes an illegal lot situation on the north side of Scholls-Sherwood Road (proposed Lot 4) which contains a Washington County water quality facility.

- Proposed Lot 3 is planned to be dedicated to or purchased by the US Department of Fish & Wildlife (USF&W) for the Tualatin River National Wildlife Refuge.
- The uses of Lots 2 and 5 are not known at this time. The future uses for each of the lots will be reviewed at the time of application for site plan review.
- Slides of the site were shown to the Commission.
- The submitted application does not include any proposed new streets, however, to serve the public interest the extension of Borchers Drive to the north will be required.
- To adequately serve Lot 2, the applicant will be required to provide public access directly across from the existing Borchers Drive.
- The applicant will be required to dedicate 24 feet of the west side of the property from Scholls-Sherwood Road to a distance of 150 feet north, to obtain a 13 foot wide strip across the neighboring property to the west, and to provide a 25 foot easement to the north line of Lot 2 for future street expansion.
- Washington County had indicated that the Scholls-Sherwood and Borchers intersection will need to be improved to facilitate development.
- The North Sherwood Subarea Final Traffic Impact Study from Lancaster Engineering dated September 1997 is attached. The September 9, 1997 memo within the traffic study contains the required roadway improvements for the Lucas Subdivision Preliminary Plat.
- Based on the traffic impact study, there was a lot of discussion regarding access to Lot 1. The applicant is requesting a left in to the site (Lot 1) from Scholls-Sherwood Road. The City will allow a right-in, right-out to Lot 1.
- The applicant prepared a traffic study which looked at the feasibility of having the left-in turn to the site. A September 30, 1997 memo and October 1, 1997 letter from Lancaster Engineering regarding the left-turn in access to the site was distributed to the Commission. The analysis was done to determine at approximately what year the left-turn in movement would fail assuming the following scenarios:
 - Scenario 1 - The background growth rate of 3.2 percent per year is accurate, as well as the trip generation for the Lucas development. Failure would occur by the year 2005.
 - Scenario 2 - The background growth rate is 4.0 percent per year and Lucas trip generation is accurate. Failure would occur in approximately 2003.
 - Scenario 3 - The background growth rate of 3.2 percent per year is accurate, but Lucas trip generation is 20 percent underestimated. Failure would occur in approximately 2000.
 - Scenario 4 - The background growth rate is 4.0 percent per year, but the Lucas trip generation is underestimated by 20 percent. Left turn lane of 300 feet would not be adequate at completion of the development in 1999.
- The proposed development would not warrant a traffic signal at Borchers Drive and Scholls-Sherwood Road at this time. However, the development of Lot 2 would warrant a traffic signal based upon Washington County comments. A condition has been added which requires the applicant to bond for 50% of the cost of a future traffic signal.
- The plat complies with the Comprehensive Plan and applicable zoning district regulations.
- Currently, there is not adequate water pressure to service the site. Cost participation will be required to upgrade and loop the water system. The applicant will be responsible for

improving the water line and looping the system to provide adequate service. These improvements shall be completed or bonded for prior to final plat approval.

- Adjoining land to the north is outside the UGB and will be part of the Tualatin River National Wildlife Refuge. To provide access to adjacent property, the applicant will be required to dedicate 25 feet of right-of-way along the western boundary of proposed Lot 2 for a distance of 150 feet for the future extension of Borchers Drive.
- Access spacing along Scholls-Sherwood Road is restricted by Washington County to a minimum access spacing standard of 600 feet. It is anticipated that the Borchers extension will be utilized by these properties without creating additional access points to Scholls-Sherwood Road.
- The applicant has provided a tree and woodland inventory. A condition has been added which states that no trees located on the site shall be removed unless approved through the site plan process.

In conclusion, based on the findings of fact and agency review, Staff recommends approval of SUB 97-2 Lucas Subdivision Preliminary Plat with conditions as revised by Staff. Mr. Turner reviewed these changes with the Commission.

In response to the Commissioners questions, Sue Engels responded that the applicant would bond or provide some other type of surety for 50% of the cost of the future traffic signal. This will be a condition of approval for the Lucas Preliminary Plat. There will be a number of things the applicant will do which will receive TIF credits. The other 50% would be partly covered by TIFs already paid by other developments within the area.

Mr. Franklin asked why the visual corridor landscape plan needed to be recorded. Mr. Tuck responded it is to assure that the landscape plan goes with the property. In the event of a change of ownership, it will be included on the title report.

Mr. Saxton asked what assurances there were that Lot 3 would be deeded to the US Fish & Wildlife Service. Mr. Turner deferred this question to the applicant during his testimony.

With regard to access to Borchers Drive and Scholls-Sherwood Road, Ms. Engels said when Lots 1, 2 and 5 develop, each parcel will be required to go through a site plan review at which time access would be further reviewed.

Chairman Whiteman asked if the applicant wished to provide testimony.

Patrick Lucas, 23861 Dewberry Place, Sherwood, Oregon 97140, addressed the Commission. Mr. Lucas noted:

- They have been working with Staff trying to resolve most of the issues before coming before the Commission. Some of the delay was the result of obtaining responses from ODOT or Washington County.
- He asked that the application be continued at the September 16 meeting following a meeting with Staff where they were trying to define the recommendations. One of the recommendations was that the applicant participate in the looping of water system within the

project area as defined by the City Engineer. When he asked what the project area was, the City Engineer was not able to respond at that time. Several days later, Mr. Turner faxed him a copy of the City Engineer's estimate. The area of impact was 192 acres and estimated cost by the City Engineer of \$450,000.

- They have asked for and received a lot of traffic studies.
- When he first thought of developing this property, it was one large piece of approximately 60 acres. He identified the various zones of the property - Retail Commercial (RC), General Commercial (GC) and exclusive farm use. The property was located inside and outside the UGB and inside and outside the City Limits.
- There was also an illegal lot recorded by Washington County which needed to be resolved. He made application to the County for a lot line adjustment to the City limits which was approved. Now all of the proposal is inside the City limits.
- The USF&W has an option on a piece of property outside of the wetlands and on the swale area where all the trees are. To facilitate this, new lots need to be created.
- He identified the area included in the application.
- He developed Wildflower Village across Borchers Drive.
- The USF&W asked him to talk to the City to see if they could get SDC credits for parks to help buy the land. He agreed to this and was told by then Mayor Hitchcock that the area was outside the City limits. He worked with the USF&W to help facilitate their needs.
- The Lucas application is to rectify all the land problems. Lot 1 will be the future Sherwood Crossroads Subdivision. Lot 2 is zoned General Commercial. Lot 3 is the area the USF&W would like to have. Lot 4 is the Washington County stormwater detention area. Lot 5 is basically an unbuildable corner lot. The property was split when Scholls-Sherwood Road was constructed.
- He has been working with the USF&W on an agreement to purchase Lot 3. The USF&W have the funds set aside for this purpose, \$190,000. He agreed to purchase this property, donate it to them and they could use the funds to purchase other land in the Tualatin River National Wildlife Refuge. They have a draft agreement which is not yet signed.
- He identified the area (Lot 3) where he has agreed to grant an easement so the Anderson property could realistically develop.
- He would like a condition for Lot 5 that they would not build on it. There has been a lot of concern regarding this piece. The lot has water to it, but it would be very difficult to bring sewer to it.
- He has agreed not to remove any trees. His long term plan is to have a Class A office site on Lot 2. He would like to preserve the wetland, tree area.
- Regarding looping the water system from Langer Drive up Tualatin-Sherwood Road, boring underneath Scholls-Sherwood Road and come down to Phase 1 of Wildflower Village, they are still working on how payment would happen. About \$55,000 will be borne by two lots and he assumed \$50,000 has already been collected by Wildflower Village. He was not sure about the rest.
- There is no question the City needs to loop the water system. He did not realize it would be as detailed as it turned out. They did pressure test and there is adequate water for the existing development. The City standard is 2000 gpm and they have 2003 gpm. The standard is 20 pounds of pressure and they have 25.

- The major disagreement they have is access onto Scholls-Sherwood Road. It is very crucial from an economic standpoint for development of this property that cars can at least get into the site without having to go around to the back of the site for access. They have agreed to all of the other traffic issues.
- He has earnest money with the Conzelman's to purchase a portion of their adjoining property so they can put in a street.
- They have gone above and beyond in trying to accommodate the City requirements for roadways and water. The only disagreement they have at this time is the left turn in to the site.
- Lancaster Engineering, the City's traffic engineer, agreed the left turn in to the site could happen. In a meeting on June 19, both ODOT and Washington County said if they could provide proper queuing they would go along with the left turn in to the site. They have had nine traffic studies since that time. His traffic engineer would address these issues.
- He briefly discussed the Sherwood Crossroads application and how the left turn in to the site would affect this site. Without the left turn in to the site off of Scholls-Sherwood Road, all of the traffic would be routed on Borchers Drive next to a residential area, Wildflower Village.
- He has talked to the residents of the Wildflower Village. He entered 41 signed petitions (actually 39) into the record which requested that the proposed Lucas Subdivision Preliminary Plat and Sherwood Crossroads Subdivision have a left in access from Scholls-Sherwood Road in order to reduce the amount of traffic that would use Borchers Drive.
- They have agreed to give the additional right-of-way for the left in turn from Scholls-Sherwood Road. He showed the Commission a drawing of what the left turn in would look like.
- The USF&W have a written option agreement with the Borchers Estate. In order for to them to exercise this, he needs to receive approval to make a lot with the Lucas Subdivision Preliminary Plat.
- He plans to maintain Lot 5 with landscaping. It is currently zoned General Commercial (GC).

In response to Mr. Bechtold's question, Ms. Engels said Scholls-Sherwood Road is a County Road. Any accesses on that road would be permitted by the County. However, with the site plan or subdivision process, any access onto the road would require access modification from the County because it would not meet the County's spacing standards. You can condition an applicant for a certain access, but the County would permit the access. The Planning Commission can recommend what they would permit and this could be more stringent than the County process.

Tom Wright, Group Mackenzie, PO Box 69039, Portland, Oregon 97201-0039, addressed the Commission. Mr. Wright distributed some proposed modifications he had prepared to the conditions of approval for the Lucas Subdivision Preliminary Plat, dated October 7, 1997. He noted:

- Staff had not seen the October 7, 1997 memo that contained their recommendations for revising the conditions. He reviewed each of the proposed changes and why they were being proposed.

- Referencing Condition #2, normally they submit for the building permit and engineering drawings at the same time.
- They would recommend indicating on the plat that Lots 3, 4 and 5 are not buildable and do not require storm sewer service. (Conditions 2A and 2B)
- Referencing Condition #2G, including the Cost Participation Breakdown dated September 30, 1997 and shall be subject to a City-prepared Reimbursement Agreement. The applicant's costs (i.e., costs not subject to reimbursement by others) shall be credited to Water System Development Charges due upon development of the site.
- Referencing Condition #2K, the improvements for Borchers Drive being bonded for prior to issuance of building permit for Lot 1 or Final Plat approval for SUB 96-6 Sherwood Crossroads and prior to issuance of a building permit for Lot 2.

Mr. Bechtold reminded Mr. Wright that the Commission was considering SUB 97-2 Lucas Subdivision Preliminary Plat and not the Sherwood Crossroads Preliminary Plat. It is confusing when trying to review the 5-lot Lucas application and then including discussion relative to the 9-lot Crossroads application.

Mr. Wright continued:

- Referencing Condition #2L, including the Group Mackenzie Proposed Transportation Improvements Plan dated October 7, 1997.
- Referencing Condition #2M, including language similar to that used by Mr. Turner this evening to revise this condition.
- Referencing Condition #6, including language prior to occupancy for each of the proposed lots, in lieu of building permit issuance on any of the proposed lots.
- Referencing Condition #7, including language "or bonded" on Lot 2.
- Referencing Condition #4, including language as modified by the September 30, 1997 letter from Lancaster Engineering and Group Mackenzie's Proposed Transportation Improvements Plan dated October 7, 1997 and access shall be approved by Washington County.
- Their traffic engineer would further discuss the left in access to the site from Scholls-Sherwood Road.
- There is some information in the record which indicates their traffic engineer and the City traffic engineer agree from the standpoint that the left turn in access would work. It is a matter of how much queuing is available to accommodate this.
- Washington County has indicated informally and agreed to that the left turn in access would work.
- The concerns of the residents from Wildflower would be addressed with the left turn in access.

Brent Ahrend, Group Mackenzie, PO Box 69039, Portland, Oregon 97201-0039, addressed the Commission. Mr. Ahrend presented a brief history of the traffic studies and the accesses that have been proposed.

- Initially a document was prepared for the Sherwood Crossroads Subdivision by Parametrix. It was then determined that this area needed to be held until the Lucas Subdivision was approved. At the time access was proposed to Highway 99W.

- Group Mackenzie completed the traffic study for the entire subdivision which was required by the City.
- Access spacing on Scholls-Sherwood Road is 600 feet. There are approximately 1100 feet between Borchers Drive and Highway 99W. The applicant will need an access modification request from Washington County.
- In July they reviewed three separate alternatives. One of the issues was the queuing for left turns in and left turns out to the Highway. There was not enough distance to have back to back left turn storage.
- It was Washington County who recommended they have an access at the current location on Scholls-Sherwood Road with right turns and left turns in. They did not want left turns out because this would be a safety and capacity problem. Based on these two issues, a traffic signal would be requested in the future. The applicant agreed to analyze this option. The applicant proposed a raised median for the left turn in.
- From Scholls-Sherwood Road, the applicant is proposing right turns in, right turns out and left turns in to the site.

The Commission was concerned because there would only be two lanes on Scholls-Sherwood Road going west and one of these would be a left turn in to the site.

Mr. Ahrend distributed an October 7, 1997 letter from Group Mackenzie regarding the appropriate growth rate and trip generation estimates which should be applied to future year traffic volumes for the area of Highway 99W at Scholls-Sherwood and Tualatin-Sherwood Roads. This is the first time Staff has seen this letter.

Mr. Bechtold said he was surprised the Commission was receiving information that the City Staff had not seen considering this was a project which had been continued for several months. Mr. Ahrend said the October 7, 1997 letter was in response to the October 1, 1997 letter from Lancaster Engineering which was discussed by Mr. Turner earlier. They only received the October 1, 1997 letter yesterday.

Mr. Ahrend continued:

- If they do not have the left turn in access lane to the site, all of the traffic will have to turn left at Borchers Drive and gain access by going around to the other side of the site directly across from a residential area.
- The applicant is proposing beyond what the City is currently asking for. Eventually there will be 2-3 lanes from Tualatin-Sherwood Road and exclusive double left turn lanes.
- Only about 25% of the traffic from Tualatin-Sherwood Road heading west would use the left turn lane in to the site.
- He discussed Table 2 on page 4 of the October 7, 1997 Group Mackenzie letter. They believe that the growth rates used by them and Lancaster Engineering are appropriate. However, the growth rates used in their study are higher than the Lancaster study.
- Table 2 compared the Washington County model, Lancaster, Kittelson & Associates, Parametrix, and Group Mackenzie studies, two way peak hour roadway volumes on Scholls-Sherwood Road at Highway 99W.

Ms. Engels reminded the Commission that Staff is not asking the applicant to build all of the necessary improvements for the general traffic capacity of the whole area. The City is aware that the applicant would dedicate 25 feet of right-of-way for future road improvements on Scholls-Sherwood Road.

Mr. Franklin said the applicant is showing only one left turn lane going east onto Highway 99W and the Lancaster Report showed two left turn lanes going east onto Highway 99W. Mr. Ahrend said this was correct. The Lancaster analysis for this intersection was based on higher cycling. "Cycling" is the time it takes for a signal to go through all the different sequences.

Mr. Ahrend stated most of the traffic to the development would be coming off of Highway 99W and not from Tualatin-Sherwood Road. The Group Mackenzie analysis provides a conservative traffic volume estimate to the year 2005 which indicates that a left turn lane from Scholls-Sherwood Road in to the site can be accommodated with side by side left turn lanes. He noted that they had not received a formal letter from Washington County, but the County said they would accept the left turn lane in to the site. Washington County will not comment formally on this access until the applicant submits their road modification request. He distributed two "records of telephone conversations" with Group Mackenzie, one dated October 2, 1997 with Washington County, and one dated October 6, 1997 with ODOT Region 1 for the record.

Chairman Whiteman asked Mr. Ahrend if they were aware of the ODOT letter dated October 6, 1997. Mr. Ahrend said they were aware of this letter. He spoke with Marah Danielson, ODOT, regarding this letter. He referenced the telephone conversation memo dated October 6, 1997. ODOT had not yet completed a detailed review of the applicant's traffic analysis. Chairman Whiteman asked if Washington County has total control, is the Commission's decision a recommendation to Washington County. Mr. Ahrend said he believed the Commission's decision does have a bearing. If the Commission places a condition on the Lucas or Sherwood Crossroads subdivision such as a right turn in and out only, that is all the applicant can have. This is why the applicant is asking the Commission to approve the Lucas Subdivision with the left turn in to the site. Any access would require the approval of Washington County. They would not make formal comments until the applicant submits the modification to the road standards to allow the access at this point.

Mr. Baker asked Staff what the City would like in terms of the extension of the two lanes on Scholls-Sherwood Road before they merge into one lane, regardless of whether there is a left turn in or not. Mr. Turner said the Lancaster Study, page 25, states 250 feet.

Mr. Ahrend referred the Commission to the October 7, 1997 letter from Group Mackenzie which stated the estimated queue length for the proposed left turn lane on Scholls-Sherwood road is 125 feet as indicated in the September 26, 1997 letter. This estimate is based upon a queue probability of 95% during the peak hour using the capacity as calculated by the 1994 Highway Capacity Manual methodologies. This also includes Group Mackenzie volume projections using a growth rate of 5% per year. Lancaster calculated a queue length of 250 feet (with a recommendation for 300) using their lower traffic volumes. The calculation was based on Figure

5 of the 1967 Highway Research Record Number 211. The methodologies for calculating capacity of left turn movements has been updated twice since this figure was developed. The applicant does not necessarily agree with the Lancaster calculations.

Mr. Baker said he would like to see the two lanes on Scholls-Sherwood Road extend up past the new public street if the left turn in was allowed. Mr. Ahrend said most of the people who visit the site will be regular visitors and after they become familiar with the site, they will know which lane they need to be in to use the left turn into the site. Mr. Baker said he did not feel this would be real safe.

Mr. Ahrend said the peak hours for the site would be from 4:00 PM to 6:00 PM and 7:00 AM to 9:00 AM.

Ms. Weeks asked how much more traffic there would be from the proposed office complex. Mr. Ahrend said it would be less than is already in the projections.

Mr. Franklin asked Staff how the applicant's lane configuration differs from the Lancaster Study. Ms. Engels said if the 3.2% growth rate and trip generations are accurate, the applicant's proposal could last as long as, but no longer than the year 2005. When the road fails, it is no longer safe for a left turn in to the site.

Mr. Ahrend said the applicant disagrees with the Lancaster Study that recommends the queues need to be 300 feet long. They feel the queue needs to be only one-half of this amount. They don't believe failure would occur even if the traffic volumes were a little higher. If people find it difficult to use the left turn in to the site, they have the option of going to the signal. They are providing an option for future lanes on Scholls-Sherwood Road. They are in disagreement with the City's traffic engineer on what those left turn queues would be. He referred the Commission to the September 30, 1997 letter from Lancaster Engineering which was included in the packets. The last paragraph states, "If a left-turn in movement is allowed at the access to the Lucas development from Scholls-Sherwood road, a left-turn lane with storage of 300 feet that does not conflict with the eastbound left turning vehicles at Highway 99W should be provided." This was from the City's own traffic engineer and is what the applicant is providing with their proposal.

Mr. Lucas said he would like to clarify one thing. They agreed to dedicate more right-of-way for the potential widening of Scholls-Sherwood Road, but this is based on getting a left-turn in to the site. Without the left-turn in to the site, the value of the property is reduced.

Mr. Ahrend referred to the proposed conditions Mr. Wright distributed to the Commission. He referenced Condition #4. They have determined if all traffic is required to turn left at Borchers Drive, this would add more traffic to the signal and more traffic onto Borchers which is adjacent to a residential area. They determined the increase in travel distance to gain access into the site from Borchers Drive is almost one-quarter mile. They anticipate 2000 vehicles per day using this access which calculates to about one-quarter million miles of additional vehicle travel. He identified the proposed street configuration for the Sherwood Crossroads Subdivision.

Michael Robinson, Attorney representing Mr. Lucas, Stoel, Rives LLP, 900 SW 5th Avenue, Suite 2300, Portland, Oregon 97204-1268, addressed the Commission. Mr. Robinson said he had a couple of brief comments. He asked if the Commission would consider going beyond 11:00 PM to try to complete the review of this application.

Chairman Whiteman said his feeling was to continue this public hearing and try to reach a conclusion tonight. The Commission concurred with this recommendation.

Mr. Robinson noted the following:

- Speaking for the applicant, they appreciate all of time Sue, Greg, Jason and Jon have worked with them. They have been very willing to meet with the applicant and provided information in a timely manner. Staff has been a little bit beat up on tonight and from their perspective they have been quite pleased with the service they have received and no backward deals have been made and they have been quite fair on both sides.
- Ms. Engels was asked how their lane configuration differed from Lancaster's. She correctly said with 3.2% growth if the proposed uses are accurate it would last until 2005. Mr. Ahrend said the applicant believes it would last a little longer than this. What the Commission is approving tonight is a tentative subdivision. The applicant still has to come back through the City for site review, so the Commission would have every opportunity to make sure they do not get traffic uses that they believe are inconsistent with traffic generation information being provided tonight.
- ODOT has taken three positions on the accesses. In all fairness to the applicant, one was after a meeting with Staff that the applicant did not have a chance to attend. ODOT wrote a May 14 recommendation which stated a left turn works if you do this amount of stacking. The applicant has done this. The May 14 and August 4, ODOT recommendation essentially said the same thing. On October 6, one day before the hearing, the applicant received a new recommendation from ODOT. ODOT's responsibility is to State facilities, not local governments. If the evidence in the record is with the improvements Mr. Lucas is prepared to make, with the dedications and improvements, not only is there no adverse impact on the State facility, in fact, they are making the situation better, then there is no reason for ODOT to say there should not be a left turn in to the site.
- ODOT, Washington County and the City's traffic consultant have all said if you have a left turn it needs to be as the applicant has proposed. There should not be any questions at this point on how this is done.
- Regarding the criteria for approval, the criteria which is relevant, if indeed you can even make a left turn decision, is Section 7.201.03D. You have to find that there is adequate water, sanitary sewer and other public services which includes transportation that exists for the use of land proposed in the plat. The applicant will make sure with the improvements Mr. Lucas has said he will make, that there is enough road facility to support the proposed use of land with a left turn. ODOT and Washington County letters have all said the same thing he just alluded to, how much left turn in is needed. The applicant is proposing to provide this.
- He referenced Todd Mobely's October 1 letter showing four different scenarios and an indication of when the intersection would fail. It is possible to do any number of scenarios

and come up with a situation when the intersection fails. What they need to look at and hopefully, what the Commission will look at, is what is the best estimate, what does it show and does the applicant provide for it. The evidence is the applicant can do a left turn in that doesn't affect the function of Scholls-Sherwood Road, they can give the extra right-of-way, even though everyone is saying one lane is enough, they can do the extra lane and they are not going to have an adverse impact on the function of that intersection.

Mr. Robinson thanked the Commission for their time.

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

Robert James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus said he was testifying in favor of the application, conditionally, referencing the Staff report versus the applicant's report. He noted:

- He had the unfortunate situation of being next to Mr. Lucas when he developed a subdivision. He did not want to happen here what happened to him on Chesapeake Park. The Commission is here today because the applicant started out with 60 acres. They developed part of it into housing and did not think about what they were doing with the remaining parcels.
- The problem is someone was developing part of a parcel and they orphaned a part of the parcel. Now they have an enormous amount of problems with it. Staff and ODOT are saying there are problems with an intersection.
- He read and placed into the record Section 5.102.03 Plan Changes and Revocation of the Development Code.
- The main point brought up tonight is Pacific Lumber's water problems. This is why they are here. Pacific Lumber did not do what they agreed to do on their site plan.
- The Commission is considering an illegal application and a water line through their property for Act III. They are not revoking their permits and the Commission is talking about a full range of things. Someone has an option on a piece of property is seeking to exercise their option and has brought up one condition after another.
- The applicant is saying they are going to give one partition to the USF&W, but I don't have a contract. I think I'm going to pay "x" amount for the water, but I'm not sure. I think I have a piece of property I'm not going to develop, but I'm not sure I am not going to develop it.
- If the Commission gives the applicant the left turn in or the left turn out, they need to see a draft in writing before they okay it, because this is exactly how Pacific Lumber got by, using the words "trust us".
- He entered Section 4.600 Interpretation of Similar Uses of the Development Code into the record.
- If public safety is involved, it is legally defined as a nuisance.
- Before the Commission streamlines, please take the time to get all of the complicated things that are being talked about tonight in writing.
- The Commission needs to see that the conditions are put in writing and are met.

Chairman Whiteman asked if there was anyone else who wished to speak in favor of the application. There being no further proponent testimony, Chairman Whiteman asked if there was anyone who wished to speak in opposition to the application.

Sanford Rome, 1780 E. Willamette, Sherwood, Oregon 97140, addressed the Commission. Mr. Rome noted:

- They have heard a lot of conflicting testimony tonight. Before the Commission even conditionally approves the application, they need to make sure the issues are resolved.
- They saw what happened with Woodhaven and now they are putting up townhouses without completing the roadways. He previously said, don't give it away, get it done.
- If the applicant has an option on the property, but doesn't own it, he is hoping to get this together, it behooves the Commission to assure they get it in black and white and a complete application.
- The Commission has the power to just say no.

Dr. Marilyn Sorensen, 16890 SW Daffodil Street, Sherwood, Oregon 97140, addressed the Commission. Dr. Sorensen said she did not know if she could say she was in opposition to the application. She noted:

- Many of her neighbors were not here tonight. She lives in Wildflower Village near the area where they feel will really be impacted with increased traffic to this proposed subdivision.
- She heard someone say this was going to be "restaurant row." If she understands correctly, the road would be directly across from Daffodil Street. The residents of Wildflower are concerned that the traffic would use Daffodil Street to cut through the Wildflower subdivision to get to Scholls-Sherwood Road.
- She would not oppose the application if the street out to Borchers Drive was offset from Daffodil Street in some way. They should not have a residential area and then put a restaurant row near the area.
- The Wildflower residents are concerned about what will happen to their residential area and asked that the Commission give this some consideration.

Chairman Whiteman asked if there was anyone else who wished to speak in opposition to the application. There being no further opponent testimony, Chairman Whiteman called for rebuttal testimony.

- Michael Robinson, Stoel Rives, addressed the Commission. Mr. Robinson stated he did not know what relevance Section 5.102.03 Plan Changes and Revocation of the Development Code had to the application. The applicant does not have a site plan review before the Commission.
- He agreed there have been problems with other subdivisions or developments not complying with the conditions. To the extent the applicant has agreed to do some things and this should be put into writing, the applicant would agree to do this. The problem the applicant has with putting in writing the requirement to sell to the USF&W is that this is under ORS Chapter 92, you can't sell a lot before it is created. If you do this, you violate state law.

- The site review is a part of the Code and the applicant will have to go through this.
- Regarding Section 4.600 of the Code referenced by Mr. Claus, he was not sure how this was relevant to what they are talking about tonight.
- He agreed with the point that if there are things the applicant has offered and things which are appropriate, these should be put into the conditions of approval.
- With reference to Mr. Rome's testimony of smoke and mirrors, there is no dispute with the applicant, Tom Lancaster or Washington County about what is needed if the left turn in is allowed. All of the documents are consistent, if you have a left turn in you need so much queuing and that is what the applicant has provided.
- It would be appropriate for Mr. Ahrend to discuss the cut through traffic in the neighborhood.

Brent Ahrend, Group Mackenzie, addressed the Commission. The main reasons they are proposing aligning the public street across from Daffodil is generally it is desirable to match accesses opposite each other. As far as cut through traffic, you can never prevent someone from cutting through, but when traffic volumes do increase on Scholls-Sherwood Road, people will want to use the signal, especially for a left turn out. Traffic speed through the subdivision will be less than on Borchers Drive and Scholls-Sherwood Road. They are projecting only about 10% of the site traffic will be coming to and from the west. Most of the market area is actually on the other side of Highway 99W.

Mr. Baker asked if the applicant would be agreeable to installing speed bumps in the Wildflower neighborhood, if the residents wanted them. The applicant asked if the City had a policy on this.

Mr. Lucas said he developed Wildflower Village, he was going to live there, but bought a lot in Highpointe. He did not want to impact the Wildflower neighborhood with increased traffic through it. He would be willing to work with the residents to provide a solution to this concern. If not speed bumps, maybe some type of signage would be appropriate. Ms. Engels said there may be other traffic conduits which may be helpful. Mr. Robinson said they would accept a condition which states the applicant would explore traffic conduit options with the Wildflower Village residents and City Staff.

Dr. Sorensen said they may organize a homeowner's association in Wildflower Village. The residents still do not want all of the traffic to come down their street to cut through to Scholls-Sherwood Road. The residents are concerned about the increase in traffic.

Chairman Whiteman closed the public hearing on SUB 97-2 Lucas Subdivision Preliminary Plat for discussion by the Commission.

Sue Engels said the Commission has a 5-lot commercial subdivision application before them. There is no guarantee that the Sherwood Crossroads subdivision will happen. The future uses of any of these lots is not known. The Code has a different and higher level of development for subdivisions. The basic Code requirement is to create parcels that are ready to develop, and the parcels need to have all public services available to them.

She discussed the proposed uses for the 5 lots. Even though Lot 5 is small, it would be a legally created lot. Does the Commission wish to create a lot that would not have all of the services to it. The Commission would be approving a subdivision and each lot needs to have services to it. The further down the chain the improvement requirements are placed, the more resistance from the applicant about making improvements. This is the problem Staff is trying to eliminate. Mr. Baker asked if a condition could be placed on Lot 5 regarding services or it being not buildable. Ms. Engels said she would need to look into this, but there isn't anything which would prevent the applicant from selling this lot if the Lucas subdivision was approved. The Commission discussed having Lot 5 placed as a tract. Ms. Engels said this is not what the applicant is proposing.

Ms. Engels addressed each of the revised conditions made by the applicant. In summary, she noted the following:

- Staff would not agree with the applicant's proposed changes to Condition #2. The proposal would not meet the process used by the City.
- Regarding the changes to 2A and 2B, Staff would not agree to the changes removing Lot 5. To be consistent, Lot 5 should be included as needing services.
- Regarding Condition 2F, Staff discussed with the City Engineer the wording of this condition and it was his recommendation for the specific wording. Staff would not agree with the proposed changes by the applicant for this condition.
- Regarding Condition 2G, Staff recommends the necessary water looping upgrades are necessary. The problem is fire flow and the Water Master Plan states looping must occur to achieve the necessary fire flow for development. The Cost Partition Breakdown from the City Engineer for the water line improvements was distributed to the Commission. This condition was reworded following further discussion by the Commission.
- Regarding Condition #2K, Staff would not agree with the applicant's proposed changes. The proper level for the imposition of these improvements would be with the Lucas Subdivision Preliminary Plat application. As discussed previously, there is no guarantee when and if the Sherwood Crossroads subdivision application will occur.
- Staff would not agree with the applicant's proposed changes to Condition #2L.
- Regarding Condition #2M, Staff has made changes to this condition which would meet the applicant's proposed wording.
- Regarding Condition #5, Staff does not feel any changes would be necessary.
- Regarding Condition #6, Staff would not agree with the proposed changes. The Visual Landscape Corridor requirement should be a condition of the preliminary plat. This would be consistent with other subdivision applications. Staff has recommended a change which would be prior to occupancy permit.
- Regarding Condition #7, Staff has made changes to this condition. Staff would not want to single out the lots, but would like to keep it as one subdivision.
- Regarding Condition #4, the central point of disagreement is the left turn in to the site. The traffic as predicted by the engineering studies is that by the year 2005, if the assumptions are valid, the left turn in portion of access to Lot 1 from Scholls-Sherwood Road would fail. If you allow a left turn in to the site now, what will happen to this left turn in to the site in another six years. Should the City be building for the short term or for the long term.

Mr. Franklin said what he understood from the presentation was with the proper improvements, this would not be the case. Ms. Engels said assuming a 3.2% growth and the level of traffic generation, that intersection left turn in would fail by the year 2005. This is not many years from now. Both the City's and the applicant's consultants are reputable and competent traffic engineers, and the Commission should consider that each used slightly different assumptions and areas. City Staff does not support the left turn in to the site as proposed by the applicant. City Staff supports the right-in, right-out from the site.

Ms. Claus referenced the October 6, 1997 letter from Mr. Robinson, Stoel, Rives. The letter stated that Washington County and ODOT did not have a conflict with the left turn in to the site. Ms. Engels said Staff met with ODOT and Washington County to discuss the whole Highway 99W, Scholls-Sherwood Road intersection. The focus of the conversation was Staff concerns about the intersection, its viability and how to keep it functioning as long as possible. When Staff shared the information with ODOT, ODOT agreed with Staff it would better not to have the left turn in to the site. The "F" level of service would be for 3-4 hours a day at this intersection with this left turn in access. Washington County would make the decision for what they would permit, but the Commission makes the decision regarding the type of access they would permit.

Mr. Bechtold reminded the Commission that a sound decision would be made based on the evidence presented. Mr. Saxton said the question is whether the Commission would make a decision based on short or long term conditions for whole area surrounding Highway 99W, Tualatin-Sherwood Road and Scholls-Sherwood Road. Chairman Whiteman said if the Commission considers everything that was said tonight, the intersection would fail by the year 2005.

Following further discussion by the Commission, an individual review of each condition, and Staff recommendations, the Commission suggested changes to the wording for some of the conditions. The Commission agreed that all of the last minute information which was presented tonight made it more difficult to review and come to a formal decision on this application.

George Bechtold moved the Planning Commission approve SUB 97-2 Lucas Subdivision Preliminary Plat, with the revised conditions, based on the Staff Report, findings of fact, public testimony and agency comments. Seconded by Scott Franklin.

Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain

SUB 97-2 Lucas Subdivision Preliminary Plat was approved subject to the following conditions:

1. The final development plans shall be in substantial compliance with the plans date stamped March 6, 1997, except as modified herein.
2. Prior to the submittal of plans for building plan check, provide engineered construction plans to the city and applicable agencies for public and private improvements including costs, maintenance and bonding provisions in compliance with City, Pride, USA,

WCDLUT and TVFRD standards. The plans shall include provisions for streets, street trees, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, street lighting, landscaping and signage.

In particular:

UNIFIED SEWERAGE AGENCY:

- A. Lots 1, 2 and 5 shall be provided with a means of disposal for sanitary sewer. The means of disposal shall be in accordance with the Resolution and Order 96-44 (Unified Sewerage Agency's Construction Design Handbook, July 1996 edition). The City Engineer shall verify that public sanitary sewer is available to up-hill adjacent properties, or extend service as required by R&O 96-44.
- B. Lots 1, 2 and 5 shall be provided with access to public storm sewer. The City Engineer shall verify that public storm sewer is available to up-hill adjacent properties, or extend storm service as required by R&O 96-44. Hydraulic and hydrological analysis of storm conveyance system is necessary. If downstream storm conveyance does not have the capacity to convey the volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow in the zone of influence as defined by USA standards.
- C. As each parcel develops, water quality shall be addressed for new impervious surface being constructed. Easements for the existing water quality facility and any storm drainage easements shall remain and be shown on the new plat.
- D. A joint 1200-C erosion control permit is required for development which disturbs five acres or more of the site area.
- E. A "Sensitive Area" exists. The developer shall preserve a 25-foot corridor as described in R&O 96-44 separating the sensitive area from the impact of development. The creek wetland/sensitive area shall be identified on the plans.

ENGINEERING:

- F. Provide a drainage map that will indicate future on site drainage storage and off site drainage detention. Prior to issuance of building permits for each lot, 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.
- G. The applicant shall participate in the cost for the upgrade and looping of the water system to improve the water pressure and volume. The upgrade and looping of the water system shall be the sole responsibility of the applicant within the project area as defined by the City Engineer's Cost Participation Breakdown dated September

39, 1997. The water system improvements shall be installed or bonded for prior to approval of the Final Plat and shall be subject to a reimbursement agreement as approved by the City.

- H. Provide analysis for the culvert crossing Scholls-Sherwood Road and if it will be adequate for future development.
 - I. Public fire hydrants will be required at lot frontages in accordance with TVFRD standards.
 - J. Show typical pavement section for Scholls-Sherwood Road for future improvements. The typical section shall include a 6 foot wide planter strip, an 8 foot wide bike path and landscaping mounds on each side of the road.
 - K. Borchers Drive shall be improved to contain a 70 foot right-of-way with 36 foot roadway consisting of three lanes of pavement. The existing roadway shall be extended to a total width of 36 feet with a five foot green strip and an eight foot bike path on the east side of the road. Full street improvements for Borchers Drive, including utilities, from the southern property line of proposed Lot 1 to Scholls-Sherwood Road shall be required or bonded for prior approval of the Final Plat. The applicant shall also dedicate 25 feet of right-of-way along the western boundary of proposed Lot 2 for a distance of 150 feet north from Scholls-Sherwood Road, for the future extension of Borchers Drive. The balance of the future extension for the 150 foot roadway shall be a 13 foot wide strip across the neighboring property to the west. The Borchers Drive extension to the north shall consist of 28 feet of pavement with a 5 foot green strip and 5 foot sidewalk on the east side and a curb on the west side. Additionally, the applicant shall provide a 25 foot wide easement to the north line of Lot 2 for future street extension to be reverted back to the property owner in the event the future street extension is not constructed within two years.
 - L. The applicant shall dedicate the additional right-of-way along the north and south side of Scholls-Sherwood Road as necessitated by the required street improvements indicated in the Lancaster traffic study. The exact amount of right-of-way dedication shall be determined by the City's Engineering Department.
 - M. The applicant shall bond or provide a surety for 50% of the cost of the future traffic signal at the intersection of Scholls-Sherwood Road and Borchers Drive prior to Final Plat approval.
3. Submit 15 copies of the Subdivision Final Plat for the Planning Commission consent agenda approval prior to recordation with Washington County.
 4. In regards to improvements on 99W, comply with ODOT's comments as stated in letter dated August 4, 1997 including a southbound right-turn lane on the highway. In regards

to improvements on Scholls-Sherwood Road, comply with roadway improvements as stated in the North Sherwood Subarea Final Traffic Study dated September, 1997 from Lancaster Engineering in coordination and subject to the approval of the City Engineer.

5. All public improvements required to service these lots shall be improved or bonded for prior to Final Plat approval.
6. The Visual Landscape Corridor along Highway 99W, Scholls-Sherwood Road and Borchers Drive shall be completed prior to occupancy permit issuance on any of the proposed lots. The approved visual landscape corridor plan shall be recorded with Washington County and reference shall be made of the document on the final plats.
7. All public utilities shall be improved or bonded for within the Borchers Drive extension prior to building permit issuance on any of the proposed lots.
8. An access easement for Lot 5 and the neighboring lot to the east of the subject development to Scholls-Sherwood Road shall be provided across Lot 3. The applicant shall provide reasonable assurance to the City Planner that attempt has been made to gain an access easement from Washington County for Lot 5 and the neighboring lot to the east across Lot 4.
9. No existing trees shall be removed from the site unless as approved through a Site Plan Review process.

This approval is valid for one (1) year.

6A. PA 97-8 Plan Text Amendments - Streamlining Planning Process

6C. SUB 96-6 Sherwood Crossroads Subdivision Preliminary Plat

The Commission discussed the order for hearing land use applications at the October 21, 1997 Regular Commission meeting. They agreed to the following schedule:

- SP 97-4 Act III Theatres Site Plan application.
- PA 97-8 Plan Text Amendments - Streamlining Planning Process
- SUB 96-6 Sherwood Crossroads Subdivision Preliminary Plat application.
- Other previously scheduled land use public hearings.

George Bechtold moved the Planning Commission continue PA 97-8 Plan Text Amendments and SUB 96-6 Sherwood Crossroads Preliminary Plat to the October 21, 1997 Regular Commission meeting. Seconded by Angela Weeks.

Vote for Passage of Motion: 7-Yes, 0-No, 0-Abstain

Scott Franklin asked Staff to take into consideration when there is a large agenda to not have a work session prior to what would potentially be a very lengthy meeting.

There being no further business to discuss, the meeting was adjourned at 12:45 AM.

Respectfully submitted,

Planning Department