



**City of Sherwood
PLANNING COMMISSION
855 N. Sherwood Blvd
Tuesday, November 4, 1997
7:00 PM**

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes - October 21, 1997**
- 3. Agenda Review**
- 4. Community Comments:** are limited to items NOT on the printed agenda under Public Hearings.
- 5. SUB 96-9 Wyndham Ridge #3 Final Plat:** request by Centex Homes for final plat approval of a 69-lot single family subdivision.
- 6. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
 - A. SP 97-4 Act III Theaters Site Plan:** (cont'd from Oct 21, 1997) 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. **The public hearing and record have been closed.**
 - B. PA 97-8 Plan Text Amendments:** (cont'd from Oct 21, 1997) Streamlining the planning process including provisions for expedited land divisions and limited land use decisions.
 - C. SUB 96-6 Sherwood Crossroads Subdivision Preliminary Plat:** (cont'd from Oct 21, 1997) a request for preliminary plat approval of a 9-lot commercial subdivision, located corner of Scholls-Sherwood Road and Hwy 99W. Tax Lot 300, Map 2S 1 29B.
 - D. SUB 94-9 Cedar Creek Park #2 REVISED Preliminary Plat:** (cont'd from Oct 21, 1997) request for preliminary plat approval of a 23-lot subdivision located south of Scholls-Sherwood road and west of SW Lavender Avenue. Tax Lots 1100 and 1200, Map 2S 1 30A.
 - E. MLP 97-1 Lot 48 Wildflower:** (cont'd from Oct 21, 1997) a request by Robert Howard for a minor land partition to divide an 8114 sf lot located at 16789-16791 Daffodil St into two lots. Tax Lot 4900, Map 2S 1 30AD.

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- F. **MLP 97-2 Lot 49 Wildflower:** (cont'd from Oct 21, 1997) a request by Robert Howard for a minor land partition to divide an 8069 sf lot located at 16763-16765 Daffodil St into two lots. Tax Lot 5000, Map 2S 1 30AD.

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
November 4, 1997

1. Call to Order/Roll Call

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

Commission Members present:

Allen Baker
Susan Claus
Scott Franklin
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

Commission Members absent:

George Bechtold

2. Minutes of October 21, 1997 Regular Meeting

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of October 21, 1997. There were no comments.

**Susan Claus moved the Planning Commission accept the October 21, 1997
Planning Commission minutes as presented. Seconded by Scott Franklin.**

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

3. Agenda Review

Chairman Whiteman announced the Commission had received a request from the applicant's attorney to continue SUB 96-6 Sherwood Crossroads Subdivision, Agenda Item 6C. The Commission would deal with this request at the appropriate time. There were no other comments.

4. Community Comments

Chairman Whiteman called for comments from the audience. There were no community comments.

5. SUB 96-9 Wyndham Ridge #3 Final Plat

Susan Claus announced that SUB 96-9 Wyndham Ridge #3 Final Plat subdivision is located next to their property and she had a conflict of interest. She would not participate in the vote for this application.

Scott Franklin announced the applicant is a client of the company he works for, however, this is not one of their projects. He planned to take part in the vote for this application.

Allen Baker moved the Planning Commission approve SUB 96-9 Wyndham Ridge #3 Final Plat subject to the conditions as presented in the Staff Report. Seconded by Angela Weeks.

Vote for Passage of Motion: 4-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.

6A. SP 97-4 Act III Theaters Site Plan

Chairman Whiteman announced the public hearing was closed. Additional written testimony was received and the applicant provided rebuttal to this testimony. Greg Turner noted that two additional letters were received after the record had been closed and therefore, would not be a part of the record.

Chairman Whiteman asked the record show that Susan Claus would not participate in the discussion or vote for this application, due to a potential conflicts of interest.

Chairman Whiteman entered the November 4, 1997 letter from the applicant's attorney into the record. This letter supported the application as presented, discussed traffic and parking, and identified some supplemental issues; landscaping, parking lot security, lighting and alternative potential commercial uses for the site.

Mr. Turner advised there had been no changes regarding traffic from what was presented at the last meeting. The applicant would be required to meet all of the recommended conditions.

Scott Franklin asked for clarification regarding the Park & Ride facility. Mr. Turner said the parking for the site is based on the theater and the 3 commercial pad buildings. The Park & Ride facility would utilize the spaces that were designated for this application. Sue Engels said generally the Park & Ride parking spaces would be needed at a different time of day than the spaces needed for patrons of the theater. The main theater activity would occur after 5:00 PM to 7:00 PM. The peak hours for uses of the Park & Ride and the theater would be different.

Bill Whiteman moved the Planning Commission deny SP 97-4 Act III Theaters Site Plan based on testimony, review of Staff Report, findings of fact, with the following findings. The proposed right-in, right-out access to Highway 99W will not be permitted by ODOT as stated in their letter of August 15, 1997; the County has stated they do not recommend access at the Sherwood Market Place intersection because of lack of spacing to Highway 99W for left turn patrons, the City has not recommended a way to solve the left turn problems that they acknowledge will arise if the loop road is not constructed (amended Condition #11B); even though the City requirements for parking have been met, in fact, the State and County suggest the parking may not be sufficient for this project; the fourth leg of the Market Place intersection crosses private property so it is not controlled by State, County or City jurisdictions and could be a traffic hazard for those patrons to the

shopping center; the City of Sherwood's traffic study plan should be completed, including the concept of a loop road which the State has indicated an interest in, before any decision on access to the property is considered. Seconded by Scott Franklin.

Chairman Whiteman said the fourth leg of the Market Place intersection goes across the Albertson's parking lot. He was concerned about how many people would use this shopping center route to gain access to the theater. He did not think the City, County or State had any authority over this particular right-of-way. This could become a real hazard. He did not care who was going to build on this piece of property. The proposal before the Commission was not the right proposal as far as traffic is concerned for that piece of property.

Scott Franklin said the loop road is a good idea, however, this road needs to happen before the site is developed. To approve the application based on the fact that the loop road is not already in place, seems to be putting the cart before the horse. The loop road needs to be in the City's Transportation Plan and the proper procedures need to be followed to put the loop road in. Then this type of application could be addressed. There are also Urban Growth Boundary (UGB) issues. He was concerned that there is inadequate parking. There is clearly a traffic problem on Tualatin-Sherwood Road. The right-in, right-out on Highway 99W would be a deeded access.

Allen Baker said he agreed that transportation is a concern. However, when the Commission dealt with similar issues, a condition was used to accomplish the transportation plan that is necessary to allow the traffic flow to function properly. If the applicant is unsuccessful in meeting the condition, the application would not go forward. The recommended conditions take care of the transportation concerns.

Angela Weeks said she agreed with Mr. Baker. Staff has provided all of the findings, information and requirements of the applicant. It is up to the applicant to secure the accesses from ODOT and Washington County.

Chairman Whiteman asked how the left-turn off of Tualatin-Sherwood Road into the site differed from the previous Commission denial of a proposed left turn into the Lucas Subdivision. There seemed to be approximately the same distance from Highway 99W on the west and east sides of the highway. Mr. Baker said there was a traffic signal at the Sherwood Market Center location. Ms. Weeks said the Lucas proposal looked like it would cause more congestion because the road would have narrowed down for the left-turn into the site.

The Commission further discussed the access to Highway 99W. Ms. Weeks said she would be uncomfortable denying the application based solely on the comments from Washington County and ODOT. Mr. Baker said the applicant would be trying to receive more access than was recommended by Staff. As far as traffic concerns, the theater would be one of the more acceptable uses. Chairman Whiteman asked if the Commission had seen the Park & Ride lot adjacent to I-5 at Boones Ferry Road. It is very busy and always filled with vehicles. Mr. Baker said the theater would bring more people, who in turn would improve other businesses throughout the City. Chairman Whiteman said he was concerned about traffic getting in and out

the short term, provide better functioning of the intersection and in the long term, provide a very large portion of the cost of the loop road. The loop road must go into the TSP and go through a land use process for approval. She clarified that the loop road is envisioned to be a part of Adams Avenue and it would be a collector street. She also discussed a City amendment to the UGB line at the north end of the City limits. This would be made a part of the Transportation Plan. Staff expects to have the TSP adopted by February of 1998. Pursuing the UGB and goal exceptions would occur after that time.

Mr. Turner clarified that the recommended conditions include Pacific Lumber connecting to the sewer.

Angela Weeks moved the Planning Commission approve SP 97-4 Act III Theaters Site Plan based on Staff recommendations, conditions as revised, public testimony and findings of fact. Seconded by Allen Baker.

Chairman Whiteman called for a roll call vote.

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

SP 97-4 Act III Theaters was approved subject to the following conditions:

1. The final development plans shall be in substantial compliance with the submitted plans dated August 19, 1997, and as amended subsequently September 30, 1997, except as modified herein.
2. Prior to the submittal of plans for building plan check, provide engineered construction plans to the City and all applicable agencies for public and private improvements including cost, maintenance and bonding provisions in compliance with City, USA, WCDLUT and TVFRD standards. The plans shall include provisions for streets, street trees, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, site lighting, landscaping and signage.

In particular:

UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

- A. The development shall be provided with a means of disposal for sanitary sewer. The means of disposal shall be in accordance with R&O 96-44 (Unified Sewage Agency's Construction Design Standards, July 1996 edition) Engineer shall verify that public sanitary sewer is available to uphill adjacent properties, or extend service as required by R&O 96-44.
- B. The development shall have access to public storm sewer. Engineer shall verify that public storm sewer is available to uphill adjacent properties, or extend storm service as required by R&O 96-44. Hydraulic and hydrological analysis of storm

conveyance system is necessary. If downstream storm conveyance does not have the capacity to convey the volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow.

- C. The developer shall provide a water quality facility to treat the new impervious surface being constructed as part of this development. An easement shall be recorded for the off-site facility. A letter confirming that Bonneville Power Administration is in agreement with the facility being located within their easement.
- D. A joint 1200-C erosion control permit is required.

CITY OF SHERWOOD ENGINEERING DEPARTMENT

- E. Comply with the Engineering Department comments dated May 13, 1997 labeled as Attachment 'A' and September 30, 1997 labeled as Attachment 'B'.
3. Provide a final landscape plan for city approval by the City Planner prior to building permit issuance which includes an earth berm or some type of evergreen hedge to be placed between off-street parking and public rights-of-way.
 4. All exterior signage shall be subject to the review and approval of the City's Planning and Building Departments prior to the installation of any signs.
 5. The applicant shall research the feasibility of moving the solid waste storage facility to a location which is less visible from Highway 99W and Tualatin-Sherwood Road. The placement and design of a solid waste disposal facility on-site shall be coordinated among the applicant, the City, and Pride Disposal. Additionally, the applicant shall provide architectural enhancements to the facade of the building facing 99W to the satisfaction of the City Planner.
 6. The site shall include a security plan which shall be approved by the Chief of Police.
 7. The applicant shall provide wheel stops at least four (4) inches in height and located three (3) feet from the front of the stall in parking spaces along the boundaries of the parking lot or adjacent to interior landscaped areas.
 8. An agreement shall be made for a park and ride facility on the proposed site. The agreement shall be evaluated annually by the applicant, the City and Tri-Met. In order to facilitate the development of a park and ride facility, the applicant shall work with Tri-Met to meet the standards required for a park and ride facility.
 9. The site plan shall include at least a five (5) foot sidewalk from the public street to the interior sidewalks in the off-street parking areas.

10. The applicant and owners of the theater shall enter into a management and maintenance agreement in an interim basis for the entire site which includes but is not limited to landscaping, parking and driving areas, structures and lighting. This document shall be recorded and shall be tied to the property.
11. Comply with the roadway improvements as outlined in the North Sherwood Subarea Final Traffic Impact Study dated September 1997 prepared by Lancaster Engineering.

Specifically the applicant shall:

A. Highway 99W

1. Provide a north bound right turn lane on Highway 99W to Tualatin Sherwood Road.
2. Provide a right-in from Highway 99W to the subject site.

B. Tualatin-Sherwood Road

1. Restripe Tualatin-Sherwood Road, and dedicate necessary right-of-way for a future lane westbound on Tualatin-Sherwood Road as per the Lancaster Report.
2. The first eastbound left turn on Tualatin-Sherwood Road into the subject site (across from Albertson's) shall be removed when, in the judgment of the City, traffic conditions warrant the removal, so long as a loop road or other primary access from Tualatin-Sherwood is provided to the site.
3. A second eastbound left turn lane into the subject site (at the Albertson's traffic signal) will be provided by the applicant. Should this left turn lane into the site subsequently impede traffic on westbound Tualatin-Sherwood from moving through the 99W intersection, a traffic study commissioned by the City and paid for by Act III will be undertaken.

Should the study determine that traffic movement on Tualatin-Sherwood through the 99W intersection is significantly impaired by the existence of this left turn lane, the City may, after consultation with Act III, eliminate all left turn access into the site at this location. In so doing, a loop road or other adequate access from Tualatin-Sherwood to the site must be available. While these decisions will be undertaken with the advice of Act III, the final determinations will remain solely with the City.

C. Loop Road

1. Construct or bond the Loop Road from Highway 99W, intersecting with the access drive to the subject site, subject to the approval of the City Engineer. The right-of-way is to be provided by the City of Sherwood.
 2. Provide for payment of 50% of the future traffic signal at Highway 99W and the Loop Road.
 3. Provide a right-out from the subject site to Highway 99W. However, the right-out to Highway 99W shall be closed upon construction of the Loop Road connecting the subject site to 99W.
12. The landscaping on the entire site shall be completed prior to occupancy of any buildings.
 13. Provide a cross access easement to the property to the east T2S, R1W, Sec. 29B Tax Lot 1000.
 14. The owner of the property has previously been required to bring sanitary sewer to this property by boring under Tualatin-Sherwood Road. This project must be completed in order for this site plan to proceed.

This approval is valid for one (1) year.

Chairman Whiteman recessed the meeting at 8:00 PM for a break. He reconvened the Commission meeting at 8:08 PM.

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

Chairman Whiteman said this application had been continued from October 21. George Bechtold asked the Commission to consider a continuance so that he may participate in the review of this application. Mr. Turner said Staff had received the 1997 legislation from the City Attorney. None of the changes being proposed would be affected by this legislation. This amendment would incorporate into the Code the expedited land divisions and limited land use decisions which would meet State law.

Chairman Whiteman stated that he understood this whole concept to come from the Mayor and a desire to remove redundancies in the hearings process. There is more than this included with this amendment. If this amendment were in effect, site plans, subdivisions and minor partitions would be dealt with at the Staff level. Mr. Turner said plan amendments and PUD's would still be reviewed by the Commission. It would allow the Planning Commission to deal with more long range planning. There are cities currently using other planning processes, but no jurisdictions are using the same exact process being proposed with this amendment.

The Commission briefly discussed some of the other aspects of this plan text amendment.

Scott Franklin moved the Planning Commission continue PA 97-8 Plan Text Amendments to the November 18, 1997 Regular Commission meeting. Seconded by Angela Weeks.

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

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

Chairman Whiteman referred the Commission to the November 4, 1997 letter from the applicant's attorney requesting the matter be continued indefinitely. Depending on the outcome of the Lucas Subdivision appeal before the City Council. The applicant agreed to waive the 120-day provision through January 1, 1998.

Susan Claus moved the Planning Commission continue SUB 96-6 Sherwood Crossroads Subdivision Preliminary Plat to the January 6, 1998 Commission meeting. Seconded by Scott Franklin.

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

6D. SUB 94-9 Cedar Creek Park #2 Revised Preliminary Plat

Chairman Whiteman opened the public hearing on SUB 94-9 Cedar Creek Park #2 Revised Preliminary Plat and called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated October 21, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He showed an overhead of the site and noted:

- The proposed subdivision is located south of Scholls Sherwood Road, east of the existing Cedar Creek Park subdivision and west of Wildflower Village, Tax Lots 1100 and 1200, Map 2S 1 30A.
- Tax Lot 1200 received preliminary plat approval on March 7, 1995 and a one year extension was obtained in February 1996. Before construction began on the public improvements for Cedar Creek Park II, the City began negotiations to acquire Tax Lot 1100 from the Melzer family for a neighborhood park. The City negotiated with Mr. Seaman to trade a portion of his property for a portion of the Melzer property so that the park would not have a road going through it. Mr. Seaman agreed to rearrange his subdivision to accommodate this trade.
- There are several unmarked graves located on Tax Lot 1200 which should be a part of the Maple Lane Cemetery. Mr. Seaman and the Cemetery Association agreed to complete a Lot Line Adjustment to give to the cemetery the land on which these graves are located. The lot line adjustment was approved on September 11, 1997.
- Two letters dated October 30, 1997 from the Maple Lane Cemetery Association were received by the City. In response, Staff is proposing additional conditions on the application as follows:
 - the lot line adjustment be recorded with Washington County prior to the recordation of the Final Plat, and
 - that a fence be placed along the eastern border of the cemetery property.
- The preliminary plat includes 23 lots, 7 single family and 16 single family attached. Proposed lot sizes vary from 4,242 sf to 7,008 sf. The site is zoned Medium Density Residential High (MDRH).
- The existing street system in Cedar Creek Park and Wildflower Village includes a 50 foot right-of-way with a 36 foot wide street with curb lined sidewalks. The street width for SW

Lynnly Way includes a 50 foot right-of-way with a 36 foot wide street and 5 foot sidewalk. These street widths do not meet the City's street standards. A condition has been included to reduce the street width to 28 feet wide within a 50 foot right-of-way. The north-south street would have a 28 foot paved width within a 42 foot right-of-way.

- There are no private streets proposed with this application.
- The plat complies with the Comprehensive Plan and applicable zoning district regulations.
- The water line will be looped through SW Lynnly Way connecting Wildflower Village to the Cedar Creek Park water service. A water service stub shall be provided to Tax Lot 600, Map 2S 1 30AC.
- Proposed storm water facilities are located on-site.
- The visual landscape corridor is solely the area which will be a City Park, subject to the approval of the Parks Advisory Board.
- No tree inventory was required because the original application was submitted prior to adoption of the Tree Ordinance. There are plans to remove several trees on the southern portion of Tax Lot 1100. The Parks Advisory Board is aware of and has approved the tree removal.

In conclusion, based on the findings of fact and agency comments, Staff recommends approval of SUB 94-9 Cedar Creek Park #2 Revised Preliminary Plat subject to the conditions as amended. He read two additional conditions into the record:

- Prior to recordation of the final plat, the Lot Line Adjustment between Tax Lot 1200 and 1300, T2S R1W Sec. 30A, shall be recorded with Washington County.
- The developer shall install a six foot fence along the eastern border of the cemetery property subject to the approval of the City in consultation with the developer and the Maple Lane Cemetery Association.

Susan Claus asked for clarification where fencing was requested for Phase 1, but not provided and whether this was a condition of approval. Mr. Tuck said typically the applicant is required to provide a fence or buffer between the development and adjoining property. There was no condition for fencing with Phase 1. Mr. Baker said the Code would not require the applicant to place a fence around the whole cemetery.

In response to parking, Mr. Tuck said the Fire Department usually requires 20 feet of unobstructed space for parking. Mr. Franklin asked where parking for the proposed park would be. Mr. Tuck responded that the park is being designed as a neighborhood park. Ms. Engels said the streets, as proposed, do vary slightly from the adjacent streets. Staff is trying to be consistent with the City's new street standards and the proposed street widths will have a smooth transition. Parking would probably be allowed on the park side of Lynnly Way. The revised subdivision does not represent a very radical change from what was approved previously. The park is not intended to be a destination driven park. A lot of residents would be within walking distance of the park and vehicle travel would not be necessary. There will be a bike path along Scholls Sherwood Road that would connect to this proposed park.

Mr. Baker asked if this was the only park on the west side of Highway 99W. Ms. Engels questioned how many people would drive to this park when they could go across 99W to something larger such as Stella Olsen Park. Prior to the Parks Advisory Board recommendation for the design of the park, the City will make the space usable for informal play or use. It will be a neighborhood-oriented amenity. There is no parking on Scholls Sherwood Road. Mr. Franklin said it is important to keep any pathway to the park as far away as possible from the Scholls Sherwood Road. Ms. Engels said the pathway would be similar to the one along Sunset Boulevard and be at least 8 feet wide. This would also be a part of the Beef-Bend/Elsner/Scholls Sherwood project. The County is amenable to making Scholls Sherwood Road in the area from Borchers Road to this site more residentially friendly.

In response to Ms. Weeks' question, Ms. Engels said this development would benefit from the water looping done by other developments. The water looping for this section would come from fees the applicant and other developments have paid. Mr. Tuck clarified that the water loop he discussed was a connection to this development from the existing Cedar Creek Park and Wildflower Village water line stubs.

In response to Mr. Franklin's question, Ms. Engels said if this subdivision is approved, the lot line adjustment would be recorded with the County and the transfer of deeds would take place. The parcel being proposed for the park will be a separate lot and not a part of the proposed subdivision. The park property would be owned by the City. Mr. Tuck showed the Commission a copy of the previously approved subdivision preliminary plat.

Chairman Whiteman asked if the applicant wished to provide testimony.

Len Schelsky, representing the applicant, Mark Seaman, Westlake Consultants, 11515 SW Sequoia Parkway, Tigard, Oregon 97223, addressed the Commission. He advised that the parties have held numerous meetings to discuss the alignment and the applicant concurs this would be the best way to mitigate the original plan. The applicant agrees to the tentative layout. The original plan had 22 lots and this proposal has 23 lots. The applicant has no objections to any of the conditions of approval, including the two new proposed conditions. If this application is approved, Mr. Seaman plans to file the deed to the Cemetery Association within the next 2-3 weeks. Mr. Schelsky said he would answer any questions from the Commission.

Chairman Whiteman asked if there was anyone else who wished to speak either for or against this application.

Bill Benz, Trustee for Maple Lane Cemetery, 11855 SW Katherine Street, Tigard, Oregon 97223, addressed the Commission. Mr. Benz said he wanted to clarify a few items and he specifically noted:

- The section of property Mr. Seaman has graciously consented to donate to the Cemetery has a lot more than 3 unmarked graves. This is a very sensitive issue. The area has at least 3 unmarked graves, the grave of the wife of the first Mayor of Sherwood, the grave of the first Sherwood police officer, and includes their family plot.

- He was concerned with the City's role in the project, particularly with regard to the water quality facility, the process of stubbing utilities, and the bike path.
- Westlake Consultants Composite Utility Plan Sheet 6 shows a storm drain that is running through the front of the cemetery.
- The Maple Lane Cemetery Association has no objection to the development, but they want to make sure that since the City has twisted the developer's arm, gotten involved in the process, and are going to do the water quality facility, that they do not inadvertently configure the plan so that not a lot of pedestrian and park traffic is funneled into the Cemetery.
- The right-of-way at Scholls Sherwood Road that abuts the Cemetery is only 60 feet.
- CH2M Hill has stated they will hold the Cemetery's property line and are not going to try to acquire any property from the Cemetery for right-of-way. There are graves in this area, one of which happens to be an ancestor of the City Attorney which would end up in the right-of-way.
- Yesterday, the little access along Scholls Sherwood Road to this proposed bike path was eliminated because someone has dug a massive, 3 foot open ditch, and now there is no place to walk. People will either cut through the cemetery or use the cemetery driveway to access this bike path.
- The storm drain not only goes through graves, it also goes through the Cemetery's row of historic Maple Trees which were planted by Sherwood settlers around the turn of the Century.
- They are concerned that there are no plans for the park, and now there is an open ditch which was done without any vertical or horizontal alignment. The Association does not want someone with a backhoe digging into a grave.
- He placed a request for service with the Public Works Director which asked where in the hell did that ditch come from. No one seems to know and he has been unable to get any answers.
- They would like to be able to at least review some plans for the water quality facility, the bike path, and the park.
- He understands that all of the County's right-of-way would come from the north of the property, so the bike path would be on the north side. The ditch needs to be filled in and as it is now, it is very dangerous. The ditch goes across the whole front of the cemetery and it is dug in such a way that there is no bicycle or pedestrian traffic possible across the right-of-way now. The ditch has been there about 4 days.

Mr. Turner said the ditch was from the Seely Estates development and that there is a utility line coming across Scholls Sherwood Road.

Sue Engels said it is important to make a distinction between the development plan and what is the concept of the park. The bike path that is illustrated would probably be bonded by the developer. All of this is subject to the actual engineered construction drawings. The issues that Mr. Benz brought up are very important. It is not the intention of the City to dig up any graves. The ditch has nothing to do with this application. Before anything is done out there, the City needs to make sure that all of the graves have been located. The Public Works Department is not the entity to call. She suggested Mr. Benz call her or the City Engineer if he had any further questions or concerns.

Mr. Benz said no one can tell him who put the storm drain there and if it stays there it is going to create a problem. The ditch has taken up all of the right-of-way and now pedestrians are walking through the cemetery.

Ms. Engels said she would find out who is responsible for digging the ditch and respond to Mr. Benz.

Andrew Stamp, Attorney representing Dennis Wirt, the owner of Tax Lot 600, David B. Smith Attorney-at-Law, 6975 SW Sandburg Road, Suite 130, Tigard, Oregon 97223, addressed the Commission. Mr. Stamp said he wanted to testify regarding two of the conditions, particularly regarding the sanitary sewer and water supplies. As stated in the Staff report, the applicant would be required to extend sewer and water to Tax Lot 600. His client has plans to develop this lot and it is essential for the efficient economic development of this property that the public facilities be provided. This is consistent with the Code and the Staff findings. He referenced the particular Code sections. His client feels the proper way to approach this is through the conditions. They have made written comments which they have requested become a part of the record. They are in support of the Staff recommendations.

Clyde List, 21235 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. List is also involved with the St. Paul Lutheran Church which is located down Scholls Sherwood Road from the Maple Lane Cemetery. In the last month, they have donated about \$900.00 to the Maple Lane Cemetery Association. They feel strongly in favor of what the Association is trying to do. They would like to give their support to the Staff conditions, in particular the lot line adjustment and the fence for the cemetery.

Charlotte Benz, Trustee, Maple Lane Cemetery Association, 11855 SW Katherine Street, Tigard, Oregon 97223, addressed the Commission. Ms. Benz said she drafted the October 30, 1997 letter to the Commission. She noted:

- The Association would like the applicant to fence the entire cemetery. The cemetery has already been tremendously impacted by the first phase of the Cedar Creek Park Subdivision. The additional development and the proposed park may be more than the cemetery can bear if it is not fenced off.
- She identified the area where houses are now located. More than one-half of the cemetery, in back, is wooded. It is not developed and is in a natural wooded state.
- A few of the homeowners have fences on their property and most of the fences have gates which already access Scholls Sherwood Road.
- A fence on one side of the cemetery will not decrease the impact of everyone wanting to go to the proposed park.
- The increased foot traffic going through the cemetery would have an adverse effect on it.

Chairman Whiteman asked where Staff was recommending the fence be placed. Ms. Engels said it is intended that the fence would go from the edge of the property line at Scholls Sherwood Road, down the back of the parcel, and end there. With regard to the sidewalk, the completion of the County project for Scholls Sherwood Road would probably require the sidewalk to be

relocated. This relocation could possibly be further away from the cemetery. It is not the intent of the City or the developer to impact the cemetery in any way. One of the ideas for the water quality facility was to create something beautiful, but something that would discourage people from going across it. At some point there would be a sidewalk and it is part of the City's responsibility through the Transportation Plan to provide pedestrian amenities. As a part of the Scholls Sherwood Road project being done by the County, these issues would be addressed. This should create as little impact as possible on the cemetery.

Chairman Whiteman asked if Staff and the Maple Cemetery Association could create some type of communication link for the interchange of information and to address concerns as they arise.

Ms. Claus asked if the utility drain going through the cemetery would have to be corrected. Ms. Engels said this was correct.

Mr. Baker asked the applicant if they had any objections to fencing the entire cemetery. The applicant responded they would provide the fence on the eastern border of their property only.

Len Schelsky, Westlake Consultants, 15115 SW Sequoia Parkway, Tigard, Oregon 97224, addressed the Commission to provide rebuttal testimony. Mr. Schelsky noted:

- Regarding the storm drain issue, as part of Phase 1 of Cedar Creek, originally they had a water quality facility designed because the property was so flat, to get the water out they had to take the water to the existing Cedar Creek Park #1. It was designed in a culvert and this was approved.
- The original, approved plans did have a culvert along that section. It is shown incorrectly on the current plans. A culvert will still be put in to move the water from the water quality facility. Washington County would not allow a four foot ditch along Scholls Sherwood Road.
- Mr. Seaman and Mr. Wahl developed Cedar Creek Park #1. Washington County required them to do street improvements on Scholls Sherwood Road. It took them three months to convince the County that they did not want to do improvements on the St. Paul Cemetery side of the road.
- They are sensitive to the cemetery issues and they will work with the cemetery in locating grave sites.
- They are willing to design the storm drain to get around the grave sites.

Ron Hubrich, 20539 SW Lavender Avenue, Sherwood, Oregon 97140, addressed the Commission. He identified his property on the map. He asked what was going to happen with the trees along his back property line and several other questions.

In response to Mr. Hubrich's questions, Ms. Engels said the short term plan is to do nothing with the trees. The City will remove some blackberries and other small brush. The final decision regarding the trees will be made through a planning process of the Parks Advisory Board. Any interested neighbors could be a part of this process. The proposed park would be City-owned property. None of the trees would be removed until the Parks Advisory Board has reviewed the

area and made a decision regarding the trees. She explained the process the City used in obtaining the property for the park. Phase 1 of Cedar Creek was approved prior to the adoption of the City Tree Ordinance. The Tree Ordinance and the Parks Advisory Board will play a role in determining what trees should be saved. A fence along the backyards adjoining the proposed park would be a part of the Parks Development Plan. The City has a process by which the City Engineer will consider fencing requests which may place a fence in an easement, as long as the homeowner realizes that if the City has to maintain the easement, the fence may need to be removed at the homeowner's expense. The Building Department would provide information regarding fence permits. The City would probably do some preliminary clean up of the proposed park area when the development of the property begins.

Charlotte Benz again addressed the Commission. Ms. Benz asked if Mr. Seaman was totally responsible for the fence. He may have some accountability for fencing, but she did not see why the City was not accountable for part of the fence because the proposed park the City wants would have an impact on the cemetery.

Mr. Baker said he did not feel the Maple Lane Cemetery Association could require the City or the applicant to fence the entire cemetery. Cedar Creek Park #1 was a previous development which had separate conditions. The City cannot require this applicant to do what was done in prior developments.

Chairman Whiteman said the question is since the proposed City park will create an impact on the cemetery, then is there not some responsibility to help mitigate the impact to the cemetery. Should the City have any accountability.

Ms. Engels clarified that the applicant is before the Commission with a subdivision application. The forum to address the question of accountability for the proposed park would be through the Parks Advisory Board planning process. The Board's recommendation would go through the City Council. This would be the appropriate place for questions regarding the impact of the park on the cemetery. The Board is aware of the proposed park. Their planning process should begin in the near future. Chairman Whiteman asked who the Maple Lane Cemetery Association should address correspondence to. Ms. Engels said they should write to the Parks Advisory Board, through the City.

Bill Benz addressed several questions to the Commission. Part of the reason for their spirited objections or concerns about this is because the City is trying to manipulate the developer for the park property. The City interests are intertwined with this developer in such a way that it is difficult to separate the two objectives. In reading the subdivision application, there were some waivers made and some exclusions made. They could not find a landscape plan or plans or specs for the park.

Ms. Engels said normally a subdivision does not have landscaping requirements.

Mr. Benz said they are concerned about just how deeply the City is involved with this application and how do you separate the two things out. He again questioned whether some type of landscape plan was required.

Mr. Tuck said with subdivisions, the City requires the developer to submit a street tree planting plan and this has been provided with the application. The applicant has submitted landscape plan for the water quality facility and the area the abuts to the cemetery property. Ms. Engels advised the Commission does not approve specific landscape plans. This is done at the Staff level. Cedar Creek Park Phase #1 and this application are separate applications. The two development applications cannot be linked together 5 years after the original development of Phase #1.

Chairman Whiteman said his personal opinion is that the Association's concerns regarding the park would be with the City and not the applicant. He asked that the Staff find out what is happening with the ditch and advise the Association. The Association should ask the City to be kept informed regarding the development of the park.

Ms. Claus asked if the City had accepted this proposed park into the Master Plan. Ms. Engels said the Master Plan indicates that there will be a park or parks on the west side of Highway 99W. The Parks Advisory Board is aware of the purchase of this property for the park. Ms. Claus said historically there has been a process that the proposal would go before the Parks Advisory Board for approval. Ms. Engels said she believed this had happened through the purchase of the property. Ms. Claus said the minutes included in the packets state the Board did not have a quorum. If the City has not officially accepted the property as a park, these Association should be so advised. The Association should be made aware of when the meeting of the Parks Advisory Board for acceptance of this property is scheduled so that they can make their case and how the cemetery is being impacted. The Association should also be given the names of the Parks Advisory Board members. Mr. Baker also questioned whether the park property had been accepted by the Board. Ms. Engels said she would research this further.

Ms. Claus said if the Parks Advisory Board had already accepted the property as a park, the Association would need to attend the Parks Advisory Board meeting when they make specific plans for this park.

Chairman Whiteman asked if there was any further testimony. There being none, Chairman Whiteman closed the public hearing on SUB 94-9 Cedar Creek Park #2 Revised Preliminary Plat for discussion by the Commission.

Susan Claus asked what kind of fence was being discussed for the east property line. Ms. Engels said it would be a six foot fence approved by Staff in consultation with the Cemetery Association and the developer. Ms. Claus asked if the Association wanted a cyclone fence, would they get choice of materials. Ms. Engels said the intent would be to get consensus on something that would be appropriate and provides adequate screening. Ms. Claus said a board fence is not secure because boards could be removed.

Bill Whiteman moved the Planning Commission approve SUB 94-9 Cedar Creek Park #2 Revised Preliminary Plat based on the findings of fact, public testimony, Staff Report and recommended conditions of approval as revised. Seconded by Scott Franklin.

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

SUB 94-9 Cedar Creek Park #2 Revised Preliminary Plat was approved subject to the following conditions:

1. The final development plans shall be in substantial compliance with the plans date stamped August 19, 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. Each lot within the development must 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 Standards, July 1996 edition). 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. Each lot within the development shall be provided with access to public storm sewer. 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. The developer shall providing a water quality facility to treat the new impervious surface being constructed as part of this development. The pond and water feature including the bridge that crosses the pond with the 8 foot pedestrian and bicycle path after construction will become the responsibility of the City for maintenance.
- D. A joint 1200-C erosion control permit is required.

ENGINEERING:

- E. SW Lynnly Way shall be 28 feet wide within a 50 foot right-of-way.
 - F. The City requires the hammerhead streets to be 26 feet wide within a 42 foot right-of-way. Due to the narrow width of the right-of-way there is not room to place the 4 to 5 foot planter strip and the 5 foot sidewalk. Therefore, a 2.5 foot permanent sidewalk easement granted to the City of Sherwood is required.
 - G. The property may be subject to water, storm water and sanitary sewer payback agreements.
 - H. Extend the sewer and water service within a 20 foot easement to connect to Tax Lot 600 Tax Map 2S 1 30AC.
 - I. Show off-site storm water runoff from the Wildflower Village subdivision and show how it will be accommodated.
 - J. Reduce the pavement width at SW Lynnly Way to 28 feet using transitions at each end of the new street. Use City of Sherwood typical pavement section to provide a 5 foot planter strip between the sidewalk and the curbs.
 - K. Use 26 foot wide pavement section for the proposed hammerhead streets. There needs to be a 5 foot planter strip between the sidewalks and curbs. Part of the sidewalk will need to be placed on a 2.5 foot permanent pedestrian access easement on both sides.
 - L. The pedestrian / bicycle path connecting to SW Scholls Sherwood Road shall be 8 feet in width its entire length.
 - M. The minimum size of water main is 8 inches.
 - N. Provide a drainage map and drainage calculations for the site including the offsite.
3. Submit 15 copies of the Subdivision Final Plat and written narrative supporting the completion of the conditions of approval for the Planning Commission consent agenda approval prior to recordation with Washington County.
 4. The existing house shall be connected to sanitary sewer and water along with the rest of the houses in the subdivision.
 5. All public improvements required to service these lots shall be improved or bonded for prior to Final Plat approval.
 6. Provide an 8 foot pedestrian / bicycle path connecting to Tax Lot 1800 of Tax Map 2S 1 30A.

7. Prior to recordation of the final plat, the Lot Line Adjustment between Tax Lot 1200 and Tax Lot 1300, T2S R1W Sec. 30A, shall be recorded with Washington County.
8. The developer shall install a six (6) foot fence along the eastern border of the cemetery property subject to the approval of the City in consultation with the developer and the Maple Lane Cemetery Association.

This approval is valid for one (1) year.

Chairman Whiteman recessed the meeting at 10:00 PM for a break and reconvened the meeting at 10:05 PM.

6E. MLP 97-1 Lot 48 Wildflower & MLP 97-2 Lot 49 Wildflower

Chairman Whiteman asked if there was any objections to hearing the two Staff Reports together. There being none and no one wishing to provide testimony, Chairman Whiteman opened the public hearing for MLP 97-1 Lot 48 Wildflower and MLP 97-2 Lot 49 Wildflower and called for the Staff Report. David Brooks referred the Commission to the Staff Reports dated November 4, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He showed an overhead of the site and noted:

- The applicant, Robert Howard, was not in attendance. However, Mr. Howard agreed with the Staff findings and recommended conditions of approval for both applications.
- Lot 48 is located at 16789-16791 SW Daffodil Street and Lot 49 is located at 16763-16765 SW Daffodil Street, Tax Lot 4900 and 5000 respectively, Tax Map 2S 1 30AD.
- The applicant is requesting a minor land partition to divide a duplex lot into two, single-family lots, both of which are vacant at this time. This would allow for individual ownership of the units.
- The site is zoned High Density Residential (HDR) and the minimum lot size is 4,000 sf. Both minor partition applications meet these requirements.
- No new rights-of-way, roads or streets are being created with these partitions.
- There are no further dedications required for the proposed minor land partitions.
- Water and sanitary sewer services were made available to the site with the Wildflower subdivision. Each lot will be connected to the City water service.
- Staff recommends removing Condition #3 for both applications.

In conclusion, based on a review of the applicable Code provisions, agency comments, and Staff review, Staff recommends approval of MLP 97-1 Lot 48 and MLP 97-2 Lot 49 Wildflower.

Chairman Whiteman asked if there was anyone who wished to testify for MLP 97-1 Lot 48 Wildflower. There was no testimony and Chairman Whiteman closed the public hearing for this application.

Chairman Whiteman asked if there was anyone who wished to testify for MLP 97-2 Lot 49 Wildflower. There was no testimony and Chairman Whiteman closed the public hearing for this application.

Chairman Whiteman noted for the record that Staff had advised that the applicant has agreed to the recommended conditions of approval.

In response to Mr. Franklin's question, Mr. Brooks responded the minimum lot width had been met for these partitions. There was no further discussion by the Commission.

Susan Claus moved the Planning Commission approve MLP 97-1 Lot 48 Wildflower and MLP 97-2 Lot 49 Wildflower based on Staff review, agency comments, findings of fact, and conditions as revised. Seconded by Angela Weeks.

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

MLP 97-1 Lot 48 Wildflower and MLP 97-1 Lot 49 Wildflower were approved subject to the following conditions:

1. Supply the City with three (3) copies of the preliminary plat for Staff review, prior to recordation with Washington County.
2. Record the Partition Plat with Washington County and supply the City with three (3) copies of the recorded plat.
3. Prior to final occupancy, connect each parcel to sanitary sewer and water service.

This approval is valid for one (1) year.

7. Other Business

Chairman Whiteman asked if Staff had time to look at the conditions for Pacific Lumber to a connection to the sewer. Mr. Turner said Staff would review this condition.

Staff advised the Commission of upcoming land use applications. The Commission asked that they be provided with a copy of the revised statutes on land use from the 1997 Legislative Session. This information will be mailed out with the next Commission packet.

Chairman Whiteman advised that the Mayor had received some applications and he will continue to receive applications for the vacant Planning Commission position.

A TSP Open House will be held on Thursday, November 13, 1997 at the Senior Center. Staff will have TSP information placed at Albertsons for the public to look at.

There being no further business to discuss, the meeting was adjourned at 10:17 PM.

Respectfully submitted,

Planning Department