

City of Sherwood, Oregon  
**Planning Commission Meeting**

February 20, 1996

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

Vice-Chairman Corrado called the meeting to order at 7:06 PM. Commission members present: George Bechtold, Susan Claus, Chris Corrado, Rick Hohnbaum, and Marge Stewart. Chairman Gene Birchill and Commissioner Kenneth Shannon were absent and excused. Planning Director Carole Connell and Secretary Roxanne Gibbons were also present.

**2. Minutes of February 6, 1996 Commission Meeting**

Vice-Chairman Corrado asked if there were any corrections, additions or deletions to the minutes of February 6, 1996. There being no comments,

Rick Hohnbaum moved the Planning Commission accept the February 6, 1996 minutes as presented. Seconded by Marge Stewart and carried unanimously.

**3. Community Comments**

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

Jim Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus said he received a copy of the minutes and they were not accurate. He said he understood there has been some on-going litigation with the tapes, and the attorney he talked with said the tapes were not audible. He suggested the Commission do something to assure the tapes are audible because the minutes are not accurate. Mr. Claus said he believed Mr. Hohnbaum said he had a potential conflict of interest, not a conflict of interest. Mr. Claus asked that he be corrected on this if it is not true because it would be interesting to see if Mr. Hohnbaum didn't know the difference between the two. Mr. Claus said he was interrupted in his presentation and the minutes did not reflect this. This goes to the nature of bias and Mr. Claus would like this in the minutes. Mr. Claus said he is writing a letter on it. Also, there was an open dispute between Mr. Rome and Mr. Corrado and this was not reflected in the minutes.

Mr. Claus said he would be sending a letter to another agency about that because if the tapes are not audible since the cause of action and statute of limitation runs for one year he would hold the governing body responsible for this error. The City can certainly afford the proper equipment and there is no reason to inflict any extra cost such as bringing in a court stenographer. He has been forced to do this once and he would be glad to enter those minutes, so the Commission will know what minutes should look like.

Mr. Claus said he had to go to another meeting. The other issue he wanted the Commission to understand is that he is not talking about bias. Bias is something that clearly, under Mr. Dittman's advice, is going to have to move to another forum. He is talking about potential conflict of interest and actual conflict of interest. He believed Mr. Hohnbaum was quite right in suggesting he had a potential conflict of interest because he sat on the Tualatin River National Refuge Board of Directors, had an affiliation with another group and was in a delivery arrangement with an applicant. Mr. Claus said Commissioners should be very careful where they have a pecuniary relationship, that is you receive money, the potential conflict of interest and conflict of interest become real. For instance, advertising one subdivision versus another, approaching them, another advertiser, that may only be a potential conflict of interest. Mr. Claus provided an example using Allied Systems and Mr. Burns. He discussed retailing and the cardlock service station application.

Mr. Claus said we are a democracy and a consumer based democracy. We do not allow a Board, like this, to start limiting competition and therefore, if you have that relationship, it should be disclosed. This forum is to be fair and have an appearance of fairness. Look at the minutes, you had one applicant walk out because of the conduct, in terms of body language and facial expression. With those minutes, with the list of advertisers, there should be a large potential conflict of interest exposed here tonight and he suggested some recusals.

There were no further comments.

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

Carole Connell explained this is the first time the Commission has had a Consent Agenda item. The purpose of the consent agenda will be to expedite the meeting by dealing with subjects that are fairly routine and straightforward. The Consent Agenda will also be used for final plats and other miscellaneous items.

##### **4A. SUB 94-9 Cedar Creek Estates**

Ms. Connell reported the subject preliminary plat expires March 8, 1996. The Commission has routinely granted a one year extension for preliminary plat approvals. This is a 22-lot single family subdivision that connects to the existing Cedar Creek Park development. Staff recommends approval of a one year extension.

**Rick Hohnbaum moved the Planning Commission grant a one-year extension on SUB 94-9 Cedar Creek Park Estates to March 8, 1997. Motion seconded by Marge Stewart and carried.**

**Vote for Passage of Motion: 4 Yes, 0 No, 1 Abstention (Claus)**

#### **5. Public Hearings**

Vice-Chairman Corrado reviewed the public hearing process, 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.

George Bechtold announced he has a professional relationship with David Bantz of Genstar relative to ex-parte contact. Mr. Bechtold said this could be construed as a potential conflict of interest, but he did not see it as a conflict of interest.

Rick Hohnbaum announced a professional individual who has done some subcontract work for the applicant on PUD 95-2 Arbor Lane is also involved in doing some subcontracting work on a project which Mr. Hohnbaum is also doing some subcontracting work as a consultant. This individual and Mr. Hohnbaum are not one another's supervisor. He casually mentioned to Mr. Hohnbaum in passing that he had an item on the agenda this evening. Mr. Hohnbaum said he has met this person twice and they are both working on a project for the City of Beaverton. Mr. Hohnbaum said he planned to participate in 5A Arbor Lane.

There being no further disclosures, Vice-Chairman Corrado moved to the next agenda item.

#### **5A. PUD 95-2 Arbor Lane (Continued from February 6, 1996)**

Vice-Chairman Corrado called for the Staff Report. Carole Connell reported this application is for Arbor Lane Planned Unit Development Plan and Preliminary Subdivision Plat, a 114-lot residential development on 26.80 acres located on the south side of Sunset Boulevard, adjoining Cedar Creek. Ms. Connell referred the Commission to the Staff Report dated February 13, 1996, a complete copy of which is contained in the Commission's minutes book.

Ms. Connell identified the location of the project on the map and highlighted the main points contained in the Staff Report. The project entails Tax Lots 503, 504, 600 and 700. Tax Lot 504 which is in the UGB is scheduled for an annexation hearing in about 10 days. This is a PUD and the Commission will make a recommendation to the City Council. Nothing in the decision will be final until the annexation of Tax Lot 504 is completed. The 26.80 acre site is allowed 131 residences and 114 are proposed. There are 6.83 acres of floodplain which leaves 20 buildable acres which have a maximum density of 100 lots. By way of a PUD, the proposal requests variations to several standards in order to meet the maximum density on the site which has extensive floodplain and wetlands. The site meets the test for "unusually constrained" because 25% of the site is in the Cedar Creek floodplain.

Ms. Connell reviewed the code variations: lot area - 4500 SF for detached; lot width - 42 ft, 10 ft at cul-de-sac; width at building line - 50 feet; street sideyard - 15 feet; sidewalk width - 4 feet; street ROW - 54 feet; street paving - 32 feet, parking on both sides with planter strip. The City Manager has recommended a 28 foot street paving width and 5 foot sidewalk width. DSL has acknowledged the wetland analysis and will be advised if the annexation of Tax Lot 504 is completed. The applicant has hired Halstead, an arborist, to complete a tree survey. Ms. Connell noted that if this application is approved by Council, the final development plan will come back before

the Commission for review/approval. The applicant proposes to dedicate the Cedar Creek floodplain to the City and has agreed to construct an 8 foot asphalt pedestrian pathway the length of the creek to Sunset Boulevard.

Ms. Connell discussed the Sunset Boulevard right-of-way. The applicant has agreed to prepare the legal descriptions for street vacation. A full traffic report is pending. Woodhaven is interested in the potential impact of Arbor Lane on the Sunset/Pacific Highway intersection. The City is in the process of changing street standards and Staff is working with the applicant to develop a design to meet the pending street standards. Ms. Connell said she plans to present the proposed street standards at the March 19, 1996 Commission meeting.

Ms. Connell noted that the applicant has agreed to construct the left-turn in lane to the project at this time. The applicant has proposed to use a plastic white rail fence and evergreen plant materials, with maintenance of the landscape corridor by a homeowner's association. All water, sewer and stormwater facilities are in reach from Sunset Boulevard or Willow Drive in Georgetown Estates. A water payback agreement must be paid prior to final plat recording.

Ms. Connell discussed the Sherwood School District response and chart which showed that based on all prior approvals and Arbor Lane, when all are built-out, Archer Glen will be 12 students over capacity.

Ms. Connell entered a letter from David Bantz, Genstar, dated February 16, 1996 into the record. The letter discussed two concerns regarding the minimum size for corner lots in Arbor Lane being consistent with Woodhaven corner lot size and signalization of Pacific Highway 99W/Sunset Boulevard.

Ms. Connell reported the owner of Tax Lot 800, adjoining the proposed development, is concerned about having access and services to the back of Tax Lot 800. There is a condition in the staff report which discusses assuring services to adjoining properties so that no property is landlocked. Currently, access to this lot is from Sunset Boulevard and a house is located at the front of this lot.

In conclusion, Ms. Connell said the proposal qualifies as a planned unit development in accordance with City standards and criteria. The residential uses are in compliance with the Comprehensive Plan. The Cedar Creek floodplain is to be dedicated to the City in accordance with the Parks and Open Space Plan. Services are available to the site. Improvements to Sunset Boulevard are uncertain. The applicant is a builder who builds all the houses in one phase. The house plans fit well on corner lots and will range in price from \$140,000 to \$180,000. Staff recommends approval of this application subject to the conditions as reviewed.

**Vice-Chairman Corrado asked if the applicant wished to testify.**

Wally Remmers, Owner, West Hills Development & Arbor Custom Homes, 14273 NW

Science Park Drive, Portland, Oregon 97229, addressed the Commission. Mr. Remmers said they have done a number of subdivisions, mostly PUD's, in Portland, Lake Oswego and the Sunset Corridor area. They now have projects in Wilsonville, Forest Grove and Sherwood. The company typically develops the property, comes in and builds the neighborhood out to a particular theme. They design the homes and have their own marketing company. They control all of the development which allows for more consistent architecture and landscaping. The company has been building 50-80 houses per year, with the average price last year of \$325,000. During the second half of 1995 they started to change their product line into more affordable housing. They felt there was a real need for, smaller, more affordable houses which looked good. They developed a 37-lot project in Hillsboro under these guidelines which was quite successful. Mr. Remmers discussed several other project with the "Arbor" name.

Mr. Remmers commented on some of the items contained in the Staff Report. They discussed the 5 foot width sidewalks and 28 foot street paving width with Staff and would like more time to research these specifications and work with Staff to assure the 28 foot street would not be too crowded. Mr. Remmers said it is really more desirable to have the sidewalks removed from the curb. This allows for street trees and gives a more friendly street scape, especially when dealing with smaller lots.

Mr. Remmers clarified some inconsistencies contained in the Staff Report. They are proposing 114 lots and the maximum density allows 131 lots. The plat changed because the amount of property became larger as they went along. An annexation hearing is scheduled for Tax Lot 504. Today, Mr. Remmers heard about the owner of Tax Lot 800 being concerned about access and utilities. He said they are willing to work with the Tax Lot 800 owner to see how something could be worked out. A wetlands delineation has been done on Tax Lot 504 and there are no wetlands in the area they are planning to build on. The DSL permit is in process. The tree survey has been done and the arborist has reviewed the site. A report will be forthcoming. The traffic study has been completed. Mr. Remmers suggested removing the second sentence of Condition #6, "Include a provision prohibiting fences in front yards" so it would not conflict with Condition #4. Staff agreed with this recommendation.

Mr. Remmers said their subdivisions are generally PUD's where they form a homeowner's association which have strict CC&R's. They will determine, as a part of the CC&R's, not only where the fences can be and how high, but also what material and style can be used.

Regarding the Sunset Boulevard street improvements, Mr. Remmers said they met today. They are flexible and feel comfortable that the City wants to come up with an equitable arrangement. He commented that Woodhaven makes a positive statement for Sherwood and what has been done enhances everybody. They are in favor of continuing the Woodhaven "look", e.g., white fences. Referencing the letter from David Bantz, Mr. Remmers said his understanding for the 6500 SF corner lots in Woodhaven was to control the fencing. West Hills Homes has homes that are

specifically designed for corner lots, 34 feet wide with a side entering garage. The CC&R's and fencing will solve this problem without saying larger lots are needed. They can accomplish what the larger lot is trying to do with the style of house designed for the corner lots and the CC&R's.

Mr. Remmers stated he was not clear regarding the signalization at Sunset and Pacific Highway 99W. He spoke with Mr. Bantz and the way Mr. Remmers looks at it, this is more of a marketing issue. When Woodhaven bought their property of 2000 lots, they negotiated the purchase price knowing that one of the costs would be street lighting. At the time ODOT wants the signalization or a traffic count is large enough to justify it, the signal will be installed and Woodhaven will receive TIF credits back for the cost of installation. However, from a marketing standpoint, Woodhaven has decided it is more marketable to have a street signalization now. If they build it now, they do not receive any TIF credits, because ODOT will not sanction it because it is not justified at this time. Woodhaven has come to Arbor Lane asking for their participation. Part of the traffic study was to see what impact Arbor Lane would have on this intersection. Mr. Remmers said he would review this, but was not sure how this intersection would impact the Arbor Lane development. He is not opposed to it, but if he feels it increases his marketability, he is a fair person and is willing to put in his fair share. He was not sure making this a condition was appropriate and would rather not have it be a condition. He would rather have all the developers on Sunset Boulevard participate, if in fact, they are benefiting from a marketing standpoint, with signalization at the intersection.

Mr. Remmers said he would be happy to answer any questions.

Ryan O'Brien, Land Development Consultants, Inc., 233 SE Washington, Hillsboro, Oregon 97123, addressed the Commission. He referred the Commission to the map identifying the wetlands delineation. He reviewed the street scape on the map and where the trees are located. He identified the stormwater location on the map. The stormwater is developed as a swale. This is the system the USA prefers as opposed to a pond. After meetings with USA, he thought swales function better than ponds, as well as being more attractive. The City will maintain the swale which will require mowing 3-4 times per year. The arborist will identify which trees can be saved and which ones will be removed.

Mr. O'Brien presented a brief slide show of other West Hills Homes developments.

**Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application.**

Jim Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. He spoke to specific conditions for this project. It is an accurate statement to say the City's systems development credits, TIF's, have been done on less than a logical basis. This is an exact point for the Commission to start finding out some of those issues. According to the City Charter and the general and specific

plans, these are the specific jurisdiction of the City Manager. Mr. Claus said this cannot be simply allocated that way, if he understands the law. Since Woodhaven wants to put in the light early, they are not going to receive any TIF credits. This is very significant. All of the negotiations the Commission thought went on with Woodhaven was not what went on. Mr. Claus said he heard Woodhaven say they were going for these improvements themselves. Now, conditionally, they are going to pay for them because they want to move ahead of schedule. He suggested the Commission find out exactly what this applicant expects back in SDC's. While TIF's are not the Commission's jurisdiction, SDC's are. The Commission has an obligation to the City to preserve every system development credit possible. The City has bought enough high ground illegally to last the City a lifetime. Mr. Bantz can afford to put in that light, given the amount of SDC credits for ground the City should have never given him any money for.

Mr. Claus asked who was going to pay for the floodplain and if the applicant would receive any credits. Ms. Connell said no credits. Mr. Claus said the minutes should state "No SDC credits for floodplains". In putting in the street the applicant is asking for concessions on sidewalks. Is the homeowner's association going to be billed for the maintenance of the interior streets? Is it going to be reflected in the CC&R's. Mr. Claus asked what the City has for Parks, \$26,000 a year for maintenance. The City has already traded away their parks maintenance with Woodhaven. Stella Olsen Park is going native because the City does not have the money. Who is going to pay for this and is it going to be a condition? It should be something that is not negotiated away with the City Manager. Is the applicant willing to put in a waiver clause that they are going to do this? Mr. Claus said he likes somebody who tells him what they are going to do, not somebody who cuts a deal, leaves and then files a lawsuit. Mr. Claus asked about the path and whether the City will be required to maintain it. Mr. Claus said they all sat there and heard Mr. Bantz say, give me the water or I'm not going to do the landscaping. The City does not need any more of that, the City needs specifics. The trouble with PUD's is just like condominiums in California. You make a mistake, you put enough people in one place to fund a lawsuit. So do it right, because they all have the same cause of action. Mr. Claus referred to Dolan v. Tigard. He asked what the back yards will look like in this development.

Mr. Claus said he is, frankly, tired of hearing what Woodhaven is going to do for the City and then to find out the City is paying for it.

**Vice-Chairman Corrado asked if there was anyone else who wished to speak in favor of the application. There be no further proponent testimony, Vice-Chairman Corrado asked if there was anyone who wished to speak in opposition to the application. There being no opponent testimony, Vice-Chairman Corrado asked if the applicant wished to respond to the testimony.**

Mr. Remmers said this is the first time they have done something in Sherwood and now he understands why he has been told about 10 times there will not be any TIF

credits. The applicant is not receiving any TIF credits for the 6.82 acres of park area. It is part of the plat and they have understood this from the very beginning. Mr. Remmers said they would go on record that they are not going to ask for any credits and do not expect any credits. This has been made very clear by Staff that there will be no credits. The pathway will be an 8-foot asphalt path, provided by the developer to the standards required by the City. The City will maintain this pathway. The streets are public right-of-ways, for the public use. The reason they have the stub streets going out to the south is for future development and continuity. They are publicly maintained like other public right-of-ways. Mr. Remmers said the price of the wetlands is not relevant because they are not asking for an SDC credit. When they negotiated the price, they realized there would be no SDC credits. They did not show any back yards, maybe they should have. One of the reasons that the plat is designed the way it is, is so they have large back yards. Most of the lots either back up to the greenway and they design them to be 100 feet in depth. Mr. Remmers referred to the map show the street pattern. The lots are designed so the people live out the back and they are narrow lot plans. The size of the back yard is very important to them and their customers.

In response to Ms. Stewart's question regarding the pathway, Mr. Remmers said he would have proposed the pathway not be 8 foot wide. Paths done in the past used a fabric material with six inches of compacted and crushed rock and were 4-5 feet wide. However, this is public property, publicly maintained, and gravel takes more maintenance than the asphalt.

**Vice-Chairman Corrado closed the public hearing on this agenda item, unless a Commission member asked that it be reopened for additional testimony, for discussion and comments by the Commission.**

The Commission discussed Sunset Boulevard improvements and TIF credits. Ms. Stewart said she hoped Sunset Boulevard improvements would not need to be reconstructed in 10 years. Mr. Remmers responded Sunset Boulevard needs a certain amount of improvements. The engineer looks at the whole street, not just half-street improvements, when designing improvements to match future development on either side. There will be a landscape easement and maintenance agreement included in the homeowner's association CC&R's. The homeowner will be responsible for maintaining the sidewalk in their frontage as well their planter strip. Mr. Remmers said discussions are continuing regarding the half-street improvements. He is in favor of doing a median and would like to do it within the projected costs. Ms. Connell said TIF credits are not negotiable. Anything within the 28 feet of road section is not creditable. Any extra widening beyond the local streets, such as paving you would get credit for, not landscape medians, sidewalks, etc.

Ms. Claus said the open questions make it difficult to send recommendations based on assumptions to the Council. Ms. Connell said this is correct.

The Commission reviewed the location of Tax Lot 800 and alternative utility access.



Ms. Connell said the owner of Tax Lot 800 wants to make sure they are not cut off from access to sewer and water and in addition, may need roadway access consideration to the back of their parcel. There may be other options than this subdivision. The engineering plan will determine the sewer line location and length. Ms. Stewart said there are several places in the City where sewer, water and roads have not been constructed in the best possible location and there really needs to be an engineering plan.

Mr. Bechtold said it seemed that the Commission is being asked to make an educated decision on things they do not have the necessary information on and wondered where the line is drawn. One issue is access to the swale for maintenance. It seems that the applications the Commission is reviewing do not have all the information needed to make a decision. Ms. Stewart agreed with Mr. Bechtold's evaluation. Ms. Claus said the Commission would like assurance certain things would be taken care of with this development. Mr. Hohnbaum asked if consideration was given to the location of Steel Tek regarding noise. Ms. Connell said the proposed property is several hundred feet from Steel Tek, unlike Woodhaven being right next to the business.

**At the Commission's request, Vice-Chairman Corrado reopened the Arbor Lane public hearing for additional comments.**

Mr. Remmers stated typically when they get into this type of forum there are a number of things that are still up in the air. These are decisions which may come from a particular agency. The Planning Commission looks at the plan and approves it conditioned upon USA, WC DLUT or ODOT approval.

Mr. Bechtold said he appreciated what Mr. Remmers was saying, but his position is to make recommendations and the agencies respond to these recommendations. Mr. Remmers said there are utility stubs going all directions from the site, except for Tax Lot 800. The question remains whether this would be best suited by an extension from the applicant or some other direction still needs to be determined. Mr. Remmers was not opposed to any of these things and they are all after the same thing with the sewer and street. If the Commission feels conditions are necessary, he would not have a problem with this. Mr. Remmers said he would like to come to some agreement and move past these issues. Regarding corner lots, it is not the gross square footage of the lot, 6500 SF to 5000 SF, it is how far is the house from the curb. With this development there will be 15 feet from the house to the property line with a 5 foot sidewalk, plus a 5 foot planter strip - 25 feet from building to the curb and the Code requires 20 feet. The applicant has met the Code requirements. The storm swale is designed to have access off of Sunset Boulevard. Mr. O'Brien reviewed the sanitary sewer extension on the map. Mr. Remmers said they would be happy to agree that they will provide access for utilities to the site if it is deemed they are the best spot for it to come from. Mr. O'Brien said the TIF credits do not occur until after the sewers are completed. Ms. Connell said the TIF credits are based on the County TIF credit program. Mr. Remmers said they would prefer to do the median and this

would be conditioned on the actual costs.

Rick Pickens, 16552 SW Sunset Boulevard, Sherwood, Oregon 97140 (owner Tax Lot 800), addressed the Commission. Mr. Pickens showed the Commission the location of his property on the map. He is concerned about having the back part of his property, which is developable, and not have access to it. This would be utilities and being able to subdivide it. His house is has a basement which is 8 feet down from the main level elevation. The septic is located on the back part of the property. He was afraid if he did not speak now that the back portion of his property may become landlocked. He wanted to be able to have utility access to the back portion of this lot. Item F of the criteria states a developable property cannot be landlocked.

Ms. Claus said there are standards and certain criteria which must be met to develop a property. It looks like Tax Lot 800 has services all around the property.

**Vice-Chairman Corrado closed the public hearing on this particular agenda item for further discussion by the Commission.**

The Commission reviewed each individual condition of approval, made revisions where appropriate, and agreed to add four additional conditions.

Mr. Hohnbaum said he would be voting against the application based upon the response of the School District and over capacity at Archer Glen School. However, it sounds like an excellent project and he was impressed with the presentation. He encouraged any Commissioner who feels the same to vote against the application. This is the first project before the Commission which has documentation that tells them that a particular project will put the school in which it is designated over maximum capacity. It would be remiss of the Commission to approve it. The School Board has failed for years to plan for the number of changes in the community in the past years. Vice-Chairman Corrado said the School District has the potential to deal with over capacity on a temporary basis.

**Susan Claus moved the Planning Commission recommend to the City Council approval of PUD 95-2 Arbor Lane, based on the findings of fact, Staff recommendations, public testimony, and applicant comments. Seconded by Marge Stewart.**

**Vote on Motion to Approve: 3-Yes, 1-No (Hohnbaum), 1-Abstain (Bechtold)**

**Subject to following conditions:**

Upon completion of annexation of Tax Lot 504, and prior to submittal of a Final Development Plan to the Planning Commission, or in some cases prior to a Final Plat:

1. Provide a common driveway easement and maintenance agreement between

Lots 4 and 5 and between Lots 8 and 9.

2. Provide a center section improvement to the Sunset Boulevard frontage the length of the project, including two travel lanes, a left-turn lane, a center landscaped median, and an 8 foot sidewalk your side only. Street costs and TIF credits of the full improvements shall be provided for City review and approval to ensure all parties involved in the street improvement pay their equitable share.
3. Submit engineered construction plans to the City, TVFRD and USA for all public facility improvements including streets, sanitary sewer, storm water, water, fire protection, street lights, street names, street signs, street trees, erosion control and grading. Ensure water runoff to adjoining properties is not increased. Provide utility easements to Tax Lot 800 adjoining properties if necessary. Provide improvement costs and enter into a subdivision compliance and maintenance agreement with the City. Provide maintenance access to stormwater facilities.
4. Denote in the CC&R's that fences over 3.5 feet are prohibited in front yards.
5. Provide a legal description of the unneeded Sunset Boulevard right-of-way to City Staff who will proceed with a street vacation.
6. Establish Arbor Lane CC&R's and a homeowners association to guarantee maintenance of common areas. Street side planter strips are to be maintained by the adjoining homeowners, and shall be so stated in the CC&R's.
7. Construct an 8 foot wide asphalt pedestrian pathway from the southern end of the site to Sunset Boulevard adjoining Cedar Creek in an alignment to be determined by Staff. Also construct an 8 foot wide asphalt path between Lots 40 and 41 and Lots 58 and 59 from the public street to the pathway paralleling the creek.
8. Properly taper roadways to meet the existing street stubs in Georgetown Estates.
9. The following Code variations will be granted for this development:  
  
Street ROW : 54 feet which includes, a planter strip, parking and sidewalks on both sides.  
  
Street Paving Width: 28-32 feet  
  
Lot Size: Single-family: 4500 SF  
  
Lot Width at frontage: 42 feet    Cul-de-sacs: 10 feet

Lot Width at Building Line: 50 feet

Interior Sidewalk Width: 5 feet

Building Setbacks:

Front: 20 feet

Side: 5 feet

Street Side: 15 feet

Rear: 20 feet

10. Provide a landscape corridor plan adjoining Sunset Boulevard for City Staff approval. Wooden fences are prohibited in the corridor. Maintenance of the corridor is the responsibility of the homeowner's association.
11. Obtain a demolition permit for removal of existing buildings.
12. Prior to Final Plan submittal, provide a tree and woodland survey in accordance with City specifications by a certified arborist. Preserve all trees in the floodplain. Obtain arborist and City approval of trees to be removed. Utilize City guidelines for tree protection.
13. Expand the wetland delineation to include Tax Lot 504. Provide DSL concurrence. Revise the plat accordingly to ensure protection of the wetland, if necessary.
14. Comply with the requirements of an existing water pay back agreement as determined by the City.
15. Lot 31 may be divided in the future in accordance with the underlying zone standards, and must conform to and be a part of the Arbor Lane Homeowner's Association.
16. All site fill must be engineered. Submit a soils report to the Building Division.
17. Provide a one-foot non-access reserve strip on Arbor Lane's southern boundary, and along the Sunset Boulevard frontage.

This approval is valid for one (1) year.

**Vice-Chairman Corrado recessed the meeting at 10:10 PM and reconvened at 10:20 PM.**

Susan Claus announced she and her husband have various loans, one with Washington Mutual Bank. Therefore, there is a potential conflict of interest and she would not be participating in Agenda Item D P 95-16 Washington Mutual Bank.

**5B. SP 96-2 Lanz**

Vice-Chairman Corrado called for the Staff Report. Carole Connell reported this application is for site plan approval for the construction of an 85,000 sf industrial warehouse building with lease space for eight tenants, located north of Tualatin-Sherwood Road, at the Oregon Street intersection on a 5.77 acre site. Ms. Connell referred the Commission to the Staff Report dated February 14, 1996, a complete copy of which is contained in the Commission's minutes book.

Ms. Connell reviewed the main points contained in the report. One of the primary tenants has been determined to be a cabinet shop and hardware supplier. The property is zoned General Industrial (GI). The applicant will need to plant evergreens in the landscape corridor as well as the parking area. A sign plan for all the businesses should conform to the code. The traffic report from Kittelson & Associates notes that the signalization at Tualatin-Sherwood Road and Oregon Street is a planned Washington County MSTIP project scheduled in 1996. The applicant plans to use the shared PGE easement for a second access. This is the Bullock access. Ms. Connell identified the area on the map. Each tenant business will be evaluated individually for environmental quality during the building permit process.

In conclusion, Ms. Connell stated that based on review of the standards for this application, Staff recommends approval with the conditions stated.

**Vice-Chairman Corrado asked if the applicant wished to testify.**

Brent Lanz, Lanz Properties, 3815 West 11th Avenue, Eugene, Oregon 97402, addressed the Commission. Mr. Lanz said he is the owner of Lanz Properties and Lanz Cabinets. Their goal is to build a leased building and occupy about 28,000 sf. Currently, they are servicing the Sherwood-Tualatin area through Eugene. They build a lot of single family homes and multi-family apartments, as well as schools. Their goal is to release the product in Sherwood and hire people from the local area. There will be additional space available for lease. They plan to hire about 40 people. If anyone knows any cabinetmakers, they will be taking applications.

Gail Fortier, Schaudt, Stemm & Wild, Inc., 388 High Street, Eugene, Oregon 97401, addressed the Commission. Ms. Fortier represents the architectural firm who designed the project. The building is an 85,000 sf tilt-up style and they feel it is a consistent design that has a lot of integrity and is easily maintained. The configuration of windows in front downplays the industrial look. She referred the Commission to the layout design which was provided.

Darrell Lanz, 4445 SE Pennywood Drive, Milwaukie, Oregon 97222, addressed the Commission. Mr. Lanz said there are similar buildings in Salem on Market Street which have the recessed windows and concrete pillars. A key concern was that the site is fairly flat. There is an existing industrial site being constructed which is in the City of Tualatin as well as an industrial site on the Galbreath property. This

property, which is an open site, is very flat and fairly level. There are some old tiles on Bullock's driveway and there is an 18-inch pipe that collects the water from the tiles coming off of the site. It was unclear when the original submittal came in where the line went and what the stormwater collection system did. The original intent was to meet the standards, treat the stormwater for water quality and detain all increased runoff. The applicant will be doing this and discussions have been held with Lee Walker of USA, Lee Weislogel, Public Works, and Dave Gould of David Evans. It was agreed that the Bullock property owner needed to be aware of the plans. Mr. Lanz identified the system on the map. The applicant has written a letter to Mr. Bullock explaining the stormwater system process. Mr. Bullock has responded to this letter and stated what the applicant plans is correct and that the system should be continued. All of the stormwater will be treated on their site through a water quality system. They will retain all increased runoff, as required by the City. The existing tile lines will be abandoned.

**Vice-Chairman Corrado asked is there was any other proponent testimony regarding this application.**

Jim Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus recommended the submittal of this application would be a good time to provide appropriate signage to the Old Town Area and City Hall. Oregon Street and Tualatin-Sherwood Road intersection is a critical corner for this purpose.

**Vice-Chairman Corrado asked if there was any further proponent testimony. There being none, Vice-Chairman Corrado asked if there was anyone who wished to testify in opposition to this application. There being none, Vice-Chairman Corrado dispensed with the rebuttal portion of the hearing and temporarily closed the public hearing for this particular agenda item for discussion by the Commission.**

In response to Mr. Hohnbaum's question, Ms. Connell said the applicant will have to meet Washington County standards for the access. The Commission agreed to review Condition #7 to clarify outdoor storage being prohibited.

Susan Claus said Mr. Claus's suggestion was to provide an easement for an information/direction type of sign. Ms. Connell said signage currently exists identifying Old Town and City Hall prior to coming to the Oregon Street, Tualatin-Sherwood Road intersection. Mr. Lanz said he did not have a problem with placing a sign on his site at the property line, if needed. In response to a question regarding interior landscaping, Ms. Connell said this could be clarified at the Staff level.

There being no further discussion,

**George Bechtold moved the Planning Commission approve SP 96-2 Lanz, based on the findings of fact, Staff recommendations,**

**applicant comments, and modifications to Conditions #3 and #7.  
Seconded by Rick Hohnbaum.**

Following further review,

**George Bechtold agreed to amend the original motion by adding wording to Condition #1 to provide a written maintenance agreement with the adjacent property regarding the stormwater conveyance. Seconded by Rick Hohnbaum.**

**Vote on Amendment: 5-Yes, 0-No, 0-Abstention**

**Vote on Amended Motion to Approve: 5-Yes, 0-No, 0-Abstention**

**Subject to the following conditions:**

1. Provide engineered construction plans to the City and all applicable agencies for public and private improvements including costs, maintenance and bonding provisions in compliance with City, USA, WCDLUT and TVFRD standards. The plans shall include provisions for streets, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, site lighting, landscaping, and signage. Provide a stormwater maintenance agreement with the adjoining property for stormwater conveyance.
2. Add evergreens to the landscape corridor strip along Tualatin/Sherwood Road.
3. The landscape plan shall meet City standards as determined by Staff.
4. Mark/paint the loading dock areas.
5. Paint directional arrows on the center driveway.
6. Provide specifications and capacity for the solid waste enclosures.
7. Outside storage and display is prohibited.
8. Provide a uniform sign plan for all the businesses to conform to when designing and installing signage. The applicant will need to apply for sign permits prior to any sign installation.
9. Provide a site lighting plan, including pedestrian-scale lighting along the sidewalks as necessary for safety purposes.
10. Obtain a facility permit and comply with all WCDLUT recommendations and safety requirements.

11. Provide a traffic study to the City and WCDDLUT for review prior to approval. Comply with county roadway improvements and safety requirements.
12. Pave the driveway at the west accessway to City specifications.
13. Provide an access and maintenance agreement for the west access to be shared by Tax Lot 600.
14. Verify off site storm drainage availability and capacity prior to approval of this development.

This approval is valid for one (1) year. Conditions of approval must be met prior to building permit issuance.

**5C. CUP 96-1 and SP 96-1 Alexander Oil**

This agenda item was continued to the March 5, 1996 Commission meeting.

**5D. SP 95-16 Washington Mutual Bank**

Susan Claus did not participate in the discussion or vote on this agenda item. Rick Hohnbaum announced he has a regular standard checking account with Washington Mutual, but not at this branch. He planned to fully participate in the agenda item. He did not see any direct conflict that his decision or deliberations would have any financial or personal gain for him or his family.

Vice-Chairman Corrado called for the Staff Report. Carole Connell reported this application is for site plan approval for construction of a 3,160 sf bank with drive through services, located on Pad C of the Sherwood Market Center. Ms. Connell referred the Commission to the Staff Report dated February 14, 1996, a complete copy of which is contained in the Commission's minutes book.

Ms. Connell reviewed the main points contained in the report. The zoning is Retail Commercial (RC) which allows the use. There were very few issues at Staff level and these are identified in the recommended conditions of approval. She identified the location of the proposed bank on the map.

After a brief review of the application, Ms. Connell stated Staff recommended approval of SP 95-16 subject to the conditions contained in the report.

**Vice-Chairman Corrado asked if the applicant wished to testify.**

Jim Norman, Callison Architecture, 1420 5th Avenue, #2400, Seattle, Washington 98101-2343, addressed the Commission. They have read the Staff Report and agree to comply with the conditions. They do not have any problems with the comments or conditions. They are matching the Market Center materials and architecture to blend with the other buildings in the Center. It will be a full service bank with vaults, safety deposit boxes and one drive through window and ATM machine. The



ATM machine will be very visible from the street. A 24-hour BP Station is located directly across the street from the bank facility.

Ms. Connell commended the applicant on their plans which showed agreement with materials and signage to coincide with the shopping center.

David Copenhaver, Gramor Development 9895 SE Sunnyside Road, Suite P, Clackamas, Oregon 97015, was also in attendance to answer any questions.

**Vice-Chairman Corrado asked if there was any further proponent testimony. There being none, Vice-Chairman Corrado asked if there was anyone who wished to testify in opposition to this application. There being none, Vice-Chairman Corrado dispensed with the rebuttal portion of the hearing and temporarily closed the public hearing for this particular agenda item for discussion by the Commission.**

Following discussion by the Commission, there were no significant concerns raised with this application.

**Rick Hohnbaum moved the Planning Commission approve SP 95-16 Washington Mutual Bank, based on the findings of fact, Staff recommendations, and applicant comments. Seconded by Marge Stewart.**

**Motion to Approve: 4-Yes, 0-No, 0-Abstain**

**Subject to the following conditions:**

Prior to issuance of a building permit:

1. 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, USA, WCDLUT and TVFRD standards. The plans shall include provisions for streets, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, site lighting, landscaping, and signage.
2. Provide to the City a landscape plan for the site.
3. All parking stalls must be 9 feet by 20 feet, except that 25% may be compact size (8 feet by 18 feet).
4. Provide a raised concrete cross walk across drive through lane, with a 2 foot by 2 foot grid pattern. Clearly mark and provide signage for the drive through lane.

5. Provide pedestrian scale lighting as necessary for safety purposes.
6. Provide a bike rack with at least 2 parking spaces.

This approval is valid for one (1) year.

### **Other Business**

In response to Mr. Hohnbaum's question regarding the drop-off areas at the High School, Ms. Connell said there will be separate drop-off areas for students.

George Bechtold asked that a representative of the School District be invited to attend a future Commission meeting regarding City growth and school capacity. Ms. Connell will place this on a future agenda.

Vice-Chairman Corrado distributed a copy of a newspaper article from the Newberg "Graphic" for the Commission's information.

There being no further business to discuss, the meeting was adjourned at 11:15 PM.

Respectfully submitted,

Roxanne Gibbons  
Planning Commission Secretary