

City of Sherwood, Oregon
Planning Commission Meeting
April 2, 1996

1. Call to Order/Roll Call

Vice-Chairman Corrado called the meeting to order at 7:02 PM.

Commission Members present:

George Bechtold
Chris Corrado
Rick Hohnbaum
Marge Stewart

Commission Members absent:

Susan Claus

Staff:

Planning Director Carole Connell
Asst Planner Lisa Nell
Secretary Roxanne Gibbons

2. Minutes of March 5, 1996 & March 19, 1996 Commission Meetings

Vice-Chairman Corrado asked if there were any corrections, additions or deletions to the minutes of March 5, 1996 and March 19, 1996.

Marge Stewart moved the Planning Commission accept the March 5, 1996 and March 19, 1996 minutes as presented. Seconded by George Bechtold.

Vote for Passage: 4 - Yes, 0 - No, 0 - Abstain

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, OR 97140, stated that he continues to have concerns about the organization and the operation of the Planning Commission. He also told the Commission not to elect a Chair or Vice-Chair until it has the full seven member positions filled. He added that he did not feel that Alexander Oil was receiving a fair hearing.

There were no further community comments.

4A. Consent Agenda

Lisa Nell reported that typically Consent Agenda items do not include any discussion, unless requested by the Commission. She referenced the Staff Report dated March 26, 1996 and clarified the following:

- Condition #3 on page 11 of the report regarding the City Council conditions of approval has been resolved and completed by the applicant.
- Staff recommends deleting Condition #3 on page 11 of the report under the Recommendations.

Ms. Nell had no further recommendations.

Vice-Chairman Corrado called for a motion to approve the Consent Agenda, SUB 95-3 Woodhaven Phase 2A-C Final Plat for 116 lots on Woodhaven Drive.

Rick Hohnbaum moved the Planning Commission approve the Consent Agenda as corrected by Staff. Seconded by Marge Stewart.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

5. Public Hearings

5A. Continued CUP 96-1 & SP 96-1 Alexander Oil

Vice-Chairman Corrado announced this Agenda Item was continued from the March 19, 1996 Commission meeting. At the applicant's request, the record was left open for seven days from the March 19, 1996 date. At this time the hearing is closed. Vice-Chairman Corrado opened the floor for any additional Staff comments based on additional information provided within the seven day timeframe.

Carole Connell reviewed the status of the application for a conditional use permit. The hearing was closed at the last meeting and the record was left open for seven days to allow the applicant to provide additional testimony on one of the criteria, in particular the criteria regarding "the public need is best served by allowing the conditional use for the particular piece of property in question as compared to other available property." This additional information was included in the packet for the Commission.

Ms. Connell said the applicant summarized the commercial and industrial areas which allow a cardlock facility. It is the applicant's opinion that there is no other property available for this use, exactly as is needed, in particular the size, cost and location of the property. The Commission also received a petition from neighbors opposing the conditional use permit. This petition was received after the record for this application had been closed.

In conclusion, Ms. Connell reminded the Commission that the five criteria must be met in order to approve the application for a conditional use permit. None of the site plan details have been reviewed. This review would be the next step, if the CUP was approved. The initial Staff Report stated:

- The applicant meets the first criteria regarding services.
- In general, the application conforms to applicable zoning standards.
- It has not been demonstrated that there is a public need for a cardlock facility in Sherwood.
- It has not been demonstrated that the particular piece of property is the best location for a cardlock facility or is needed by the Sherwood community.
- Several issues were raised about the impact of this use on the surrounding neighborhood as well as some environmental concerns. Staff felt strongly that there needed to be some amelioration of these problems if the Commission proceeded with the site plan review.

Therefore, the conclusion of the original Staff Report has not changed. Staff recommends denial of the conditional use permit. The applicant has provided additional testimony for their case.

Ms. Connell advised the Commission that reopening the hearing would require notice to surrounding property owners which would require continuing the application to a future date. The 120-day time ends within 30 days. The 21 day public hearing notice requirement could not be met by the April 16, 1996 Commission meeting. The next regular Commission meeting following this date would be May 7, 1996. In response to Ms. Stewart's question, Ms. Connell said the List property is zoned commercial.

Following discussion by the Commission:

George Bechtold moved the Planning Commission deny Conditional Use Permit 96-1 based findings of fact, Staff Report and public testimony. Seconded by Chris Corrado.

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

In response to Mr. Hohnbaum's question, Ms. Connell said the motion passed. Ms. Connell stated for the record that a decision notice will be sent out also denying the accompanying site plan application, SP 96-1, based on denial of the conditional use permit, CUP 96-1.

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.

Vice-Chairman Corrado announced he is the owner of the Sherwood *Gazette*, as well as another business in Portland, and he will continue to sit and act on these items before him tonight. There is no reason to believe he has any conflict, concern or bias created due to this occupation.

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

5B. SUB 96-2 Ehlen

Vice-Chairman Corrado called for the Staff Report. Carole Connell reported this application is a request for a 6-lot commercial subdivision on Sherwood Boulevard, Pacific Highway and 12th Street. Ms. Connell referred the Commission to the Staff Report dated March 27, 1996, a complete copy of which is contained in the Commission's minutes book.

Ms. Connell reviewed the findings of fact and noted:

- The site is zoned General Commercial (GC). The minimum lot size is 10,000 sq ft. All proposed parcels exceed the minimum.
- There are no streets proposed in this subdivision. The site is surrounded by public streets and all parcels have access to a public street.
- The provisions of the General Commercial zone have been satisfied.
- There are no natural resources or historic sites designated by the Plan.
- Staff recommends a condition of approval to require general design parameters for the six lots. The site is located at a key point of entry to the City and is highly visible. McDonalds is located in the area of this site and have provided a design that is not typical. In particular, features such as a gabled roof, windows and a different facade. McDonalds has a positive aesthetic effect for this area.
- Sewer and water are available to the site. Street sanitary sewer are planned and illustrated for Lots 3, 5 and 6. Lots 1, 2, and 4 have sanitary sewer access from the line installed by McDonalds. The storm water pond must be constructed prior to final plat recording in order to ensure its completion before development of any parcel.
- Contiguous property under the same ownership includes the McDonalds site and the parcel at 12th and Sherwood Boulevard, each of which has access and frontage available by the prior partitioning approval.
- There is no adjoining land other than public streets.

In conclusion, Ms. Connell said based on the findings of fact and agency comments, Staff recommends approval of SUB 96-2 Ehlen Preliminary Plat subject to the conditions listed in the report.

Vice-Chairman Corrado asked if the applicant wished to provide testimony.

Beth Zauner, MacKenzie Engineering, Inc., representing the applicant, Mr. Scott Ehlen, 0690 SW Bancroft Street, PO Box 69039, Portland, Oregon 97201-0039, addressed the Commission. Ms. Zauner said they have discussed the conditions with Staff and are in agreement with everything contained in the report. She did not have anything further to add.

Marty Treece, 2187 SW Main Street, Portland, Oregon 97205, addressed the Commission. Mr. Treece is under contract to purchase the remaining property surrounding McDonalds. He was also involved with the original McDonalds transaction. He asked for further clarification regarding Condition #6 as contained in the report. He recommended the condition be more generic in discussing compatibility with the surrounding area while still keeping the quality level such as the Gramor Development.

Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of application. There being 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 dispensed with the rebuttal and 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 at length the specific wording for Condition #6 regarding site development of Lots 1 through 6.

Marge Stewart asked that the public hearing be reopened so that the Commission could ask the applicant some questions. Vice-Chairman Corrado reopened the public hearing on SUB 96-2.

Ms. Stewart asked if there were any other areas in Sherwood which are near the size of this property left for commercial development. Ms. Connell responded there are several areas in Sherwood. In response to Ms. Stewart's question, Beth Zauner said when the proposal was put together the thought was it would be easier to combine lots, rather than make new ones. The applicant is looking for a larger anchor tenant, such as a grocery store and some smaller commercial businesses. Mr. Treece said they would characterize it as probably having more of a mixed use project. There may be some office space and service retailers such as medical. You can always put one large tenant on several small lots because you can cross lot lines for combining.

Ms. Connell said 12th Street is wide enough to accommodate this development.

The Commission revised Condition #2 and Condition #6.

There being no further questions, Vice-Chairman Corrado closed the public hearing on this particular agenda item.

Rick Hohnbaum moved the Planning Commission approve SUB 96-2 Ehlen, based on findings of fact, Staff recommendations, applicant testimony and conditions, as revised. Motion seconded by Marge Stewart.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

Approved SUB 96-2 Ehlen subject to the following conditions:

1. Submit detailed engineering plans to the City, USA, and TVFRD for their review and approval. Plans shall include provisions for sanitary sewer, storm water, water, fire protection, street lights and easements. Public improvements shall be bonded for, if any.
2. Construct the storm water treatment and detention pond prior to or in conjunction with development of the first lot as approved by the City and USA. The final plat shall provide storm water easements for all lots.
3. Revise the plat to incorporate the on-site and off-site improvements and easements on the McDonalds site.
4. Install a water line from the terminus at Pacific Highway at 12th Street across Lots 2, 3, 5, and 6 and connect to the water line installed at McDonalds.
5. Label the access easement on Lot 1.
6. Site development of Lots 1 through 6 shall be mutually compatible for all development projects within this plat. This mutual compatibility requirement may include, but is not limited to, development elements such as quality of materials, color scheme, design of structures, architectural patterns, appropriate entrance and exit design and be aesthetically complimentary with the development elements of existing buildings and approved building plans of surrounding commercial property. Pedestrian connectivity between buildings and to public sidewalks, and sign uniformity shall be incorporated into future site plans.

This approval is valid for one (1) year.

5C. SUB 96-1 Cedar Creek Estates #2

Vice-Chairman Corrado called for the Staff Report. Lisa Nell entered into the record a letter dated March 8, 1996 from Jerry Renfro, Tualatin Valley Fire & Rescue recommending approval of the preliminary plat plans for SUB 96-1 Cedar Creek Estates #2, as submitted. The application is a preliminary plat for an 11-lot single-family subdivision adjoining Oregon Trail PUD. Ms. Nell referred the Commission to the Staff Report dated March 26, 1996, a complete copy of which is contained in the Commission's minutes book.

Ms. Nell reviewed the findings for preliminary plat approval and noted:

- The site is located on SW Nels Drive off of Edy Road, adjacent to the Oregon Trail Subdivision. The site is 2.46 acres.
- The plat proposes to connect two stub street sections within Oregon Trail Subdivision to complete SW Nels Drive.
- There are no private streets proposed.
- The plat complies with the Comprehensive Plan.
- The plat proposes to dedicate 4,466 sq ft to the City for storm water drainage.
- All of the proposed lots meet the dimension standards of the LDR zone. The 2.46 acre site is permitted 12 lots.
- There are no trees on the site.
- All lots have access to a public street.
- SW Nels Drive is the only internal street proposed in the subdivision with a right-of-way proposed at 50 feet and 32 feet of road surface.
- WCDLUT had no concerns with the subdivision application.

- The builder of each lot is required to provide two street trees per lot, three for corner lots, prior to obtaining an occupancy permit. This should be a condition of approval.
- There are adequate public services, including water, sanitary sewer to support the proposed plat. USA recommends the applicant provide storm and sanitary sewer to each lot and extend public sewer and public storm to adjacent properties. This should be a condition of approval.
- The surrounding property to the south and west is already approved as the Oregon Trail Subdivision.
- All adjoining land is either approved for development or cannot be built upon.

In conclusion, Ms. Nell stated based on the Staff review and agency comments, Staff recommends approval of SUB 96-1 Cedar Creek Estates #2, subject to the conditions contained in the report.

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

Len Schelsky, 15115 SW Sequoia Parkway, Suite 150, Tigard, Oregon 97224, addressed the Commission. Mr. Schelsky stated when the original plat for Cedar Creek Estates was done, they created Lot 31 for future development. They will be submitting final plans for Oregon Trail Phase 2 which will show all connections to this site. Mr. Schelsky pointed out:

- On Lot 1, the sewer line will be going down Nels Drive. He recommended changing this condition to include, "if necessary".
- Condition #9 should be clarified to state the City will prepare a release of right to the ingress-egress easement from Tract C Cedar Creek Estates to Lot 31.
- Regarding Condition #5 in the report, they have been in contact with USA to try and do a "fee in lieu of" as an option so they will not have to build another ditch along Tract B for the water quality facility. This would mean they would pay a fee to the City and the storm drain would dump right into Cedar Creek rather than going through a treatment. USA responded that this would be a City decision. The applicant would like to add to the condition that they could delete Tract B if they could agree with City Staff to do a "fee in lieu of" for water quality. They have done this with USA on several other small subdivisions. They would like to leave this as an option.
- They agreed to provide an access road of a maximum of 15% grade to sanitary sewer and storm water manholes. Carole Connell stated the City Engineer agreed the access road could be 15%, rather than 10% as stated in the recommendation.

Mr. Schelsky had no further comments.

Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of application. There being 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 dispensed with the rebuttal and 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 reviewed the conditions, as revised. In response to Mr. Hohnbaum's question, Mr. Schelsky stated the waterline will continue on through on Nels Drive. Oregon Trail has a waterline that goes across the wetlands over to Cedar Creek.

Rick Hohnbaum moved the Planning Commission approve SUB 96-1 Cedar Creek Estates #2, based on findings of fact, Staff recommendations, applicant testimony and conditions as revised. Motion seconded by George Bechtold.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

Approved SUB 96-1 Cedar Creek Estates #2, 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, street trees, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, site lighting, landscaping and signage, including "no parking" signs.
2. Provide on the final plat the dedication of Tracts A & B to the City.
3. Provide storm and sanitary sewer to each lot.
4. Extend public sewer and public storm to adjacent properties.
5. Connect to sanitary sewer manhole at the SW Nels Drive and Weatherford Lane intersection.
6. Provide an access road of a maximum of 15% grade to sanitary sewer and storm water manholes, unless a fee in lieu of a storm water facility is approved by the City and USA.
7. Provide and label all utility easements on the final plat.
8. Provide the entire 15 ft sanitary sewer easement along the south property line of Lot 1, if necessary.
9. Sanitary sewer shall not be located under any catch basins.
10. Prepare a release of right to the ingress-egress easement from Tract C Cedar Creek Estates to Lot 31.

This approval is valid for one (1) year.

6. Director's Report

Mr. Hohnbaum advised that he would not be able to attend the April 16, 1996 Planning Commission meeting.

Carole Connell recommended the Planning Commission elect a Chair and Vice-Chair after the vacant positions are filled. The Commission agreed with this recommendation. The election of Chair and Vice-Chair will probably take place at a May Commission meeting.

Ms. Connell advised the Commission an Ethics Training Seminar, presented by L. Patrick Hearn, Executive Director of the Oregon Government Standards and Practices Commission, is scheduled for May 8, 6:00 to 8:00 PM at the Senior Center. City Council, Planning Commission, Advisory Boards and Staff Department Heads are invited to attend.

Ms. Stewart asked that the City Attorney also be invited.

Ms. Connell asked the Commission if they would agree to reducing the type of maps they receive to a smaller scale. The Commission agreed they did not always need a large map. Mr. Hohnbaum asked for an exception when reviewing public institutions.

Mr. Bechtold referred to the Cinnamon Hills Subdivision where there is an easement which runs down the back of Phase 2. There are manholes which do not have any access to them. He asked how the City will access these manholes. Ms. Connell said the City is trying to avoid any future back yard easements, as well as being more cognizant of what is being developed.

There being no further business to discuss, the meeting was adjourned at 8:35 PM.

Respectfully submitted,

Roxanne Gibbons
Planning Commission Secretary