

City of Sherwood
PLANNING COMMISSION MEETING
855 N. Sherwood Blvd
Tuesday, June 4, 1996
7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Approval of May 21, 1996 Minutes**
3. **Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
4. **Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
 - A. **PA 96-1 OneComm:** (Continued from May 7, 1996) a Plan Text Amendment amending Zoning Code Section 2.306 to permit telecommunication towers under 200 feet and amending Section 2.110 Light Industrial and 2.111 General Industrial Zones to permit telecommunications towers as an outright use, subject to certain conditions.
 - B. **SUB 96-3 Woodhaven Phase 3:** a request by Genstar Land Company for Preliminary Plat approval of a 49 single family subdivision in Woodhaven PUD, north of Sunset Boulevard, Tax Lot 1300, Map 2S 1 31B.
 - C. **SP 96-4 Woodhaven Apartments Site Plan:** a request for a site plan for 140 multi-family units on the corner of 99W and Sunset Parkway in the Woodhaven PUD, Tax Lot 9100, Map 2S 1 31CB.
 - D. **MLP 96-2 Leonard:** a request by Daniel & Barbara Leonard for a Minor Land Partition to divide a 15,681 sq ft lot south of Oregon Street into two lots.
 - E. **MLP 96-1 Johnson:** a request by Patrick Lucas for a Minor Land Partition to divide a 9,018 sq ft residential lot in Wildflower Village #2 into 2 equal parcels of 4,509 sq ft each.
5. **Other Business**
 - A. Election of Chair and Vice-Chair
6. **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
June 4, 1996

1. Call to Order/Roll Call

Vice-Chairman Corrado called the meeting to order at 7:05 PM.

Commission Members present:

Allen Baker
George Bechtold
Susan Claus
Chris Corrado
Rick Hohnbaum
Angela Weeks
Bill Whiteman

Staff:

Sue Engels, Asst to City Manager
Lisa Nell, Assistant Planner
Roxanne Gibbons, Secretary

2. Minutes of May 21, 1996 Commission Meetings

Vice-Chairman Corrado asked if there were any corrections, additions or deletions to the minutes of May 21, 1996.

Bill Whiteman moved the Planning Commission accept the May 21, 1996 minutes as presented. Seconded by George Bechtold.

Vote for Passage: 7-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. There were no community comments.

Prior to opening the public hearings, Vice-Chairman Corrado announced that Agenda Item 4D, MLP 96-2 Leonard, would be heard following Agenda Item 4A, PA 96-1 OneComm.

4. 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.

Allen Baker announced with regard to MLP 96-1 Johnson, Bob Johnson was the builder of Mr. Baker's house and is his next door neighbor. They have not discussed this application and Mr. Baker planned to fully participate in the public hearing for this application.

George Bechtold announced he would not be participating in Agenda Items 4B SUB 96-3 Woodhaven Phase 3 or 4C Woodhaven Apartments Site Plan.

Susan Claus announced she would not be participating in Agenda Item 4D MLP 96-2 Leonard.

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.

4A. PA 96-1 OneComm (continued from May 7, 1996)

Vice-Chairman Corrado called for the Staff Report. Sue Engels reported at the May 7, 1996 Planning Commission meeting Staff received direction from the Commission to obtain more information regarding the technical area of wireless communications towers. Since that time, the applicant has provided several ordinances from other jurisdictions. Copies were included in the packets. The City of Sherwood is somewhat unusual in not allowing these types of towers in Light Industrial and General Industrial zones. Research showed that most other jurisdictions allow wireless communications towers either as an outright use or as a conditional use in industrial zones. The applicant is asking for a Plan Text Amendment so that they may apply to site a facility in an industrial zone. The April 9, 1996 Staff Report was included in the packets as it was originally presented on May 7, 1996.

Ms. Engels stated that after consulting with an attorney, Staff came to the conclusion it would not be possible to provide a complete analysis regarding for the Commission on this subject within the limited time period. The subject is very technical and quite complicated and could take several months to evaluate. She discussed the City of Tualatin ordinance as an example. There are several approaches the Commission could take on the subject:

- Approve the application as submitted.
- Ask Staff to add to the recommendation for Light Industrial and General Industrial zones language which deals with some of the issues
- Delay a decision until an additional analysis is completed.

Mr. Whiteman related a discussion he had with a planner from the City of Tualatin. The planner stated, "In theory, with all the new technology that is going on, there is the potential for one tower every square mile." The Commission is dealing with a technological advancement that will be very difficult to keep up with. Mr. Whiteman supported coming up with a recommendation so that something can happen in the most appropriate zone at this time while continuing to obtain feedback.

Vice-Chairman Corrado asked if the applicant wished to provide testimony relative to any additional findings.

Fred Benthin, D. Garvey Corporation (representing OneComm), 1700 Westlake Avenue, N., Suite 400, Seattle, Washington 98109, addressed the Commission. Mr. Benthin discussed the background of the application. He noted that:

- They would like to continue to work with the City in adopting ordinances and development policies that represent practical applications.
- They feel it is very critical to work with the City because of all the new technology which is occurring today in telecommunications.
- It is important to keep up with wireless communications technology as well as deal with the growth in the City.

- At the May 7, 1996 Planning Commission meeting they picked up the suggestion to include the other zones. He felt industrial zones were fairly well accepted by the Commission members as being compatible zones for wireless communications towers.
- There is a large block of land on the east end of the City which is zoned industrial which lends itself to the potential for co-location with other carriers.
- OneComm has worked with several carriers and they have co-location agreements with Western Wireless, Sprint, AT&T Wireless. They are currently reviewing possible co-location agreements with GTE and other AT&T subsidiaries.
- There needs to be a meeting of the minds between cities, counties and the carriers to identify good locations, build a tower and co-locate on a particular tower.
- By approving the Plan Text Amendment, OneComm would subsequently apply for a permit for a lattice tower of up to 150 feet on the Cipole Road site.
- The OneComm application could become a test case in going through the process. This in turn would assist with the review of the other zones in adopting criteria.
- The application works for the best interests of the City, as a facilitator, as well as meets the demands which the carriers are trying to provide for telecommunications.

Mr. Benthin said he would respond to any questions the Commission may have. In response to several questions, he stated:

- It was his recommendation to permit monopoles up to 110 feet and require administrative approval for those applicants looking for a lattice tower above 110 feet. The higher tower would have more room for co-location of carriers. A monopole was originally designed for single carriers. However, monopoles can be designed for up to three carriers. A lattice tower of 150 feet could hold twelve carriers. Co-location would avoid the proliferation of towers.
- A lattice tower in an industrial zones is compatible.
- An economic point made at the last meeting was that a monopole above 120 or 150 feet would have an excessive cost.
- OneComm is a communications company which has enhanced special mobile radio systems, two-way or route communications for corporations which have employees in the field, it has a standard cellular telephone, and paging and data transmission information.
- The setbacks vary in the different communities for the location of the tower from a residential zone. They still need to comply with the setbacks for the zones.
- OneComm offers co-location.

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

Ken Hranicky, Koll Telecommunications, 7535B NE Ambassador Place, Suite B, Portland, Oregon 97202, addressed the Commission. Mr. Hranicky said Koll is representing Western Wireless PCS, but that he only wanted to address the Plan Amendment at this time. He noted:

- It is in the interest of the City of Sherwood to encourage the Plan Amendment to allow wireless communications towers in the industrial zones.
- The topography of the area surrounding the City of Sherwood needs to be taken into consideration.

- If the tower is a permitted use, he would recommend placing the height of the tower above 110 feet. Monopoles can be built to 150 feet which would allow additional carriers. Lattice towers may hold more carriers, but there are space considerations, vertical, that are required for co-location.
- Western Wireless PCS is interested in co-location with OneComm, depending on where they do actually locate.
- Most of the monopoles in the area are from 80 feet to 150 feet. Average monopole heights are from 100 feet to 130 feet. The height also depends on the site and the line of sight required.
- Monopoles are less intrusive than a lattice tower. In the Sherwood area, in an industrial zone, a lattice tower is pretty consistent with the power lines in the landscape.
- The incentive should be to have a higher, safe tower, which could accommodate multiple carriers.

Vice-Chairman Corrado asked if there was anyone else who wished to speak in favor of the application. He reminded the testifiers that the comments should be limited to new information.

Kevin Martin, Sprint Spectrum, 7770 SW Mohawk, Building F, Tualatin, Oregon 97062, addressed the Commission. Mr. Martin spoke in support of the Plan Amendment and noted:

- At a minimum, the industrial zones should be amended to allow the usage of wireless communications towers in Sherwood.
- When Sprint is looking for sites to locate their communications centers, the site acquisition people are steered away from residential and neighborhood commercial zones to industrial zones because most cities allow this use. The industrial zones is where there is the least impact and has the path of least resistance. Time is critical in the wireless industry.
- Most jurisdictions allow the towers in the industrial zones as outright permitted use. If they are close to a residential district or exceed a certain height of 150-200 feet they are allowed as a conditional use.
- He recommended making the Plan Amendment changes for the industrial districts.

Vice-Chairman Corrado asked if there was any further proponent testimony. There was no further proponent testimony. There was no opponent testimony. The rebuttal portion of the hearing was dispensed with and the hearing on this agenda item was temporarily closed, unless a Commission member ask that it be reopened for additional testimony, for discussion by the Commission.

Vice-Chairman Corrado recommended the Commission move ahead with the proposed Plan Text Amendment. The Commission discussed the proposal at length, reviewed the recommended code changes and made several suggestions for additional language.

Rick Hohnbaum moved the Planning Commission recommend to the City Council approval of PA 96-1 OneComm, Plan Text Amendment, based on the Comprehensive Plan policies, the Federal Communications Act of 1996, experience of other jurisdictions, Staff recommendations, findings of fact, public testimony and information provided, subject to the following Code amendments. Seconded by Bill Whiteman.

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

1. Sections 2.306 Chimneys, Spires and Antennas, by allowing telecommunication antennas under 200 feet to exceed zone height limits;
2. Section 2.306.02 requiring telecommunication facilities under 200 feet be reviewed as a limited land use decision, and subject to certain setback and landscaping requirements, unless proposed property abuts a residential zone;
3. A new Section 2.306.04 requiring that new telecommunication towers be designed to accommodate up to three or more carriers (co-location);
4. Section 2.110 Light Industrial (LI) by adding telecommunication facilities (monopole only) and equipment as a permitted use, except that over 150 feet and within 500 feet of any other planning zone, are only permitted as a conditional use;
5. Section 2.111 General Industrial (GI) adding telecommunication facilities, except that over 200 feet and within 500 feet of any other planning zone, are only permitted as a conditional use;
6. Section 2.111.04 General Industrial deleting communication facilities as a prohibited use.
7. Section 2.111.03 Applicant must demonstrate or provide documentation regarding the inability to co-locate.

4D. MLP Leonard

Vice-Chairman Corrado called for the Staff Report. Susan Claus did not participate in this agenda item. Lisa Nell reported this application is a request for a minor land partition to divide a 15,681 sq ft lot into two lots, located south of Oregon Street and north of the Sherwood Commons subdivision. She referred the Commission to the Staff Report dated May 28, 1996, a complete copy of which is contained in the Commission's minutes book. She reviewed the report and noted specifically:

- The site is zoned Medium Density Residential Low (MDRL) and the minimum lot size allowed for single family attached dwelling units is 5,000 sq ft. The lot contains an existing duplex with a garage.
- No new rights-of-way, roads or streets are proposed or created. The existing driveway has a 75 foot wide span at its widest point.
- The planned right-of-way for Oregon Street is currently 80 feet wide with bike lanes. Revisions to the street standards being reviewed throughout the community recommend reducing the Oregon Street right-of-way to 70 feet wide, a minor arterial, without bike lanes, but with a bike path located along the side of the street with a planter strip between the path and the street.
- To align the existing street surface and sidewalks, the applicant will need to dedicate an additional 7 feet for a right-of-way width of 27 feet from the center line.

In summary, Staff recommends approval of MLP 96-2 with the condition as stated in the Staff Report.

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

Barbara Leonard, 17800 SW Sheppard Terrace, Sherwood, Oregon 97140, addressed the Commission. Ms. Leonard said she had no problem with the condition as long as they could make minor revisions to the 10,000 sq ft and 5,000 sq ft lots.

In response to Commission questions, Ms. Nell stated that the lot sizes are determined after the public rights-of-way are taken. Ms. Leonard said she assumed that as long as they have the lot in back which would have 10,000 sq ft on it, they may have, depending on the dedication, there may be a smaller portion than the 5,000 sq ft lot on the front. She said the exact dimensions are, Lot 1, 5,155-1/2 sq ft and Lot 2 is 10,492 sq ft. This is the proposed application and after it is approved, they will have a surveyor survey the property to actually place the lines. He can make the adjustments to assure they meet lot size requirements.

The Commission discussed whether the partition, as proposed, would meet minimum lot size requirements. The Commission recommended adding a second condition of approval that on survey the applicant present Lot 1 in the size, shape or fashion which would meet the 5,000 sq ft minimum lot size.

Ms. Nell stated the applicant could increase the size of Lot 1 which would make Lot 2 too small to do another parcel at a future date. If the applicant wished to make another parcel in the future, they would need to apply for a variance.

There were no other proponent testifiers. There was no one who testified in opposition to the application. Vice-Chairman Corrado dispensed with the rebuttal portion of the hearing and temporarily closed the hearing on this application unless a Commission member ask that it be reopened for additional testimony, for discussion by the Commission.

George Bechtold moved the Planning Commission approve MLP 96-2 Leonard based on Staff recommendations, public testimony, and findings of fact, subject to the following conditions. Seconded by Rick Hohnbaum.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain (Claus did not participate)

The following conditions were placed on approval of the application:

1. The applicant dedicate seven (7) feet of property along Oregon Street for the planned right-of-way improvements.
2. Revise the minor land partition plat, moving the Lot 1 west property line to increase the parcel size to at least 5,000 square feet after the Oregon Street right-of-way dedication.

Vice-Chairman Corrado recessed the meeting for a 5 minute break at 8:45 PM and reconvened the meeting at 8:50 PM.

4B. SUB 96-3 Woodhaven Phase 3

Vice-Chairman Corrado called for the Staff Report. George Bechtold did not participate in this agenda item. Lisa Nell reported this application is a request for Woodhaven Phase 3 Preliminary Plat, a 48 single-family lot subdivision. She referred the Commission to the Staff Report dated May 28, 1996, a complete copy of which is contained in the Commission's minutes book. She reviewed the report and noted specifically:

- A correction to the report should identify the traffic signal at Highway 99W and Sunset Boulevard, not Meinecke Road. Kittelson & Associates and ODOT have determined that the traffic signal will most likely be warranted by September of 1996.
- Some of the corner lots have been made larger, including Lot 16.
- The letter dated June 3, 1996 from the Tualatin Valley Fire and Rescue District was entered into the record. The letter stated that subdivisions with twenty or more dwelling lots are required to have two approved accesses.
- There is an existing well on the property with a 2-inch private irrigation waterline within a 10 foot easement. The well is located between Lots 33 and 23. According to the applicant, the well is to remain on the property. The City Public Works Department was of the understanding that the well was temporary and was to be abandoned prior to the onset of this phase and stated that the City of Sherwood does not allow a private waterline easement to be located across a public street. Staff is recommending that the well, easement and three phase power source in that easement, be removed and abandoned. The City Engineer and Public Works Department have concerns regarding this well and waterline.
- Staff recommended adding an additional condition which would require a review of the open space dedications to determine how they meet the Open Space Master Plan.

Mr. Hohnbaum said it was his understanding that the Commission had requested of Staff to maintain an on-going count with the release of each phase as to where they are with the total number of lots as projected for each phase of Woodhaven. Ms. Nell said this information would be made available prior to final plat approval for this phase.

In conclusion, Ms. Nell stated that Staff recommends approval of the application, subject to the recommended conditions of approval for the PUD Master Plan as well as SUB 96-3 Woodhaven Phase 3.

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

David Bantz, Genstar Land Company Northwest, 11515 SW Durham Road, E-9, Tigard, Oregon 97224, addressed the Commission. Mr. Bantz thanked the Staff for a thorough staff report and for their continued help on this project. He had the following comments and specific concerns regarding the conditions:

- They had a condition imposed that stated any fences, walls or hedges along pedestrian accesses adjoining open spaces shall not exceed 3-1/2 feet. This was for the sight-obscuring portion of the fence. Fences higher than 3-1/2 feet had to be open, chain link. His recollection was that this was only for paths that went along the back of lots. It wasn't intended to limit the height of the fence along the walkways that go from street to street. Ms. Nell said one of the reasons for this condition was to reduce the chance of vandalism. Mr.

Bantz said with lots that back onto an open space, they require the fencing to be six foot, green, vinyl coated, chain link. He asked for clarification. Staff will research this issue.

- In Phase 1, they required 3-inch caliper street trees. They are going to 2-inch caliper street trees from Phase 2 through the rest of the project because they cannot find the larger trees in the summer. They will still be meeting the City standards for street trees.
- They have some real concerns with Conditions #12 and #13 contained in the Staff Report and Condition #15 which was added tonight.
- With regard to Condition #13, the well is of a temporary nature in that it is to be used as long as the Tualatin Valley Nursery (TVN) continues to need water for irrigation. TVN uses 4.2 million gallons of water per year to irrigate their nursery stock. Before they purchased the property, the Hoslers, who own the nursery, and the City of Sherwood entered into an agreement which is signed and recorded. This agreement is referred to as the “Waterline Relocation Agreement”. This agreement allows relocation of the line. The relocated line was approved and relocated two months ago by Woodhaven as a part of Phase 2 at a cost of approximately \$30,000. He identified the relocation area of the waterline on the map. Now they are being asked to remove the line and the well. The agreement which was signed by Jim Rapp stated they had the right to relocate the Hosler utilities in the right-of-way.
- The three phase power line should not be a concern because as soon as Woodhaven Phase 3 is complete, the power line can be deenergized. The only thing that is left is the 2 inch waterline which was approved by the City and the well which they are required to enclose in a structure. A structure will be built to enclose the well.
- Another condition of the Waterline Relocation Agreement requires Woodhaven to provide a City service to the Hosler property, if and when it is developed. Since the property does not have City water available, and if the City is concerned about the line and well, they may want to offer to provide the Hoslers irrigation water at no charge.
- By the agreement, the well is also allowed to be in the right-of-way.
- With regard to Condition #12, the homeowner’s association, the condition is flawed in a couple of places. There are no common areas in Woodhaven. Every square inch of open space has been granted to the City as public open space and it was all accepted by the Parks Department. The Woodhaven project received initial approval in February 1994. He read into the minutes excerpts of several documents.

- ❖ Parks Board Meeting Minutes of September 14, 1993
- ❖ Findings from the Staff Report prepared for the October 12, 1993 Planning Commission hearing on the PUD Master Plan written by Carole Connell
- ❖ Supplemental Staff Report prepared for the October 12, 1993 hearing referencing maintenance of the ponds, pathways and bicycle paths and their dedication to the City.
- ❖ Memo to the Planning Commission from Carole Connell and Jim Rapp dated November 23, 1993 referencing the stormwater ponds being in compliance with the City’s Stormwater Master Plan. The discussion went somewhere to the effect that the City would need to have USA maintain all of the ponds or none of the ponds. The City did not want to lose the system development fees that they were receiving.
- ❖ Gary Cramer, General Manager of USA, letter dated November 29, 1993, to David Bantz referencing what was going into the ponds.
- ❖ The November 2, 1993 Planning Commission Meeting Minutes referencing how the City will maintain parks and stormwater when it is unable to maintain the current system. The development of Woodhaven is projected over 10 years at approximately

100 lots per year. Mr. Bantz said at this time Woodhaven has exceeded this projection. The minutes stated that the City must develop a plan immediately that is compatible or equal to what other developments must do and help the City prepare for these increased demands. Subsequent to the City's acceptance, the applicant agrees to maintain the parks the first year, which they have done, and the City will assume maintenance responsibilities thereafter as well as reserve funds paid by the Parks System Development charges to purchase playground equipment. The City believes the Street Maintenance Fund can be used for maintenance of the bike paths and pathways which are transportation oriented.

- ❖ Letter from John Jackson, Planning Division Manager for USA to Greg Kurahashi, Engineer for Woodhaven, referencing who would maintain the sediment ponds. It has been the policy of the urban region to have the local government entity in which the residential properties or development occurs to accept the maintenance responsibilities for the facility. This policy does not apply to any development where there is clearly an owner of the facility after the development is complete. USA will accept a proposal from the City if they wish to have USA maintain these facilities.

- There is a pretty good record of an indication by the City to maintain the public open spaces, maintain the ponds and maintain the pathways in Woodhaven.
- Mr. Bantz said they do not believe the City has the right to ask them to create a homeowner's association and put the burden of the maintenance on the homeowners. Asking the maintenance of public open space to be maintained by individuals is a tax. It is a way to get around Measure 5.
- He did not think the City could ask the Planning Commission to consider any other property other than the property that is in the application. You can't go back and consider conditions being imposed on lots and open space that has already been created. Also, you can't add conditions to properties which are not yet before the Planning Commission.
- Staff is on record on saying they would maintain the two open spaces in this Phase 3 because they are pathways.
- Mr. Bantz said they are in the process of creating a homeowner's association for Woodhaven. They have 217 lots platted and 116 which will be platted in 2 weeks. They also have 140 units of multi-family which have been approved, and 65 units of townhomes that have been approved in concept. This is a total of about 538 units which have been approved at this point. This is about 50% of the total project. After tonight, with Phase 3, will bring it up to 586 units. It is about 11 units less than what was initially anticipated in the area for the first three phases. They hope to make this up.
- He referenced the statement whereby the homeowner's association shall provide a mechanism for the collection of money from property owners for maintenance of the common areas by the City in the event the homeowner's association fails to comply with the condition. The homeowner's association should determine the level of maintenance that is needed.
- In summary, Mr. Bantz said they have been led to believe all along that the City will maintain these areas, they are all public open spaces and they do not think the City can ask the homeowner's association to maintain it.
- With regard to Condition #15, he did not think that as a condition of the Phase 3, they could go back and look at things that have happened in the past and in the future. If they require

this as a condition, then they should be reviewing the open space dedication of the two tracts in Phase 3.

- Genstar or Quinkster, the general partnership, is responsible for the maintenance of Sunset Boulevard and its landscaping until one year after they service the final lot.

Mr. Bantz said he would answer any questions and would like the opportunity to rebut any public or Staff comments. In addition, the Hoslers can continue using the well as long as they want to use it. If they develop the property for commercial purposes they will not be able to use the well for consumption purposes. The existing waterline for the well was abandoned in place when they relocated the new 2 inch plastic waterline to the well. The new waterline is shown on the easement.

Mike Monical, OTAK, answered questions regarding the well and the waterline.

Vice-Chairman Corrado asked if there was anyone else who wished to testify in support of this application. There was no further proponent testimony. There was no opponent testimony. Vice-Chairman Corrado dispensed with the rebuttal portion of the hearing and temporarily closed the hearing on this agenda item unless a Commission member ask that it be reopened for additional testimony, for discussion by the Commission members.

Lisa Nell clarified the following points:

- The City is aware of the document relative to the well which Mr. Bantz made reference to. This document is being reviewed by the City's legal counsel.
- Arbor Lane, Sherwood Village, and Wildflower are being asked for form homeowner's associations to maintain common areas or open space areas and the landscape corridors. Arbor Lane was done as a condition of approval.
- Condition #15 regarding the open space dedication review pertains to Phase 3.
- Phase 3 is different than what was originally approved with the PUD.

Mr. Hohnbaum asked if the Parks Board has reviewed the changes and if not, why not.

The Commission discussed the purpose of Condition #15. It was Mr. Hohnbaum's opinion that Condition #15 be deleted. Sue Engels said a review would be appropriate on a phase by phase basis whether or not the proposed dedicated land use is adequate and meets the Open Space Master Plan. The principal reason for this review would be to see whether or not the proposed dedicated land is in the open space for a determination of the elements of SDC credits. The Commission felt that the review by the Parks Board should be done prior to, and be a made a part of the Staff Report for presentation to the Planning Commission. Susan Claus said the review should be done, if it has not been done at this point.

Mr. Bantz said formation of the homeowner's association will be submitted to the City with the Phase 2 recording within a couple of weeks. The Commission discussed the merits of Conditions #12 and #13.

Rick Hohnbaum moved the Planning Commission approve SUB 96-3 Woodhaven Phase 3, based on Staff recommendations, findings of fact, public testimony and agency comments,

with the conditions as presented, subject to deletion of Conditions #12 and #15 and rewording of Condition #13. Seconded by Bill Whiteman.

Susan Claus stated she did not support the motion. Bill Whiteman said he felt Condition #15 was not really a condition as it was being presented to the Commission. The Commission agreed that Condition #13 should be removed, due in part because of the existing agreement. The Commission made the following requests:

- Directed Staff and Legal Counsel to work with the applicant to deal with the well.
- Directed Staff to include in future Staff Reports relative to Woodhaven a review of the open space and how it compares to the Open Space Master Plan.

Bill Whiteman moved to amend the original motion to delete Condition #13 regarding the well from the conditions of approval. Seconded by Rick Hohnbaum.

Vote on Passage of Amendment: 5-Yes, 1-No (Claus), 0-Abstain

(Bechtold did not participate)

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

(Bechtold did not participate)

The Decision Notice, dated June 6, 1996, for SUB 96-3 Woodhaven Phase 3 is attached to and made a part of these minutes.

4C. SP 96-4 Woodhaven Apartments Site Plan

Due to the time constraints in adjourning by 11:00 PM, and the ability to review this application properly, it was the consensus of the Commission that this agenda item be placed as the first item under the Public Hearings at the June 18, 1996 Planning Commission meeting. Lisa Nell said Staff was going to recommend this application be continued to the July 2, 1996 Planning Commission because:

- The Staff Report was done with findings for preliminary plat approval.
- There are no conditions because the Staff Report was a denial of the application.
- ODOT comments regarding the Corridor Plan required further review.

The applicant stated they were ready for approval on this project until last Wednesday when they received a telephone call from Staff about some major problems. They met that afternoon and the major problem was a one page letter from ODOT dated May 28, 1996. The applicant said they have not submitted any additional materials. They are willing to waive the seven day time period for the Staff Report being available in order to get a hearing on June 18, 1996.

4D. MLP 96-1 Johnson

Vice-Chairman Corrado called for the Staff Report. Lisa Nell reported this is a request for a minor land partition to divide Lot 52, a 9,018 sq ft lot, in the Wildflower Village #2 subdivision in to two equal lots of 4,509 sq ft each. She referred the Commission to the Staff Report dated May 28, 1996, a complete copy of which is contained in the Commission's minutes book. She reviewed the report and noted specifically:

- The site is zoned High Density Residential (HDR) and the minimum lot size allowed for single family attached dwelling units is 4,000 sq ft.
- Based on a review of the applicable Code provisions, agency comments and Staff review, Staff recommends approval of MLP 96-1.

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

Bob Johnson, PO Box 967, Sherwood, Oregon 97140, addressed the Commission. Mr. Johnson said he did not have any comments or anything further to add to the Staff Report.

There were no further proponent testifiers. There was no opponent testimony on this application. Vice-Chairman Corrado dispensed with the rebuttal portion of this hearing and temporarily closed the public hearing on this agenda item unless a Commission member asked that it be reopened for additional testimony, for discussion by the Commission.

The Commission did not have any specific concerns or recommendations.

Rick Hohnbaum moved the Planning Commission approve MLP 96-21 Johnson, based on Staff recommendations, findings of fact, agency comments, and public testimony with no conditions. Seconded by Angela Weeks.

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

5A. Election of Commission Chair and Vice-Chair

Vice-Chairman Corrado opened the floor for nominations. Rick Hohnbaum nominated Angela Weeks as Vice-Chair. Ms. Weeks thanked the Commission for their support, but felt because she only had two weeks experience, she would defer to the nomination of Mr. Corrado as Vice-Chair. George Bechtold nominated Chris Corrado as Vice-Chair. Chris Corrado nominated Bill Whiteman as Chair.

Vote for Chair: 7-Yes, 0-No, 0-Abstain

Vote for Vice-Chair: 5-Yes, 0-No, 0-Abstain (Claus, Corrado)

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

Respectfully submitted,

Planning Department