

City of Sherwood
PLANNING COMMISSION MEETING
855 N. Sherwood Blvd
Tuesday, June 18, 1996
7:00 PM

R E V I S E D
A G E N D A

1. **Call to Order/Roll Call**
2. **Approval of Minutes of June 4, 1996**
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. **SP 96-4 Woodhaven Apartments Site Plan:** (Continued from June 4, 1996) 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 32CB.
 - B. **SP 96-5 Pride Disposal Site Plan:** for expansion of an existing building at 13980 SW Tualatin-Sherwood Road.
 - C. **SP 96-8 Colamette Construction Site Plan:** for a warehouse/office building on Lot 11 in the Industrial Park of Sherwood along Galbreath Drive.
5. **Other Business**
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 18, 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
Angela Weeks

Staff:

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

Commission Members absent:

Rick Hohnbaum
Bill Whiteman

2. Minutes of June 4, 1996 Commission Meeting

Vice-Chairman Corrado asked if there were any corrections, additions or deletions to the minutes of June 4, 1996. Allen Baker asked for clarification regarding PA 96-1 OneComm, condition #2, page 5 of the minutes, "unless proposed property abuts a residential zone." He asked what would happen if the property does abut a residential zone. Lisa Nell said if the property abuts a residential zone, it would be reviewed on a case by case basis. A second hearing is required for the PA 96-1 application and it will be heard by the City Council. Staff will take the Commission's recommendation for clarification of this item to the Council at that time.

George Bechtold moved the Planning Commission accept the June 4, 1996 minutes as presented, with the Commission suggestion regarding PA 96-1 OneComm, condition #2 language clarification. Seconded by Susan Claus.
Vote for Passage: 5-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.

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.

George Bechtold announced he would not be participating in SP 96-4 Woodhaven Apartments.

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. Pride Disposal is an advertiser in the *Gazette*. There is no reason to believe he has any conflict, concern or bias created due to this occupation.

4A. SP 96-4 Woodhaven Apartments Site Plan (continued from June 4, 1996)

Vice-Chairman Corrado announced this application was continued from the June 4, 1996 Planning Commission meeting. George Bechtold did not participate in this hearing. Vice-Chairman Corrado referred the Commission to a letter dated June 12, 1996 from Staff. The letter stated Staff's concerns and their ability to prepare a completed staff report for this meeting. Staff requested the Commission consider a continuance of this application. Vice-Chairman Corrado said continuing this application to the July 16, 1996 Planning Commission meeting would be in order.

Sue Engels reviewed the reasons for requesting the continuance which were outlined in a letter from Staff to the Planning Commission dated June 12, 1996. She referred the Commission to two additional letters entered into the record; a June 13, 1996 letter from the applicant's legal counsel, Timothy Ramis, O'Donnell, Ramis, Crew, Corrigan & Bachrach, objecting to the request for a continuance, and a June 18, 1996 letter from City Attorney Derryck Dittman. Ms. Engels said a continuance to July 16, 1996 will meet the requirement for review of the application within the 120 day limit.

Jerry Offer, OTAK, Inc., 17355 SW Boones Ferry Road, Lake Oswego, Oregon 97035, representing GSL properties and owner of the site, addressed the Commission. Mr. Offer stated:

- They object to the Staff request for a further continuance on this application.
- They attended the June 4, 1996 public hearing prepared to present their application. At that time, Staff asked for a continuance of four weeks or more. Instead, the Commission continued the application for two weeks to the June 18, 1996 Commission meeting and directed Staff to prepare a staff report.
- They believe Staff has had ample time to prepare a staff report. He had a conversation with Assistant Planner Lisa Nell, at approximately 3:30 PM, June 6, 1996. She stated she was wrapping up the staff report. He asked Ms. Nell what the recommendation was and she responded it was for approval with conditions, subject to review by the Community Development Director and City Manager.
- They do not see a reason for the continuance.

Tim Ramis, 1727 NW Hoyt Street, Portland, Oregon 97209, legal counsel for the project, addressed the Commission on behalf of the applicant. Mr. Ramis stated:

- The purpose of the extension was to cure defects in the original staff report. Staff addressed the incorrect criteria in preparing the report. The request was an opportunity to address the correct criteria and the Commission granted an extension for that purpose.
- The applicant did not understand the purpose of the extension to be a mini-moratorium on the application to enable some further study to take place that might lead to some legislative amendment that might therefore be applied to this project. This is outside the scope of the purpose of the extension.
- The applicant has raised the point regarding the 120-day clock.
- In response to the June 18, 1996 letter from Mr. Dittman, he makes the point that by having the hearing some time in July would meet the deadline of July 27, 1996. They do not have any dispute with the July 27, 1996 deadline, but the statute would require that the entire

process be completed within the 120-day time period, which would include the Planning Commission review and any appeal to the City Council.

- As the Community Development Director expressed concern at the last meeting, the timing simply is not there to allow the project to get all the way through the approval process to the end with the City Council. In fact, the Director made the point that for other projects which were behind this application in the schedule, it may be difficult to meet the schedule.
- The applicant understands the proposal from Staff proposes a moratorium on the application and then conduct some type of new study about a new, potential, future possible road. The difficulty there is that they do not believe the results of the study would be relevant to this application under the criteria in the Code and statute. This application, by statute, has to be judged on the criteria and plans that were in place at time the application was filed. The rules do not permit the changing of the rules of the game after the filing of the application.
- The fundamental purpose of the request of Staff seems to be outside the requirements of the statute. This is probably the most troubling aspect with this to the applicant.
- The applicants wanted the Commission to be aware of their concerns in considering this request and hope to proceed with the hearing tonight.
- The single issue identified in the staff report recommending denial was the question of a frontage road. The applicant is prepared to discuss these issues.

There was no further testimony from proponents or opponents.

Vice-Chairman Corrado opened the discussion for the Commission to review whether a continuance for this application would be in order.

Mr. Offer asked if Staff could relate what schedule would be necessary to accomplish the traffic analysis, and the meetings and deadlines they have set up for adoption of a plan by the City or by ODOT. Vice-Chairman Corrado noted Staff has agreed to have the staff report available within the required time for the July 16, 1996 public hearing. The staff report will be made available 7 days prior to the hearing and Staff will comply with the statute.

Susan Claus moved the Planning Commission continue SP 96-4 Woodhaven Apartments Site Plan to the July 16, 1996 Planning Commission meeting as the first agenda item under public hearings. The motion was seconded by Allen Baker.

**Vote for Passage of Motion: 4 - Yes, 0 - No, 0 - Abstain
(George Bechtold did not participate in this agenda item.)**

Jon Bormet, City Manager, introduced Laurie Nicholson, the new City Planner.

4B. SP 96-5 Pride Disposal Site Plan

Vice-Chairman Corrado called for the Staff Report. Lisa Nell reported this application is a request for a 12,800 square foot expansion of the existing Pride Disposal facility and a 608 square foot expansion of the employee lunch room. The site is located at 13980 SW Tualatin-Sherwood Road. She referred the Commission to the Staff Report dated June 11, 1996, a complete copy of which is contained in the Commission's minutes book. She reviewed the report and entered into the record:

- A June 17, 1996 letter from the applicant responding to the recommended conditions of approval.
- The response from WCDLUT which had no comments on this application.
- The June 12, 1966 letter from Pride clarifying the parking.

Ms. Nell noted specifically that Staff is recommending the applicant provide:

- A new landscaping plan.
- The site plan illustrates an 8 stall parking lot with adequate existing landscaping. There are 40 employees currently working at the site. Staff recommends there be enough parking provided for all the employees, and a parking lot improved with the hard surface, with striping and directional arrows.
- A 6 foot high, sight obscuring fence or hedge to buffer the storage area.
- A site lighting plan.
- A storm water quality facility per USA and City standards.
- Label all utility easements on the final plat.

In conclusion, based on a review of the applicable zoning provisions, agency comments and Staff review, Staff recommends approval of SP 96-5 Pride Disposal Expansion with the conditions as noted in the staff report.

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

John Boutinen, Sabre Construction, 7235 SW Bonita Road, Tigard, Oregon 97224, representing the applicant, addressed the Commission. Mr. Boutinen commented on the staff report and reviewed their letter dated June 17, 1996 which responded to the recommended conditions. He noted:

- The landscaping was previously approved with Permit 1844-93 and review SP 89-5. The realignment of Tualatin-Sherwood Road and the substantial delays with the completion and recording of the legal descriptions by Washington County has prevented completion of the landscaping. They would like to continue the landscaping as per the 1989 plan and would be complimentary with existing landscaping.
- With reference to landscaping a future parking area, they have not asked for a future parking area. It is a storage area and would not be appropriate to have interior landscaping in the storage area.
- The handicapped parking space has been provided and will be shown on the plans.
- The owner does not believe that additional parking is required. He referenced the SP 89-5 findings of fact. Of the 40 employees, 16 work largely off-site and the shifts are staggered. All of the current employees have adequate parking.
- The existing parking areas have existing lighting which conform to the Code. An exterior lighting plan will be submitted with the building permit plans.
- A bio-filtration swale was installed as part of the work under Permit 1844-93. The design was approved during the permit process and it was inspected prior to the occupancy certificate. The design provides both quality and quantity control for the entire Pride Disposal site, including future improvements. The swale does not serve the Washington

County collection ditch which runs in a buried culvert along that section of Tualatin-Sherwood Road.

Mike Leichner, Pride Disposal, 13980 SW Tualatin-Sherwood Road, PO Box 820, Sherwood, Oregon 97140, addressed the Commission. He discussed the bio-filtration swale and its landscaping. In addition, the parking area is going to be to the left of the storage area. They will continue the fence with the 6 foot landscape buffer.

There was not further proponent testimony. There was no opponent testimony to this application and the rebuttal was dispensed with.

The Commission asked several questions of the applicant. Lisa Nell said the City does not have on record the applicant's landscape corridor and landscaping plan, such as types of trees and where they are placed. The applicant said they would provide this information. There was considerable discussion regarding landscaping and parking. It was noted by the applicant:

- The additional landscaping is estimated to be \$20,000 to \$25,000 for the buffer around the front of the property. An adequate bond was provided in 1989 for the landscaping which was required at that time for the 1989 application.
- The applicant is not adverse to complying with the landscaping code requirements. If they are going to re-review the landscaping plan, the applicant should have the option of deleting the 600 to 700 feet that is not required. The application referred to the 1989 landscaping plan.
- The current parking is being slowly displaced by the storage area. Paving, striping and islands will make it difficult to access the storage area with the larger vehicles which require a larger queuing area.

Lisa Nell stated that the recommended 40 parking stalls is consistent with the code. Sue Engels said that once the storage is moved it would be interesting to see the parking arrangement. Staff does not have anything visual to review with reference to the parking.

Mr. Boutinen said the applicant was willing to provide a parking plan if they could work out with staff where it meets their approval. After receiving the letter from the previous Planning Director that the application was complete, some of the recommended conditions come as a surprise.

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

The Commission discussed whether the site plan application, as presented, was complete and if the Commission could make a decision with the information provided.

Susan Claus moved the Planning Commission continue to a date uncertain, SP 96-5 Pride Disposal Expansion, pending receipt of an updated landscaping plan, a parking plan and circulation plan for Staff review and provide the information to the Commission. Seconded by George Bechtold.

Vote for Passage of Motion: 3 - Yes, 2 - No (Corrado, Baker), 0 - Abstain

4C. SP 96-8 Colamette Construction Site Plan

Vice-Chairman Corrado called for the Staff report. Lisa Nell reported this application is a request for an office-warehouse facility to consist of two structures to be constructed in two phases. Phase I consists of construction of an 8,370 square foot office and warehouse for nine employees and a yard facility utilized by Colamette Construction. Phase II will include construction of an additional 8,100 square foot building, the use of which has not been outlined by the applicant at this time. Phase II will require review by the Commission. She referred the Commission to the Staff Report dated June 11, 1996, a complete copy of which is contained in the Commission's minutes book. She highlighted the main points of the report and noted:

- The zoning is Light Industrial (LI) and allows outright the proposed office/warehouse uses for the construction company.
- The applicant will be required to plant evergreens on the site and street trees as required by the City Code.
- The 21 parking stalls exceeds those required for nine employees.
- A 10 foot wide landscape strip between the storage area and the adjoining property will be necessary. As a compromise, this 10 foot buffer may be divided between the property owners, for example 5 feet for each owner.
- Waste containers need to be made safe and accessible.
- Striping and directional arrows will need to be provided.
- Signage will require a sign permit.
- The applicant will need to have the WCDLUT Staff Report done.
- The applicant will need to contact USA for an Industrial Waste Permit.

Based on a review of the applicable zoning provisions, agency comments and staff review, Staff recommends approval of SP 96-8 Colamette, based on the conditions contained in the staff report. Condition #8 may be deleted.

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

Jim Hirte, Colamette Construction Company, 8430 SW Hunziker Street, Suite 200, Tigard, Oregon 97223, addressed the Commission. Mr. Hirte noted:

- As they read the standards for materials storage in the Code, it calls for a sight obscuring fence and then plantings. The building is 100 feet from the street on the front of the property line. Storage will take up a minimal amount of space on the lot. They would like to request that the 10 foot wide landscape strip between the on-site storage and adjoining property be reduced to 5 feet.
- They do not take exception to any of the other conditions.

Tim Eddy, Hennebery Eddy Architects, 519 SW Park Avenue, Suite 410, Portland, Oregon 97205, Project Architect for the project, addressed the Commission. Mr. Eddy stated:

- Due to the configuration of the driveways, it is not practical to do a 25 foot spacing for the street trees. They have modified the spacing to accommodate the driveways, sidewalks and existing utilities.
- During the permit review process they will submit a site lighting plan.
- They have designed a detention swale for the site which empties into the detention swale which was prepared as part of the original design of the business park.

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

Lisa Nell said the Code states a 10 foot buffer, however, in the past when they know there will be two adjoining property owners which may make an application, they require both applicants share in this 10 foot buffer, 5 feet for each.

Susan Claus moved based on findings of fact, Staff recommendations, agency comments, public testimony and Commission discussion, the Planning Commission approve SP 96-8 Colamette Site Plan, subject to the conditions as revised and as follows. Seconded by Allen Baker.

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

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.
2. Revise the landscape plan for City approval to illustrate evergreens on the site, including evergreen ground cover along SW Galbreath Drive, and include a five foot wide landscape strip, providing a 6 foot high, sight-obscuring buffer between the on-site storage area and the adjoining properties.
3. Street Trees need to be Fraximus Excelsior (Roundheaded Ash), be at least 2 inches DBH (Diameter Breast Height - or 4.5 feet above mean ground level), be at least 6 feet high and uniformly spaced, 25 feet on center, modified for driveways. Trees need to be planted 3-5 feet from sidewalks, curbs or driveways.
4. Provide directional arrows on the driveways and circulation lane.
5. Obtain a sign permit prior to sign installation.
6. Provide a site lighting plan, including pedestrian-scale lighting along the sidewalks as necessary for safety purposes, and for maneuvering in the parking lot.
7. Comply with City and WCDLUT transportation and safety recommendations.

8. Make the solid waste containers safe and accessible.
9. Contact USA's Industrial Waste Division for an Industrial Waste Permit. Sanitary sewer shall not be located under any catch basins.
10. Analyze downstream storm water conveyance. If insufficient capacity exists, perform mitigation measures as required.
11. Provide and label all utility easements.
12. The applicant will need to submit a subsequent site plan for site plan review by the City for Phase II.

5. Other Business

Sue Engels announced this would be Lisa Nell's last meeting and that she would be leaving the City on Friday, June 21, 1996. The Commission thanked Ms. Nell for her service and wished her the best of luck.

Vice-Chairman Corrado commented on a letter the Commission received from City Council member Mark Cottle to Mayor Walt Hitchcock regarding Mr. Cottle's resignation as liaison for the Planning Commission. The letter was entered for the record. Mr. Corrado thought that the letter was a little short-sighted and not fair to the past or present Commission members. He said he would welcome the Mayor or anyone else as the Commission liaison, but more importantly would welcome anyone who would be an active liaison. Angela Weeks stated she had sent a letter to Mr. Cottle in response and copies were sent to the City Council, Planning Commission, and the City Manager.

Susan Claus discussed her views and position regarding the public hearing process. Vice-Chairman Corrado said he tries to make it very clear when the public hearing is closed on a particular agenda item. George Bechtold said the debate of the presentation by the Commission should not be a part of the public hearing. If the public hearing is reopened, this testimony may then become a part of an appeal.

There being no further business to discuss, the meeting was adjourned at 9:20 PM.

Respectfully submitted,

Planning Department