

City of Sherwood
PLANNING COMMISSION MEETING
855 N. Sherwood Blvd
Tuesday, July 16, 1996
7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes of July 2, 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:** (continued from June 18, 1996) a request for site plan approval 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 96-9 Allied Systems Site Plan:** for construction of an approximate 88,375 sq ft parts warehouse/assembly building at 2085 NE Oregon Street.
 - C. SUB 96-4 Woodhaven Phase 5 Preliminary Plat:** a request by Genstar for preliminary plat approval of a 36-lot subdivision in Woodhaven PUD.
- 5. Other Business**
 - A. Planning Commission Meeting Schedule**
- 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
July 16, 1996

1. Call to Order/Roll Call

Chairman Bill Whiteman called the meeting to order at 7:00 PM.

Commission Members present:

Allen Baker
George Bechtold
Susan Claus (7:10 PM)
Chris Corrado
Rick Hohnbaum
Angela Weeks
Bill Whiteman

Staff:

Sue Engels, Development Director
Jon Bormet, City Manager
Scott Spence, Asst to City Manager
Roxanne Gibbons, Recording Secretary

2. Minutes of July 2, 1996 Commission Meeting

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of July 2, 1996. Allen Baker asked for clarification regarding Western PCS and the number of co-locators. There were no other comments.

Chris Corrado moved the Planning Commission accept the July 2, 1996 minutes as presented. Seconded by George Bechtold.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

3. Community Comments

Chairman Whiteman called for comments from the audience regarding any items not on the printed agenda. There were no community comments.

4. Public Hearings

4A. SP 96-4 Woodhaven Apartments (continued from June 18, 1996)

Jon Bormet reported City Staff has had discussions with GLS Properties, the applicant, and it was mutually agreed to request a continuance to time certain, the August 20, 1996 Planning Commission meeting. Mr. Bormet said this will allow the parties time to work out the access details for this project. City Staff will be meeting with ODOT on August 6, 1996. Rick Hohnbaum asked if there was a problem with the 120-day time limit. Mr. Bormet said it is a mutual request from the City and the applicant. The 120-day time would not include the time between July 16, 1996 and the August 20, 1996 meeting.

George Bechtold moved the Planning Commission continue SP 96-4 Woodhaven Apartments to the August 20, 1996 Planning Commission meeting. Seconded by Chris Corrado.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

Mr. Bechtold requested that as a part of this consideration, he would like to see more current enrollment statistics from the Sherwood School District with reference to this application.

Chairman Whiteman read the hearings disclosure statement and requested that Commission members reveal any conflict of interest, ex-parte contact or bias regarding any issues on the agenda.

George Bechtold announced that with reference to SP 96-9 Allied Systems, he would declare ex-parte contact inasmuch as he drove by the site and viewed the number of cars parking at the site. He did not have any contact with any individuals at the site, and he planned to fully participate in the hearing for this application.

Chris Corrado stated that as owner of the Sherwood "*Gazette*" he has had informal or ex-parte contact with the applicant regarding information for publication in the paper. He did not feel this would affect his decision-making process and planned to fully participate in the hearing for this application.

4B. SP 96-9 Allied Systems Site Plan

Chairman Whiteman called for the Staff Report. Scott Spence referred the Commission to the Staff Report dated July 9, 1996, a complete copy of which is contained in the Planning Commission's minutes book. The applicant is requesting site plan approval to construct an approximate 88,375 square foot parts warehouse/assembly building. The property will be developed in phases with Phase I comprising a total of 8.02 acres. Jon Bormet briefly reviewed the history of the Allied Systems site. Mr. Spence highlighted the main points of the report, presented slides of the site, and noted:

- The site is zoned General Industrial (GI) and allows outright the proposed use.
- The 22.12 acre site is located at 2085 NE Oregon Street. Rock Creek is located on the south end of the property and is both identified as in the City's flood plain and is a wetland area.
- The buildable area of the zone is more than 300 feet from the property because of the wetlands that run adjacent to and through the property. The net buildable acreage available on this property is approximately 10.59 acres.
- The majority of the parking will be on the southeast side of the building.
- The applicant will need to dedicate additional right-of-way adjoining Tax Lot 201 and Tax Lot 501 to provide 35 feet from the centerline on Oregon Street frontage.
- The applicant will need to submit a lighting plan for the propose site.
- The Wetlands, along rock Creek, must have landscaping to prevent further erosion of the south bank. The graded slope on the south bank must be a ratio of 2:1.
- The applicant will need to provide a supplemental landscaping plan to assure the enhancement of the southern boundaries of the site and along Oregon Street.
- Staff recommends approval of SP 96-9 Allied Systems Site Plan subject to the recommended conditions of approval contained in the Staff Report.

Mr. Bormet discussed visual corridors, in general. In the case of Allied, the City has suggested relocating the chain link fence behind trees and shrubs within the visual corridor. The fence should be black or green. One of the recommended conditions is that the applicant provide a supplemental landscaping plan.

Chairman Whiteman opened the public hearing on SP 96-9 Allied Systems and called for proponent testimony.

Jim Hirte, Colamette Construction Company, 8430 SW Hunziker Street, Suite 200, Portland, Oregon 97223, representing Howard Brune and George Burns, Allied Systems, addressed the Commission.

- An acoustical study done by an acoustical engineer was presented to the Commission for the record. It was noted that the date on the letter will be corrected and copies provided to the Commission.
- The applicant takes no exceptions to the conditions as proposed in the Staff Report.
- The applicant would like clarification of the comments made by Lee Walker of USA, dated June 6, 1996, which state, "Extend public storm and sanitary to adjacent properties not having service available." They do not understand the impact nor the reason for this statement. They would like to work with the City Engineer's office for clarification of this statement. They are not prepared to respond to USA's comment at this time.

Mr. Hirte answered questions from the Commission.

Chris Corrado noted he did not have a problem with noise or lighting from the site, but one of his neighbors does have a problem. He questioned the conclusions of the acoustical study provided by the applicant. Mr. Hirte responded the orientation of the assembly building is such that all activity and noise will go out the overhead doors which will be located on the back side. The building should block a lot of the noise and light from the site. The two large lights will be replaced with softer lights, directed downward and away from the residential property. The applicant will provide a lighting plan for Staff review.

Mr. Bormet said once the building and landscaping is provided, Staff will do a visual inspection from the Fair Oaks residential area. The site will be raised another 10 feet at the Rock Creek end. This phase will set the final slope. An additional building is planned for another phase which should also alleviate any lighting and noise problems.

Susan Claus asked if the City planned on taking any dedication of flood plain. Mr. Hirte said they were not prepared to respond at this time to the question. Mr. Bormet said this was not an issue which came up during this application review.

Mr. Bormet said the City will work with the traffic engineers regarding whether a left turn lane is warranted with this phase. Some of the traffic engineering has already been done such as right of way and slope easements. The traffic signal for Oregon Street and Tualatin-Sherwood Road will be installed in 1996. The Oregon Street improvements are a part of the MSTIP scheduled for completion by 2000 or 2001.

Mr. Hirte said there are about 21 extra parking spaces and Allied anticipates adding 30-40 employees with this building. They do not expect the truck traffic to increase.

Jon Bormet said if the Commission was concerned about the landscaping and the lighting, Staff will work with the applicant and return to the Commission on an advisory basis with the information and work to be done.

Angela Weeks asked for clarification regarding the driveway and the letter from ODOT stating the driveway must be closed. Mr. Hirte said a temporary exit exists at the site, but the final driveway will be at a different location on the site. The ODOT letter is referring to the current, temporary driveway.

There was no further testimony from proponents or opponents.

Chairman Whiteman closed the public hearing on SP 96-9 Allied Systems Site Plan for discussion by the Commission members.

The Commission agreed that Conditions #10 and #15 should include “for Staff approval”.

The Commission discussed Oregon Street improvements. Mr. Bormet stated Washington County’s only real concern was whether the applicant would have to put in the sidewalk along the site on Oregon Street. Mr. Hirte stated the distance between two permanent driveways will exceed City guidelines. They will concentrate on making sure the ten foot berm at the end of the site is completed and landscaped with this first phase. He explained the County plans regarding the elevation of Oregon Street down to Rock Creek Road. Mr. Hohnbaum asked about the 2:1 ratio of the graded slope and that the engineered plans be made available for the Commission.

Chris Corrado moved the Planning Commission approve SP 96-9 Allied Systems Site Plan based on staff recommendations, findings of fact, and public testimony, subject to the conditions as revised. Seconded by Allen Baker.

Following further discussion of the Rock Creek flood plain and the City Open Space Master Plan,

Rick Hohnbaum move to amend the original motion by adding Condition #19 regarding the dedication of the Rock Creek flood plain portion of the site. Seconded by George Bechtold.

Vote for Passage of Amendment to Motion: 6-Yes, 0-No, 1-Abstain (Corrado)

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

SP 96-6 Allied Systems Site Plan was approved subject to the following conditions:

1. Dedicate additional right-of-way adjoining Tax Lot 201 to provide 35 feet from the centerline on Oregon Street Frontage.
2. Dedicate additional right-of-way adjoining Tax Lot 501 to provide 35 feet from the centerline on Oregon Street Frontage.

3. Provide a slope easement necessary for construction of Oregon Street and associated bikepath/sidewalks.
4. Applicant will provide a 15-foot visual corridor along the frontage of Oregon Street.
5. Relocate chain link fence behind trees and shrubs within the visual corridor. Fence should be black or green.
6. Loading areas need to be marked and signed.
7. Applicant needs to submit a plan for handling and disposal of solid waste materials on new site.
8. Meet all USA standards and requirements regarding Sanitary Sewer and Storm Water.
9. Meet all requirements of TVFRD.
10. Applicant must submit a lighting plan for Staff approval for the proposed sight.
11. The driveways and circulation lanes will need to be marked for directional flow with painted arrows on the pavement, and signage if necessary.
12. The Wetlands, along Rock Creek, must have landscaping to prevent further erosion of the south bank. In addition, the graded slope on the south bank must be a ratio of 2:1.
13. A 25' foot corridor must be delineated to protect the wetlands from future construction or improvements on Tax Lot 501.
14. Applicant shall provide landscaping along the south bank and along Oregon Street to mitigate lighting issues.
15. Applicant will provide a supplemental landscaping plan for Staff approval.
16. In the event that emergency vehicles need access into the facility, provide the TVFRD with a key to the entry gate.
17. Applicant shall comply with City of Sherwood standards to mitigate traffic impact and coordinate with planned improvements to Oregon Street.
18. 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.
19. If the Rock Creek flood plain portion of the Allied property is within the City Open Space Master Plan, those properties would be dedicated to the City.

This approval is valid for one (1) year.

Mr. Bormet introduced Mr. George Burns and Mr. Howard Brune, the owners of Allied Systems, to the Commission. The Commission thanked them for working with City Staff on this application.

George Bechtold announced he would not be participating in the public hearing for SUB 96-4 Woodhaven Phase 5 Preliminary Plat.

Chris Corrado announced that Genstar is an advertiser in the Sherwood "*Gazette*", as are many other individuals and businesses. He did not feel he had any conflict or bias due to this and he planned to continue to participate in the Woodhaven land use applications.

Susan Claus stated her concern that Mr. Corrado may have a conflict of interest regarding the Woodhaven application being heard tonight (SUB 96-4 Woodhaven Phase 5 Preliminary Plat). The concern was that he has a current, active advertiser and the scope and the extent of the relationship was not disclosed. Mr. Corrado said that if the Commission felt he had a conflict and so desired, he would not participate. No other Commissioners spoke to this issue, nor announced any concerns regarding Mr. Corrado's participation in the Woodhaven application. Following further discussion, Chairman Whiteman stated that Ms. Claus's concerns would be duly noted for the record.

Mr. Bechtold stated there have been opportunities in the past to be educated regarding public officials relative to ethics. The Commission may need further education on this issue. Chairman Whiteman announced he has asked for written information from the State.

4C. SUB 96-4 Woodhaven Phase 5 Preliminary Plat

Chairman Whiteman called for the Staff Report. Sue Engels referred the Commission to the Staff Report dated July 9, 1996, a complete copy of which is contained in the Planning Commission's minutes book. The applicant requests approval of a subdivision with 33 single family lots, two multi-family parcels and a neighborhood commercial site. The site is zoned Low Density Residential (LDR) with a PUD overlay. Ms. Engels presented slides of the site and highlighted the main points of the report, specifically noting:

- The Staff Report should be revised as follows:
 - Greenleaf Drive will be named Pinehurst Drive, for future reference.
 - Page 1, Proposed Information, Item A, reference to "retail" commercial should be "neighborhood" commercial.
 - Page 1, under IIIA, the incomplete sentence, "These streets extend from" should be deleted.
 - Page 5, following Item 7, all text up to the next Item 3 should be deleted.
 - Page 9, delete the first paragraph of Condition #6. Fitch Drive can be deleted from the first sentence of the second paragraph.
 - Page 9, Item 11, reference to "common areas" should be "open/public areas".
 - Page 9, Item 11, the sentence beginning "Said agreement shall...." should be changed to read, "It is recommended that said agreement shall also provide....".

- Staff recommends approval of SUB 96-4 subject to the general conditions of approval which apply to this application, as well as the new conditions of approval which apply specifically to this application.
- A “Woodhaven Analysis” was provided to the Commission for the record. It showed the number and type of dwelling units in Phase 1 through Phase 5, as well as the remaining number of units. Units approved to date - 586 of the total 1287.

Allen Baker asked how the possible narrowing of Sunset Boulevard would affect the neighborhood commercial portion of the site. Mr. Bormet said in either case there would be a left turn lane into that area.

Chairman Whiteman opened the public hearing on SUB 96-4 Woodhaven Phase 5 Preliminary Plat and called for proponent testimony.

David Bantz, Genstar Land Company Northwest, 11515 SW Durham Road, Suite E-9, Tigard, Oregon 97224, addressed the Commission. He pointed out the areas which have already been provided to the City as open space, as well as the areas that are planned to be dedicated as open space, and identified the stormwater ponds. Mr. Bantz noted:

- Pinehurst Drive (formerly Greenleaf) was approved as a part of Phase 2.
- The densities of the multi-family sites, 73 and 76 units, were approved by City Council and Planning Commission as a part of the Woodhaven Master Plan. In addition, the neighborhood commercial site was approved to be as large as 1.5 acres.
- The neighborhood commercial site could occur on either side of the intersection. Neighborhood commercial uses are not intended to draw traffic to the neighborhood. They are intended to serve the neighborhood. There is a potential user that is interested in developing the site for a day care center.
- The definition of neighborhood commercial states that any use shall be limited to 4,000 square feet. It has been determined by Staff that the 4,000 square feet includes outside display of merchandise. A day care center would probably need a variance if it were more than 4,000 square feet of building or play area. The total amount of square footage that you can have in any neighborhood commercial site is 16,000 square feet.
- The applicant is not in agreement with Staff regarding the Sunset Boulevard widths. They disagree with the 25 foot wide arterials and disagree with removing the bicycle paths from the street and placing them inside.
- They received approval in Phase 1D to continue Sunset Drive within the Woodhaven section. With the estimated number of trips per day, they do not feel it is appropriate to narrow the street width.
- With reference to apartments and townhomes, they are trying not to get a lot of competing uses in Woodhaven and would like to give everyone a fair opportunity to be successful.
- With reference to the conditions contained in the Staff Report, they are in agreement, except for Condition #11 regarding the homeowners association. They would like to have the condition modified as follows:
 - They be required to establish a Woodhaven homeowners association to guarantee maintenance of open and public areas, to limit those areas if the following uses are being considered by Staff. They do not feel it should be the responsibility of the Woodhaven homeowners association and citizens of Woodhaven to be responsible for

the maintenance of water quality ponds, public pathways that are shown on the Sherwood Parks plan map, and community parks. With the exception of those items, they are willing to establish a homeowners association with Phase 2 and for subsequent phases that would require the citizens of Woodhaven to maintain the open and public areas.

- The water quality ponds are a part of the entire stormwater management system of the City; very similar to the street, water and sewer systems. It should not be the responsibility of the citizens of Woodhaven or any where in Sherwood to maintain those public improvements. It is very important that the stormwater quality and retention ponds be maintained properly. It is not fair to impose this liability on the property owners in Woodhaven.
- Condition 3D, which is a part of the Woodhaven Master Plan approval, and part of this phase, and a part of the record, states, in part, "Storm drainage systems within the project shall be primarily owned and maintained by the City or USA and those facilities adjacent to or within any City open spaces shall be designed for maximum compatibility with these natural areas."
- They feel that allowing the City to collect monies from the fees the homeowners association collects should not be required. This is a tax that is being imposed on the citizens of Woodhaven that is not being imposed on the other people within the City. It is probably a violation of Measure 5 which states there is a limitation on the amount of taxes that someone can charge. It also suggests the level of maintenance will be determined by the City, not the Woodhaven residents.

Jon Bormet stated the Staff recommendation is that this only be a recommendation of this Commission to City Council and the Council would resolve any legal issues. The City would not have a higher level of maintenance standard than would the Woodhaven homeowners association. Mr. Bormet said that in the future these items will come before the City Council.

Mr. Bantz said these conditions were not imposed on Phase 2 or Phase 3. It is the public's responsibility to maintain public facilities.

Mr. Bantz asked to read into the record a few of the items presented at the public hearing for Woodhaven Phase 3 Final Plat, which are in support of this application, and as a conclusion to his testimony. This information comes from previous staff report and minutes. Chairman Whiteman asked that Mr. Bantz provide Staff copies for the record. Mr. Bantz agreed to provide this information. He stated the record will support his suggestion that the City has offered, or has in the past, maintained the water quality ponds and pathways in the Woodhaven project.

In response to Commission questions, Mr. Bantz noted:

- They have platted 217 lots, with 116 lots ready to be platted. There are only 49 families living in Woodhaven at this time.
- They have considered slowing down the pace because they do not want lots sales to get ahead of home sales.
- They want to develop Phase 5 prior to Phase 4 because these lots are much larger and are all premium lots which back onto open space. The intended use for these lots are very high end homes starting in the range of \$240,000 and higher. They feel this is a market that has not

been tapped in Woodhaven. Phase 4 will be more comparable to Phase 3. The intended builders for the 33 lots are premier builders with a lot of experience with this type of market.

- Bids are out for the traffic signal at Highway 99W and they are waiting for a permit and approval from ODOT in Salem. Now it appears the signal may not be on line before November or December of 1996.

Chairman Whiteman asked if there was anyone else wishing to speak on this application.

George Bechtold, 1185 S. Pine Street, Sherwood, Oregon 97140, addressed the Commission. He pointed out:

- The Sherwood School District 88J has provided the Planning Commission with a document that states the 33 single family units will provide an additional 3 students to the Sherwood School District. This is based on a formula that was created by the District for the Commission to review. This is a projection from the September 1995 enrollment. This makes it difficult for the Commission to determine what will happen to the schools relative to development in the area. As part of the comprehensive plan, the District is required to provide the Commission with information about how the development is going to affect the schools in the District. He suggested the Commission request more accurate information from the District.
- The storm swales have been an issue for a long time. Any developer that has presented a water retention facility to be maintained by the City, as they have in the past, especially in industrial areas where they are private, the Commission has worked to try and get a comprehensive plan to deal with the stormwater problems. It is important that the City has a comprehensive plan to monitor what is happening with the runoff.

Mr. Bantz reported questionnaires have been sent out to everyone who is moving into Woodhaven. They ask how many school age children they have. Of the first 49 people, 33 responded and there are 4 school age children in these families. In Woodhaven they are finding fewer children than would be anticipated. This may change as the project develops with smaller homes and multi-family units.

There was no further proponent or opponent testimony.

Chairman Whiteman closed the public hearing on SUB 96-4 Woodhaven Phase 5 Preliminary Plat for discussion by the Commission.

Chairman Whiteman asked if Staff wanted to comment regarding the questions concerning the stormwater retention ponds, the asphalt trails, Sunset Boulevard, or any of the conditions.

Jon Bormet responded:

- The City is not ever going to have the staff to maintain the stormwater retention ponds.
- When it is said that we provided this land for parks, what it really says is that you bought this land for parks. The question then is, we would like to build it, we would love to have it, but we don't want to buy it.
- This same issue goes to Sunset. He had not heard before, outside of conversations with Woodhaven, that 12.5 foot travel lanes are unsafe.

- If Woodhaven wants to change a phase, it is appropriate, but every time the City wants to change a phase it is not appropriate.
- The City is flexible on each phase and is willing to work with the applicant to come to a consensus.

Chairman Whiteman asked if the approval of this application with the conditions would determine the width of Sunset Boulevard. Mr. Bormet responded the Commission could note specifically that the width of Sunset Boulevard was removed from this decision.

David Bantz reiterated that it is very important that they do not agree with the 25 foot wide streets. He referred the Commission to the original conditions of approval for the Woodhaven Master Plan PUD, Item D3 which conditions, “14 feet wide travel lanes on Sunset Boulevard provided that landscaped boulevards and medians are provided as illustrated on applicant’s figure 9, and landscaped to the City’s satisfaction.” Sunset Boulevard from Highway 99W to the end of Phase 1 has been built with 14 foot travel lanes on each side with a 5 foot bikepaths. Nineteen feet from curb to curb. The applicant would like to maintain this specification as shown on the map.

Chairman Whiteman asked Staff if the Commission adopted the recommendation, as presented, what the effect would be? Jon Bormet said he did not know that Sunset was a part of this plat. If it is, he is asking the Commission to specifically note Sunset Boulevard is not a part of the decision. Mr. Bantz and Mr. Bormet agreed that this was not the right forum to be discussing street widths. The City Council would make the final determination regarding street widths.

Rick Hohnbaum moved the Commission remove Sunset Boulevard planning aspects from SUB 96-4 Woodhaven Phase 5 Preliminary Plat. Seconded by Chris Corrado.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

Mr. Hohnbaum said he would like to see the Commission involved in the decision-making process, not just the City Council and applicant.

The Commission discussed the bus stop on Sunset Boulevard and parking on both sides of the street. Mr. Bormet said Staff would take care of the bus stop.

Rick Hohnbaum moved the Planning Commission approve SUB 96-4 Woodhaven Phase 5 Preliminary Plat, based on staff recommendations, findings of fact, and public testimony, subject to the conditions as revised, and removal of Condition #9, under new conditions for this application. Seconded by Bill Whiteman.

Vote for Passage of Motion: 1-Yes, 5-No, 0-Abstain Motion Defeated

Chris Corrado moved the Planning Commission approve SUB 96-4 Woodhaven Phase 5 Preliminary Plat, based on staff recommendations, findings of fact, and public testimony, subject to the conditions as revised. Seconded by Angela Weeks.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

SUB 96-4 Woodhaven Phase 5 Preliminary Plat was approved subject to the conditions contained in the Decision Notice dated July 19, 1996 which is attached to and made a part of these minutes.

5. Other Business

The Commission asked Jon Bormet to invite a representative from the School District to attend the August 6, 1996 Planning Commission meeting.

The Commission directed Staff to review the status of the driveway being used for the Montessori Day Care Center and Baptist Church and report back at the next Commission meeting.

There being no further business to discuss, the meeting was adjourned at 10:05 PM.

Respectfully submitted,

Planning Department