

City of Sherwood, Oregon
Planning Commission Meeting

February 7, 1995

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:35 p.m. Commission members present were: Chairman Gene Birchill, Vice-Chairman Chris Corrado, Marge Stewart, Ken Shannon, and Susan Claus. George Bechtold and Rick Hohnbaum were not present at the meeting. Planning Director Carole Connell, Assistant Planner Lisa Nell and Secretary Teresa Minor were also present.

2. **Minutes of December 20, 1994 and January 17, 1995 meetings:**

Chairman Birchill called for a vote on approval for the minutes on December 20, 1994 and January 17, 1995. There being no corrections or additions, Chairman Birchill advised that the minutes of the December 20, 1994 and January 17, 1995 meetings stand approved as presented.

3. **SUB 93-2 Cinnamon Hills Phase 2 Final Plat: a 43-lot single family subdivision on Pine Street and Madrona Lane:**

Chairman Birchill called for a staff report.

Ms. Carole Connell reported that the Commission is reviewing the Final Plat for Cinnamon Hills Phase 2, a 43-lot single family subdivision on Pine Street. She reminded the Commission that they approved the Cinnamon Hills Preliminary Plat with conditions attached to the Decision Notice on April 20, 1993. She pointed out that a public hearing is not required for final plat review.

Ms. Connell reviewed the Staff Report dated January 31, 1995 a complete copy of which is contained in the Commission's minute book, and recommended that the final plat be approved subject to the conditions outlined in the Staff Report.

Chairman Birchill asked the applicant to speak.

Bill Peterson, Peterson Engineering, 1155 13th St. SE, Salem, engineer for the applicant, thanked the Commission for allowing them to postpone their appearance at the January 17 meeting. Mr. Peterson addressed the issue of the landscape corridor on Pine Street by saying that they were willing to move the lot lines in order to get the required area for the landscape corridor.

In response to Mr. Corrado's question, Mr. Peterson stated that he thought the storm water detention and treatment facility would be underground because it would not be practical or look good to have it above ground. Mr. Peterson described to the Commission the planned detention system and how it operated.

Ms. Claus questioned the non-remonstrance agreement with the City for future public improvements adjoining Lot 55. Ms. Claus commented that she thought the Mayor said we were moving away from forming local improvement districts (LID). Ms. Connell said the City was not interested in forming LIDs now, but may be a method used in the future.

After a brief discussion, Ms. Claus moved, seconded by Mr. Corrado, that based upon the findings of fact in the Staff Report dated January 31, 1995, SUB 93-2 Cinnamon Hills Final Plat be approved subject to the following conditions:

1. Engineered construction drawings in compliance with City, TVFRD, Washington County and USA requirements for streets, sanitary sewer, stormwater runoff, erosion control, water service and fire protection, street lighting including illumination of Pine Street, signage, visual landscape corridor and street tree landscaping, shall be submitted and approved in conjunction with a subdivision compliance and maintenance agreement, and bonding for 100% of the public improvement costs. In particular, adequate storm water detention must be provided.
2. In accordance with City street naming provisions, revise Orchard Heights Courts to Orchard Heights Place.
3. Increase the area of Lot 75 and any other substandard lots to 5,000 square feet to meet the Code requirements for the MDRL zoning district standards. (Administrative variances from the standard of the Code can not be granted for lot area.)
4. Provide a five (5) foot wide pedestrian easement from the north end of Orchard Heights Place to Pine Street, which may be coincident with a water line easement. The walkway shall be constructed by the owner from either concrete, asphalt, or gravel as determined by the City. Upon acceptance of the subdivision's public improvements, the walkway shall become the responsibility of the City. An alternative site may be agreed upon by the applicant and the City.

5. A ten (10) foot utility easement is illustrated on the plat, providing access to Tax Lot 700. Provide additional utility easements to adjoining properties where needed. In the review of the utility construction plans, the City shall determine the size, need and location of the additional easements. The utility easement in the rear of lots 77 through 86 must be increased to 20 feet.
6. Cinnamon Hills Place, Royalann Lane, Madrona Lane and the east/west portion of Orchard Heights Place shall be constructed at full local street width standards, including thirty-six (36) feet of paving and parking on both sides.
7. All lots shall conform to MDRL dimensional standards unless proposed modifications are approved by the City. Modify the plat or variances for Lots 55, 74 and 75 will need to be obtained by the applicant prior to issuance of a building permit.
8. Provide half-street improvements to Pine Street to City standards.
9. The applicant shall submit to the City for administrative approval a landscape corridor plan for Pine Street frontage as required by Code. At a minimum, one (1) street tree per lot and ground cover shall be planted along Pine Street in a ten foot wide landscape corridor easement.
10. The owner shall enter into a non-remonstrance agreement with the City for future public improvements adjoining Lot 55.

The motion carried unanimously.

4. PUD 93-4 William Park PUD Final Development Plan and Final Subdivision Plat: a 41-lot single-family Planned Unit Development on Roy Street and Murdock Road:

Chairman Birchill called for a staff report.

Ms. Connell reported that the Commission is reviewing the Final Development Plan and Final Subdivision Plat for William Park PUD, a 41-lot single family development on Murdock Road. She reminded the Commission that they approved the William Park PUD on April 13, 1994 subject to several conditions attached in the Decision Notice dated April 14, 1994. She continued that this is a single-phase project and the request

includes the Final Development Plan and Plat. She pointed out that a public hearing is not required for final plat review or development plan review.

Ms. Connell reviewed the Staff Report dated January 31, 1995, a complete copy of which is contained in the Commission's minute book, and recommended that the final plat be approved subject to the conditions outlined in the Staff Report.

There was a discussion of the agreement for the future Murdock Road improvements and the dedication of Tract "A" for public park.

Mr. Lou Fasano, owner, 2455 S.W. Gregory, West Linn, asked the Commission to accept the street name William Street because it was reflective of the subdivision and also had historical value; i.e. William Fletcher and William Scott. After discussion by the Commission, it was decided that the street remain named William Street.

The Commission discussed Lot 23, the private storm drainage and who was responsible for the maintenance of the storm drainage.

Mr. Corrado moved, seconded by Ms. Stewart, that based on the findings of facts in the Staff Report dated January 31, 1995, PUD 93-4 William Park PUD Final Development Plan and Final Subdivision Plat be approved subject to the following conditions:

1. Dedicate Tract "A" to the City for public park.
2. Enter into a written agreement with the City to provide \$93,636 for future road improvements to Murdock Road.
3. Denote the 15-foot landscape corridor easement on lots with frontage on Murdock Road and Sunset Blvd. Landscaping improvements are not required on the Sunset Blvd. frontage.
4. Provide a 30-foot slope easement in the rear of Lots 3 through 8 for future Murdock Road improvements.
5. Provide a deed restriction on Lot 23 prohibiting fill or alteration of the wetland. Include a map delineating the restricted area. When road and drainage improvements are completed by the City, the deed restriction may be removed.

6. Provide recorded notification to Lots 29 and 30 concerning which adjoining lots drain into the private drainage easement.

The motion carried unanimously.

5. Public Hearings:

Chairman Birchill 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.

Ms. Claus stated that she had talked to a few people regarding the issues being discussed, but has no bias.

There being no further disclosures, Chairman Birchill called for a staff report.

A. SUB 94-9 Cedar Creek Park #2 Preliminary Subdivision Plat: a 22-lot single family subdivision on Scholls-Sherwood Road and Lynnly Way.

Ms. Connell reported that due to changes in the submittal, the hearing date needed to be continued until March 7, 1995.

Ms. Stewart moved, seconded by Ms. Claus, that SUB 94-9 Cedar Creek Park #2 Preliminary Subdivision Plat be continued to the March 7, 1995 meeting. The motion carried unanimously.

B. SP 94-6 James King & Company: Site Plan request for a 34,700 square foot manufacturing building near Cipole Road.

Ms. Connell reported that due to access issues with adjoining property owners and a proposed water supply from the City of Tualatin, the application is not ready for review.

Ms. Claus moved, seconded by Ms. Stewart, that SP 94-6 James King & Company be continued to the February 21, 1995 meeting. The motion carried unanimously.

C. PUD 92-1 Sherwood View Estates Final Plat: request for a one (1) year approval extension for a 76-lot single family Planned Unit Development on Murdock Road.

Ms. Connell informed the Commission that she had received a request from J.C. Reeves Corporation for a one year extension approval while the City is undertaking a study to review the

fee schedule for reviewing construction plans. She explained that the applicant believes the fees are too high and would like to wait until the study is complete before they pay the fees. She asked that the Commission remember their consistent approval of a one time, one year extension, as they consider the issue. She explained that if the Commission decides not to continue the project it will go to the City Council and another public hearing will be held where it will be decided whether to extinguish the PUD overlay district. She also added that the new tree ordinance is the only new standard that affect the project. Ms. Connell referred to the relevant Code sections for extension of a PUD.

Chairman Birchill opened the hearing for comments from the applicant and/or proponents.

Richard Breakiron, representative for J.C. Reeves, 4850 S.W. Scholls Ferry Road, Suite 302, Portland, explained that in November 1994, the Home Builders Association, City of Sherwood, and engineering firms representing several projects in the area agreed to do a test run of a project to determine the actual costs of reviewing construction plans administratively. He asked that the Commission agree to the extension while the review takes place.

After discussion and review of the fee structure by the Commission, Chairman Birchill asked for comments from opponents.

Mr. Sanford Rome, 1780 E. Willamette, Sherwood, addressed the Commission. Mr. Rome discussed the problems that the community of Sherwood has had to deal with because of J.C. Reeves since 1991. He commented that if the Commission approves this request, sometime in the future if we decide to lower our fees or if we increase our fees, or if by the good nature of Mr. Reeves' request, the fees are out of line then everyone that has had to pay these fees will want their money back and then all the capital improvement projects may not happen. He asked the Commission to make sure that they make Mr. Reeves do the project right and not to give in to his request for an extension.

Mr. George Pitts, 19041 S.W. Olson Ave., Lake Oswego, addressed the Commission. Mr. Pitts discussed his dealings with Mr. Reeves through the problems at the Tri-County Gun Club. He asked that the Commission consider not approving the one year extension.

Mr. Mark Norby, 24009 S.W. Baker Road, Sherwood, addressed the Commission. Mr. Norby pointed out that the Code states consideration should be given as to whether a continuation is in the public interest. It is his opinion that it is not in the public interest to grant the extension.

Mr. Breakiron responded to the issues presented to the Commission by stating that the review of the fees would continue even if the extension is not given for the good of the public. He stated that it was a known fact that J.C. Reeves was not liked, but that they had hoped it would not be used as a reason to deny the extension. It is their opinion that they do have a good reason for asking for the extension.

Chairman Birchill closed the public hearing and opened the meeting for comments, discussions and questions among the Commissioners.

After extensive discussion regarding the one year extension and the reasons for granting and for denying a one year extension, Ms. Claus moved, seconded by Mr. Shannon, that the one year extension approval for PUD 92-1 Sherwood View Estates be denied.

The motion carried unanimously.

6. Discussion of the Transportation Planning Rule (TPR) Project work program and schedule.

Ms. Connell reviewed a draft schedule and scope for the Sherwood TPR project. She answered questions about Pacific Highway access, and requested that the Commissioners think about the project and develop ideas for the next meeting.

7. Director's Report

Ms. Connell discussed having more meeting dates over the next few months so that the agendas would not be so full. She advised some possible dates and asked that everyone check their calendars.

The term expiration procedure was discussed.

8. Adjournment:

There being no further items before the Commission, the meeting adjourned at 10:00 p.m.

Respectfully submitted,

Teresa Minor, Secretary