

City of Sherwood, Oregon  
Planning Commission Meeting

February 21, 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 absent. Planning Director Carole Connell and Deputy City Recorder Kathy Cary were also present.

2. **Minutes of February 7, 1995 meeting:**

Ms. Connell advised that the draft of the February 7, 1995 meeting had not been completed in time for mailing. Chairman Birchill requested that the minutes be tabled until the February 28 meeting. The Commissioners concurred.

3. **Community Comments:**

Chairman Birchill pointed out a new agenda item, Community Comments. He urged that any one wishing to present comments on items not on the agenda do so at this time.

There being no comments, Chairman Birchill proceeded with the public hearing portion of the agenda.

4. **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.

Chairman Birchill advised that he has contact with the firm of Nicoli Engineering from time to time, but does not feel that he is prejudiced in any way.

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

- A. **PUD 95-1 Langer/Sherwood Village: Planned nit Development Preliminary Development Plan for a mixed use community on 125 acres located on Langer Drive and North Sherwood Boulevard:**

Ms. Stewart moved, seconded by Mr. Shannon, that PUD 95-1 Langer/Sherwood Village be continued until February 28, 1995.

Motion carried unanimously.

Ms. Connell pointed out that the February 28, 1995 meeting conflicts with the regularly scheduled City Council meeting and the Planning Commission meeting will be held in the conference room in the rear of the Center.

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

Chairman Birchill advised that the hearing will begin with a staff report, proponent then opponents will have an opportunity to speak; the applicant will then have an opportunity for rebuttal after which, the public hearing will be closed for discussion, comments and questions among the Commissioners. He next called for a staff report.

Ms. Connell directed the Commissioners' attention to a map and provided a site orientation. She summarized concerns regarding a driveway easement at the adjoining property site and resolution of a water agreement with the City of Tualatin which needed to be resolved. She commented that a letter dated February 13, 1995 from Mr. Waddill, adjoining property owner, states that an agreement on the landscaping and the access easement had been resolved with the applicant.

Ms. Connell noted that Washington County DLUT provided confusing information at the time of original submittal; however, has since revised their recommended conditions as indicated in a letter dated February 21, 1995, a copy of which is attached as part of these minutes. Ms. Connell remarked that the original response from Washington County erroneously assumed that the parcel under consideration had frontage on Cipole Road. Ms. Connell pointed out that the sight-distance of the access to the project must be verified. She commented that the access easement extends to the adjoining parcel which is outside of the City limits and is still being farmed.

Ms. Connell provided an in-depth review of the Staff Report dated February 14, 1995, a complete copy of which is contained in the Commissioners' Minutes Book. In conclusion, Ms. Connell recommended that SP 94-6 be continued until such time as an intergovernmental agreement has been reached with the City of Tualatin to provide water to the site. Ms. Connell stated that the applicant has contacted the City of Tualatin and have been advised that the City Council approval is required to provide water services at the site. She pointed out that the Sherwood City Council must also approve

an intergovernmental agreement, which can be considered by the City Council at their meeting on February 28, if so requested by the Planning Commission. Ms. Connell stated that if the intergovernmental agreement is not approved, the Boundary Commission must approve any agreement for Tualatin water service to the site.

Ms. Connell pointed out that there is also a question as to whether or not a wetland exists on the parcel and must be resolved prior to approval. In conclusion, she recommended that SP 94-6 be continued.

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

James Andrews, Nicoli Engineering, Post Office Box 23784, Tigard, addressed the Commission. Mr. Andrews advised that he is representing the applicant and most of the conditions are agreeable with them; however, he would like clarification on some items:

1. Wetlands - the Staff report indicates there are not wetlands in the area but he is concerned with that condition should there be future development on the site. Mr. Andrews commented that the cost of the wetlands delineation for the parcel is unknown at this time.
2. Septic System - in previous dealings with the Planning Commission it was not necessary to go to the City Council. He requested that an explanation be provided for the necessity of Council's approval of a septic system.
3. Item V - Recommendation - recommending continuance pending resolution of an intergovernmental agreement. Mr. Andrews requested that the requirement become a condition for approval rather than waiting until the water supply issue has been resolved.

Mr. Andrews advised that he would like to proceed with the project as weather conditions permit and with the understanding that the owners must connect to the Sherwood water system when it is closer to the project site. He urged that Commissioners give favorable approval to the site plan.

There being no further proponent or opponent testimony, Chairman Birchill temporarily closed the public hearing. He pointed out that the hearing may be re-opened at any time at the request of a Commission member. Chairman Birchill next

opened the meeting for comments, questions and discussion among the Commissioners.

In response to Mr. Shannon's question, Mr. George Andrews advised that the molding materials are trucked into the plant, the items are molded, and then shipped out by truck. He indicated that there are no manufacturing activities at the site, there is no dust, noise, fumes or byproducts at the site. Mr. Andrews commented that future plans are for a railroad berm at which time products will be shipped by rail for economic reasons.

In response to Chairman Birchill's question, Ms. Connell advised that in terms of the presently planned operations at the plant, the business would meet the criteria of the proposed Business Overlay.

Considerable discussion ensued with regard to the Commissioners' concerns with approval of a project without a water supply. In response to Ms. Stewart's questions regarding looping, Ms. Connell replied that eventually the water line will be looped from Cipole Road to Rock Creek. Ms. Connell remarked that she is concerned that if the City does not require connection, the applicant will never hook into the Sherwood water system because there would be no incentive, and thus no complete looping. Mr. Shannon inquired if Sherwood would maintain a water line into the City. He pointed out that the next industry might also want to use Tualatin water rather than construct an extension. Mr. Corrado questioned it if were feasible to require applicants to pay a portion of a future water line? He pointed out that should the applicant not get water from Tualatin, a project that is good for Sherwood might not get built. He suggested that the project be approved subject to a condition requiring approval of an intergovernmental agreement for a water supply from Tualatin.

In response to Ms. Stewart's question, Ms. Connell advised that the City has a water supply plan; however, it is a long-range plan and does not include extension of the line in the near future. Ms. Connell remarked that there is a possibility that the recently approved subdivision, if built, would bring water line from the west closer to the property. Ms. Stewart suggested that consideration be given to a non-remonstrance agreement for future water lines, as well as a condition requiring that the owners hookup to the water line as soon as the line becomes available.

Ms. Claus stated that she was not comfortable with approval

of a project without a resolution of the water supply. She pointed out that the issues could be resolved through the City Council in approximately two weeks time. Mr. Corrado commented that he would like to forward the site plan to the City Council with a positive recommendation.

Ms. Stewart suggested that an approval condition be worded so that the owner is required to sign an agreement to hook up to the Sherwood water supply as soon as the line becomes available.

Ms. Claus stated that she would rather find a way to assure that the Sherwood water line will be extended to the site. She pointed out that a conditioned approval will remove the Commissioners from the decision loop, and would like to receive more input from the City of Tualatin. Ms. Claus remarked that it is more important to make certain there is a reason to extend a water line and at some point in time say the applicant will do the extension. Mr. Andrews suggested that a more complete condition could be developed by Ms. Connell. Ms. Claus suggested that the City Council be requested to direct staff to contact the Tualatin City Council for a coordinated effort at an intergovernmental agreement.

Mr. Corrado pointed out that the Commission's concern is where the water for the site will come from and if the City Council approved use of Tualatin water will Sherwood ever get a water hook up at the site. He suggested that a contractual agreement be entered into between the owner and the City that the owner agrees to hook up to the Sherwood water when the line is extended. Mr. Corrado remarked that if the situation can be resolved by making a condition very clear and incumbent upon the applicant to follow the Commission's recommendation and requirements, there should be no reason for the Commission to again review the project. Ms. Connell pointed out that the City Council must approve any agreement.

In response to Mr. Corrado's question as to whether wetlands actually exist on the site, Ms. Connell commented that for instance a wetland was discovered after a review of the Halton Tractor site and this site is near the Refuge, Mr. Corrado suggested that an expert be retained to look at the property to determine if there is a possible wetland, and then proceed with a requirement that a wetland delineation be made. Ms. Connell reviewed the wetland inventory map with the Commission which indicated no wetlands in the subject area.

After a brief discussion of the wetland issue, Mr. Corrado

moved that based on the findings of fact, agency response, additional information and conditions listed on Page 10 of the Staff report, to be developed in detail by Staff, and with deletion of the wetland delineations requirement and the addition of the requirement of the applicant to hook into the Sherwood sanitary sewer and water lines at the earliest time possible as determined by the City Council and Staff, SP 94-6 be approved subject to the following conditions:

Prior to issuance of a building permit:

1. Prepare detailed construction plans for City, USA, TVFRD and Washington County approval for sanitary sewer, water, fire protection, storm water detention and treatment, erosion control, and safe vehicle access to Cipole Road, including certification of sight distance at Cipole Road.
2. Provide a landscape plan describing plant materials and maintenance provisions of landscaped areas, for City approval.
3. Provide a landscape buffer plan protecting existing residences affected by negative impacts from the development, for City approval.
4. Except for a twenty-four-inch (24") fir tree on the west side of the proposed building, no vegetation shall be removed from the site.
5. Install a six-foot (6') screen around the outdoor solid waste receptacle.
6. Obtain an administrative sign permit from the City.

The motion was seconded by Mr. Shannon.

Upon discussion of the motion, Ms. Claus inquired if the septic system is designed for the initial facility, which will be for 15, and the septic will be expanded if the facility is expanded, and how much can the facility be expanded before exceeding the septic capability? Ms. Connell responded that septic approval is controlled by Washington County and the Planning Commission will review any request for an expansion.

Upon call of the question, the motion carried with Ms. Claus and Chairman Birchill voting no; Ms. Stewart, Mr. Shannon and Mr. Corrado voting yes.

5. **Presentation by Consultant Keith Liden, McKeever, Morris, Inc., to review the TPR grant report, including the scop of work, schedule and background report:**

Keith Liden, McKeever, Morris, Inc., 722 SW Second, Suite 400, Portland, addressed the Commission. Mr. Liden advised that he is representing McKeever, Morris Inc., who had been selected to help the City with the implementation of the Transportation Planning Rule. He distributed a proposed meeting schedule and a draft of the Background Report. Mr. Liden briefly explained the scope of work and end product and offered to answer any questions the Commissioners may ave. Mr. Liden remarked that the purpose of the project is to ultimately reduce dependency of automobiles and provide alternate means of transportation. (Note: Copies of Mr. Linden's documents have been placed in the Commissions' Minute book.)

During discussion of the TPR proposed meeting schedule, the Commissioners concurred with the meeting date of March 7, 6:00 to 7:30 p.m., immediately prior to the regular Commission meeting.

6. **Director's Report:**

Ms. Connell commented that she had nothing further to add to the annual report in the Commissioners' packet. She reminded Commissioners that it is necessary to hold additional meetings to accommodate a temporary increase in the work load. The meetings will be held on Tuesday, and will in some cases conflict with the meetings of the City Council.

In response to Chairman Birchill's question about the incomplete facade of Pacific Lumber, Ms. Connell advised that there has been no progress made on the facade, but staff and City Council are preparing a water payback agreement at which time they hope to discuss the facade with the applicant.

Chairman Birchill requested that staff expedite development of more comprehensive Code language for fill and grading of properties. Ms. Connell responded that she will attempt to obtain staff response in the near future.

Regarding the Commission's decision on SP 94-6, James King and Co., Ms. Claus commented that she did not feel the Commission should give up their decision-making authority. She requested that Commissioners be provided with a report and feed-back on the City Council's decision regarding water service to the site.

7. **Adjournment:**

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

Respectfully submitted,

Kathy Cary  
Deputy City Recorder