

City of Sherwood, Oregon
Planning Commission Meeting

February 28, 1995

1. **Call to Order/Roll Call.** Chairman Gene Birchill called the meeting to order at 7:35 p.m. Chairman Birchill informed the Commission that he would be leaving the meeting early due to illness and Vice-Chairman Corrado would conduct the meeting. 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 and excused. Planning Director Carole Connell and Secretary Teresa Minor were also present.

2. **Minutes of February 7, 1995 and February 21, 1995 meetings:**

There being no comments or corrections, Vice-Chairman Corrado advised that the minutes of the February 7 and 21, 1995 meetings will be accepted as presented.

3. **Community Comments:**

Vice-Chairman Corrado opened the meeting for comments from members of the community wishing to address an item not on the agenda. There being no one wishing to speak, Vice-Chairman Corrado proceeded with consideration of the agenda items.

4. **SUB 94-4 Sherwood Village Phase 2 Final Plat: a 73-lot single-family subdivision south of Century Drive.**

Vice-Chairman Corrado called for a staff report.

Ms. Carole Connell advised that the Commission was reviewing the final plat for Sherwood Village Phase 2, which is not subject to a public hearing. She reminded the Commission that they approved the Sherwood Village Phase 2 Preliminary Plat on July 5, 1994.

Ms. Connell provided an in-depth review of the Staff Report dated February 22, 1995, a complete copy of which is contained in the Commission's minute book. Ms. Connell pointed out that the owner desires to retain ownership of the stormwater pond, which is connected to Phase 3. She noted that the City has access to the stormwater pond via an easement; however, the City Engineer feels that in the long term, the City needs to own the stormwater facility in Sherwood Village and other surrounding land.

With regard to preservation of existing trees in a few lots in the southeast corner, Ms. Connell pointed out that the City's new tree ordinance is now in effect and requires that the applicant provide a site specific tree inventory prior to issuance of a building permit. The ordinance was not in effect when Sherwood Village Preliminary Subdivision Plat was approved.

Ms. Connell commented that the applicant must prepare a park and landscape maintenance agreement for City approval. She noted that the conditions of approval must be amended to include a requirement that the Park Maintenance Agreement, which is currently being reviewed by attorneys for the applicant and City, be provided and approved by the City.

In conclusion, Ms. Connell recommended that SUB 94-4 Sherwood Village Phase 2 Final Plat be approved for recording subject to conditions outlined in the Staff Report dated February 22, with an additional condition requiring submittal and approval of the park maintenance agreement.

Vice Chairman Corrado opened the meeting for comments from the applicant.

Len Schelsky, Westlake Consultants, 15115 SW Sequoia Parkway, Suite 115, Tigard, addressed the Commission. Mr. Schelsky advised that he is representing the applicant and is responding to the issues raised in the Staff Report. Mr. Schelsky stated that he plans to present a landscape corridor plan for Tract E, which is the section outside the formal park between Trumpeter Drive and Baler Way. He pointed out that the plan will be consistent with the landscape plan submitted for Phase 1. He requested that the park maintenance issue be resolved at a later date because since the details of the agreement between the City and the applicant is still being finalized.

With regard to the easements for the water quality facility discussed in Item D on Page 4, Mr. Schelsky advised that the applicant has agreed to provide easements, and will discuss dedication of the open areas to the City during the application review of the PUD.

Dwain Quandt, Modern Homes Development, 1215 SE 56th Ave., Hillsboro, addressed the Commission. Mr. Quandt stated that revised CC&Rs will be provided for Ms. Connell's approval. He noted that some of the requested changes have been incorporated.

Vice-Chairman Corrado opened the meeting for discussion and questions from the Commission members.

In response to Ms. Claus' question regarding location and landscaping of Phase 3, Mr. Quandt clarified the location and explained that Phase 3 would be started in July with completion date scheduled for October at which time the landscaping plan should be completed and approved. Mr. Schelsky added that Tract E would be completed as soon as possible and is similar to the previous phase. He noted that the park area will be created as part of the Phase 2 final plat and a portion will be completed during the summer from top soil that had been stockpiled from construction of the street.

Ms. Claus' inquired whether the City felt an easement would be acceptable for the stormwater facility. Ms. Connell responded that an easement would be temporarily acceptable. Ms. Claus' pointed out that a problem might be encountered when the applicant tries to complete the stormwater system during consideration of the PUD. She inquired whether the applicant would receive SDC credits for dedication of the ponds. Ms. Connell advised that SDC issues have not yet been discussed. She pointed out that the easement is for City access to the pond, which is accepting water from other sites, and will be maintained by the City.

Ms. Stewart inquired as to whether the school had been consulted about the pedestrian walk way to Hopkins Elementary and if the School approves? Ms. Connell advised that the School District received the mailing about the project, but had not responded. Mr. Quandt added that during the designing of the project the applicant consulted the School District also.

Regarding the fencing issues, Mr. Schelsky advised that fencing will be done by the individual home owners.

In response to Ms. Claus' question as to whether the applicant is experiencing vandalism and children trespassing, Mr. Schelsky advised that there has been vandalism, including theft, damage to the construction equipment, broken mirrors and windows of vehicles at the sites and the activities have been reported. He advised that if the vandals are caught, he will prosecute regardless of the legal costs. He remarked that the residents have reported incidents of vandalism to him.

Ms. Claus moved, based upon the findings of fact outlined in the Staff Report dated February 22, 1995, that SUB 94-4 Phase 2 Final Plat be approved subject to the following conditions:

1. Prior to completion of the subdivision, on the south property line construct a fence extending from the Phase 1 fence east to the east boundary of Phase 2. Provide for an opening at the pedestrian pathway to the school.
2. Provide a landscape corridor plan for Tract E only on the Century Drive frontage that is consistent with the landscape plan in Phase 1.
3. Amend the CC&Rs so that they cannot be modified without consent of 100% of the homeowners (page 2, #16).
4. Prior to issuance of any permits, the City shall agree to the applicant's park maintenance agreement.

The motion was seconded by Ms. Stewart and carried unanimously.

Due to illness, Chairman Birchill excused himself from the meeting at 8:00 p.m.

5. Public Hearings:

Vice-Chairman Corrado 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 been notified of the public hearing because she owns rental property in the area.

There being no further disclosures, Vice-Chairman Corrado called for a staff report.

A. PUD 95-1 Langer/Sherwood Village: Planned Unit Development Preliminary Development Plan for a mixed use community on 125 acres located on Langer Drive and N. Sherwood Blvd.

Vice-Chairman Corrado called for a staff report.

Ms. Carole Connell reported that the Commission is reviewing Sherwood Village PUD. She reminded the Commissioners that the proposal had been previously reviewed in the context of a plan amendment, which shifted the current zoning around

similar to the subject PUD. Ms. Connell noted that the previous plan had been approved by the Commission, but the City Council requested that the applicant develop a more detailed PUD master plan incorporating all segments and issues of the development a plan amendment addressing only land use.

Ms. Connell provided a detailed review of the Staff Report dated February 22, 1995, a complete copy of which is contained in the Commission's minute book. She pointed out that there are several zones in several phases of the approximately 125-acre project, including residential, retail, commercial, and light industrial. Ms. Connell pointed out that each phase of the development will be reviewed by the Commission as site plan reviews.

Ms. Connell reviewed the criteria for approving a planned unit development, and in conclusion recommended that PUD 95-1 be approved subject to the conditions outlined in the staff report and any additional conditions or amendments made by the Commissioners. She pointed out that some of the conditions require revision; i.e., mandate of certain densities of the Medium Density Residential High areas. Ms. Connell suggested that the second sentence of Condition No. 1 be deleted.

Vice Chairman Corrado opened the public hearing for comments from the applicants and/or proponents.

Clarence Langer, 15585 SW Tualatin-Sherwood Road, Sherwood, addressed the Commission. Mr. Langer stated that this is his second application for the same project, which turned out to be an asset because of the input, a much more detailed analysis and a battle plan for handling such a large space. He pointed out that Len Schelsky and Ms. Stiven have spent a considerable amount of time planning and developing maps for each process, which has turned out to be very beneficial. Regarding the park, Mr. Langer stated that the park is a two-sided issue; one was to provide a park for all. He noted that in the big concept, the issue was who will maintain the park. Mr. Langer and Mr. Quandt decided that the City wanted a park, they agreed to provide a park and maintain the park since there are no City funds to care for the park, and in fact the City had shut down a park. Mr. Langer stated that their intent is to not deter anyone from entering the park, but to meet the criteria for a pedestrian friendly atmosphere where one can park and walk around. Mr. Langer proposed that there be two phases for the park. In response to Ms. Claus' question about park SDC credits, Ms. Connell stated that the park dedication value had been applied to Sherwood Village

and is dependent upon the value of the land which is appraised at current market value. Ms. Connell remarked that she is not involved with the decisions regarding value of park land and SDC credits. (Ms. Connell later clarified there have been no park SDC credits applied to Sherwood Village.) Mr. Schelsky stated that the land is currently valued at approximately \$50,000 per acre. He advised that the park is being dedicated to the City, but will be maintained by the home owners association since the City is not able to maintain the park at a level desired by the developers. Mr. Schelsky commented that approximately \$109.00 per lot per year will be assessed for his development and Mr. Langer will collect a fee for the other side which is deposited into the Home Owners Association fund to maintain the park. He indicated that the park will be mowed and maintained under a contract with a private company. Mr. Schelsky pointed out that the Langer apartment complex will also contribute to maintenance of the park, the details of the maintenance agreement remain to be finalized. Considerable discussion ensued regarding the liability, policing, maintenance, SDC fees, value of land, and dedication and ownership of park. Mr. Schelsky advised that vandalism might curtail amenities and discussions of what the park will contain are still being discussed. He requested that the Commission discuss gazebos and other equipment, which are nice but not practical. In response to Ms. Claus' question, Mr. Schelsky commented that equipment will be provided, but he would like to discuss what the area will look like when completed. Ms. Connell suggested that a detailed park development plan be developed. Ms. Claus' questioned the process of land appraisal and whether the procedure is consistent with all developers. Ms. Connell advised that the City obtains a market appraisal, however, she is not involved with and is not familiar with the actual appraisal process.

Ms. Claus requested that Ms. Connell provide a report so that the Commission understands that the exact appraisal process and assurances that the procedure is applied equally. Ms. Connell advised that she will request the City Manager provide a memo describing the park land appraisal process.

Ms. Claus' questioned whether there would be a problem with requiring home owners to privately maintaining a City park, Mr. Corrado stated that it sounds as though the home owners are expected to pay the fee to maintain the park properly, and treat the park like a community park, but it is not called a community park because it infers "public", and there will always be a contention by those paying the fees and paying for the vandalism and abuse caused by the public, and

inquired how this can be avoided. Ms. Connell responded that the applicant is spending a long time on the issue to assure that it will work. Thus far, there is not an agreement between the City and the applicant.

In response to Ms. Claus' question of whether there will be a lighting plan, Ms. Connell assured that there is a lighting plan and is discussed in the applicant's report. Mr. Schelsky pointed out that the park will be well lit at night so that people can walk. He noted that the final review of the park plan will be reviewed by the Park Board or the Commission, if necessary.

Martha Stiven, Planning and Development Services, 14620 Uplands Drive, Lake Oswego, addressed the Commission. Ms. Stiven commented that she prepared the application, and offered to answer any questions the Commission has with regard to the application and the planning issues related to the application. Ms. Stiven stated that a great deal of time had been spent on the conditions of approval, and requested that the Commission consider suggested revisions to the conditions in the Staff Report. She remarked that Ms. Connell's conditions had been copied with added changes, which are indicated with bold type, and deletions are identified with strike-through lines. Ms. Stiven pointed out that the applicant requested a guarantee of 16 dwelling units per acre on high density residential land to alleviate the City Council's concern that the high density residential zone allows single family development. She noted that the applicant has made the requested commitment. Regrading the medium density residential land, Ms. Stiven indicated that the MDRH is proposed in a later Phase 6, at which time the applicant would like to maintain flexibility of five to 11 dwelling units per acres. Ms. Stiven noted that Ms. Connell had made the modification. She suggested that the language be retained and add the words "five to 11"; however, Ms. Connell suggested that the sentence be deleted, either of which is agreeable to the applicant.

Ms. Stiven stated that many of the applicant's revisions are not in disagreement with the concept of the conditions; but are a timing issue. She noted that the proposed language in Condition 2 concerns the dedication of the park. Ms. Stiven pointed out that the park is being dedicated as part of the Sherwood Village single family subdivision and could be dedicated to the City prior to Phase 1 development of the PUD.

Regarding Condition No. 3, Ms. Stiven indicated that the wetland area and pond may eventually be dedicated to the

City, however, the applicant would like to, since there is an easement for a temporary access to the area, wait and dedicate the wetland when plans are made to develop the area surrounding the wetlands. She commented that the wetland area are light industrial parcels and are identified as Phase 8. Ms. Stiven requested that Condition No. 3 be changed to read: "The owner shall dedicate to the City the wetland and wetland buffer area delineated in the applicant's wetland delineation report prior to issuance of permits for Phase 8 of the development.

Ms. Stiven advised that the applicant is agreeable with Condition No. 4 and will provide a detailed traffic impact analysis for each phase of the development.

Regarding Condition No. 5, Ms. Stiven stated that the design guidelines submitted by the applicant pertain to all phases of residential and commercial development. She remarked that the applicant was unaware that a problem existed, and suggested that the guidelines submitted be considered as a minimum and if the Commission desired to add guidelines for development standards at each phase, the applicant will review those at that time. Ms. Stiven requested that the condition be reworded accordingly.

Ms. Stiven indicated that the applicant is agreeable with Conditions Nos. 6 and 7 without change. She requested that Condition No. 8 be revised to delete the requirement for a street to the existing plaza. Ms. Stiven noted that the pedestrian plan provides a link from Century Drive to the Sherwood Plaza, but there is no desire from the owners of Sherwood Plaza to have a linkage from their project to the new project. She stated that requirement for a roadway width to a fence at this point in time for something that may or may not ever happen is an unreasonable request. Ms. Stiven stated that the applicant is agreeable to providing a pedestrian pathway, but a roadway is unreasonable and the applicant objects to the 50-foot right-of-way requirement. She requested that the verbiage be changed to sidewalk or pedestrian path.

Regarding Condition No. 9, Ms. Stiven stated that there are no changes requested and requested that Condition No. 10 requiring a pedestrian link from Phase 3 to Phase 5 be clarified. She requested that the condition be clarified to indicate that the alignment be finalized during the design approval of Phase 3. Ms. Stiven stated that a line can be shown on the final plans which indicate a pedestrian link.

Ms. Stiven requested that Condition No. 11 regarding the

pedestrian pathway from Century Drive to Langer Drive, be a 10-foot wide pedestrian pathway rather than the 50-foot proposed. She stated that the applicant is willing to provide a 40-foot wide easement, but would like to have a 10-foot pathway to accommodate two-way pedestrian traffic for bikes. Ms. Stiven pointed out that a 50-foot wide pathway constitutes two lanes of traffic, and is sometimes used by City maintenance workers and by persons with moving vans to unload furniture. She requested that the condition be modified to read: "In Phase 1, build a 10-foot wide pedestrian pathway to City approved construction standards and dedicate to the City a 40-foot wide easement linking Century Drive to Langer Drive. Align the pathway so that it coincides with the adjoining phase lines."

Ms. Stiven requested that the last sentence of the conditions of approval be clarified to assure that the overall development plan is approved for one year. Ms. Connell responded that the overall development plan approval is included in the opening statement. Ms. Stiven offered to answer any questions the Commissioners may have.

Mr. Schelsky requested verification of an item on the transportation plan. He pointed out that there are two cul-de-sacs at the multi-family area and may be misleading. Mr. Schelsky stated that the cul-de-sacs are intended to be the entry point for those areas and will be shown on the final development plan to be similar to the arrows in the light industrial area. He remarked that the cul-de-sacs are not intended to be roadways, but are points of entry which generally align with streets in the area. Mr. Schelsky stated that the plans will be modified to identify the changes with arrows. He remarked that maps are available that show the overall plan for the development.

Regarding Condition No. 10, Ms. Claus' inquired as to why the applicant wishes to use the cul-de-sac as a point of entry to hook up to the back part of the light industrial area? Mr. Schelsky replied the use has been allowed in light industrial and could be offices or some different types of retail. He indicated that the area will not necessarily be an industrial use. Ms. Claus expressed concern with vandalism from neighboring areas if an access is provided. Ms. Stiven pointed out that the condition could be modified at the light industrial phase if a problem should arise.

There being no further proponent testimony, Vice-Chairman Corrado opened the public hearing for comments or testimony from opponents. There being no further comments or testimony, Vice-Chairman Corrado closed the public hearing

for comments, questions and discussion among the Commissioners. He pointed out that the public hearing can be re-opened at the request of Commission members, and the applicant will be allowed to respond to questions raised by Commission members.

Ms. Stewart stated she is concerned with the decrease in commercial area. She pointed out that if the commercial area were to remain as previously planned, there might be a reason for having a pedestrian pathway becoming an access street to the commercial. Ms. Stewart commented that the commercial land is being significantly reduced to the point where there is no chance of getting the type of services the City needs; there is a shopping area for approximately 50,000 people and the transportation is disintegrating to the point where citizens cannot shop at large shopping centers and every family will make at least one trip to a larger shopping center. Ms. Stewart stated that there is only one piece of ground which would fit a shopping center and she is not thrilled with the developer, who has not done a good job with the development. She stated she felt the City is giving away land for needed apartments zoned commercial. Ms. Stewart suggested that the parcel remain commercial to provide a nice block on which something could be done with the forest to improve the aesthetics at the present shopping center. She indicated that she had no problem with light industrial and it could be a commercial use too. Ms. Connell pointed out that the light industrial zone allows a general commercial use. Mr. Schelsky stated that the applicants had approached the owners of the Plaza and requested that it become part of the proposed development, tearing down the hedge, redesign the back of the plaza and the owners flatly refused to discuss the proposal. Ms. Stewart suggested that the City may be able to provide leverage since no maintenance at the current plaza. Mr. Schelsky remarked that Mayor Hitchcock and City Manager Jim Rapp had met with the owners of the plaza, and refused to discuss the proposal. Mr. Schelsky advised that he had received a telephone call to make certain the plaza owners were not included in Commission discussions. Ms. Stewart clarified that her concern is not with the shopping center, it is that the citizens of Sherwood do not have to go to a remote major shopping centers to buy materials and clothing. She pointed out that the proposed Gramor shopping center does not meet the needs of the City's population.

In response to Ms. Claus' question, Ms. Stiven stated that the reason for the light industrial is that there has been a concern about the specific plan regarding the loss of light industrial and because commercial uses are allowed in light industrial, the applicant is not taking away from that use, and it represented the least change to what is currently in place. She pointed out that Mr. Langer would have to decide if the change to a 23-acre general commercial use is something

with which he agrees. Ms. Stiven stated that the applicant does not believe that a 14-acre general commercial property will develop and survive because of lack of visibility and is the reason for the proposed plan.

Ms. Stewart commented that at present the City does not have the population required to support a needed shopping center 10 years out, and if the zoning were left commercial instead of industrial she would not object.

Vice-Chairman Corrado requested that the Commission concentrate on the list of recommended conditions.

Ms. Claus expressed concern with the natural buffer in Phase 8 off of Adams Drive. She pointed out that that would be a more logical extension of the medium density residential rather than the light industrial. Mr. Schelsky pointed out that the light industrial was landlocked and there was no access at Adams. Ms. Claus stated that the buffer looks out of place with the residential area which varies from light industrial to medium density residential back to light industrial.

The Commission reviewed and discussed the proposed and requested revisions to the conditions of approval at length.

Ms. Claus then moved that based on the findings of facts PUD 95-1 be approved subject to the following conditions:

1. The land designated High Density Residential (HDR) as identified on the Preliminary Development Plan shall be developed as multi-family housing at a density of sixteen (16) dwelling units per acre.
2. Prior to issuance of any permits for Phase 1, the City shall agree to the applicant's parks maintenance agreement.
3. The owner shall dedicate to the City the wetland and wetland buffer delineated in the applicant's wetland delineation report, prior to issuance of permits for Phase 8 of the development. Any wetland modifications shall be submitted by the developer for review and approval by the Division of State Lands and the Corps of Engineers.

4. At each phase of development, and with each site plan submitted to the City, the applicant shall provide a traffic impact analysis for City, County and ODOT review and approval. Recommended traffic safety and road improvements shall be considered by the City and may be required with each phase.
5. Revise the Design Guidelines for all single-family residential development to increase the number of structures required to have front porches to 50%.
6. Adams Avenue shall be constructed from Century Drive north to Tualatin-Sherwood Road prior to completion of Phase 3. Sidewalks on all portions of Adams Avenue shall be constructed in the same meandering design as approved for Century Drive.
7. At the time of Final Development Plan review and approval, incorporate comments from Tri-Met as approved by the City.
8. Prior to Final Development Plan submittal, modify the plan to the City's satisfaction so that the pedestrian link to the Sherwood Plaza is a sidewalk built to City standards.
9. In Phase 1, water service shall be looped to Tualatin-Sherwood Road from Century Drive via a public easement in the Adams Avenue alignment.
10. Modify the plan to incorporate a pedestrian link from Phase 3 to Phase 5 at the end of the planned cul-de-sac. Alignment is to be finalized during site plan approval of Phase 3.
11. As a part of the Phase 1 Site Plan submittal, provide a pathway design of the pedestrian link from Century Drive to Langer Drive that includes pavement width, landscaping and street furniture for City approval. Align the pathway so that it coincides with the adjoining phase lines. The pathway shall be constructed and dedicated to the City with the completion of Phase 1 development.
12. Provide a secondary access from Phase 1 to Langer Drive, alignment and specifications to be determined at the time of Phase 1 Site Plan submittal. Upon a subsequent evaluation, this access may be abandoned when the connection to Tualatin-Sherwood Road via Adams Avenue is constructed.

The motion was seconded by Ms. Stewart and carried unanimously.

7. **Director's Report**

Ms. Connell advised that she had nothing to add to the Director's report.

8. **Adjournment:**

There being no further items before the Commission, the meeting adjourned at 11:00 p.m.

Respectfully submitted,

Kathy Cary, Deputy City Recorder
(Transcribed from taped recording)