

City of Sherwood, Oregon
Planning Commission Meeting

June 6, 1995

Prior to calling the meeting to order, Chairman Birchill announced that Agenda Item 5B West Villa Estates Preliminary Subdivision Plat had been pulled from the agenda at the applicant's request. No time specific had been requested by the applicant for this item and Carole Connell advised that a new public notice will need to be sent out when this item is rescheduled.

1. Call to Order/Roll Call

Chairman Birchill called the meeting to order at 7:02 PM. Commission members present: Chairman Gene Birchill, Vice-Chairman Chris Corrado, George Bechtold, Rick Hohnbaum (arrived at 8:20 PM) and Marge Stewart. Commissioners Susan Claus and Kenneth Shannon were absent and excused. Planning Director Carole Connell, Assistant Planner Lisa Nell, City Engineer Ron Hudson and Secretary Roxanne Gibbons were also present.

2. Minutes of May 2, 1995 and May 16, 1995 Meeting

Chairman Birchill asked if there were any corrections or additions to the minutes of May 2, 1995 and May 16, 1995. There being none, Chairman Birchill accepted the minutes as presented.

3. Community Comments

Chairman Birchill called for comments from the audience regarding any items not on the printed agenda. There being none, Chairman Birchill moved to the next Agenda item.

4. SUB 94-1 Wildflower Phase 2 Final Plat

Chairman Birchill called for the Staff report. Lisa Nell reported this is a request for Final Plat approval Wildflower Phase 2, residential subdivision on Scholls-Sherwood Road with 12 duplex lots (for 24 units) and 18 single-family attached lots. Ms. Nell referred the Commission to the Staff Report dated May 31, 1995, a complete copy of which is contained in the Commission's minutes book.

Ms. Nell highlighted the main issues contained in the report. All lots comply with the dimensional standards of the HDR zone. The Phase 2 final plat has been modified from the preliminary plat. Staff is not concerned with the changes due to the fact that the number of dwelling units has been decreased and the impacts will be less than with the preliminary plat. Therefore, Staff does not see the need for an additional public hearing to approve the modifications. According to the applicant, the half-street improvements along the frontage of Borchers Drive are currently under construction. The applicant will need to complete the construction of a sidewalk along the frontage of Borchers Drive to City standards, including curbs and gutters.

Ms. Nell reported a non-access reserve strip was required on the

frontage of Borchers Road as a condition of approval. However, the Engineer from Washington County stated they did not want there to be any non-access reserve strips along this road. Therefore, this is no longer a condition.

Ms. Nell stated the applicant will need to provide lots with 2, (3 for corner lots) uniformly planted street trees in the front yard or in a planter strip and need to plant trees prior to dwelling occupancy unless otherwise approved by the City. The applicant has provided a cash bond for street trees. Water service is being extended to Borchers Drive. The City, USA and Washington County approved water and sanitary sewer line extensions with the construction drawings. The applicant will need to provide a bond and easement providing access to storm water detention and quality in Phase 3. The applicant will need to provide a landscape corridor plan for Borchers Drive.

In conclusion, Ms. Nell stated that based on the findings of fact, Staff recommended approval of subdivision 94-1 Wildflower Phase 2 Final Plat subject to the conditions of approval.

Chairman Birchill asked if the applicant wished to make any comments.

Don Holly, Jim Weddle & Associates, 1750 SW Skyline Boulevard, Portland, Oregon 97221, addressed the Commission. Mr. Holly asked for clarification on the requirement to show fire hydrants on the final plat. Ms. Connell stated this should be on the construction plans only. Mr. Holly responded fire hydrants are shown on the construction plans. Mr. Holly said this was the only comment he had and everything else was acceptable.

Chris Corrado commented that in reviewing the letters submitted by the applicant it appeared they were proceeding to deal with all the conditions. Mr. Holly clarified the removal of the non-access reserve strips on Scholls-Sherwood and Borchers Roads. Because of title problems, the applicant will instead identify no vehicular access onto those roads on the plat.

Chris Corrado moved based on findings of fact outlined in the Staff Report dated May 31, 1995, recommendations as noted and changes identified, that SUB 94-1 Wildflower Phase 2 Final Plat residential subdivision on Scholls-Sherwood Road be approved subject to the following conditions:

Prior to final plat recording:

1. Construct a half-street improvement along the frontage of Borchers Drive to City standards, including sidewalks, curbs and gutters.
2. Each lot shall be provided with 2, (3 for corner lots) uniformly planted street trees in the front yard or in a

planter strip in accordance with City specifications of two inches (2") Diameter Breast Height (DBH) and at least six feet (6') in height. Street trees shall be planted prior to occupancy unless otherwise approved by the City.

3. Engineered construction drawings shall be approved in compliance with USA and TVFRD standards for streets, sanitary sewer, storm water runoff, erosion control, site grading, water service, fire protection, street lighting including illumination at Borchers Drive intersection, street names and street trees. Plans shall be accompanied by a subdivision compliance and maintenance agreement as well as bonding for 100% of the improvement costs. Specifically, the plans shall include, but are not limited to:
 - a. Street light located at Borchers Drive.
 - b. Provide a bond and easement providing access to the storm water detention and quality system in Phase 3.
4. Provide a landscape corridor easement and a planting plan illustrating the proposed easement, fencing and plant materials on the frontage of Borchers Drive.

This approval is valid for one (1) year.

The motion was seconded by Marge Stewart and carried unanimously.

5. Public Hearing

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 stated that with reference to Agenda Item 5A, PUD 93-2 Wyndham Ridge Planned Unit Development, he has had conversations with Carole Connell and Mayor Hitchcock. There were no further disclosures.

5A. PUD 93-2 Wyndham Ridge Planned Unit Development

Chairman Birchill called for the Staff report. Carole Connell stated this public hearing is on a single issue on the project. It is not relative to any other conditions which were approved nor returns to any other discussion on other issues. The specific issue is access to the project from Highway 99W. On April 18, 1995 the Planning Commission approved the final development plan and final plat for Phase 1. Ms. Connell referred the Commission to the April 25, 1995, Decision Notice, specifically referencing Condition #3 (Condition #4 in Ordinance 94-984). Chairman Birchill and Mayor Hitchcock requested that this issue come back to the Commission to assure that both the Commission and City Council have a focused review of this particular condition to determine whether it should be changed.

Ms. Connell reported the previously worded condition was something ODOT would not approve. During the last year, the applicant has been working with ODOT to obtain approval for an intersection approach to this project. ODOT made it clear that the design prepared by Kittelson & Associates was not acceptable at this stage. As a result, the solution was a right turn in from 99W to the project and a right turn out from the project onto 99W. This is the only access in and out of the site from the highway. This design is acceptable to ODOT because it limits the ability to maneuver in the intersection. Ms. Connell referred the Commission to the map on the board showing the different intersection design approaches.

Ms. Connell continued, the applicant is rewording the condition to state ODOT approval on the design is all the applicant will need and they will continue to participate in funding an intersection improvement and signalization in the future in accordance with their share. Ms. Connell emphasized that the request does not talk about a second access or the need for a second access and the discussion is specific to the one intersection approach issue.

Chairman Birchill asked if the applicant wished to testify.

Jack Orchard, 1100 One Main Place, 101 SW Main, Portland, Oregon 97204, addressed the Commission on behalf of Centex Real Estate Corporation. Mr. Orchard stated Ms. Connell did a very adequate job of summarizing why the applicant was before the Commission. During the last year the applicant has entered into an extended design process with ODOT to find a design for the Meinecke Road/99W intersection which would satisfy ODOT's safety and legal concerns. Mr. Orchard stated the original condition, which focused on a specific recommendation by Kittelson & Associates, was unacceptable to ODOT. As a result, neither the City nor Centex have much maneuvering left. Highway 99W is a state facility and ODOT controls Highway 99W as well as all the approaches to Highway 99W.

Mr. Orchard stated for the record, Centex was absolutely comfortable with the original design recommended by Kittelson & Associates which was originally approved. All things being equal, this project would have been under construction and Centex would have been very happy and much further down the road had they not gotten into protracted discussions with ODOT about a change in the design. However, the fact is that ODOT has the ultimate control over this intersection and how Highway 99W is both accessed and how it functions in the vicinity of Wyndham Ridge.

Mr. Orchard said the proposal the applicant has been asked to bring back to the Commission by the City Council is a modification of a condition that is consistent as to this intersection complying with approved ODOT design. ODOT has advised the applicant that the current design is acceptable and no other design is acceptable. The original design is unacceptable.

In conclusion, Mr. Orchard stated the applicant is before the Commission to get the formal change to the condition. It has been a long process and hundreds of hours spent by the applicant and City Staff in trying to work on a design which would provide safe and adequate access into the Wyndham Ridge Subdivision. Mr. Orchard reiterated that this request only changes the one specific condition and there is no change on Centex's commitment to share in the cost of what the people have called the ultimate solution.

Mr. Orchard said they had discussed the issue with City Attorney Dittman. Mr. Orchard said he felt Mr. Dittman agreed that the tune has been called here and the tune is what the Commission is seeing on the board.

Chairman Birchill called for any additional proponents wishing to testify. There being none, Chairman Birchill called for anyone wishing to speak in opposition to the proposal. There being none, Chairman Birchill dispensed with the rebuttal portion of the hearing and temporarily closed the public hearing until the next agenda item, unless a Commissioner requests the hearing to be re-opened.

Chairman Birchill asked for questions and comments from the Commission.

Chris Corrado asked what the timing of the build out of Phase 1 would be and when the applicant would return for approval of Phase 2, in which case, how far out are we looking before the intersection is rebuilt. Ms. Connell responded that any approved subdivision would have to be under construction in its phasing plan within 5 years of its original approval. The applicant has up to 5 years to develop Phase 2. In response to Mr. Corrado's questions, Mr. Jay Smith stated if things go well, Phase 2 would be developed in the summer of 1996. Ms. Connell reminded the Commission that funding of the intersection does involve other developments and this would have to be coordinated. ODOT's Six Year Plan includes additional improvements to 99W such as lowering the road and eliminating the sight distance problems.

In response to Marge Stewart's question, Ms. Connell stated the new wording for the condition was included in a letter from Alpha Engineering which was included in the packets.

Chairman Birchill asked if the triangular approach area would have any obstructions in it, e.g., bushes, trees, signs. Mr. Orchard responded the approach would be filled with earth and detailed the approach dimensions and curb heights. It was Mr. Orchard's opinion that the curb would not be mountable with reference to use by emergency equipment traveling over it. Discussion continued relating to the proposed approach design. Mr. Roy Priest stated the design is more of a barrier curb.

Ms. Connell advised the Commission that this request is scheduled before the City Council next week.

George Bechtold asked for clarification that when Phase 2 comes before the Commission this will change. Ms. Connell responded there is the possibility that approval of Phase 2 could state the applicant will fund their share of the approach and signalization and ODOT, at that point, still won't approve signalization.

Chris Corrado moved that PUD 93-2 Wyndham Ridge Planned Unit Development request to modify a condition of Final Development Plan be recommended to the City Council for approval. Specifically, Condition #4 of Ordinance 94-984 (Condition #3 in April 25, 1995 Staff Report), as amended below. This recommendation will be forwarded to the City Council for review on June 13, 1995.

Obtain an access permit from ODOT to Highway 99 for the Planned Unit Development of Wyndham Ridge. Upon approval of Phase 2, the applicant shall fund a proportional share of the cost for the future approaches and signalization for the Meinecke Intersection at Pacific Highway. The "share" shall be calculated on traffic generations indicated by the Kittelson & Associates reports, including predicted "background" traffic.

The motion was seconded by Marge Stewart and carried unanimously.

5B. SUB 95-1 West Villa Estates

Chairman Birchill advised the Commission that this item had been removed from the Agenda and will come back before the Commission at a later date, specific time unknown. Public notification will be made for this hearing.

Chairman Birchill asked the Commission members to return the packet information regarding this item to Ms. Connell. Commissioners Claus and Shannon will be so advised.

With reference to individuals with items on the agenda being in attendance at a certain time, Chairman Birchill said Mr. Bechtold's point was noted.

5C. SP 95-5 Mill Power Site Plan

Chairman Birchill called for the Staff report. Lisa Nell referred the Commission to the Staff Report dated May 31, 1995, a complete copy of which is contained in the Commission's minutes book. This is a request for site plan review for Mill Power, Incorporated, a manufacturing facility on Lot 6 in The Industrial Park of Sherwood off of Tualatin-Sherwood Road and Gerda Lane. It is a proposed 41,000 square foot manufacturing facility and a 6,000 square foot office building on 4.12 acres. The site is zoned General Industrial.

Ms. Connell said the subdivision is still under construction and

the details of the plat are still being finalized in the recording stage at Washington County.

Because the report was quite lengthy, Ms. Nell highlighted the major points. Mill Power fabricates industrial vibrating shakers for mills, recycling centers and foundries. The applicant has provided an extensive landscaping plan. The northern property line faces the Tualatin River National Wildlife Refuge (Refuge). Staff recommends that the applicant provide a buffer of native evergreen trees to be planted on the north property line to provide a natural buffer between the proposed plant and the Refuge. Building expansion will require site plan approval.

Chairman Birchill suggested that the City Building Official have an opportunity to review the plans for code requirements (e.g. handicapped parking) prior to the building permit stage. Ms. Connell will discuss this recommendation with Tim Howland.

Ms. Nell continued that Staff recommends the applicant comply with any recommended safety improvements as a result of the Washington County Traffic Analyst's report regarding Tualatin-Sherwood Road. With regard to lighting, Ms. Nell referred to a conversation with Steve Moore of USFWS and the concern about the disturbance that any outdoor lighting may have at night, especially to nesting birds on the edge of the Refuge. Staff recommended the applicant not place any outdoor lighting on the north elevation now or with future building expansion. However, the applicant needs to provide sufficient lighting in the planned parking areas to ensure safety for employees who are entering and exiting the buildings. Ms. Nell also reviewed the building elevations and type of building construction.

Ms. Nell stated the site will have a dry detention and treatment pond. The applicant states all on-site storm water runoff will be collected and directed to this pond. The engineered construction plans for storm water runoff must be reviewed and approved by the City and USA. USA has initially accepted this design.

Ms. Nell discussed the environmental impacts. A Noise Impact Statement was received by the applicant from Cliff Sroka of CS Acoustical Engineering (a copy was included in the packets). The report concludes that the predicted new plant site noise levels are below the DEQ noise standards and "Quiet Areas" including at the Refuge and agricultural land with overhead doors open. Ms. Nell identified the location of the doors on the map and stated that actually allowable noise levels are exceeded when the doors are open. Staff recommends no doors ever be installed on the north side. Steve Moore of USFWS raised concerns regarding the noise levels, the effect of storm water runoff and its impact on the visitors to the Refuge and wildlife. Ms. Nell said that Mr. Moore is in attendance and will provide additional information for the Commission.

Ms. Nell referenced information received from Lori Faha of USA

wherein Ms. Faha stated during pretreatment of the storm water runoff, all of the chemicals and metals would be removed. In the dry detention and treatment pond, the sediment settles out of the water.

In conclusion, Ms. Nell said she had spoke with Doug Rux, Planner at City of Tualatin, regarding Mill Power's current site in Tualatin. Mr. Rux stated there have been absolutely no problems with Mill Power, they are located in an industrial area, they expanded in 1984 and now need more room. Based on the findings of fact, Ms. Nell said staff recommended approval of the application subject to the stated conditions.

Chairman Birchill said the same public hearing process would be followed as in the previous agenda item and he asked if the applicant wished to testify.

Dale Tompkins, 19635 SW 129th Avenue, Tualatin, Oregon 97062, addressed the Commission. Mr. Tompkins said he is the President and CEO of Mill Power, Inc. Mill Power currently has 20 employees and expects to employ 40 shortly after the project is completed. They manufacture industrial equipment and sell primarily out of state. Mr. Tompkins said this project is a fulfillment of a lifetime dream which is to build a modern manufacturing facility that is non-typical of most that you would find in a City. A major architectural firm has been retained to help make this a campus style manufacturing facility. Mr. Tompkins said he looked forward to being a corporate citizen in the City of Sherwood. He then introduced Fred Paintner.

Fred Paintner, Ankrom Moisan Associates, Architects, 6720 SW Macadam, #100, Portland, Oregon 97219, addressed the Commission. Mr. Paintner said basically the facility is a one story concrete tilt-up manufacturing plant which has been elaborated on in appearance and is more than just the typical tilt-up building. The landscaping requirements have been exceeded in a desire to make a campus style atmosphere. Mr. Paintner stated the applicant agreed with the contents of the Staff Report and these are already being incorporated.

Chairman Birchill asked if there were any further proponents wishing to give testimony.

Steve Moore, US Fish & Wildlife Service, 911 NE 11th Avenue, Portland, Oregon 97232, addressed the Commission as a neutral party to the project. Mr. Moore stated that in addition to other projects, he is working on helping establish the Tualatin River National Wildlife Refuge. Mr. Moore said he would like to address five specific areas relative to the location of the subject facility which is in close proximity to the southeastern boundary of the Tualatin River National Wildlife Refuge (Refuge). These areas are noise, landscaping, lighting, traffic and surface water runoff.

Mr. Moore said the USFWS supports City staff recommendations regarding the prohibition of overhead doors on the north side of the facility's building and the desirability of planting native evergreen trees. With regard to Mr. Sroka's report referencing noise, they recommend such plantings be at least 10-20 feet thick to create an effective noise buffer. The approved Refuge study area boundary is adjacent to the Mill Power property boundary and although they have not yet acquired that particular property, they hope to do so in the future. USFWS also recommends that, to the extent possible, these tree plantings extend from the north to the southeast along both sides of the property. These additional measures should help mitigate any adverse effects that noise generated by the facility could have on Refuge wildlife and visitors.

Mr. Moore stated that the USFWS is pleased to see that Mill Power has proposed using some native plant materials in their landscaping and encouraged Mill Power to use as many native plants as possible. Native plants have several advantages.

Mr. Moore said that with regard to lighting, in general, they support City Staff recommendations regarding outdoor lighting on the north side of the facility's buildings. They recommend installing directional lighting, pointed downward in such a manner as to minimize illumination of the property's northern boundary.

With regard to traffic, Mr. Moore said there is some concern about potential congestion and safety problems associated with access to the entire Sherwood Industrial Park. USFWS would like to work with the City, the owner and developers of the industrial park to seek alternate access routes for truck traffic or otherwise remedy this potential safety problem.

Mr. Moore said they are concerned about the quality of water associated with surface runoff from the Mill Power site and future industrial developments in The Sherwood Industrial Park. It would appear from the site plan that most or all of the surface runoff from the industrial park will drain to the north onto the Refuge.

Mr. Moore said they have several questions regarding this issue. Immediately to the north of the industrial park, within the Refuge boundary, a large lake forms on a seasonal basis. Future management of that area will likely include streams, and seasonal and permanent wetlands. Clean water is essential to the sustained functioning of these biological systems.

Mr. Moore asked what type of measures Mill Power is taking to reduce contaminants entering the surface drain water system. There is also a question on the types of chemicals expected to run off of the site. Many of these questions would apply to any industrial development in the industrial park. Mr. Tompkins described the process for removing water from the dry detention pond.

In response to Mr. Bechtold's question regarding what type of

noise level affects wildlife, Mr. Moore stated that was an excellent question, but he did not have a clue. The key concern is abrupt or sharp noises. Considerable discussion following regarding noise buffering for the site.

Carole Connell thanked Mr. Moore for participating in the hearing and for his very welcomed input.

Chairman Birchill asked if there were any further proponents wishing to give testimony. There being none, Chairman Birchill asked if there was anyone wishing to testify in opposition to this project. There being none, Chairman Birchill dispensed with the rebuttal portion of the hearing and temporarily closed the public hearing, unless a Commissioner requests the hearing to be re-opened.

Chairman Birchill asked for questions and comments from the Commission.

Chris Corrado asked for clarification on condition #11 complying with any recommended safety improvements as a result of the Washington County Traffic Analyst's report regarding Tualatin-Sherwood Road and if the report was automatically requested. Carole Connell responded when they were reviewing the subdivision, they received a comment from Washington County that they were interested in the specific development of each site and access reports for these developments. Ms. Connell said the language was not real clear whether they wanted the report done for the subdivision or they wanted to see a report for each project. However, a traffic analyst report will be done as each project is developed.

Considerable discussion ensued regarding buffering noise from the facility. Mr. Dale Tompkins advised the Commission there are currently 100 year old, 200 foot tall fir trees on the boundary of the property.

The Commission reviewed the information regarding the dry detention pond and concurred that the more specific wording would be required in the recommended conditions to assure long term maintenance of the pond to USA and City standards.

Marge Stewart moved based on the findings of fact, staff recommendations, USEWS comments and additional language to Condition #1, that SP 95-5 Mill Power site plan request for a 41,000 square foot manufacturing facility on Galbreath Street off Tualatin-Sherwood Road be approved. The motion was seconded by Rick Hohnbaum.

Chairman Birchill asked if there was any further discussion or questions.

George Bechtold moved that the original motion be amended to include specific language referencing long

term maintenance of the dry detention pond to USA and City standards. The amendment to the motion was seconded by Rick Hohnbaum and carried unanimously.

The original amended motion was voted on and carried unanimously, subject to the following conditions:

Prior to issuance of a building permit:

1. Submit utility construction plans for approval by the City, USA and TVFRD. Assure long term maintenance to USA and City standards of the storm water dry detention and treatment pond.
2. Outdoor display is prohibited.
3. The applicant shall install a backflow device.
4. Provide a connecting four (4') foot sidewalk from the office building to the sidewalk on Galbreath Street.
5. The erosion control plan will need to be approved by the City and USA before a building permit can be issued.
6. Provide for adequate lighting in the parking lot.
7. Provide a buffer of native evergreen trees to be planted on the north property line to provide a natural buffer between the proposed plant and the Tualatin River National Wildlife Refuge.
8. Prior to installation, apply for and obtain an administrative sign permit.
9. If necessary, obtain an Air Quality Discharge Permit from DEQ.
10. To minimize negative noise and lighting impacts, lighting an overhead doors on the north side of the building are prohibited now and with future building expansion.
11. Comply with any recommended safety improvements as a result of the Washington County Traffic Analyst's report regarding Tualatin-Sherwood Road.

6. Planning Director's Report

Ms. Connell stated she had nothing to report.

Other Business

George Bechtold reported on his attendance at the Advanced Planning Commissioners Training. One of the speakers, Larry Epstein, advised the participants that any discussion which happens after the public hearing has been closed is not admissible on appeal. However, the hearing can be reopened to admit

additional testimony for the record. Mr. Bechtold said he wanted to provide this information to the Commission for clarification purposes only.

Rick Hohnbaum stated that with reference to the May 16, 1995 minutes, he would like to be shown as excused for arriving at 7:20 PM due to his attending the Budget Committee meeting scheduled for the same time on May 16 and unexcused for arriving at 8:20 PM this evening because he was attending the legislative session.

There being no further business to discuss, the meeting was adjourned at 9:10 PM.

Respectfully submitted,

Roxanne Gibbons
Planning Commission Secretary