

City of Sherwood, Oregon
Planning Commission Meeting

July 18, 1995

1. Call to Order/Roll Call

Chairman Birchill called the meeting to order at 7:03 PM. Commission members present: Chairman Gene Birchill, Vice-Chairman Chris Corrado, George Bechtold, Susan Claus (7:12 PM), Rick Hohnbaum, Kenneth Shannon and Marge Stewart. Planning Director Carole Connell, Assistant Planner Lisa Nell, City Engineer Ron Hudson, and Secretary Roxanne Gibbons were also present.

2. Minutes of July 5, 1995 Special Commission Meeting

Chairman Birchill asked if there were any corrections or additions to the minutes of July 5, 1995. Marge Stewart clarified in the minutes where she discussed the bus going to Sunset Boulevard, she was referring to the Greyhound bus which came from Newberg. There being no further discussion,

Rick Hohnbaum moved the Planning Commission accept the July 5, 1995 Special Commission Meeting Minutes as presented. The motion was seconded by Ken Shannon and carried unanimously.

3. Public Hearing (Continued from July 5, 1995)

Chairman Birchill announced this is a continuation of a hearing from the July 5, 1995 Special Commission Meeting.

3A. PA 95-1 Transportation Planning Rule Plan and Code Amendments (continued)

Ms. Connell referred the Commission to the amended report included in the packets. The report summarized the proposed Transportation Planning Rule (TPR) amendments to the City's planning documents and code. The amendments were to include all bicycle lane routes on the concept map; omit the "future employment and residential concentrations" areas on the concept map; use a definite boundary for the downtown area on the concept map; drop the 80% minimum density requirements; retain the cul-de-sac provisions; label the 99W cross-section so it is clear how it is to be applied; the code should be written as standards, not guidelines; clarify that setbacks are to be measured from the front property line; and drop the MTC setback standards for 99W.

Chairman Birchill asked the Commission if they had any comments. Rick Hohnbaum asked that part of the Commission's recommendation to the City Council include a statement that the Commission intends to discuss the density issue on a city-wide basis and consider future planning development for Highway 99W in a separate forum beyond the TPR document. There being no further comments,

Rick Hohnbaum moved the Planning Commission recommend approval of the proposed PA 95-2 Transportation Planning Rule Plan and Code document, as amended, to the City Council. The motion was seconded by Chris Corrado and carried with Commissioners Gene Birchill, Chris Corrado, George Bechtold, Rick Hohnbaum voting aye, Commissioner Marge Stewart abstaining and Commissioners Susan Claus and Ken Shannon voting nay.

4. Community Comments

Chairman Birchill called for comments from the audience regarding any items not on the printed agenda.

Clyde List, 21235 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. List said he talked to a low income family in Sherwood that is being forced out of Sherwood by development. He asked what the City's strategy was for low income families to remain in Sherwood. Mr. List said that the policy of low income families being forced out of Sherwood is unacceptable. He asked what strategies are available for low income families to stay in the City under subsidized housing or some similar type of arrangement. In response to Ms. Claus's questions, Mr. List said the particular family are renters and their current landlord has been very accommodating. Mr. List stated increasing the density could be a solution. Ms. Connell responded there are about 200 apartments being proposed which will be before the Planning Commission at their August 15 meeting. The applicant for these apartments is trying to obtain a HUD construction subsidy. In turn, these subsidies could be passed on to the tenants. Chairman Birchill said he remembered that not too long ago the City Council denied a tax deferral on a project which was intended for senior citizens. Through that action, it appeared the City made a statement they really did not want low income people as residents.

Chairman Birchill encouraged Mr. List to take this issue to the City Council for discussion.

There being no further comments and because the next public hearing was not scheduled until 7:30 PM, Chairman Birchill moved to Agenda Item No. 6.

6. Director's Report

Carole Connell reported upcoming Planning Commission meetings are scheduled for August 1, August 15, no meeting on September 5 and a meeting on September 19. At this time, all of the meetings have full agendas. Ms. Connell said new applications are 45-60 days out. There are also several policy issues which need to be reviewed. Mr. Hohnbaum asked if the Commission should schedule additional meetings in an attempt to be more timely in taking care of Planning Commission business. Ms.

Connell responded the problem relates more to finding Staff time for preparation of reports and research for presentation to the Commission.

Ms. Connell advised the Commission she had discussed procedural methods relating to planning with Mayor Hitchcock. State statute does not require that some minor land partitions, small subdivisions, and minor site plans be reviewed by Planning Commissions. In 1993, the legislature decided some of these types of applications should be removed from Planning Commission reviews and could be reviewed administratively. This would expedite the process. Ms. Connell stated this has not been pursued with the Sherwood Planning Commission, but it is getting to the point where the Commission is doing less planning and more application processing. She asked if the Commission was interested in pursuing the subject of removing some review responsibilities of the Commission.

Ms. Stewart said she would not have a problem with this type of system, but she would still want to receive a summary of actions taken. The Commission had no strong objection to removing some current Commission review responsibilities. Mr. Corrado asked if it could be at the discretion of Staff and Commission Chair, whether an issue should be reviewed by the Commission. Mr. Hohnbaum supported Mr. Corrado regarding the administrative decision making process, with the exception that administrative processes which the Commission has already dealt with continue to have Commission review. In response to Ms. Claus's question, Ms. Connell said she would provide a copy of the relative legislation to the Commission in their next packet.

The Commission discussed the status of other projects. In response to Chairman Birchill's question, Ms. Connell reported the owner of the Pacific Lumber building and lumber yard was going to hire an architect to develop some awning or facade plan for the building. To date, Ms. Connell has not received any further information. Also, there has been no further progress on the Oregon Street meter boxes being placed below the fence line.

Ms. Connell advised the Commission that the City Council will hold a workshop on August 5 to discuss various code violations and enforcement; fences, basketball hoops, weeds, sheds, garbage. The Commission requested a notice of the meeting be sent to the Commission.

Rick Hohnbaum reported speed bumps have been placed on Division Street. He stated he was not aware of any City policy regarding placement or request process for the use of speed bumps in the City's planning documents. Ms. Connell responded there may be something in the Washington County street standards document that provides for speed bumps. Chairman Birchill suggested Ms. Connell advise the Mayor to check with the City insurance carrier regarding speed bumps and potential liability for damage to vehicles; tail pipes.

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.

George Bechtold announced he would not be participating in the discussion on Item 5C, SUB 95-2 Woodhaven Phase 1 D Preliminary Plat. Rick Hohnbaum announced he had a concern as to personal bias regarding 5B, SP 95-1 Allied Systems Site Plan and as a result he would not be participating in the discussion regarding this item. Chris Corrado stated for the record he had a meeting with George Burns, Allied Systems, regarding several matters, none specific to Agenda Item 5B, Allied Systems Site Plan. There were no further disclosures and Chairman Birchill opened the public hearing on Agenda Item 5A.

5A. MLP 95-3 Gray/Seeber Minor Land Partition

Chairman Birchill called for the Staff report. Lisa Nell reported this is a request for a two lot Minor Land Partition on Tualatin-Sherwood Road. Ms. Nell referred the Commission to the Staff report dated July 11, 1995, a complete copy of which is included in the Commission's minutes book.

Ms. Nell reviewed the main points of the report. The property consists of 4.17 acres proposed to be divided into two industrial tax lots of approximately 2 acres each. The property is zoned Light Industrial (LI) on the south side of Tualatin-Sherwood Road. Parcels 1 and 2 meet the minimum LI dimensional standards. No new streets or roads are created by this proposal. The partition complies to all the standards of the underlying zoning district and other applicable standards of the Code. There are no designated parks or floodplains on the site. No new streets or roads are created by this proposal. There is a twenty foot sewer and water line easement on the north side of the parcels adjacent to Tualatin-Sherwood Road. This utility easement required by the City was dedicated with the Triple S Sales Site Plan. Adequate water, sanitary sewer and other public facilities are available to the site. Parcel 1 will connect to a 15 inch pipe under the sidewalk on the south side of Tualatin-Sherwood Road. There will be an on-site stormwater quality and detention pond located in the northeast corner of the site. Parcel 2 will run into a proposed windy bio-swale in the northeast corner of the site, then into the existing underground storm drain. Adjoining land can be developed or is provided access that will allow future development in accordance with this Code.

In conclusion, Ms. Nell stated that based on findings of fact, Staff recommended approval of MLP 95-3 subject to the condition(s) of approval.

Chairman Birchill reviewed the public hearing process and asked if the applicant wished to make any comments.

Russ Leach, Robert Gray Partners, Inc., PO Box 1016, Sherwood, Oregon 97140, addressed the Commission. Mr. Leach said the partition line is exactly the same line that was presented to the Commission when they reviewed the DEQ Site Plan

project. He did not have any further comments.

Chairman Birchill called for any further proponents wishing to testify. There being none, Chairman Birchill called for any opponents wishing to testify. There being none, Chairman Birchill dispensed with the rebuttal portion of the hearing and temporarily closed the public hearing for discussion by the Commission.

Chris Corrado said staff's previous point referencing the administrative review process was well taken. George Bechtold asked who would maintain the stormwater detention. Ms. Connell responded it would be maintained by the applicant and Staff has discussed various types of annual maintenance. In this regard, City Engineer Ron Hudson stated Staff has met with Unified Sewerage Agency (USA). USA is in the process of developing procedures which would require periodic maintenance and engineered certification that stormwater systems are operational. The City will develop an ordinance for this purpose.

Rick Hohnbaum moved based on findings of fact outlined in the Staff Report dated July 11, 1995, and recommendations as noted, that MLP 95-3, Gray/Seeber two lot Minor Land Partition on Tualatin-Sherwood Road be approved subject to the following conditions:

1. Comply with Washington County Road standards as follows:
 - a. Dedicate road right-of-way adjoining Tualatin-Sherwood Road to provide a total of 49 feet from the centerline of the street.

This approval is valid for one (1) year.

The motion was seconded by Marge Stewart and carried unanimously.

5B. SP 95-1 Allied Systems Site Plan

Commissioner Rick Hohnbaum did not participate in this hearing. Chairman Birchill called for the Staff report. Carole Connell reported this is a Site Plan request by Allied Systems for an open equipment storage yard and employee parking lot adjoining the existing manufacturing facility on Oregon Street, Phase 1 of three planned development phases. Ms. Connell referred the Commission to the Staff Report dated July 11, 1995, a complete copy of which is contained in the Commission's minutes book.

Ms. Connell pointed out that the Map Number should be 2S 1 28C. There are two tax lots on the property, Tax Lot 201 (7.68 acres) has the existing facility and Tax Lot 501 (22.12 acres) is the recently purchased parcel.

Ms. Connell reviewed the findings of fact and history which lead to this hearing. Exhibit A defined the steps taken previously relative to this application. On May 31, 1995, the City accepted the site plan application for exterior improvements to Allied Systems. Ms. Connell explained the three phase process. This hearing would review Phase 1, the graveled parking lot, outside storage and landscaping along Oregon Street and floodplain. Phase 2 would be the future building, paved parking lot, and landscaping around the building. Phase 3 would be possible future buildings, additional parking and site improvements. Ms. Connell referred the Commission to blueprint Sheet L1 and C2 and the engineer's certification of compliance with the City's environmental performance standards.

Ms. Connell presented additional background information. Allied Systems currently has 320 employees, three buildings, 109 parking spaces and some outdoor storage. Three additions have been made to the existing facility over the past several years. Since 1989 the company has added 166 employees and has also reduced the number of parking stalls. In 1994, the applicant purchased the adjoining property to the southwest for expansion purposes. After receiving a grading permit from the City, many large trees were removed and the southwest sloping site was graded to increase the amount of usable land. Staff is confident there has not been any grading or disturbance in the floodplain and/or wetlands. The applicant intends to secure funding from the Oregon Department of Economic Resources for the new building. City site plan review and approval will be required prior to construction of this building.

Ms. Connell said the application tonight is to take care of Allied System's temporary needs as well as rectify previous actions.

Ms. Connell discussed other site issues, including natural features, roadway access, zoning, landscaping, existing vegetation, perimeter screening and buffering, parking and loading landscaping, visual corridors, landscape maintenance, off street parking, deferral of improvements, drainage, parking and loading plan, on-site circulation, on-site storage, material storage, outdoor sales and merchandise display, and signs. The site has approved access onto Oregon Street at its current northernmost driveway. Oregon Street is a minor arterial. Ultimately there is to be 90 feet of driveway, under County jurisdiction in this location. It is standard City practice to require any dedications for future right-of-ways and street improvements at the time of site plan review. The applicant has never made improvements to Oregon Street. In May 1995, voters passed funding of the County's proposed MSTIP projects, including the portion of Oregon street from Tualatin-Sherwood Road to Murdock Road.

Ms. Connell stated when Allied Systems expands they will be required to pay TIF fees that will be applied to arterial roadway improvements. To be consistent, the City should require the applicant to pay a proportionate share of half-street improvements to Oregon Street adjoining Tax Lot 201 now and the same adjoining Tax Lot 501 when the new buildings are proposed. Although two proposed new driveways may be deeded driveways, the right to use them is subject to a safety and separation analysis

by the County. The Traffic Impact Report by Washington County is pending and is important in deciding on an approved access plan for the site. Staff recommends that the temporary construction driveway be closed and that no new driveways be permitted until the Traffic Impact Report is completed and the City has approved a site plan for the new building. Staff recommends at least a share of the costs for half-street improvements adjoining Tax Lot 201 should be made a part of the conditions of approval.

Ms. Connell distributed pictures of the Allied Systems site for the Commission's review and entered them into the record.

Ms. Connell said the site is zoned General Industrial (GI). In reviewing the objectives of site planning it is clear that these objectives have not been very well met by the applicant. Ms. Connell discussed specific code requirements relative to the application. The applicant proposes a solid evergreen Photinia hedge adjoining the fence line along Oregon Street. The landscaping plan also illustrates 41 evergreen trees spaced 25 feet apart along the 100 year floodplain at the 135 foot elevation. The landscaping is intended to obscure the view of the outdoor storage, visible from Oregon Street and other properties to the south and west. Staff recommends that 5 gallon Photinia be planted and well watered until they are established. The evergreen screen on the west side will take longer to become an effective visual barrier.

Ms. Connell discussed deferral of improvements. The Code states that off street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the Commission determines that circumstances beyond control of the applicant make completion impossible. In such circumstances security equal to 125% of the cost of the parking or loading area is provided to the City. If the installation of the parking or loading area is not completed within 6 months, the security may be used by the City to complete the installation. The applicant proposes submittal of a new site plan for the proposed new building within 6 months.

Ms. Connell stated with reference to visual corridors, Staff recommends a condition of approval widening the strip to the required 15 feet on Oregon Street. With reference to landscape maintenance, Staff is concerned about the materials being planted this summer and not surviving. Staff recommends additional parking to insure there are 270 spaces with this approval to meet the code requirement of one parking space for each employee. According to the Code, no building permit shall be issued until plans are approved providing for off-street parking and loading spaces as required.

Ms. Connell said City Engineer Ron Hudson indicated the need for adequate storm drainage provisions. The City Finance Director indicated the graveled parking and storage areas are not paying storm water SWM fees. The area must be calculated to determine additional fees.

Referencing on-site circulation, Ms. Connell said the code requires that no permits be

issued until plans for ingress, egress and circulation have been approved by the City. The applicant has opened a second access driveway onto Oregon Street about 280 feet south of the existing access without a permit or approval from the City. The Code further places restrictions on access to arterial streets that private ingress or egress from arterial roadways shall be minimized.

Ms. Connell reported that following site grading last year, Allied Systems moved several large pieces of equipment onto the new site without an approval plan and in violation of the Code. This review is to rectify that violation. In order to comply, the applicant proposes a chain-link fence and an evergreen hedge along Oregon Street, from the existing driveway south to the 150 foot elevation. Staff recommends the condition state the fence be sight-obscuring as required by Code and the fence should continue the length of the roadway frontage.

Ms. Connell referred the Commission to letters in the packets from neighbors of Allied Systems complaining of noise, lights, visual pollution and other effects the tree removal has had on the surrounding environment.

Ms. Connell said she did not feel the proposal preserves significant natural features to the maximum feasible extent and the applicant is trying to correct this situation. The floodplain is not being touched, but it is also not being dedicated. There have been no wetland or buffer delineations. Significant tree cover has been removed. The landscaping plan on the floodplain side is not adequately provided.

In conclusion, Ms. Connell said Staff recommended approval of this plan as Phase 1, subject to the following conditions:

Within thirty (30) days of site plan approval the applicant shall:

1. Dedicate five (5) feet of Oregon Street frontage adjoining Tax Lot 201 to the City for roadway improvement purposes. Provide to the City a fair share of a half-street improvement on the parcel's Oregon Street frontage.
2. Dedicate fifteen (15) feet of Oregon Street frontage adjoining Tax Lot 501 to the City for roadway improvement purposes.
3. Revise the site plan by widening the landscape corridor to fifteen (15) feet adjoining Oregon Street, the length of Tax Lot 501's frontage. Install five (5) gallon Photinia spaced five feet apart.
4. Relocate the existing chain-link fence to no closer than 45 feet from the Oregon Street centerline, and extend the full length of the Oregon Street frontage. Install slats or other sight-obscuring material.
5. Obtain City Engineer's approval of an estimate of the costs of a fully improved parking lot to City specifications for City approval. Provide a bond covering

- 125% of those costs. Install the parking lot within six (6) months of this site plan approval date.
6. Calculate the land area currently being used for parking and cooperate with the City in adjusting the SWM fees accordingly.
 7. Close the temporary construction driveway. All access to the site shall be from the existing Allied Company driveway onto Oregon Street, unless and until a future site plan approval relocates or adds a new driveway to the site.
 8. If landscape screening and buffering is determined by the Planning Director to be inadequate after installation, the City may require additional screening after conducting a hearing on the subject.
 9. At the time of site plan submittal for a new building on Tax Lot 501, the applicant shall provide a wetland delineation, dedication of the floodplain, wetland and wetland buffer, a traffic impact report and a noise analysis.
 10. Provide additional landscaping materials along the floodplain boundary including adding clusters of native evergreen trees, and interspersed native evergreen shrubs, as reviewed and approved by the City Staff.
 11. Install landscaping improvements, unless 100% bonded for, in which case they shall be installed by November 1, 1995. All landscaping shall be maintained in a manner consistent with the intent of the approved plan. Failure to maintain landscaped areas shall result in the revocation of applicable occupancy permits and business licenses.

This approval is valid for one year.

Chairman Birchill asked if the applicant wished to testify.

George M. Burns, Executive Vice President, Allied Systems, 2300 Oregon Street, Sherwood, Oregon 97140, addressed the Commission. Mr. Burns presented an overview of Allied Systems. Allied Systems (Allied) started in 1976 in Tigard. In 1978 they acquired their first product and developed it into a premier crane company and now Allied is known worldwide for specialty cranes. Allied Systems is a specialty designer and manufacturer of marine cranes, with principal usage around salt water. Allied Systems cranes have also been used in nuclear power plants. The company moved to Sherwood in 1980. In 1983, Allied acquired a heavy equipment company and developed the product worldwide. In 1990, Allied acquired from Hyster Corporation a winch division. In 1994, Allied acquired another product line from Michigan and brought it into Oregon. Allied has products in 40 countries throughout the world. Allied is owned by Howard Brune and George Burns. They do not have any public openings, in terms of stock. Ten years ago Allied offered a stock purchase plan to their employees. Allied has achieved a tremendous safety record and will be

celebrating 3-1/2 years without a loss time accident. This is a state record. Employees provide the highest quality product at the lowest cost. Allied has a \$10 million payroll with the average journeyman earning over \$35,000 a year.

Mr. Burns said over the years, Allied has received a few City visitors and calls at their Sherwood location. Past Mayor Mary Tobias came to visit the first year. Since then, Mayor Walt Hitchcock has visited the company. Mr. Burns said he did not know that the owner of the Sherwood Gazette was on the Planning Commission. Mr. Burns said Mr. Corrado has called and of course he hit Mr. Burns up for money. He also said he thought he had talked to Marge Stewart over the telephone. Mr. Burns said Allied receives calls from various groups trying to raise funds and Allied does not mind being part of the City of Sherwood.

Marge Stewart clarified that she had not had any conversation with Mr. Burns or other Allied personnel.

Howard Brune, President, Allied Systems, 2300 Oregon Street, Sherwood, Oregon 97140, addressed the Commission. Mr. Brune stated Allied started out as a very under capitalized company and the reason for its success is that all of the earnings have been pooled back into the corporation. The employees have also bought stock in the corporation. When Allied moved to Sherwood, they were welcomed with open arms because they helped the City tax base. Now that Sherwood is experiencing a large amount of residential expansion, Mr. Brune asked that the Commission take into consideration that Allied was one of the first industrial citizens of Sherwood.

Mr. Brune said he would like to briefly comment on Allied Systems being a good citizen and provide comments on the Staff recommendations. A copy of Mr. Brune's statement, dated June 18, 1995, was distributed to the Commission and is attached to, and made a part of the record of this hearing and the minutes. Mr. Brune read the statement.

Mr. Brune said Allied's plans to build an industrial building on the property in 1995 will relieve the current crowded conditions. An engineering firm has been retained to draft drawings for an industrial building which will be partially warehouse and partially assembly. At the present time, it would appear that the first building plans will be completed by end of July or middle of August. Allied will be submitting a permanent plan to the City of Sherwood for construction of an assembly warehouse building with offices. The application will contain outdoor parking, landscaping, and asphaltting. Because the land is sloped Allied will have to excavate the front for this new building. It will be very difficult at the present time, if Allied is going to do excavating, to put in an asphalt parking lot because it would have to be taken out. Mr. Brune said Allied plans to back before the Commission within 6 weeks with a permanent plan for all parking and asphaltting.

Mr. Brune emphasized that Allied was still trying to be a good citizen and were not in any way trying to deceive the City of Sherwood or anyone else in the community.

He emphasized that Allied followed all the proper procedures in removing the trees from their property. Allied also contacted the City of Sherwood to make sure that no City logging permit was required. Allied was advised that the City of Sherwood did not require a logging permit and did not care if Allied cut the trees on its property so long as it did not cut the trees in the floodplain. Mr. Brune continued to read his written statement.

In reference to the ingress/egress road on the site, Mr. Brune stated this entrance has been in existence and use for over 50 years. The reason Allied put the temporary construction designation in the plot plan was because Allied was told by the City Planner that she thought Washington County would require the additional entryway to the property to be 700 feet from the current entryway. In preparing the site plan Allied put the second entryway in subject to approval of Washington County. The driveway Allied is using at the present time has been there 50 or more years.

In summary, Mr. Brune said Allied has 315 employees and is the largest employer in the City of Sherwood. For the past 15 years Allied has been a good citizen of the City. If the City of Sherwood desires to continue the good citizen working relationship it has had with Allied for the past 15 years, Allied is willing to make every effort to comply with any reasonable request of the City of Sherwood City Council and Planning Commission with respect to the development of its real property.

Mr. Brune introduced Jim Hirte, P.E. in the state of Oregon. Mr. Brune commented on each recommendation contained in the Staff report dated July 11, 1995 as follows:

1. Allied accepts the first sentence referencing dedication of five feet of Oregon Street frontage adjoining Tax Lot 201 to the City for roadway improvement purposes. Allied rejects the second sentence which states Allied is to provide to the City a fair share of a half-street improvement on the parcel's Oregon Street frontage. Mr. Brune said the street improvements run between \$200-300 per foot. To do half-street improvements on Tax Lot 201 would cost \$70,000-80,000. Allied does not have that kind of money to do street improvements. The second building permit on Tax Lot 501 would escalate the cost to a total of \$600,000-\$700,000. Mr. Brune said if this is made a condition of approval, there is no way Allied could use or build on the industrial park. Allied does not have the available cash for this purpose. Since Allied does not own the property, the bank or the state of Oregon bonding will not finance that portion of the building fees. Mr. Brune said full street improvements have been approved by voters and are covered in Washington County's bond improvements for roads. This includes the Oregon Street improvements to Murdock Road.
2. Mr. Brune said Allied accepts Condition No. 2 to dedicate 15 feet of Oregon Street frontage adjoining Tax Lot 501 to the City for roadway improvement purposes.

3. Mr. Brune said Allied accepts the 15 foot landscape corridor adjoining Oregon Street and proposes five gallon Photinia spaced 10 feet apart, not 5 feet apart.
4. Mr. Brune said Allied accepts relocating the existing chain link fence 45 feet from the roadway with an objection. Allied proposes moving the existing chain link fence after Washington County has established elevation of the new wider roadway (Oregon Street). Allied objects to the part of the recommendation extending the fence the full length of the Oregon Street frontage. Allied does not think this is necessary. Allied proposes to extend the fence to the start of the floodplain. Allied proposes a high and dense Photinia hedge would preclude requiring slats in the chain link fence. Mr. Hirte said as with the sidewalk, it would not make sense to install a sidewalk or fence until Washington County determines how the section of Oregon Street is going to be redesigned. Washington County indicated it would be next year before engineering plans are completed for Oregon Street improvements.
5. Mr. Brune said Allied objects to Condition No. 5 and would agree to install a parking lot within 6 months after issuance of the building permit for the new building. If Allied places a bond covering 125% of these costs and then does not get approval for a building permit, Allied will have a 125% bond and/or would have a parking lot they would have to rip out. Mr. Brune emphasized that the new building permit application will have a detailed, up to date, modern parking lot with all the amenities. Mr. Hirte said the upper end of the proposed building will have a retaining wall of 8-10 feet.

Chairman Birchill reminded the applicants that the Commission had another public hearing scheduled after Allied and asked that they proceed in as expedient manner as possible.

6. Mr. Brune said Allied accepts calculating the land area currently being used for parking and cooperate with the City in adjusting the SWM fees accordingly.
7. Mr. Brune said Allied rejects Condition No. 7, recommending waiting for the Traffic Report from Washington County.
8. Mr. Brune said Allied accepts Condition No. 8 referencing landscape screening and buffering.
9. Mr. Brune said Allied accepts that they will provide a wetland delineation on Tax Lot 501 at the time of site plan submittal for a new building. However, Allied rejects dedication of the floodplain, wetland and wetland buffer, a traffic impact report and a noise analysis. Allied proposed to reserve discussion of these items to the time Allied makes it application for a building permit on the property.

10. Mr. Brune said Allied accepts Condition No. 10 referencing additional landscaping material along the floodplain boundary.
11. Mr. Brune said Allied rejects Condition No. 11 as not being feasible. Allied proposes installing landscaping by November 1, 1995 and post a 100% bond if the landscape installation is not completed by November 1, 1995.

Mr. Brune thanked the Commission for the opportunity to present testimony.

Chairman Birchill called for any further proponents wishing to testify. There being none, Chairman Birchill called for any opponents wishing to testify. There being none, Chairman Birchill dispensed with the rebuttal portion of the hearing and temporarily closed the public hearing for discussion by the Commission.

Chairman Birchill opened the floor for questions and comments by Commission members. Marge Stewart clarified that Mr. Burns must have her confused with someone else and that she had not had any contact with him. Mr. Burns said it would be a pleasure to talk to her and that he receives at least one call a month.

Mr. Brune asked, on behalf of Allied Systems, that the record be left open for a period of seven (7) days so that Allied can provide a written response. Chairman Birchill advised Mr. Brune that the public hearing had been temporarily closed. Mr. Brune said he did not quite understand the process and it was an inadvertent mistake. Chairman Birchill said the applicant could still provide a written response and the record would have to be reopened if Allied wish their response to become a part of the record. Ms. Connell suggested that the Commission should continue the hearing if requested and that they wait until they completed their discussions and then decide whether or not to reopen the public hearing.

Ken Shannon asked for clarification on Condition No. 1 referencing providing half-street improvements. Ms. Connell said Allied had not contributed to any road improvements on Oregon Street while expanding their facility three times since they have been on this site. In all fairness, to any other applicant, the City normally requires some type of funding for road improvements. Allied's objections to this condition were due to costs and the fact that the MSTIP project is funded and will pay for half-street improvements. Mr. Brune said the half-street improvements would amount to such a substantial amount of money that Allied would not be able to build the new building if they were required to finance these improvements.

Mr. Shannon asked Mr. Brune what their plans were for the wetland. Mr. Brune said he did not know. At one time the City of Sherwood offered Allied Systems \$4,000/acre for the wetland property. Metro is also interested in purchasing the wetland property. The USFWS has expressed interest for purchasing this land. Mr. Shannon stated the half-street improvement condition was a relatively standard procedure in the City of Sherwood. Another City standard is the dedication of the wetland and the

buffer. Mr. Brune responded Allied will have to face the wetlands issue and floodplain at the time they ask for a building permit. Mr. Shannon said it appeared to him that Allied did not want provide for any improvements on Oregon Street although they own a large portion of the property on the street.

Mr. Shannon asked Ms. Connell if anyone on Oregon Street had been required to fund half-street improvements. Ms. Connell said Sherwood Commons, Atley Estates and Orland Villa had provided half-street improvements.

Chris Corrado said the purpose of the request for half-street improvements is extremely standard. If MSTIP 3 had not passed, a very standard condition of approval would be half-street improvements. Mr. Corrado said the City is not singling Allied out to pay for improvements, but that it is a standard request. Considerable discussion followed regarding the requirement for half-street improvements and wetlands dedication.

Chairman Birchill said when Allied applies for the building permit for the new building TIF fees will be involved.

Susan Claus said it would be appropriate to find out the extent and scope of the MSTIP bonding. The Commission needs to know what Washington County plans for road improvements in this area of Oregon Street.

City Engineer Ron Hudson said the design of the Oregon Street project is going to occur starting the end of 1996 and will be completed the year after that. In 1997-98, Washington County plans to do construction on Oregon Street. Mr. Hudson said half-street improvements, not including any vertical realignment, would be significantly less than \$600,000. Mr. Hirte agreed with Mr. Hudson. The frontage is about 1400 feet on Tax Lot 501, Oregon Street, and would cost about \$250 per foot. The amount would about \$300,000. Mr. Brune said the frontage for both tax lots is 2100 feet. Mr. Hudson said there are many bond projects throughout Washington County. Washington County is trying to supplement the bond issue to cover all of these projects. The fact is that Washington County did not say they have fully funded sources for the Oregon Street improvements. The County is looking for other sources of funding to complete the MSTIP. Mr. Burns said the Commission should not look at Allied Systems as a commercial developer.

Susan Claus asked Mr. Brune when Allied was contemplating the purchase of the property and had discussions with the City staff, if anyone told Allied they would be responsible for half-street improvements. Mr. Brune responded the roadway was discussed with the City. The discussion included that the property was going to be developed for other commercial purposes. There was nothing specifically stated regarding half-street improvements by Allied.

George Bechtold asked what the Commission was gaining by this hearing if the

applicant would be coming back before the Commission for a building permit. Ms. Connell said there are other issues, outdoor storage, landscaping, parking and dedications. Mr. Corrado suggested the Commission focus on the issues they wanted to address and the specific issues of parking and storage. The Commission reviewed each recommended condition of approval.

Mr. Corrado said he would like to address some other issues, not so much as violations, but as a neighbor; in particular, the noise and lights.

Chairman Birchill said the emergency access issue needed to be addressed. This access would provide emergency access to the Cascade Chemical which is adjacent to Allied Systems property.

Chairman Birchill recommended, with the concurrence of the Commission, that SP 95-1 Allied Systems Site Plan be tabled and that the public hearing be continued to the next Planning Commission meeting, as the first item on the agenda.

Chairman Birchill said some of the issues could be clarified or resolved by the applicant and City Staff. Resolutions could be brought back to the Commission so that a better decision could be made. Ron Hudson will contact Washington County to have one of their engineer's available for the August 1, 1995 meeting. George Bechtold said he supported most of the recommended conditions of approval contained in the Staff report. Chairman Birchill said the public hearing will be reopened on August 1, 1995, for additional testimony on a limited basis.

Chairman Birchill then reopened the public hearing for SP 95-1 Allied Systems Site Plan.

The Commission developed a list of issues which needed to be addressed. These issues included Allied's plan for lighting which would have less of an impact on adjoining properties, an estimate for the half-street improvements, the Washington County Traffic Report, plans for the floodplain, landscaping corridors 10 or 15 feet, emergency access to Cascade Chemical, elevation for the fencing and its length and location, information from Washington County regarding Oregon Street improvements, information on stormwater and possibly input from the USFWS and review paving of the parking lot until construction of the new building.

Chairman Birchill temporarily closed the public hearing on SP 95-1 Allied Systems Site Plan until the August 1, 1995, Planning Commission Meeting. This will be the first agenda item.

5C. SUB 95-1 Woodhaven Phase 1 D Preliminary Plat

Commissioner George Bechtold did not participate in this hearing. Chairman Birchill called for the Staff report. Lisa Nell reported this is a request for Woodhaven Phase 1D Preliminary Plat for 54 single-family lot subdivision with 5 tracts on 17.6 acres.

Ms. Nell referred the Commission to the Staff report dated July 11, 1995, a complete copy of which is included in the Commission's minutes book. The applicant filed an application requesting approval of a minor modification to the PUD Phasing Plan so that 1D could be developed out of the original phasing. This minor change was approved by the City Council on June 13, 1995.

Because the report was quite lengthy, Ms. Nell highlighted the main issues and explained the changes to Phase 1D which was originally named Phase 5B. Ms. Nell directed the Commission's attention to some corrections in the report in the packets. Ms. Nell then outlined the changes that were made to Phase 1D since approval of the final PUD Master Plan. The boundary line for 1D has been changed and this decreased the developable area from 11.37 acres to 9.35 acres. This change had been approved by the City Council in the minor modification approval of June 13, 1995, referred to above. The density in Phase 1D was increased and the number of lots was increased from 44 to 54. Due to the street modification, the lot configuration and placement changed. After reviewing the modified map illustrating the wetlands, Staff determined that the lots are not in the wetlands. Phase 1D proposes six lots south of Inkster Drive and these lots do not encompass any wetland buffer. The internal streets were changed and two cul-de-sacs have been eliminated and replaced by a looped system which provides access to the out-parcel as required. Tracts R and A combined were decreased in size by .34 acres. Tract R is not part of Phase 1D and was dedicated with Phase 1. Tract R is discussed in the report for the purpose of size change to Tract A. Tracts B and E have been added to provide pedestrian accessways. Tracts C and D have decreased in acreage. Lot dimensions have been changed from what was originally proposed in the phase.

Ms. Nell stated overall, there are no significant differences and all of the lots meet the 5,000 square foot minimum for the Woodhaven PUD.

Additionally, a temporary construction access from Sunset Boulevard to "A" Street via Lot 18 has been requested by the applicant. This works out well because TVFRD has requested a second access. This temporary access will reduce traffic on Middleton Road. Staff believes the changes are minor because the phase still meets basic density and lot dimension requirements.

Ms. Nell referred to page 7 of the Staff report, Storm Drainage, Tract C does not contain wetlands.

Ms. Nell reviewed the staff recommendations. Phase 1D does not have any multi-family dwellings and therefore, the MDRH standards do not apply unless otherwise stipulated. Phase 1D contains two Ponderosa Pine Significant Natural Areas which are located in Tracts C and D. Tracts C and D are to be dedicated with Phase 1D. Phase 1D does not have a proposed tot-lot or mini-park. It does not contain the originally platted Lots 621 and 626. Ms. Nell said that the reference to the left-turn refuge lane on Sunset Boulevard, in condition 2.A.1, should be deleted.

Ms. Nell said Phase 1D does not adjoin Highway 99W. Instead of the one-foot non-access reserve strip, the applicant needs to note on the final plat that access is restricted along Sunset Boulevard. According to the Phase 1D Preliminary Plat, the applicant has proposed two east-west stubbed street connections to Tax Lot 703:31C. The applicant will need to install the same landscape corridor as in Phase 1 for Sunset Boulevard and the north-south collectors internal to the development. Sufficient area shall be set aside for proper sizing of stormwater treatment facilities. The applicant shall provide at least two stormwater quality detention and treatment ponds and ensure the stormwater detention and treatment facilities in Tracts A and D have the capacity to support the higher density proposed in Phase 1D.

Ms. Nell reviewed the conditions of approval which will apply specifically to Phase 1D Preliminary Plat approval contained on pages 28 and 29 of the Staff report.

Chairman Birchill asked if the applicant wished to testify.

David Bantz, Quinkster Land Company NW, 11535 SW Durham Road, Suite C-1, Tigard, Oregon 97224, addressed the Commission. Mr. Bantz said he would like to discuss a few of the conditions. He explained the reason for the requested change. The applicant has serviced 163 lots in Phase 1 and closed 100 sales in a little over 6 months, with 50 lots in closing. Currently there are 6 lots available for purchase. Phase 1D will, hopefully, have less expensive housing in the \$125,000 to \$140,000 range. The standards will remain the same as in the other areas of the development. Mr. Bantz said it is not the applicant's intent to get more lots within the total Woodhaven project. The greater number of lots in Phase 1D will be compensated by providing larger and fewer lots in neighborhood three. This is a more wooded area and there would be more reason to provide larger lots.

Mr. Bantz said they have provided two accesses to Mrs. Drill's property. He discussed this project with Mrs. Drill tonight, showed her the new layout and she seemed satisfied.

Mr. Bantz discussed specific conditions of approval. Condition No. 24, page 29 of the Staff report which states, "Provide specific information detailing the ways in which future phases will compensate for the modifications made to Phase 1D", Mr. Bantz said he thought was being met by Condition No. 12. He said he would prefer to delete Condition No. 24. Mr. Bantz did not feel the applicant would be able to provide specific information with the final plat of this phase on how they are going to decrease the number of lots. It really depends on where the trees are exactly to what the demands are going to be. However, Mr. Bantz stated they are limited to 1268 units in Woodhaven.

Mr. Bantz said he preferred that Condition No. 26, page 29 of the Staff report which states, "Provide certification of adequate sight distance in accordance with County Code, prepared and stamped by a registered professional engineer, upon completion of necessary improvements", be deleted. As Ms. Nell stated earlier regarding Condition

No. 24, the plans be accepted by Washington County and the City. Mr. Bantz suggested should state, "by Washington County **or** the City." Mr. Bantz said Sunset Boulevard is scheduled to become a City street on August 22, 1995. After that time the City should not have to get approval from the Washington County for any improvements to Sunset Boulevard.

Mr. Bantz referred to Condition No. 3, page 21 of the Staff report which states, "Any right-of-way widening and improvements on Pacific Highway 99W along the PUD's frontage as required by ODOT. The applicant shall be responsible for the costs of signaling the Highway 99W/Sunset intersection at any phase as deemed necessary by the City or ODOT." Mr. Bantz said he was a little concerned that this condition states, "...the City or ODOT" can require the signal. If the City requires a signal, Mr. Bantz said they would still need to have ODOT's approval. This would be similar to the problems the City had with the access to Wyndham Ridge. The City may want something that ODOT would not allow. Chairman Birchill said this was an original condition and does not apply to this particular phase. Mr. Bantz said he was concerned that if the City said the applicant has to have a light and ODOT doesn't, where will they be.

Mr. Bantz said Condition No. 14, page 22 of the Staff report, and the City's requirements, call for 2 street trees per lot and the trees be 2" caliper. The applicant is requiring all the builders to install 3 caliper street trees, 30 feet on center. So on a corner lot you may have 6 street trees, at a 3" caliper rather than the required 3" street trees which are 2" caliper. Woodhaven will have a street tree plan for every street. Each street will have a separate tree plan so there will be a similar street tree for each lot. All the collectors will have a similar street tree plan which will provide for more uniformity.

Ms. Nell said Condition No. 26, page 29 of the Staff report should be deleted. There is no need for sight distance because there is no intersection going onto Sunset Boulevard.

Mr. Bantz said unless the Commission had any questions, that was all he had to comment on.

Chairman Birchill called for any further proponents wishing to testify. There being none, Chairman Birchill called for any opponents wishing to testify. There being none, Chairman Birchill dispensed with the rebuttal portion of the hearing and temporarily closed the public hearing for discussion by the Commission.

Chris Corrado asked if Condition No. 24 should be deleted. Following discussion, the Commission agreed to delete Condition No. 24 and include additional wording to Condition No. 12 to read, "Ensure that a decrease in density will take place in future phases so that the overall number of dwelling units for the Woodhaven PUD does not exceed 1,268, and that there will be no fewer than 65 acres of open space."

Chairman Birchill referred to Condition No. 10, page 28 of the Staff report regarding temporary access from Sunset Boulevard. Following discussion, the Commission included additional wording to the Condition to read, "The temporary access from Sunset Boulevard to "A" Street is to be located on Lot 18. It is to be a 15 foot wide, paved surface with signage indicating that it is temporary and for the purpose of construction access. The temporary access shall remain open for emergency access until a permanent secondary access is available."

In response to Ms. Claus's question, Mr. Bantz stated all wetlands were dedicated in Phase 1. Rick Hohnbaum asked for confirmation that the increase from 3 to 6 lots would not encroach upon the tract directly west of it. Mr. Bantz said this was correct.

Susan Claus asked if this is a Planned Unit Development (PUD) and it's with the City Council, they did the approval, how far can the Planning Commission go in making changes before it becomes so significant that it needs to go back to City Council. Ms. Claus said it seemed to her that there were an incredible amount of changes including lots and roadways. She said it appeared to be open ended on how the applicant will account for in the rest of the project for the increased density in Phase 1D. Ms. Claus said it was her feeling that she would at least like the City Council to review this request before. Ms. Connell responded that Staff had the same concerns when they first started the review. As Staff worked through it, in the end Staff felt the applicant was not changing the density, they were changing some boundaries, and the City Council approved the boundary change last month. There were several changes, but they are minimal when looking at the big picture of the Woodhaven project. Mr. Bantz stated they are not changing the density of Woodhaven. Chairman Birchill said the reconfiguration of the street system was called for in the original plan. Chairman Birchill said he did know himself whether this really needed to go back to City Council.

Susan Claus asked if anyone on City Council has been talked to regarding this request, informally. Ms. Connell said she had talked to Larry Cole about it and Mr. Cole did not recommend it go straight to the Council, but that it should be recommended by the Planning Commission first. Again, Ms. Connell said Staff had some concerns at the beginning of their review, but this was because there was so much detail.

Mr. Corrado asked Ms. Claus if there were specific issues in the changes that caused her concern or whether it was just the process. Ms. Claus said it was the process for the PUD itself and what the thresholds are. Ms. Connell stated, as an example, the City Council had no concerns with the phasing changes in their review of this on June 13, 1995. Ms. Claus asked if there had been a formal application by Woodhaven to get the signal installed. Mr. Bantz said ODOT has had a letter from them for about a month. Ms. Connell said this request by the applicant is prior to the required time. In response to Ms. Claus's question, Mr. Bantz said the conditions state when the applicant gets to the third phase, they should have a new traffic analysis. The

applicant has asked Kittelson & Associates to do the traffic analysis sooner than that. The condition states when 50% of the units are occupied, there may be a need for a signal. Mr. Bantz said this will not change the timing of the signal.

Mr. Bantz said the applicant has to install a second left turn lane off Pacific Highway 99W into the site. They will begin construction on this lane tomorrow. As soon as it is built, they will have to strike it and say it cannot be used until the signal is installed.

Chairman Birchill asked if the Commission was ready to make a motion.

Susan Claus moved SUB 95-2 Woodhaven Phase 1D Preliminary Plat go to City Council for review, due to the scope and extent of changes from the original PUD. The motion died for lack of a second.

Rick Hohnbaum moved SUB 95-2 Woodhaven Phase 1D Preliminary Plat be approved based upon findings of fact, staff recommendations and conditions as amended. The motion was seconded by Chris Corrado.

Susan Claus again stated her concerns regarding the changes to the Woodhaven PUD. Ms. Stewart said if there was any concern about the City Council, she suggested a copy of the minutes and decision notice be made available. Mr. Hohnbaum said the City Council has the authority to appeal. Following further comments and questions,

Rick Hohnbaum agreed to amend the original motion to include additional wording to Condition 12, no more than 1,268 units and no less than 65 acres of open space. The amendment was seconded by Chris Corrado.

The amended motion was voted on and carried with Commissioners Birchill, Corrado, Hohnbaum, Shannon and Stewart voting aye and Commissioner Claus voting nay.

See attached Decision Notice dated July 25, 1995, which is attached to and made a part of these minutes.

There being no further business to discuss, the meeting was adjourned at 11:10 PM.

Respectfully submitted,

Roxanne Gibbons
Planning Commission Secretary