

City of Sherwood, Oregon  
**Planning Commission Meeting**

August 15, 1995

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**1. Call to Order/Roll Call**

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

**2. Minutes of August 1, 1995 Commission Meeting**

Vice-Chairman Corrado asked if there were any corrections or additions to the minutes of August 1, 1995. Marge Stewart said on page one of the minutes referencing the 66-lot subdivision on Parrett Mountain the decision is being appealed by the applicant, Manke Lumber Company, not Washington County. There being no further corrections or comments,

**Marge Stewart moved the Planning Commission accept the August 1, 1995 Commission meeting minutes as amended. The motion was seconded by George Bechtold and carried unanimously.**

**3. Community Comments**

Vice-Chairman Corrado called for comments from the audience regarding any items not on the printed agenda. There being no comments, Mr. Corrado moved to the next agenda item.

**4. SP95-1 Allied Systems Site Plan (Continued from August 1, 1995)**

Vice-Chairman Corrado announced this application was continued from the August 1, 1995 Commission Meeting. Carole Connell clarified that the public hearing was closed seven (7) days after the public hearing on August 1, 1995 and the record has been closed. Tonight the Commission would be reviewing the decision notice for this application. Allied System's (Allied) Attorney, David B. Smith, submitted additional information in a letter with enclosures 1 and 2, dated August 7, 1995, which should be made part of the record. Ms. Connell referred the Commission to the Draft Notice of Decision which was handed out at the meeting for Commission consideration tonight. This decision was developed following a meeting with Washington County, Allied's Engineer and the City Staff to determine how the road driveway should be utilized.

Rick Hohnbaum announced he would be excusing himself from the discussion as he did previously on July 18, 1995 and August 1, 1995.

Ms. Connell reviewed the changes in the draft conditions presented. The applicant proposed providing right-of-way adjoining Tax Lots 201 and 501, 37 feet from centerline on Oregon Street frontage and dedicate an 8 foot easement adjoining the right-of-way for road, utilities or landscaping purposes. The applicant proposed at least five (5) feet of the landscape corridor shall be on the side of the fence referred to in Condition #4 away from NE Oregon Street. Ms. Connell said all of the 15 foot landscape corridor would not be needed with the 8 foot easement. Condition #5 was clarified to provide a total of 270 parking stalls and a parking lot to City specifications. With regard to the sidewalk on NE Oregon Street, Ms. Connell said the County recommended reserving funds in a trusted agent's account for the sidewalk after the vertical and horizontal alignment had been determined and NE Oregon Street MSTIP 3 project is completed. Condition #13 was added to ensure that all outside lighting is directed downward and shines only onto the subject site.

In response to Mr. Shannon's question, Ms. Connell said the County agrees with Condition #7.c.1) which recommends building a concrete sidewalk to County standard along NE Oregon Street frontage at ultimate line and grade (or as approved by the County Engineering Division), one-half foot off the ultimate right-of-way line, for both parcels. This condition requires the applicant to engineer the street and apply to Washington County for approval when the sidewalk would be built. In response to Mr. Bechtold's question, Ms. Connell said the normal street dedication is 45 feet from centerline. However, the County has a different standard than the City for street width on NE Oregon Street. The County normally requires a 74 foot right-of-way and the City requires 90 feet in this location.

Vice-Chairman Corrado asked if there were any further questions from the Commission. There being none,

**Susan Claus moved based on findings of fact outlined in the Staff Report dated July 11, 1995, recommendations as noted, and changing Conditions #1 and #2 to dedicate right-of-way for Tax Lots 201 and 501 to 45 feet from centerline, that SP 95-1 Allied Systems Site Plan allowing outdoor storage and a parking lot adjoining Oregon Street, be approved subject to the following conditions:**

1. Dedicate additional right-of-way adjoining Tax Lot 201 to provide 45 feet from centerline on the Oregon Street frontage.
2. Dedicate additional right-of-way adjoining Tax Lot 501 to provide 45 feet from centerline on the Oregon Street frontage.
3. Revise the site plan by widening the landscape corridor to fifteen (15) feet adjoining Oregon Street, extending to the 100 year floodplain elevation. Install five (5) gallon Photinia spaced five feet apart.

4. Relocate the existing chain-line fence to no closer than 45 feet from the Oregon Street centerline, and extend to the 100 year floodplain elevation adjoining Oregon Street.
5. Provide a total of 270 parking spaces and a parking lot to City specifications. Estimate 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, as approved by the City.
6. Calculate the land area currently being used for parking and cooperate with the City in adjusting the SWM fees accordingly.
7. Submit to Washington County Land Development Services (Public Assurance Staff, Tracy Stone/Carolyn Cook 648-8761):
  - a. Completed "Design Option" form.
  - b. \$750.00 Administration Deposit.
  - c. Two (2) sets of complete engineering plans for the construction of the following improvements:
    - 1) Concrete sidewalk to County standard along NE Oregon Street frontage at ultimate line and grade (or as approved by the County Engineering Division), one-half foot off the ultimate right-of-way line, for both parcels.
    - 2) Commercial access to NE Oregon Street to County standards.
    - 3) Improvements on the site and within the right-of-way as necessary to provide adequate intersection sight distance at NE Oregon Street access point.
    - 4) Close all existing driveways to NE Oregon Street except at County approved access locations.
    - 5) Provide adequate roadway drainage along NE Oregon Street frontage.
    - 6) Provide slope easement along the frontage of the site as approved by the County Engineering Division.
    - 7) Sign and record a waiver not to remonstrate against the formation of a local improvement district (LID) or other mechanism to improve the base facility of NE Oregon Street to County standards between SW Murdock Road and SW Cipole

Road.

- 8) Establish a non-access restriction along the site's frontage of NE Oregon Street, except at the approved access location(s).
8. If landscape screening and buffering is deemed inadequate after installation, the City may require additional screening.
9. At the time of site plan submittal for a new building on Tax Lot 501, the applicant shall provide a wetland delineation, 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 City Staff.
11. Install the landscaping improvements illustrated on sheet L1 by November 1, 1995. If the applicant has not installed landscaping by November 1, 1995, a bond for 100% of the landscaping materials and installation shall be provided to the City.
12. In the event that emergency vehicles need access into the facility, provide the TVFRD with a key to the entry gate.
13. Ensure all outside lighting is directed downward and shines only onto the subject site.

This approval is valid for one year.

**The motion was seconded by Ken Shannon and carried unanimously.**

## **5. Public Hearing**

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.

Susan Claus said she had received a call from a Times reporter regarding the McDonald's application. The reporter did not receive all of the Staff Report. Ms. Claus faxed them a complete copy. Chris Corrado said he received a telephone call from a reporter asking if he had any comments regarding the McDonald's application. Mr. Corrado told the reporter he had not yet received the planning packet and therefore did not have any comments. There being no further disclosures, Vice-Chairman Corrado moved to Agenda Item 5A.

## **5A. MLP 95-5 NSP Development**

Vice-Chairman Corrado called for the Staff report. Lisa Nell reported this is a Minor Land Partition, MLP 95-5, and Site Plan, SP 95-6, request from NSP Development for Sunfield Lakes Apartments, Sherwood Village PUD Phase 1, a 200-unit apartment complex on Century Drive. Ms. Nell referred the Commission to the Staff report dated August 8, 1995, a complete copy of which is included in the Commission's minutes book. The City Council approved PUD 95-12 Sherwood Village Preliminary Development Plan on April 25, 1995 and the Planning Commission approved the Sherwood Village Final Development Plan on August 1, 1995.

Ms. Nell reviewed the staff recommendations for the Minor Land Partition. The MLP is a 45.7 acre site proposed to be divided into three (3) parcels; Parcel 1, 2.3 acres, zoned Retail Commercial (RC); Parcel 2, 13.6 acres, zoned High Density Residential (HDR); and Parcel 3, 29.8 acres, zoned HDR/RC. No new streets are proposed with the partition. The three proposed parcels are in compliance with the zoning standards and the Sherwood Village PUD Plan. There are no designated parks or floodplains on the site and there are no dedicated streets proposed. There is a proposed 40 foot wide, 700 foot long bike path-walkway easement located on the east side of Parcel 2 and a proposed 30 foot wide, 250 foot long ingress and egress easement located at the northwest corner of Parcel 2. The applicant will need to provide an easement on the east side of Parcel 3 which will be utilized for waterline looping. Parcel 3 will be divided again in accordance with the Sherwood Village PUD Master Plan.

In conclusion, Ms. Nell read the recommended conditions of approval for the Minor Land Partition.

**Vice-Chairman Corrado asked if the applicant wished to present any testimony.**

Len Schelsky, Westlake Consultants, 15115 SW Sequoia Parkway, Suite 150, Tigard, Oregon 97224, addressed the Commission. Mr. Schelsky said Westlake represents the applicant, Clarence Langer, who was also in attendance. Primarily, the purpose of the partition is to create a legal lot for the proposed apartment site. Mr. Schelsky said the applicant did not have any problems with the MLP 95-5 conditions. With regard to Condition #4, the applicant requested rewording to dedicate an easement in the Adams Avenue alignment in order to loop water service from Century Drive to Tualatin-Sherwood Road, as approved by the City rather than including dedication of the roadway at this time. The applicant intends to dedicate the roadway at a future stage of the development. Mr. Schelsky said he would be happy to answer any questions.

In response to Ms. Claus's question, Mr. Schelsky said the parceling in Phases 1, 2 and 3 are following the PUD Master Plan. Parcel 3 contains two zones and at a later date the applicant will probably request another partition to separate those two zones or parcels.

**Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application. There being none, Vice-Chairman Corrado asked if there was anyone wishing to speak in opposition of the application. There being none, Vice-Chairman Corrado dispensed with the rebuttal portion of the hearing and temporarily closed the public hearing for discussion by the Commission.**

Rick Hohnbaum asked for clarification of the verbiage on Condition #4 and the width of Adams Street. Ms. Connell recommended the verbiage be left as written to include the roadway dedication. Following further discussion,

**Rick Hohnbaum moved based on findings of fact outlined in the Staff Report dated August 8, 1995, and recommendations as noted, that MLP 95-5 NSP Development, be approved subject to the following conditions:**

1. Dedicate easements for all future public improvements for water, sanitary sewer, storm drainage, as approved by the City and USA.
2. Dedicate to the City the forty (40) foot wide, 700 foot long bike path-walkway easement located on the east side of Parcel 2 and in the northwest portion of Parcel 3.
3. Dedicate to the City the thirty (30) foot wide, 250 foot long ingress and egress easement located at the northwest corner of Parcel 2 and adjoining the northwest side of Parcel 3, as approved by the City.
4. Dedicate the roadway or provide an easement in the Adams Avenue alignment in order to loop water service from Century Drive to Tualatin-Sherwood Road, as approved by the City.

This approval is valid for one (1) year.

**The motion was seconded by Ken Shannon and carried unanimously.**

#### **5B. SP 95-6 Sunfield Lakes Apartments**

Lisa Nell referred the Commission to several documents that were placed on the table and which should be made a part of the record. These were approval of SP 95-6 from the Sherwood School District, and a memo dated August 15, 1995, from Brian Dunn of David Evans and Associates, regarding their review of the traffic impact study for the Sunfield Lakes Apartments.

Ms. Nell reviewed the findings of fact and staff recommendations for SP 95-6 Sunfield Lakes Apartments, Sherwood Village PUD Phase 1, as noted in the Staff Report

dated August 8, 1995. The site plan proposes 200 apartments, although 217 apartments are permitted in the HDR zone. The proposal complies with the provisions of the HDR zone. A landscape plan has been prepared by Gretchen Vadnais, landscape architect. This plan included three tree species which are City prohibited street trees. The trees are the Betula and two varieties of Magnolias. These trees should be located at least 10 feet away from any pathway, sidewalk or foundation, because they have a tendency to uproot hard surfaces. The applicant will need to locate a 6 foot high sight obscuring wood fence along the north property line on the east portion of the site to provide a buffer between the residential and commercial use. The applicant will need to provide individual landscaped areas of no less than 64 square feet in area after every 15 parking stalls in a row. The Poplar trees should be at least 10 feet from any sidewalks or pedestrian paths because they have a tendency to uproot hard surfaces.

Ms. Nell stated the applicant exceeds the off-street parking requirements and will provide 402 parking stalls. Staff recommends extension of several of the sidewalks for improved on-site circulation. Trash receptacles and recycle bins should be strategically located in full view and in an open area so that the garbage and recycle trucks can access them easily and quickly. The applicant should provide a secondary sign at the north entrance of the site on Langer Drive. The applicant should provide pedestrian-scaled lighting fixtures (approximately 12 feet high) along all pathways and locate additional parking lot lighting in the north parking area to ensure an adequate level of safety for those using the pathways and parking lots. Ms. Nell identified the 4 points of access to the site.

Ms. Nell reported ODOT did provide comments regarding the Traffic Impact Analysis (TIA). ODOT did not have any concerns with the development and agreed with the conclusions of the TIA. Staff has concerns with the potential traffic volume which will be created by the site when the site for the McDonald's restaurant and other development in the area are taken into consideration. David Evans and Associates recommended that an investigation into the traffic impacts of all developments, including Phase 2 of the Sherwood Village Market, be made for the year 2000. This will determine if any additional improvements to the street systems are needed in addition to the ones recommended. In this regard, the applicant will need to comply with any requirements or recommendations made by the City.

Ms. Nell stated 40 bicycle parking spaces should be provided throughout the site to comply with the Code. The TVFRD recommended the applicant provide one hydrant at each of the three entrances from Century Drive to the complex and that access requirements for emergency vehicles are adequate. The USA recommended adjacent parcels of property be reviewed to see if extension of public services through this site are necessary. A water quality facility and detention basin will be provided for this project and the facility will be incorporated into the lake system that is being proposed for the site. However, if all of the storm water will run into the Cedar Creek Basin, City Staff does not believe there is sufficient capacity. The applicant will need to comply with USA requirement to ensure that the downstream storm conveyance

has the capacity to take the additional flow generated from this site and meet City standards for private on-site storm water treatment and detention facilities.

Ms. Nell said Staff would like more information on the lake dimensions and if there is a potential that the overflow may create flooding. The lake will be 1 acre in area, reach a depth of 3.5 feet and be lined with a thick plastic membrane. The City Police Chief recommended that the applicant locate a map of the complex at the site which would indicate building locations. As stated in the Code, 50% of the open space shall be suitable for active recreational use. The application shows approximately 321,868 square feet, including the lake, has been dedicated to open space. Staff recommends additional active recreational facilities be provided to comply with the Code. Guardian Management Corporation plans to hire a full-time resident manager and resident assistant. A full-time maintenance person and assistant will also live at the site.

Ms. Nell reviewed the conditions of approval for the Sherwood Village PUD. The agreement between Mr. Langer and the City states that a homeowner's association will be established and include the subject multi-family development. At the time of individual site plan review, consideration should be given to comments from Tri-Met. An off-site waterline will be constructed. The site plan should extend the path to Langer Drive and include street furniture as required. The 24-foot wide public vehicle access easement from the complex to Langer Drive should be paved with hard surface to City standards.

In conclusion, Ms. Nell reviewed the recommended conditions of approval.

**Vice-Chairman Corrado asked if the applicant wished to make any comments.**

Clarence Langer, 15585 SW Tualatin-Sherwood Road, Sherwood, Oregon 91740, and Alan Kravitz, AIA, 3147 NE 22nd Avenue, Portland, Oregon, addressed the Commission. Mr. Kravitz reviewed concerns they had with some of the conditions. Regarding the condition to provide a 4-foot wide hard surface pathway around the lake, Mr. Kravitz referred the Commission to the map. In managing projects similar to this, the people who are adjacent to the lake want to live adjacent to lake. A pathway would cause people to walk by private patios and living rooms and consequently the tenant would not feel they really had a sense of privacy. At the same time, they would not want to deny people who don't live adjacent to the lake access to the lake. Therefore, a number of public accesses to the lake have been created. They believe this would be the most effective way to manage access to the lake. Mr. Kravitz said they would work with Staff to meet both of these requirements, find some other points of lake access and increase the walking trails in the project, that would not have any adverse effect on the tenants.

In response to Ms. Claus's question, Mr. Kravitz said there was no minimum setback from the lake. They would work with the Building Official to assure safety



requirements are met. Mr. Kravitz said the lake would be naturally landscaped and their landscape architect was in attendance to answer any questions. In response to Ms. Connell's question regarding overflow, Mr. Kravitz said there is an overflow structure at one end of the lake which will drain into the public drainage system, as required. The system will react to the overflow structure. The lake recirculates once a week and will include bubblers and rock structures to keep the water moving. In response to Mr. Bechtold's question, Mr. Kravitz said they are basing their comments on experience they have had with other public projects they manage which have similar water features. One such project is "The Lakes" in Hillsboro on Cornell Road and 186th Avenue. This project's lake has a few areas where pedestrian pathways interact with the lake and they have received complaints from tenants when people congregate outside of someone's living room to view the lake. There are selected areas for viewing the lake that are not right adjacent to a tenant's living space. This is what they have learned in the marketplace. In response to Mr. Corrado's questions, Mr. Kravitz said the apartments on the lake will get a higher rent.

Mr. Kravitz said they had a concern with the condition to place trash and recycling bins in locations as approved by Pride Disposal. He identified the two recycling areas for the project. They have found in managing projects that first of all the tenant would not like it if the recycling area was a feature in the project, but that you would want everyone to know where it is located. They recommend placing a fence around the recycling area with appropriate signage. The recycling vehicles would have access, but it would not be open where everyone could see the bins. They would review the locations with the appropriate company. At this point, they have not discussed this matter with the recycling company.

Mr. Kravitz discussed the condition to provide pedestrian fixtures (approximately 12 feet high) along all pathways and sidewalks, including the pedestrian path along Adams. They agree that the pathways need to be lighted very well. However, a 12 foot high fixture could drift into the apartments. They have designed, and will review with Staff, light fixtures that provide illumination for the paths, most of which are mounted on buildings or are lower lights which directly extend light onto the paths. They would work with Staff and the lighting engineers to provide effective lighting.

Mr. Kravitz discussed the recommendation regarding traffic impacts of all developments to the year 2000. They have hired a traffic engineer to prepare a report based on the impacts of the Sherwood Village PUD. It is hard to predict what will happen by the year 2000, although they do know there are going to be additional projects in the area which will affect the traffic system. At this time, there are no major traffic requirements for this particular project. Anything else would be pure supposition at this point in time.

Ms. Connell said the City asked David Evans and Associates to review the Sherwood Market Traffic Impact Study and the Traffic Analysis for the proposed Sunfield Lakes Apartments and advise the City if the conclusions of the reports were accurate. David Evans response to the City was the conclusions of the reports were not quite

accurate because the reports did not look at the whole picture. David Evans recommended that an investigation into the traffic impacts of all developments, including Phase 2 of the Sherwood Village Market, be made for the year 2000. This would determine if any additional improvements to the street systems are needed besides the ones recommended in the conclusions of both reports. Ms. Connell said the applicant will pay a large traffic impact fee and will be contributing to the traffic improvements on the arterial and collector streets. City Staff used the recommendation of David Evans in developing the condition.

In response to Ms. Claus's question, Mr. Kravitz said it would take one year to fourteen months from when the project is first started to reach achievable occupancy at 93-95%. The area has a very healthy apartment market. They would build all of the buildings simultaneously, 3-4 units per month opened for occupancy. It would be up to the general contractor to develop the build out schedule. The lake, liner and drainage pipe would be constructed with the initial grading. Funding is in place for the entire project and they do not expect to not completely build the project. They would not have a problem with committing to building the entire project.

In response to Ms. Stewart's question, Mr. Kravitz said there will be one, two and three bedroom apartments with rents ranging from approximately \$550.00 to \$900.00 per month.

Mr. Kravitz asked for clarification on the open space requirements. Ms. Connell said the site plan should provide approximately 59,242 square feet of active recreation facilities in the open space. They plan 54% open space which exceeds the planning standards. They would work with Staff to plan the location of the basketball hoops as well as more active open spaces.

Mr. Kravitz said there was concern about providing 40 secured bicycle parking spaces. They have found in apartment projects if you own a bicycle you would not store it in a public area. People that live in apartments and own bicycles would store them within their secured storage facility or apartment. Likewise, visitors usually take their bicycles to the apartment or location they are visiting. The 40 spaces would never be fully used. They would work with Staff and would suggest 15-20 spaces placed in two or three different areas. In response to Mr. Corrado's question, Ms. Connell said the recommendation for 40 bicycle parking spaces is a TPR requirement, but currently only recommended by the Code, not mandated.

Mr. Kravitz discussed police and security issues. There will be a light by every apartment front door with the address of the apartment. Each building will have a lighted sign which identifies the building number and apartments.

Clarence Langer stated the SDC credits have already been agreed to by the City for the parks and open spaces. This particular site is within the PUD which is within the Sherwood Village concept.

Len Schelsky said the 200 units in the Sherwood Village would receive around \$170,000 in credits and the total value of the park with land and improvements is around \$500,000. The Parks Agreement states the apartments will have to be a part of the homeowner's association that maintain the park.

Mr. Schelsky reviewed the storm drain issues. When Phase 1 of Sherwood Village was designed there was an 18-inch storm drain pipe stub to the site of this project. The City Engineer worked out the details for this drainage. There is a stormwater management pond which will act as a detention pond and water quality pond and the water will go out to Cedar Creek Basin. The fire hydrants will be arranged to the Fire Marshal recommendations. The site will be serviced with the existing sewer lines and no new extensions are required.

In response to Ms. Connell's question, Mr. Kravitz said the apartments will allow pets that will probably be limited to 20 pounds. In addition, each owner will be responsible for cleaning up after their pets.

**Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application.**

Dorothy Alto, 24662 SW Ladd Hill Road, Sherwood, Oregon 97140, addressed the Commission. As a member of the Parks Advisory Board, she asked if the applicant was inviting the public into the viewing area around the lake or is it mainly for the residents only. Mr. Kravitz said basically the lake is for the residents, but they did bring the lake out to the pathway for people walking along the pathway to view the lake. They can't prohibit people from walking through the complex, but they are not encouraging it.

Sanford Rome, 1780 E. Willamette, Sherwood, Oregon 97140, addressed the Commission. Mr. Rome said he had a lot of comments, most positive, but some negative. He thought the project was one of the nicest to come to town, but he had concerns that the City not get "sold out". Mr. Rome asked for clarification and justification of the PUD, density transfers, number of units per acre and how it fits into the plan. Ms. Connell responded the PUD is not related to physical constraints. It is a PUD because it is such a large piece of property and has four different zones. There are no density transfers. The applicant is allowed 217 apartments and they plan to construct 200.

**There being no further testimony in favor of the application, Vice-Chairman Corrado asked if there was anyone wishing to speak in opposition of the application.**

Sanford Rome, 1780 E. Willamette, Sherwood, Oregon 97140, addressed the Commission. Mr. Rome commended the Staff for their review of the project. He discussed the garbage situation and said it is mandated in Multnomah County and so soon will be mandated as state law that you recycle. Recycling has to be convenient

and sheltered. He said recycling should be part of the conditions. Mr. Rome said the applicant is pushing to the maximum for parking requirements and this is one of his concerns. He referred to the Kay Apartments as an example. Mr. Rome said he was also concerned about the traffic study and traffic impacts this project could have. He referred to Woodhaven and other projects relative to his concerns for increased traffic. He agreed with the applicant that a pathway around the lake would not allow for privacy.

Chairman Corrado asked Mr. Rome if he could keep his comments to opposition. Mr. Rome said he had a lot of notes and it is real difficult to say which side or where you are coming from. Mr. Rome said he was not against the project, he was only against if it comes back to haunt the City. Mr. Corrado said he appreciated Mr. Rome's comments, but everything that he states as positive would be decreasing his time for any other concerns he may have.

Mr. Rome said he had concerns with regard to stormwater and questioned if the project handles a storm water runoff for a 25 year event, if it would handle all the storm water or it will function for this. They could have the same problem as in the Murdock Basin and it really needs to be worked on. Mr. Rome discussed the lighting on pathways for pedestrian security. He said he had another concern about Tri-Met and where they plan to stop. Mr. Rome said the basketball hoops need to be located in a safe area. He said he was concerned about the spa and 200 people using the spa, how big it would be and the water facilities for this use. Mr. Rome referred to the Kay Apartments, the requirement for nature trails and pathways and how to this date these have not been installed. Mr. Rome said if the City gets what is proposed for this project it will be a wonderful project, but if the City gets something less, then it could become a burden and the City has enough of those already.

Clyde List, 21235 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. List said it is an excellent project, but he did write a letter to the Editor of the "Gazette" about a topic which is starting to concern him. That is, why doesn't the City approve 217 units, why only 200 units. Is it an engineering problem or a marketing problem. If it is a market problem, why do they consistently come down in favor of the developer. Why don't we add to the supply of houses, instead of take away from it.

**Vice-Chairman Corrado asked if the applicant wished to make any rebuttal testimony. There being none, Vice-Chair Corrado temporarily closed the public hearing for discussion by the Commission.**

**Vice-Chairman Corrado recessed the meeting at 9:30 PM and reconvened at 9:38 PM.**

Vice-Chair Corrado opened the floor for discussion by the Commission.

Mr. Hohnbaum asked for clarification on the water looping and line widths. Mr.

Schelsky responded the 10-inch looping will complete the line in Century Drive to Tualatin-Sherwood Road. The line in the development is 8-inches, as required by the Fire Code. There are three entries on Century Drive that are 10-inches and they will take an 8-inch line through the project back to the entries. Mr. Hohnbaum said he was concerned about the stormwater and asked if Staff was comfortable with the condition as written. Ms. Connell said Staff is alerted to the concern and the engineering is just beginning. Staff will work closely with David Evans, USA and Public Works in reviewing the details of the stormwater system. Once the plan is developed, it is the Commission's prerogative to review it. Ms. Connell said there is no addressing methodology for apartment complexes in the Zoning Code. These standards would come from the fire district, police and post office.

Ken Shannon said he agreed with the applicant and would not recommend a 4 foot pathway around the lake. However, he would agree with pedestrian walkways in the complex. He said there needs to be good lighting for the pedestrian walkways. The Commission suggested removing the 12 foot high statement. Mr. Shannon said 15-20 spaces for bicycles should be acceptable. George Bechtold said he supported Staff and Mr. Shannon's comments regarding the bicycle spaces. He said it is important to go with the recommendations of the City because a lot of time and effort was put into the Transportation Planning Rule for future planning. Mr. Shannon said the amount of bicycle stations would not determine the number of bicycles owned. Mr. Bechtold said some adjustments may need to be made, but he would support the 4 foot wide pathway around the lake and setting the buildings back. Ms. Connell said she felt a pathway around the lake would be ideal and she understood the privacy issue. Staff thought both privacy and walking trails could be accommodated, but at the least there should be some type of circulation network.

Mr. Bechtold said it would be a mistake not to talk with Pride Disposal regarding the placement of trash and recycling bins. He asked how they could have a homeowner's association if everyone is a renter and that condition #9 should remain and function.

Ms. Claus said she was concerned about the traffic study and would like further explanation. She asked if a timeframe could be developed for completion of a traffic study. In addition to the traffic study, are there changes that will be relevant enough that the Planning Commission should review them again or in each individual area will the recommendation be for staff review. Ms. Connell referred to the recommendations of David Evans in their memo dated August 15, 1995 which was made a part of the record. Mr. Corrado suggested a traffic impact study be done now to cover the impacts through the year 2000. Ms. Connell said the Sherwood Market traffic report does include the Phase 2 analysis. The condition could be written so if an analysis was needed it would come back to the Planning Commission for review. Mr. Bechtold said he would support looking at the bigger picture regarding traffic impacts and pedestrian circulation in the area.

Ms. Stewart said she was concerned about the pathway around the lake as well as having suitable areas for recycling. She was acceptable to having less than 40 bicycle

parking spaces.

Ms. Claus said the completion of the park and fixtures should be tracked because the applicant received SDC credits for this.

Mr. Langer suggested the City use some of the TIF fees for the traffic study. Ms. Connell said according to the traffic reports it will be the intersection of N. Sherwood Boulevard and Langer Drive that could have problems. Ms. Connell said probably both the applicants tonight would be involved (Mr. Langer and McDonalds) when responsibility for signalization is reviewed and required. Both of these applicants will be back before the Commission during Phase 2 of their projects.

The Commission agreed to leave condition #1.e. as written, "Comply with any on or off-site traffic safety requirements and recommendations made by the City and ODOT."

Vice-Chair Corrado said he would strike the first sentence in condition requiring a 4-foot pathway around the lake, but increase the circulation to staff's approval. He recommended removing the "12 foot high" wording in condition referencing lighting fixtures and include "as approved by Staff". He recommended providing a minimum of 25 secured bicycle parking spaces to the condition. He recommended adding "as agreed up by the City and Pride Disposal" to condition #2. Mr. Corrado suggested leaving the basketball hoop where planned by removing the wording of the second sentence in condition #3 referencing the basketball hoops and leaving the tot-lot wording in.

Following further discussion,

**Rick Hohnbaum moved based on findings of fact outlined in the Staff Report dated August 8, 1995, Staff recommendations and amendments as noted, that SP 95-6 Sunfield Lakes Apartments, Sherwood Village PUD Phase 1, be approved subject to the following conditions:**

Prior to issuance of a building permit:

1. Provide engineered construction plans for public and private improvements including costs, maintenance and bonding provisions in compliance with City, USA and TVFRD standards. The plans shall include provisions for streets, pathways, sanitary sewer, water, fire protection, storm water runoff, erosion control, street lighting, landscaping, street names and signage. Provide utility extensions to all adjoining properties. In particular,
  - a. Locate to the TVFRD's standards one (1) fire hydrant at each of the three (3) entrances from Century Drive.

- b. Provide individual landscaped areas of no less than sixty-four (64) feet square in area to be provided after every fifteen (15) parking stalls in a row.
- c. Provide a four (4) foot wide hard surface pathway around the lake. Extend the four (4) foot sidewalk along the west side of the east driveway, providing a connection to the sidewalk along Century Drive. Provide four (4) foot sidewalk extensions to the parcel to the west of the site (in the vicinity of Building B) and to the other RC parcel of Phase 2 to the north in the area of Buildings Q or R. Connect the four (4) foot sidewalk from the ends of garages 11, 12, and 13 to the ten (10) foot pedestrian/bike path at the east property line, and construct connecting sidewalks between **all** buildings, as approved by Staff.
- d. Provide a secondary sign at the north entrance of the site, on Langer Drive, locate an illuminated directory sign on the west wall of the mail building, provide illuminated building signs at each building, revise the front entrance sign to meet City standards and apply for and obtain an administrative sign permit for all signage.
- e. Provide pedestrian-scaled lighting fixtures to cover all pathways and sidewalks, including the pedestrian path along Adams, as approved by the City. Locate additional parking lot lighting in the north parking area adjoining the RC parcel and in the vicinity of Buildings F and H.
- f. Provide a supplement to the Traffic Analysis, examine the impacts of all developments, including Phase 2 of the Sherwood Village Market, up to the year 2000. Comply with any on or off-site traffic safety requirements and recommendations made by the City.
- g. Provide a forty (40) foot wide pedestrian easement from Century Drive to Langer Drive that includes ten (10) feet of pavement width, landscaping and street furniture for City approval. Align the pathway so that it coincides with the adjoining phase lines. The entire pedestrian/bicycle pathway from Century Drive to Tualatin-Sherwood Road shall be constructed by the developer with the completion of Phase 1, the Sunfield Lakes Apartments development.
- h. Provide a minimum of 20 designated, secured, conveniently located bicycle parking spaces, as approved by Staff.
- i. Review adjacent parcels of property to see if sanitary sewer extensions of public services through this site are necessary, as required by USA.
- j. Comply with USA and City requirements to ensure that the

downstream storm conveyance has the capacity to take additional flow generated from this site and meet City standards for private on-site storm water treatment and detention facilities.

- k. Locate stop signs at all exits of the site.
- l. Locate a six (6) foot high sight obscuring wood fence along the north property line on the east portion of the site to provide a buffer between the residential use and commercial use as is provided along the west property lines.
- m. In Phase 1, water service shall be looped to Tualatin-Sherwood Road from Century Drive via a public easement in the Adams Avenue alignment.
- n. Provide and construct to the City's approval a paved, twenty-four (24) foot wide public vehicle access easement 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.
- o. Comply with Code Section 7.404.05, the City's grading rules as follows:
  - 1) Cut slopes shall not exceed one and one-half (1-1/2) feet horizontally to one (1) foot vertically.
  - 2) Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.
- 2. Place trash and recycling bins in locations as agreed upon by the applicant, the City and Pride Disposal.
- 3. Revise the site plan to provide approximately 59,242 square feet of active recreational facilities in the open space. Designate a specific and safe location for the basketball hoop and provide another Tot Lot on the site, as approved by the City. Document the rights and responsibilities attached to the common open space and recreation areas, including guaranteeing continued use and maintenance of the areas as approved by the City.
- 4. Locate the Betula or "Paperbark Birch", and two varieties of Magnolias; the "Evergreen Magnolia" and the "Kobus Magnolia" at least 10 feet away from any pathway, sidewalk or foundation as they have a tendency to uproot hard surfaces.
- 5. Ensure that covenants, agreements and other specific documents are adequate



in the City's determination to assure an acceptable method of ownership, management, and maintenance of structures, landscaping and other on-site features.

6. In accordance with Tri-Met's recommendations:
  - a. Specifically locate pedestrian linkage points and create convenient walkways.
  - b. Provide direct and continuous connections between pedestrian destinations, provide appropriate links to the property line of vacant parcels or easements to allow for future connections, ensure that pedestrian linkages provide the most direct route possible to minimize travel distances, and avoid routes with out-of-direction travel.
  - c. Maintain consistency and legibility of the paved surfaces in the pedestrian network that are outside the public right-of-way, provide treated surfaces, such as stamped concrete, broom finishes, and concrete scoring, to delineate the pathway.
  - d. Provide a continuous raised crossing marked by a change in paving materials where walkways cross private driveways and in limited locations where raised driveway crossings are not feasible due to high truck traffic, mark the pedestrian crossing with a change in paving materials. Scoring patterns should not exceed 2 feet in one dimension. In those areas where pedestrian activity is most desired or already present, ensure that the surfaces and design elements are sized and modulated for this human scale.
  - e. Distinguish the pedestrian network, provide ornamental lighting no greater than 12 feet in height, ensure pedestrian safety, provide .75 to 1.5 foot candles of illumination along pedestrian routes, place light posts in buffers between pedestrian pathway and driveways or roadways.
7. Comply with all City standards and regulations for maintenance of private storm water treatment and detention facility.
8. Meet all conditions of approval for Minor Land Partition 95-5 NSP Development and record the partition.
9. As described in the Parks Maintenance Agreement between the City and Clarence Langer, form homeowner's association to assist in maintaining the park on Century Drive and the 40-foot pedestrian easement to Langer Drive.

This approval is valid for one year.

**The motion was seconded by Marge Stewart.**

**Ken Shannon moved to amend the original motion by deleting the first sentence from condition #1c, "Provide a four (4) foot wide hard surface pathway around the lake." The amendment to the motion was seconded by Marge Stewart and carried with Commissioners Shannon, Corrado, Claus and Stewart voting yes, Commissioner Hohnbaum voting no and Commissioner Bechtold abstaining.**

Susan Claus asked for clarification that the condition referencing the traffic safety requirements includes the recommendation from David Evans. Ms. Connell said Ms. Nell clarified in her oral comments that this condition should be rewritten to provide the supplemental traffic analysis in the opening part of the sentence.

**The original amended motion was voted on and carried with Commissioners Corrado, Claus, Hohnbaum, Shannon and Stewart voting yes and Commissioner Bechtold voting no.**

Vice-Chair Corrado asked, given the time, if the Commission wanted to move ahead to Agenda Item 5C. The Commission agreed to move to the next agenda item.

#### **5C. MLP 95-4 Ehlen/McDonalds**

Vice-Chair Corrado called for the Staff report. Carole Connell reported this is a dual application for a Minor Land Partition and Site Plan for McDonald's Corporation to construct a restaurant on Sherwood Boulevard and Langer Drive. Ms. Connell referred the Commission to the Staff report dated August 8, 1995, a complete copy of which is included in the Commission's minutes book.

Ms. Connell reviewed the conditions of the report for the Minor Land Partition. The request creates 3 parcels from a 9.85 acre parcel on Pacific Highway 99W, N. Sherwood Boulevard and 12th Street. The site is now vacant. Parcel 1 would be the McDonald's site. The site is zoned General Commercial (GC) and use of Parcel 1 complies with the GC Zone standards. There are no new streets created by the request and each parcel has its own frontage. Temporary access easements are being created. A reciprocal ingress and egress easement is proposed. Sherwood Boulevard adjoins the north side of the site and more right-of-way will be needed. 12th Street is a major collector and its ultimate right-of-way will be 70 feet. Pacific Highway 99W adjoining the site on the northwest side. ODOT has not commented regarding right-of-way or improvements. In a letter dated August 3, 1995, the agency said no access to Highway 99W will be permitted.

Ms. Connell said the letter from ODOT dated August 15, 1995, should be part of the record. The condition to remove proposed right-in turn only from N. Sherwood Boulevard and Pacific Highway 99W should be deleted. In conclusion, Ms. Connell reviewed the conditions of approval for the partition.

**Vice-Chairman Corrado asked if the applicant wished to make any comments.**

Marty Treece, Treece and Associates, 2187 SW Main Street, Portland, Oregon 97205, representing the owner of the property (Jeffery & Carol Ehlen) and the applicant (McDonald's Corporation), addressed the Commission. Mr. Treece said he and Carole had reviewed the Staff Report thoroughly and are comfortable with the recommendations. The right-in access issue has been resolved. They are developing the easement documents for recording which will grant easements on the entire property for utility and access for any owners of the property in perpetuity. Mr. Treece said he was comfortable with the conditions and they could move on to the process of reviewing the specific McDonald's site plan. The applicant has submitted a tentative site plan on what they think could happen. They went for the third partition parcel because it worked out that way given what they are doing in the way of utilities and driveways.

**Vice-Chair Corrado asked if there was anyone who wished to speak in favor of the application. There being none, Vice-Chair Corrado asked if there was anyone who wished to speak in opposition of the application.**

Dorothy and John Alto, 24662 SW Ladd Hill Road, Sherwood, Oregon 97140, addressed the Commission. Ms. Alto said their concern was a year ago they put in a project where they feel they were negatively impacted by not being allowed by the City or ODOT to have an ingress or egress off of N. Sherwood Boulevard. Now they are seeing a project which has a large right-in. Ms. Alto wanted to know what had changed. They were told there would be no additional egresses or ingresses from Langer Drive to Pacific Highway 99W on either side of N. Sherwood Boulevard. They had to comply with this when they built the car wash adjacent to their Chevron Station. They are greatly hampered by the access they have now. Ms. Alto said they do not have a person problem with McDonald's, but if it's good for the goose, they are going to be before the Commission wanting the same access off of N. Sherwood Boulevard.

In response to Commission questions, Mr. Alto said the denial of access was from ODOT. Mr. Alto said the Six Corners "H" program was a lot of work. He asked where the process would stop in allowing right-ins and right-outs for every quadrant which is developed. If this is the case, this will mean the loss of control of the traffic. Mr. Alto said it was clear from the beginning that they would not have access for the car wash onto N. Sherwood Boulevard. They went ahead with the project and it is difficult for customers to access the car wash without a right-in from Langer Drive. Mr. Alto said these types of decisions should be consistent. Commissioner Shannon said a lot of people are saying the same thing about the Alto's, because they have two accesses off of Pacific Highway 99W. Ms. Alto asked what the distance was to cross from one sidewalk to the other sidewalk across N. Sherwood Boulevard. Ms. Connell said it would be about 75 feet. Ms. Alto said this is a large opening for pedestrians to

cross considering the cars coming off of Pacific Highway 99W. Mr. Alto said he wanted to make it clear they are not opposed to McDonalds or developing the property, they are opposed to them having something the Alto's were denied regarding accesses to their site.

Ms. Connell said the conditions are a little different because McDonalds is on about a 10 acre site with a long driveway and queing space to circulate through the site. However, McDonald's will not have any access to Pacific Highway 99W.

**Vice-Chair Corrado said the Commission understood the Alto's concerns and then asked if there was anyone else wishing to speak.**

Jim Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus said he was baffled by Mr. Alto's testimony. He asked the Alto's if they had deeded ingresses and egresses. He continued that this is an interesting situation. Somebody got something that nobody else got. Somebody went into the transportation engineering and opened up the City for a little more and we have this same applicant objecting to someone getting far less than they got in terms of ingress and egress. The gift that was given to them amounts to thousands of dollars off of Highway 99W, and does not compare to this at all. Somebody goes in and gets an ingress that is minor and does a superlative job getting the traffic off of Highway 99W for the City. We have that same applicant questioning why they didn't get more. Mr. Claus suggested the applicant's objections go back to ODOT, not this group, because this group never opposed that request. As a City we openly endorse anyone getting what they can get off of Highway 99W so we can get that business off and build our tax base. Mr. Claus said he found it unusual that someone who has got enormous support to get something that wasn't deeded, they weren't entitled to, now they are objecting to somebody who does need an egress and does not get it.

Vice-Chair Corrado thanked Mr. Claus for his comments, but said testimony should be referencing the applicant, not the Alto's situation.

Mr. Claus continued by discussing the creation of a general commercial zone on Highway 99W. The City has insisted, where possible, that they aid the City downtown area. The primary customer, what is called point of distribution customer, is on Highway 99W. Mr. Claus suggested the City see to it that the McDonalds site, which will draw an enormous number of tourists, about 200 people a day in the summer or more, develop a system to aid the downtown. This should be formalized into a signing package that does something to aid the historic district downtown. This is a classic case where there is someone who will operate as an anchor tenant for Sherwood. This is an ideal case to require them to build some kind of program to aid the downtown which can't get business off of Highway 99W. Mr. Claus said his concern is that from the beginning the City continually said these commercial districts on Highway 99W are the highest tax base, the best place to make money and they are also the City's only option to stimulate the activities in the downtown. He said this time the City should force the applicant to do a very aggressive signage

package to promote the downtown. The City should have done it with the shopping center and the City needs to do it here.

Vice-Chair Corrado said these issues are site plan specific and should be addressed at that time.

Sanford Rome, 1780 E. Willamette, Sherwood, Oregon 97140, addressed the Commission. Mr. Rome discussed the division of the parcel into three lots. One is a small parcel and the other two are of reasonable size. The applicant has given a conceptual idea of what it might look like. Mr. Rome said he had a problem, once again, if we going to be getting hundreds of units at the entrance of Sherwood. Mr. Rome said he did not think McDonalds was the type of corporation that would walk away if the City required the parcel be divided into two lots instead of three parcels. He stated he understood they have made a holding lane so that it will hold some traffic and it will get enough off of Sherwood Boulevard. But what happens at that one time it doesn't and there is an accident. Mr. Rome said he has a problem with that. He discussed Sherwood Boulevard and other streets in the City where there are still problems. He said the City does not need half of another problem. Mr. Rome said the City needs to look at something other than just one parcel. He said he was not against McDonalds and he thought the City needs a McDonalds. He said the traffic needs to be looked at before the City allows them to divide the parcel into three partitions. He said he had a problem with the way the property was going to be subdivided.

**Vice-Chairman Corrado asked if there was anyone else wishing to testify in opposition to the application. There being none, Vice-Chairman Corrado asked the applicant if they wished to make any rebuttal testimony.**

Marty Treece, Treece and Associates, 2187 SW Main Street, Portland, Oregon 97205, addressed the Commission. Mr. Treece said he thought the Commission answered the Alto's question and what happened to them was not the applicant's fault. He agreed the signage may be a site plan issue. He and Ms. Connell have discussed at great length the overall site and its development. Mr. Treece said regarding the last gentleman's comments, he really did not understand what he was trying to say. He was not sure what his problem was. Mr. Treece said the purpose of the MLP is market driven. The applicant owns approximately 9.5 acres and they have an opportunity to sell a portion of it to McDonalds now, they do not have all 9.5 acres spoken for in the marketplace. McDonald's does not want to buy 9.5 acres, they want to buy 39,000 square feet to build their restaurant on. The way to do that is to go through a minor partition process instead of a subdivision process which requires more answers to questions which the applicant does not have because they do not have the market answers and do not know exactly what will go on with the rest of the property. Mr. Treece said they have a conceptual idea which is provided in the packets. The reason they chose three parcels, given the way utilities and the entrance opposite Langer Drive was brought onto the site, that parcel at the corner of 12th and Sherwood Boulevard was a result of this. This is why the Commission has a

site plan review for McDonalds only. They hope that getting McDonalds will inspire further things for this property. McDonalds wants to build their restaurant now and not wait until the property is totally developed, market-wise.

**Vice-Chairman Corrado temporarily closed the public hearing for discussion by the Commission.**

Mr. Hohnbaum said theoretically speaking, requiring a different process when partitioning more than three lots is so the City can take a more macro-perspective as to what is going to happen to a large area of land. Mr. Hohnbaum used the Sherwood Village as an example. If the Commission grants the partition as presented they will have divided the lot into three lots in which one particular parcel has been sold and there is a potential idea of what is doing to happen to it, but what will happen to the rest of it is not clear. The Commission is seeing a minor partition before them because it is not known what the rest of the 9.5 acres will have on it. Mr. Hohnbaum asked, as a Planning Commission that should be concerned about the bigger picture, why is this on the agenda? Ms. Connell said this is just another legal way of developing a 10 acre parcel by doing it in sections. They are not required to provide one developer.

Mr. Rome said he would like to withdraw his objection. Vice-Chairman Corrado advised Mr. Rome that the public hearing was closed.

Ms. Stewart said she agreed with the division into three parcels. She was concerned about traffic in this area and the ability to access the site. Ms. Connell referred the Commission to the response from ODOT dated August 15, 1995.

There being no further discussion,

**Marge Stewart moved based on findings of fact outlined in the Staff Report dated August 8, 1995, agency comments and recommendations as noted, that MLP 95-4 Ehlen/McDonalds, be approved subject to the following conditions:**

Prior to Partition Plat recording at Washington County, provide to the City the following:

1. Dedicate for public road right-of-way enough Sherwood Boulevard frontage necessary to provide 45 feet from centerline.
2. Dedicate for public road right-of-way enough 12th Street frontage to provide 35 feet from centerline.
3. Ensure adequate public and private utility easements are included on the plat to serve all parcels, as required and approved by the City.

4. Comply with City site grading rules as specified in Code Section 7.404.05.

This approval is valid for one year.

**The motion was seconded by Susan Claus and carried with Commissioners Claus, Corrado, Stewart, Shannon, Hohnbaum voting yes and Commissioner Bechtold abstaining.**

Vice-Chairman Corrado asked the Commission, due to the time, if they wished to continue with the review of the Site Plan. The next Planning Commission meeting will not be until September 19, 1995. The Commission voted to continue with the meeting and Vice-Chairman Corrado moved to the next agenda item.

Mr. Rome voiced his objections to the Commission continuing the meeting and wanted to make an official complaint. Vice-Chairman Corrado responded the Commission had the discretion, under the circumstances, to continue the meeting.

#### **5D. SP 95-7 McDonalds Corporation Site Plan**

Vice-Chairman Corrado called for the Staff Report. Ms. Connell said this is a Site Plan request for a 4050 square foot McDonalds restaurant on Parcel 1. Ms. Connell referred the Commission to the Staff report dated August 8, 1995, a complete copy of which is included in the Commission's minutes book.

Ms. Connell reviewed the staff findings contained in the report. The site is zoned Retail Commercial (RC) and the application meets the permitted uses. Ms. Connell discussed the design objectives and referred the Commission to the plans. McDonalds has been very cooperative in accommodating the City's requirements in proposing a building that will be compatible with the surrounding area. A landscape plan has been provided with the application. Other than one deciduous tree, there is no existing vegetation on Parcel 1. This tree does not need to be preserved. With the proposed partitioning of the original parcel, all four property line are bordered by vehicle travel lanes and technically should be provided with the required 10 foot perimeter landscaping. Parking lot landscaping should meet the City Code. Other landscaping recommendations have been provided in the conditions of approval. The site plan illustrates 44 parking spaces which exceed the required number.

Ms. Connell reviewed the on-site circulation. The proposed restaurant illustrates two accesses to the site from Sherwood Boulevard. The August 15, 1995 letter from ODOT and the August 15, 1995 memo from David Evans and Associates were entered into the record. More improvements will be seen in Phase 2. The restaurant will be required to pay an estimated \$15,795 Traffic Impact Fee for the entire retail site. The Pacific Highway 99W/Sherwood Boulevard intersection is operating at a Level of Service (LOS) A. Traffic volumes at the Sherwood Boulevard/Langer Drive intersection will warrant a traffic signal with the build out of Sherwood Village PUD and the subject shopping center site. McDonalds should be required to pay the owner

of the subject parcel their prorated share of the signal now, as agreed upon by the applicant, the City and the developer.

Ms. Connell discussed the signage for the site and showed the Commission a drawing of the proposed free-standing sign. Wall signage is illustrated on the Elevations A3 and A4. A free-standing sign is proposed for the entire site at the corner of Pacific Highway 99W and Sherwood Boulevard. The code allows for a maximum 45-foot high sign. The proposed sign is 45-feet high. Ms. Connell said she was concerned about the height of the sign and whether it was necessary to have a sign this tall. She suggested a little more character should be added to signage for aesthetic purposes.

Ms. Connell said a lighting plan needs to be provided and should be made a condition of approval. Engineered plans for sewer and water must be approved by USA and the City prior to issuance of a building permit. The stormwater is an interim plan until the complete project is developed. USA had no objections or particular concerns with this plan. The applicant will provide a letter certifying compliance with City environmental regulations.

In conclusion, Ms. Connell reviewed the recommended conditions of approval for the Site Plan.

**Vice-Chairman Corrado asked if the applicant wished to provide testimony.**

Marty Treece, Treece and Associates, 2187 SW Main Street, Portland, Oregon 97205, and Carl Lingle, McDonalds Corporation, 5000 SW Meadows Road, Suite 200, Lake Oswego, Oregon 97035, addressed the Commission. Mr. Lingle said he had been working with Ms. Connell on this project and really had no concerns regarding the recommendations, except for Condition #3 regarding the right-in access. Mr. Lingle said they would like to have more time to work with Staff in developing a signage package which would benefit the site as well as the City. Mr. Lingle said light standards are shown on the plans and a lighting plan and environmental impact report will be provided to the City. The storm drainage is a USA design for temporary use until the rest of the project is developed.

**Vice-Chairman Corrado asked if there was anyone wishing to speak in favor of the application.**

Sanford Rome, 1780 E. Willamette, Sherwood, Oregon 97140, addressed the Commission. Mr. Rome said he would like to welcome McDonalds to the City. He said the City needed to direct all the traffic into town to promote all the growth they can. Mr. Rome said the City Planner has continued to ask for small lots, small housing tracts and maximum housing. He said the City should make this the biggest possible lot to have the biggest possible space for a tax base which would benefit City taxpayers. Mr. Rome said Ms. Connell should encourage bigger sites.

Jim Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the



Commission. Mr. Claus said he wanted to make a point in terms of the benefit cost analysis this Commission really needs to think about. He wanted to make clear for the Alto's and anyone else that has concerns, anything the City can do, that means if they want an additional exit, as soon as they can get transportation engineering to support it, it should be supported. There is a very basic reason. What hurts the downtown is Pacific Highway 99W. The simple fact of the matter is you blow by Sherwood. Mr. Claus said putting up a simple sign on the highway can raise the tickets to the Sherwood Theater 10%. The only way the City has of forcing the downtown to come back to life is using Pacific Highway 99W. The applicant is proposing, for the first time, and McDonalds has the best corporate identification program in the United States, to put up a larger sign and if it directs people downtown, they will pull more people off of 99W than any other single activity. Mr. Claus discussed the volume of business McDonalds will do and said the sign needs to be customized for the City. He did not agree with Carole regarding the size of the sign and he did not agree that the Alto's have a large enough sign. The Alto's need a larger sign that does other things.

Mr. Claus said the City puts in a tremendous amount of residential building in the town which puts a constant burden on taxes. The net contributor in any town is the retailer. It does not load up the school system which is the main drag on the tax base. Every resident in the City will directly benefit from a McDonalds. The more valuable individual parcels get, the more it offsets others. Mr. Claus discussed the Gramor Development. The McDonalds project needs a customized sign. The City wants everyone off of 99W they can get to help the downtown area. Do something for these people and then ask for something back. That's what this benefit cost thing is all about as a Planning Commission. Mr. Claus said the City is very lucky they are getting McDonalds, but the City is obligated now to see to it that the City gets everything they can by giving them something. The benefits of the sign should go to the antique people, not competitive food establishments. What McDonalds can do for the downtown area will be amazing. The person who manages the restaurant will run a food service, be a member of the community and do things to help the Community. Mr. Claus said for once he would like to see Sherwood stick it to Newberg, Tualatin and Tigard by getting the business off of Highway 99W before it goes by.

Dorothy and John Alto, 24662 SW Ladd Hill Road, Sherwood, Oregon 97140, addressed the Commission. Mr. Alto said he thought McDonalds would be a franchise operated establishment and the individual managing the operation would do an excellent job. He believed franchise operators do a better job than corporate operators. McDonalds will have an identification with the community. McDonalds wrote the book on a clean store and clean lot. Mr. Alto said approval of the application would be doing the right thing for the community and he welcomed McDonalds.

Ms. Alto asked if McDonalds was aware there is a residence across the street and whether this would present any problem for noise. Ms. Connell responded one of the

conditions of approval will be to provide a noise analysis. Mr. Lingle said this is a state law they have to meet, not only in Sherwood, but at all other locations.

**Vice-Chairman Corrado asked if there was anyone wishing to speak in opposition to the application.**

Sanford Rome, 1780 E. Willamette, Sherwood, Oregon 97140, addressed the Commission. Mr. Rome said he wanted it on the official record, in the event there was any problem with this application, he wanted it to be on the record what the Commission Chairperson had done to him, what he said, his own personal actions and the act of whether he was representing this Commission and/or his own interests. Mr. Rome said he felt they had set a precedence, he had been shut down, the Council had shut down additional hours, especially when Rick was in charge, and they have seen it time and time again. Mr. Rome said he was duly concerned about the way Mr. Corrado had handled himself and what he had done during the meeting.

**Vice-Chairman Corrado asked if there was anyone else wishing to speak in opposition to the application. There being none, Vice-Chairman Corrado asked if the applicant wished to make any rebuttal to the comments. There being no rebuttal testimony, Vice-Chairman Corrado temporarily closed the public hearing for discussion by the Commission.**

Mr. Hohnbaum asked if land ownership would become an issue in locating the sign. Ms. Connell responded she did not think so because it will be a project sign for the whole project. Mr. Treece said the agreement they would file to cover easements and this type of thing, would include an agreement whereby there will be a sign on which McDonalds can put their golden arches. This then becomes something that will cover the entire site. Ms. Stewart said after further reviewing the plans, she wanted to rescind her statement of concern regarding site access. There being no further comments or questions,

**Rick Hohnbaum moved based on findings of fact outlined in the Staff Report dated August 8, 1995, Staff recommendations, conditions as provided, and changes as noted, that SP 95-7 McDonalds Corporation Site Plan, be approved. The motion was seconded by Marge Stewart.**

**Susan Claus moved to amend the motion to delete Condition #3 referencing the right-in entry from Sherwood Boulevard. The motion to amend was seconded by Ken Shannon and carried with Commissioners Claus, Corrado, Stewart and Shannon voting yes, Commissioner Hohnbaum voting no and Commissioner Bechtold abstaining.**

**The amended motion was voted on and carried with Commissioners Corrado, Claus, Hohnbaum, Stewart and**

**Shannon voting yes and Commissioner Bechtold abstaining,  
subject to the following conditions:**

Prior to issuance of a building permit:

1. Provide engineered construction plans for City, USA and TVFRD review and approval including provisions for easements, streets and driveways, sidewalks, water, sanitary sewer, storm water runoff, grading and erosion control. Comply with on and off-site traffic safety requirements of ODOT and the City. Public improvements must be bonded for in the form of a Development Agreement with the City.
2. Certify to ODOT's satisfaction that there is adequate left-turn queuing space from Pacific Highway onto Sherwood Boulevard.
3. Re-stripe the center turn lane on Sherwood Boulevard as per the attached Exhibit A (page 35 of applicant's traffic report).
4. Widen the perimeter landscape strip on the south boundary to ten (10) feet.
5. Revise the site plan to the City's satisfaction separating the drive-thru exit area from the right-in turn lane to the west.
6. Replace the Chanticleer Pear with an Aristocrat Pear tree.
7. Revise the Site Plan to provide landscaped islands in the parking lot as required by Code Section 5.203.02D. Also extend the pedestrian walkway from the building to the existing sidewalk on Sherwood Boulevard.
8. Install a curb along the edge of the southernmost driveway.
9. Provide a complete sign package for City review and approval, including signage promoting downtown and follow the precedent of current height of signs on the Pacific Highway, and comply with City Code. Apply for an administrative sign permit prior to installation of signage.
10. Provide an outside lighting plan for City approval.
11. Meet the conditions of approval and record at Washington County the associated Partition Plat, City File MLP 95-4.
12. Review the Site Plan to ensure 45 feet of right-of-way from the Sherwood Boulevard centerline.
13. Provide certification of compliance with City Environmental Performance Standards.

This approval is valid for one year.

There being no further business to discuss, the meeting was adjourned at 12:10 AM.

Respectfully submitted,

Roxanne Gibbons  
Planning Commission Secretary