

City of Sherwood, Oregon
Planning Commission Meeting

November 7, 1995

1. Call to Order/Roll Call

Chairman Gene Birchill called the meeting to order at 7:05 PM. Commission members present: Chairman Gene Birchill, Vice-Chairman Chris Corrado, George Bechtold, Susan Claus, Rick Hohnbaum, Kenneth Shannon and Marge Stewart. Planning Director Carole Connell, Assistant Planner Lisa Nell, City Attorney Derryck Dittman, and Secretary Roxanne Gibbons were also present.

2. Minutes of October 17, 1995 Commission Meeting

Chairman Birchill asked if there were any corrections, additions or deletions to the minutes of October 17, 1995. There being no comments, corrections or additions,

Rick Hohnbaum moved the Planning Commission accept the October 17, 1995 Commission meeting minutes as presented. The motion was seconded by Marge Stewart and carried unanimously.

3. Community Comments

Chairman Birchill called for comments from the audience regarding any items not on the printed agenda. He asked that comments be limited to 2-3 minutes and if more time was needed to advise Staff so that the item could be placed on the Agenda.

Mike Gunn, 201-B N. Meridian Street, Newberg, Oregon 97132, addressed the Commission. Mr. Gunn stated he was there on behalf of Jim Claus. Mr. Claus had a few comments he would like to make, but he has been detained. Mr. Claus will be there in about 5-10 minutes. Mr. Gunn asked that Mr. Claus be allowed to make his comments upon his arrival under Community Comments. Mr. Gunn said he did not think this would cause a problem in that if there was anyone else wishing to speak, they would defer to them. Mr. Claus's plane arrived at 6:30 PM, so this is why he is not present now.

Chairman Birchill responded the Commission would see if they could work Mr. Claus in and asked Mr. Gunn to advise Mr. Claus that his comments needed to be held to 2-3 minutes. Marge Stewart asked if a microphone or table could be moved forward so that the individuals testifying could be heard. Chairman Birchill said there were several hearings on the agenda and asked anyone testifying to speak up so that they could be heard.

There being no further comments, Chairman Birchill moved to the next agenda item.

4. Public Hearings

Chairman Birchill reviewed the public hearing process, 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.

Rick Hohnbaum stated his personal vehicle is due for DEQ inspection, but he did not believe this would impact his decision-making process when considering Agenda Item 4A, TUP 95-1. He did plan to participate during this particular item of business. Chairman Birchill stated that all of the Commission members' private vehicles require DEQ inspection.

Susan Claus announced she would not be participating in Agenda Item 4F, MLP 95-6 Claus, a two-lot Minor Land Partition on South Sherwood Boulevard.

Chris Corrado announced, regarding Agenda Item 4F, MLP 95-6 Claus, he would like to read the following public hearing disclosure statement for the record:

Over the past 6 months I have received a number of phone calls from Mr. Claus. Throughout these calls I was subjected to repeated threats and have been subject to intense verbal abuse. While I have no intention of waging a war of words with Mr. Claus, I, at the same time have no intention of allowing his abhorrent, malicious and abusive behavior to intimidate me or remove me from being a part of this process. His tactics clearly have no other purpose than to intimidate.

While Mr. Claus has spared no words in voicing his hatred for me, I in no way return this sentiment. I do, on the other hand, find his behavior as a businessman and community figure to be of a less than desirable nature. This does not, however, render me unable to impartially apply the City's ordinances and applicable land use law to any item brought before this Commission by Mr. Claus. In fact, the record will show that I have held a majority position in all cases brought before this Commission by Mr. Claus and that, in fact, this Commission has never denied or recommended denial of a Claus request since I have served in this capacity.

While I find it shameful that such a disclosure as this is even necessary, I do so disclose and plan to participate fully as a voting member of this Commission on all agenda items before us this evening and to do so in a fair and impartial manner, as not to compromise the integrity of this body.

Marge Stewart announced, "She had no bias or preconceived opinion on any matter that may come before the Planning Commission, nor have I made any statements to Mr. Claus or any member of the Planning Commission that would indicate this to be so."

Chairman Birchill announced, "Mr. Claus called him on the telephone a couple of days ago, within two sentences it escalated into yelling and Mr. Birchill simply hung up. He did not believe that this would bias his opinion on the particular partition (MLP 95-6 Claus), and thought he could render a decision on the findings of fact and that he could make judgments on the findings of facts presented in the Staff Report."

Chairman Birchill asked if there were any further disclosures. There being none, Chairman Birchill announced that Mr. Claus was now in attendance so the public hearing would be stopped to give Mr. Claus an opportunity to provide his 2-3 minute statement. He advised Mr. Claus that if he needed longer than 2-3 minutes to make it an agenda item or schedule it as an agenda item. Mr. Claus said he could not do it in 2-3 minutes. Chairman Birchill allowed Mr. Claus 5 minutes to provide his comments.

Jim Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus said, let me start off, this Planning Commission is a governing body as listed under the rules of state of the city of Oregon. You had better look carefully at the document. The Planning Commission is the primary land use administrative board in Oregon and you are the administrative body for the City of Sherwood. The Planning Commission is controlled or regulated by the Oregon Public Meetings and Records Act and other similar statutes, rules and regulations, plus you are strictly controlled by Federal rule, regulations and law. This is a quasi-judicial board, it's a critical link an applicant must be able to exhaust administrative remedies in order to have a rule of law. The failure to meet fair meeting and the legal standards during hearings can violate an applicant's liberty in a property interest. It can violate a civil right. It can violate a property right and it can, and frequently does, lead to waste, fraud and abuse of public property.

Mr. Claus said there are two components that must be present in these meetings. The first is, you must have an appearance of fairness and you must have a neutral body. It must be done so administrative remedies can be exhausted and you are required by law to honor the public trust of that. You, in effect, are impartial judges for administrative hearings and you cannot have private agendas. The procedures that implement the land use planning rules, as passed by the governing body that appointed you, must be applied or you must resign and secondary you must follow state and federal law or you must resign.

Mr. Claus said the planning commissioner's job, and he was not going to get into that, is an extremely difficult one and it is one that if you have a great deal of political ambitions or a great deal of other activities, you could not, and should not, do because in and of itself that introduces a conflict of interest. Mr. Claus gave some quick examples. If someone came here and voted "no", predisposed to vote "no" and have not read their packages, that would be grounds to recuse yourself. This is a neutral body. Two, if someone had a job or they had a nexus between any profits and it was linked, they would be required to recuse themselves. If you were, for instance, running for a political office and you had a private agenda and you had decided not to

follow the rules of the board or you had decided to embark upon a private agenda or petition, you should recuse yourself. The inability to remember or to understand City Council instructions, or the inability to follow them, perhaps from a conflict, assuming you were an elected official, requires you to recuse yourself. In short, if you are biased or prejudiced in any way, incapable of acting in any way, you have a requirement to recuse yourself.

Mr. Claus said he did not believe that this governing body can administrate a fair public hearing to him. He did not believe it could be impartial and he had an agenda item tonight that the Commission could do as they see fit with it. He will instruct his legal counsel to leave here because he did not believe he could get a fair hearing.

Mr. Claus stated he was going to offer the Commission three simple choices, because he had listed things that list conflicts of interest. He would list people who have signed petitions that clearly prejudice them to any hearing when they are an abhorrent attack on character and fail to address the issues before the Council. You can simply continue this and Mr. Claus can seek declaratory relief to remove you. Mr. Claus said he would note that the Commission would do this at risk because under the Oregon Records and Public Meetings Laws if you are found to have acted improperly on that petition and Mr. Claus believed they would be, they will pay their own legal fees. He will see to it, it is a requirement of law. Mr. Claus said he would advise them that any former Commissioner on this board that had prejudice on this or City Hall and sat on it, is in a similar position. These are civil rights violations.

Mr. Claus said to finish, the second alternative they can do is take some merit in what he is saying and they can ask, and they are permitted to, by law, to have the City Council convene in an executive session with legal counsel, and he suggested they have legal counsel there, and he will bring legal counsel, and they will discuss this. Mr. Claus said he will refrain from declaratory relief for that period.

Mr. Claus said he would finish by saying that the biased individuals he will list that he has seen conduct he will refute and believe cannot administer a fair hearing. He did not think Marge Stewart should be here, he has great reservations about Chris, Gene has signed a petition and his thing is clear, so has Mr. Hohnbaum. Mr. Bechtold needs to decide what he is going to do, that's your decision, but Mr. Claus said he believed that all of you are in a position where they need to recuse yourselves tonight and ask for that executive session.

Mr. Claus said he would simply instruct his attorneys that there is an agenda item, you do what you want to do with that agenda item. It is a parceling, he is leaving here because he did not believe it is possible, given the current tenure of this board, and certain past board's activities, for there to be a fair public hearing.

Mr. Claus said he would advise you, Mr. Hohnbaum, right now to watch me, address me, because it is exactly that kind of body language that he objects to. You are supposed to be sitting there as a quasi-judge.

Chairman Birchill advised Mr. Claus the Commission did not need a lecture and his 5 minutes were up. Mr. Claus said his lecture is up, the Commission has heard his request, the Commission can table it, take it off, the Commission has three alternatives, Gene. Pick which one you want.

Chairman Birchill asked Derryck Dittman, City Attorney, for some advice. Mr. Dittman responded he did not think the Commission needed a whole lot of advice. The Commission heard a position statement by a citizen which a citizen is entitled to give. Mr. Dittman said he happened to disagree with a great number of the legal pronouncements that were made, but this is not an arena to debate those issues. If they want to establish legal ramifications there is a legal forum for that. This is not that forum. But as far as what this Commission can do on the agenda item, Mr. Dittman said there is no reason why the Commission should not proceed to act on it. The Commission has already given statements about whether or not there is any bias or whether or not this would render a Commissioner incapable of making a judgement on the evidence and issues in that matter. There is ample Oregon law, but Mr. Dittman said he would not spend a lot of time going into it, that the fact that there may be disagreements to advise on other matters that are not related to the issue the Commission has on the table is not sufficient reason, in and of itself, for the Planning Commission members to have to recuse themselves. It has been suggested that it would not be proper to recuse themselves unless the Council or Planning Commission member believes that they, personally, are so abhorrent of the person that they cannot reason on the facts and issues in the matter.

Mr. Dittman advised the Commission there was no real reason to do anything, but proceed with the Agenda, in his opinion. Mr. Hohnbaum asked about a disagreement in another arena, above, beyond and totally separated from this issue before the Commission, would it be proper to announce during the opening part of the public hearing the biased or non-biased of the other issue involved, just so the awareness level is up, or is it not worthy of mentioning. Mr. Dittman responded the statements that were made by the Commissioners earlier were adequate insofar as stating what the ex-parte contacts were and the nature of the contact was less than pleasant apparently, he did not see any reason why a Commissioner would need to go into an explanation of a collateral matter because the Commissioner's function here is to act as a Planning Commission, not to delve into what the reasons were or what the arguments were in another collateral matter that had nothing to do with the issue before the Commission tonight. The Commission thanked Mr. Dittman for his comments.

Ken Shannon announced when he got back to town from fishing he had to call his neighbor because he wanted to cut some limbs off a tree that borders his property, and it was Mr. Claus and he gave Mr. Shannon the okay to do it.

Marge Stewart said she did not know what Mr. Claus's problem is with her, the only thing she could think of is at a Council hearing on relocation of City Hall, she said she

felt the City should be looking for a bond issue to pass in favor of, to build a new City Hall. This is a matter that will never come to the Planning Commission and has nothing to do with anything here and that is the only thing she could think of.

Chairman Birchill announced the Commission would continue with the public hearings. He reviewed the schedule to conduct each public hearing. Staff would have approximately 10 minutes to present the Staff Report, the applicant and any testimony in support approximately 5 minutes, the objection testimony would have approximately 5 minutes, rebuttal testimony would be approximately 3 minutes, and Planning Commission discussion would be about 15 minutes. Using this type of schedule the Commission would run past 11:00 PM at this time hearing all of the agenda items. He directed everyone's attention to the note at the bottom of the agenda that items not completed by 11:00 PM would be continued to the next regularly scheduled meeting. At the end of the rebuttal, the public hearing will be closed on that particular agenda item. If a Planning Commissioner wants to have the public hearing reopened to include further testimony in the public hearing record, they may request this.

Chairman Birchill moved to Agenda Item 4F MLP 95-6 Claus. This item had been previously put on a Commission agenda. In the tradition of reset agenda items used before, those items that have been previously on an agenda were usually moved to the first of the agenda. This is the reason the agenda item was being heard first.

4F. MLP 95-6 Claus

Chairman Birchill called for the Staff Report. Lisa Nell reported this is a two-lot Minor Land Partition request west of South Sherwood Boulevard and south of the Southern Pacific Railroad. She referred the Commission to the Staff Report dated October 31, 1995, a complete copy of which is included in the Commission's minutes book and she identified the area on the map.

Ms. Nell reported the property consists of a 0.35 acre parcel proposed to be divided into two residential tax lots, Parcel 1, 9,453 square feet and Tract "A", 5,588 square feet. Tract "A" is to be dedicated or gifted to the City for the purpose of preserving the five large Chestnut trees located on the north portion of the subject site and will not be developed. The Parks Board has been briefed on the dedication of the Chestnut trees. The members present at the meetings have had no objections. Parcel 1 complies with the MDRH dimensional standards and there are no new streets or roads created by this parcel.

Ms. Nell highlighted the main points of the report. The site will have access to the twelve-inch water line along the east property line adjoining South Sherwood Boulevard. The property has access to water, sewer and public services. During the application review, the City determined the need to replace the deteriorating sewer line which will connect South Sherwood Boulevard to the subject property to the Southern Pacific Railroad. The reason the City is replacing the line is because the City main line provides sanitary sewer services to several parcels beyond the subject

site. The partition plat will need to dedicate the sanitary sewer easements as public easements. The applicant proposes that Parcel 1 and Tract "A" dispose of the on-site storm water into drywells that will be located within Parcel 1. The plat illustrates that there is a 15-foot dedication to South Sherwood Boulevard for a total of 40 feet from centerline. This will provide the necessary right-of-way with future development. Staff recommends the applicant provide a 5-foot sidewalk along the site located accordingly which would give an 80 foot right-of-way to South Sherwood Boulevard.

Ms. Nell referred the Commission to a letter dated November 1, 1995, from Rex Jeffries, Tualatin Valley Fire & Rescue District. The letter states that fire hydrants need to be installed so that no portion of the building is more than 250 feet from the hydrant. Access roadways, if applicable, shall be 20 feet in width and capable of supporting a gross vehicle weight of 50,000 pounds. Plans need to be submitted showing the location of hydrants and access roadways for review and approval by the Fire Marshal's Office. Staff recommends that these comments be added to the conditions of approval.

In conclusion, Ms. Nell stated based on the findings of fact, and agency comments, Staff recommends approval of MLP 95-6 Claus, subject to the conditions as listed in the Staff Report and revisions recommended by Staff. In response to Mr. Hohnbaum's question, Ms. Nell said the Fire District comments would be listed as one condition.

Chairman Birchill asked if the applicant wished to provide any testimony.

Mr. Claus said he would repeat what he had said earlier. He did not believe the Commission could issue an impartial decision and he will not come forward and he does not agree with the Staff Report, so vote and do as you will do, but note that it is over his objections.

Chairman Birchill asked if there was anyone else wishing to speak in favor of the application. There being no proponent testimony, Chairman Birchill asked if there was anyone wishing to speak in opposition to the proposal. There being no opponent testimony, Chairman Birchill dispensed with the rebuttal portion of the hearing and closed the public hearing on this particular agenda item, unless a Commission member asked that it be reopened for additional testimony, for discussion and comments by the Commission.

Marge Stewart asked if there should be an additional provision for the City vacating the old sewer line. Carole Connell responded this would probably not be a requirement of the applicant. It will have to be vacated after the sewer is replaced and this would be a City action and be taken in the proper order. Mr. Corrado asked if Staff was able to relate any of the applicant's concerns regarding the Staff Report or conditions of approval. Ms. Connell said Staff was not aware of any concerns by the

applicant, the right-of-way designation was on the plat, the sewer easement had plenty of explanation and Staff did not know of any particular concerns. Mr. Shannon asked if the Commission could ask the applicant what part of the Staff Report he did not agree with. Ms. Connell said Staff had not been informed of any concerns the applicant had with the Staff Report.

Mr. Shannon asked Mr. Claus if there was anything contained in the Staff Report that he was opposed to and if he would so advise the Commission. Mr. Claus responded absolutely not, he did not think it would make any difference. Mr. Claus said "Ken, there is not a quorum. In spite of what Dittman said, he's demonstrated he is against the minority and he is not the man to give the advice. The Commission does not have a quorum." Chairman Birchill said they were not there to argue...Mr. Claus said the Commission was asking for a comment and they were getting it...Mr. Shannon said he asked for it....Mr. Claus said if you don't want the comment, don't ask for it. Mr. Shannon said he was totally puzzled. In as many years as he had been a member of the Planning Commission he had never had something like this in front of him. They have a Staff Report that is very straightforward and he did not see any problem with the partition at all. Mr. Corrado asked how many times Mr. Claus had come before the Commission and been denied an application. Mr. Shannon said he would like to review the application for 30 days. Mr. Hohnbaum asked if there was a 120 day deadline problem. Chairman Birchill said this application had been reset at the applicant's request once. Ms. Connell said November 13, 1995 will be the 120 day deadline. Mr. Hohnbaum asked if it was within the acceptable standards that when an applicant makes the request for the waiver that those days are delayed or added above and beyond the normal 120 day standard. Ms. Connell responded Staff would typically ask for a waiver of the 120-day rule if the applicant wanted a continuance. Staff has not asked for this waiver.

Mr. Claus stated for the record he would give the waiver.

Chairman Birchill said it did not matter what the Commission did, they were caught in a bind, one way or another. He believed the Commission needs to make a decision on the application, whether it is made tonight or in the future, he thought the Commission would get the same responses from the applicant. He believed the Commission was just delaying the inevitable and he would be opposed to extending it to another night because it would be just that much more frustration on everyone's account. Mr. Shannon said he would hate to vote on something when he feels basically confused with it. This is very unusual to him and he did not know what to say. Chairman Birchill said he thought the applicant wants to do this to the Commission and this is his ultimate goal.

Kenneth Shannon moved the Commission approve MLP 95-6 Claus, a two-lot Minor Land Partition, based on findings of fact and Staff recommendations, with the added recommendation of Condition #6, as noted in the November 1, 1995 letter from Rex Jeffries of the TVFRD. The motion was seconded by Rick

Hohnbaum.

Ms. Stewart asked that her written statement be made a part of the record.

George Bechtold said he felt the motion was premature only because of the recent long discussion regarding the Sherwood School District referencing the 35 or 40 foot right-of-way. Mr. Hohnbaum said the School District was allowed a 35 foot right-of-way because they were misinformed, in writing, from the City Engineer. Ms. Connell said 1-1/2 blocks are involved with the 35 foot right-of-way construction. The remainder of Sherwood Boulevard, in front of this property, where the sidewalks are on the other side of the street does not have the same right-of-way problems. Mr. Bechtold said if this is the case, he was comfortable with the motion.

Chairman Birchill said he had a question concerning the drywells. He did not remember, with his past history on the Planning Commission, dealing with drywells. He asked if drywells were an acceptable method by City Code and standards. Ms. Connell responded it is for a single lot. When you are dealing with one or two houses, USA does not require quality and detention facilities for stormwater. Chairman Birchill said he thought there was a precedent dealing with facilities within 150 feet that sanitary sewers or stormwater would be hooked up. This was the precedent he thought they had set in the past and worked with. Ms. Connell said the comments about the drywells were from City Staff and the comments received from USA were simply they did not require anything, unless in the judgment of the City they be required because the site is so small, as referenced in the Staff Report. The nearest stormwater pipe is not within that distance. Ms. Connell said City Staff approval would be required in the final construction plans. The question is whether the applicant connects to the formal pipe system or do they use drywells. Chairman Birchill said this was basically his question. Ms. Connell said it would be appropriate to state something in the conditions of approval to assure that it meets the standards when it is connected to the formal system. Mr. Hohnbaum said he favored changing the condition verbiage relating to drywells. The Commission discussed revising Condition #3.

Chris Corrado moved to amend the original motion approving MLP 95-6, by revising Condition #3 to state, "The applicant shall construct and locate the stormwater facility per USA and City standards." The amendment to the motion was seconded by Rick Hohnbaum and carried unanimously.

The amended main motion approving MLP 95-6 was voted on and carried unanimously, subject to the following conditions:

1. The applicant shall dedicate fifteen (15) feet for right-of-way improvements to South Sherwood Boulevard to provide a total of forty (40) feet from the centerline, as shown on the partition plat.

2. Indicate on the plat, the dedication of the sanitary sewer easement as a "public" easement.
3. The applicant shall construct and locate the stormwater facility per USA and City standards.
4. Construct a five (5) foot sidewalk along the subject site, located accordingly in the ultimate eighty (80) foot right-of-way for South Sherwood Boulevard.
5. Placement of decks, sheds or any other accessory structures within the public easements is prohibited.
6. Install fire hydrants so that no portion of a building is more than 250 feet from a hydrant. If applicable, access roadways shall be twenty (20) feet in width and capable of supporting a gross vehicle weight of 50,000 pounds. Submit plans showing the locations of fire hydrants and access roadways for the review and approval of the City and the TVFRD.

This approval is valid for one (1) year.

Chairman Birchill said a question had been asked about removing the video camera. Following Mr. Dittman's response, Chairman Birchill announced if Mr. Claus's people wanted to continue to videotape the meeting they could.

4A. TUP 95-1 DEQ

Chairman Birchill called for the Staff Report. Carole Connell reported Agenda Item 4A is a request for a Temporary Use Permit by DEQ to utilize temporary modular buildings for their Emission Testing Facility on Tualatin-Sherwood Road. Ms. Connell referred the Commission to the Staff Report dated October 31, 1995, a complete copy of which is included in the Commission's minutes book.

Ms. Connell stated the site is zoned Light Industrial and referred the Commission to the site plan which was approved on May 16, 1995. The applicant is requesting while the permanent DEQ testing facility is being constructed they be allowed to set up two portable trailers, pave the westerly portion of the site, and install the driveway onto Tualatin-Sherwood Road. This temporary use would be for approximately 3 months. The purpose would be to introduce the testing center to the public, to meet the public demand and the need to open the facility sooner than when a permanent structure can be completed. The trailers are similar to those used by subcontractors. A project completion schedule was provided in a letter dated August 10, 1995.

Ms. Connell reported a temporary use permit may be authorized by the Commission provided that the applicant demonstrates compliance with three criteria, 1) does it comply with the zoning, 2) does it meet all applicable City and County health and sanitation requirements and 3) does it meet all applicable Uniform Building Code requirements. The Code also allows other certain conditions on a temporary use

permit which include permit authorized for less than a year. Ms. Connell reviewed the criteria. Two additional items were distributed to the Commission for their review, "Permit Review Checklist" and a letter from Washington County DLUT dated October 26, 1995, which included a "Public Improvement Contract" which would enable the required public improvements be made to a Washington County Road.

In conclusion, Ms. Connell reported Staff recommended approval of TUP 95-1 DEQ, and she reviewed the recommended conditions of approval.

Chairman Birchill asked if the applicant wished to testify.

Russ Leach, Architect for the applicant, Robert Gray Partners, Inc, PO Box 1016, Sherwood, Oregon 97140, addressed the Commission. Mr. Leach stated Ms. Connell summarized the plan very well. The applicant feels it is very important to introduce the location as early as possible. The rest of the project complies with everything that was approved and permitted with the site plan. The applicant does not have a problem with installing the signs. They do not plan on putting in the landscaping until the rest of the site is paved. Mr. Leach said Ed Woods from DEQ was in attendance and had some comments regarding one of the conditions.

Ed Woods, Manager Vehicle Inspection Program, Department of Environmental Quality (DEQ), 1301 SE Morrison, Portland, Oregon 97214, addressed the Commission. Mr. Woods reported they operate 6 additional stations throughout the Portland Metropolitan area. Over the next 3-5 months during construction of the permanent building, DEQ will be notifying 100,000-200,000 people of the requirement that they get their vehicle tested. DEQ does not require people to use any particular station. They would much prefer that this station, even in its temporary mode, operate the same operating hours as all of the DEQ stations. They have an interest in operating their stations safely, both on behalf of the employees and the public. In order to do their job of inspecting vehicles they need to adequately light the area as well as maintain order in the lines for people getting their vehicles tested. For these reasons, particularly since December has the shortest daylight hours of the year, they would like to keep the station open until 6:00 PM, four days a week and until 5:00 PM two days a week.

Chairman Birchill asked if there was anyone else wishing to speak in favor of the application. There being no further proponent testimony, Chairman Birchill asked if there was anyone wishing to speak in opposition to the proposal. There being no opponent testimony, Chairman Birchill dispensed with the rebuttal portion of the hearing and closed the public hearing on this agenda item, unless a Commission member asked that it be reopened for additional testimony, for discussion and comments by the Commission.

Mr. Hohnbaum asked Staff to review the type of lighting on the site, both temporary and permanent. Ms. Connell deferred to the applicant. Mr. Hohnbaum asked that

the hearing be reopened for the applicant's response.

Chairman Birchill reopened the public hearing on Agenda Item 4A, TUP DEQ.

Mr. Leach said all of the lighting proposed is on both sides of the building. He referred to the site plan and identified the various lighted areas. There are also street lights along Tualatin-Sherwood Road. The lighting proposed for the temporary structures will be under the canopies for the two trailers. They have not proposed additional pole lights for the remainder of the site. Mr. Leach said people who come onto the site typically stay in their cars. The lanes will be striped. If the temporary DEQ station was open until 6:00 PM, this would be 1-1/2 hours of non-daylight time.

Mr. Bechtold asked about the expected capacity of two trailers versus the permanent building capacity. Mr. Woods responded the permanent facility will have four lanes. The two trailers will have two lanes. The capacity would be cut in half. They do not anticipate having very many people through the station initially. Their experience has been, when opening stations in the past, it has taken some time for people to learn where the new station is located. Mr. Shannon asked for further explanation regarding the expanded testing area. Mr. Woods said the boundary has been changed, but they have only implemented the new boundary in parts of the areas through a phase-in process. Canby is now required to test, but Newberg is not required to test. Mr. Shannon said he recalled with the site plan for the permanent facility, the Commission was concerned about the cars stacking up on Tualatin-Sherwood Road. Mr. Woods said the DEQ is not concerned with this and it is not a problem, even with the two lanes. This was dealt with by the gates and an agreement with the City. The DEQ will be installing the gates for the temporary facility. Mr. Shannon said if this is the only new facility and they are adding 200,000 people, he did not understand their reasoning.

Chairman Birchill asked Mr. Woods if the DEQ had a contingency plan if the traffic started to back up onto Tualatin-Sherwood Road. Mr. Woods responded they signed an agreement with the City on how they would deal with these types of issues. However, they do not anticipate that this will be a problem. The general feeling of the Commission was that this was going to be a very popular site.

Chairman Birchill closed the public hearing on TUP 95-1 DEQ.

Mr. Hohnbaum said the Legislature changed the boundaries that DEQ created. In response to Ms. Stewart's question regarding hours of operation, Mr. Woods said on Mondays and Saturdays the DEQ testing facilities are open 9:00 AM to 5:00 PM. On Tuesday, Wednesday, Thursday and Friday, they are opened 8:00 AM to 6:00 PM. Ms. Claus asked whether DEQ had notified people that this station was open. Mr. Woods said the information received by the public states the station is not open yet. There have been some people who tried to find the station and could not, and DEQ did hear about this. Ms. Claus asked if they contemplated the need for a temporary

use when they initially came before the Commission. Mr. Woods said DEQ hoped to have the facility open some time ago to serve these people. He did not know whether they anticipated the need for temporary use on the site. Mr. Leach said the completion date for the permanent station will probably be April 1996.

Ms. Claus asked if there would be some type of barrier for those vehicles using the turn into the stations which would prevent them from going onto the construction area, such as temporary fencing or cones. Mr. Leach said they could put up a temporary fence and cones for this purpose. The hours of construction are 8:00 AM to 4:00 PM, 5 to 6 days a week. Mr. Shannon stated his concern that the original site was too small for a permanent site, let alone a temporary site.

Mr. Woods responded to Ms. Claus's question regarding public notification, that the public was notified the site is open with no particular reference to it being temporary.

Ms. Connell said her concerns regarding operation after dark were relative to the construction on the site, not getting into and out of the site for testing purposes. In response to Ms. Claus's question, Mr. Woods said the three parking spaces are for patrons and the five spaces in the corner are for employees. Mr. Woods said it is very rare that the public park on the site, other than in the testing lanes. Following further discussion of the hours of operation and lighting, the Commission agreed to remove Condition #3 regarding hours of operation after dark and to add a condition regarding traffic controls. There being no further discussion,

Chris Corrado moved based upon findings of fact, Staff recommendations, public testimony, and Commission discussion, that TUP 95-1 DEQ be approved, subject to the following conditions:

1. This approval is valid for 6 months from the date of approval.
2. Two temporary structures may be located on the site as approved by City Staff and in conformance with the LI Zone setbacks, the Uniform Building Code and City requirements for water, sanitary and storm sewer, fire protection and erosion control.
3. Provide temporary directional signage to customers, as approved by the City.
4. The westerly portion of the site must be paved and the driveway and gates onto Tualatin-Sherwood Road installed in accordance with the approved site plan, and City and County approval.
5. All on-site improvements must be installed prior to a final occupancy permit and in accordance with the approved Site Plan (File No. SP 95-4) by May 16, 1996, unless an extension is approved by the Planning Commission.
6. Provide adequate traffic controls to ensure construction areas are fenced off

and visible from the circulation area.

The motion was seconded by Marge Stewart and carried with Commissioners Birchill, Stewart, Bechtold and Corrado voting aye and Commissioners Shannon, Hohnbaum and Claus voting nay.

Chairman Birchill recessed the meeting at 8:35 PM for a 5 minute break and reconvened the meeting at 8:40 PM.

4C. MLP 95-9 Atlas

Rick Hohnbaum announced, regarding Agenda Item 4B SP 95-10 and 4C MLP 95-9, Atlas, that he had a professional business relationship, but the applicant probably would not recognize him if they saw him. He did not feel this would affect his decision and he planned to participate in these two agenda items. Chairman Birchill called for the Staff Report. Lisa Nell reported this is a request for a Site Plan Review and Minor Land Partition for Best West Concrete Pumping, Inc. for storage of concrete pumping trucks and the construction of an office/warehouse building on Lot 12 in the Industrial Park of Sherwood. She referred the Commission to the Staff Report dated October 31, 1995, a complete copy of which is included in the Commission's minutes book and she identified the area on the map.

Ms. Nell reported the minor land partition is off of Galbreath Drive and she identified the area on the map. The applicant proposed to partition Lot 12 into two parcels, Parcel 1, 1.987 acres and Parcel 2, 1.988 acres. The applicant is proposing to construct a 6,000 square foot warehouse/office building on Parcel 1. No new streets or roads are created by this proposal. There are no designated parks or floodplains on the site. There is a twenty-five (25) foot public storm drainage easement on the southeast side of the parcels, adjacent to the Southern Pacific Railroad. This utility easement was dedicated with the Industrial Park of Sherwood subdivision plat.

Ms. Nell highlighted the main points of the report. Parcel 1 will connect to the new waterline in Galbreath Drive. Parcel 2 will also have access to this waterline. There is an eight (8) inch sanitary sewer line at the intersection of Gerda Lane and Tualatin-Sherwood Road. This sewer line has been installed in Galbreath Drive as well.

In conclusion, Ms. Nell reported that based upon the findings of fact, Staff recommends approval of the MLP 95-9, Atlas and she reviewed the recommended conditions of approval.

Chairman Birchill asked if the applicant wished to testify.

George Engel, Atlas General Contractors, 9380 SW Tigard Street, Tigard, Oregon 97223, addressed the Commission. Mr. Engel said Atlas is the contractor for Best

West Concrete Pumping, Inc. and they are proposing a 6,000 square foot warehouse for the concrete pumping business. Mr. Engel said the applicant had no problem with any of the conditions City Staff recommended.

Chairman Birchill asked if there was anyone else wishing to speak in favor of the application. There being no further proponent testimony, Chairman Birchill asked if there was anyone wishing to speak in opposition to the proposal. There being no opponent testimony, Chairman Birchill dispensed with the rebuttal portion of the hearing and closed the public hearing on this particular agenda item, unless a Commission member asked that it be reopened for additional testimony, for discussion and comments by the Commission.

Mr. Bechtold asked for clarification on partitioning minor land partitions. Ms. Connell said parceling can be done up to three times on one parcel, per calendar year. Ms. Connell clarified that this application is one of 15 parcels in the industrial park, Parcel 12, and it was a subdivision initially. There is a difference between partitioning and subdividing. Partitioning is limited to how many times it may be parceled in one year. Ms. Connell stated this partition is very simple because the newly created lot has all of the services. Further, the conditions should be a part of the Site Plan, because the condition relating to County road standards applies to use, not to the partitioning of the land. Therefore, there are really no conditions necessary for the partition other than it is valid for one year and they have to parcel in accordance with the Washington County recording process.

Chris Corrado moved the Planning Commission approve MLP 95-9, Atlas, based on the findings of fact, Staff Report, applicant testimony and discussion, with no conditions. The motion was seconded by Ken Shannon and carried unanimously.

4B. SP 95-10 Atlas

Chairman Birchill called for the Staff Report. Ms. Nell continued her review of the combined application Staff Report dated October 31, 1995. The applicant is proposing to construct a 6,000 square foot warehouse/office building on Lot 12. Ms. Nell identified the area on the map. The site plan complies with the GI zone standards. Landscaping has been provided with a planting plan. The applicant shall comply with the landscaping requirements and landscape all areas not proposed for use. Staff recommends a minimum six (6) foot high sight-obscuring fence or plantings along the north and south sides of the property to provide a buffer between the site and adjoining properties. Washington County responded to the proposal in a letter dated September 29, 1995 which is included in the packets. Staff recommends that the applicant comply with any recommended safety improvements. The site plan does not illustrate any proposed outdoor lighting. Staff recommends the applicant provide a lighting plan for the site. Staff was concerned about the lack of landscaping along the west elevation or street side of the building. The site plan should be revised illustrating the landscaping adjoining the west side of the building and the sidewalk

to the mandoor on the south elevation. There are no private or public streets on the site. Staff recommends the applicant provide four foot connecting sidewalks form the site to the public sidewalk on Galbreath Drive.

Ms. Nell stated Lee Walker of USA responded to the application in a telephone conversation with Staff on October 25, 1995. Mr. Walker commented that the applicant will not need DEQ approval or a discharge permit because the trucks are cleaned at the construction site where they pump the concrete, not at this site. Construction drawings for the waterline extension from Galbreath Drive will need to meet City standards and be approved by the City. Mr. Walker of USA stated that the proposed water quality swale is too flat and will need to be redesigned. Staff recommends the applicant install fire hydrants not more than 500 feet away from the building as approved by the City and TVFRD.

In conclusion, Ms. Nell reported Staff recommends approval of SP 95-10, Atlas based on the conditions of approval. Ms. Nell reviewed the conditions contained in the Staff Report.

Chairman Birchill asked if the applicant wished to testify.

George Engel, Atlas General Contractors, 9380 SW Tigard Street, Tigard, Oregon 97223, addressed the Commission. Mr. Engel stated the applicant did not have any problems with the conditions. Condition #13 regarding fire hydrant installation has been completed. There are two fire hydrants, one on each corner of the lot.

Chairman Birchill asked if there was anyone else wishing to speak in favor of the application. There being no further proponent testimony, Chairman Birchill asked if there was anyone wishing to speak in opposition to the proposal. There being no opponent testimony, Chairman Birchill dispensed with the rebuttal portion of the hearing and closed the public hearing on this particular agenda item, unless a Commission member asked that it be reopened for additional testimony, for discussion and comments by the Commission.

Mr. Hohnbaum asked that the hearing be reopened for questions of the applicant.

Chairman Birchill reopened the public hearing on Agenda Item 4B, SP 95-10 Atlas Site Plan.

Mr. Hohnbaum asked for clarification regarding loading and unloading on the site. Ms. Connell said loading space is usually for much larger trucks. Mr. Hohnbaum asked for further explanation regarding servicing and cleaning of the vehicles on the site. Mr. Engel said the trucks are not cleaned on the site. He asked what Mr. Hohnbaum meant by "servicing". Mr. Hohnbaum said he was referring to mechanical work on the vehicles. If the applicant is changing the oil on the cement trucks, does it require discharge or some type of system for this purpose. Ms. Nell said this

depended on whether or not the applicant would be disposing of the materials on site or being discharged into the surface. Ms. Connell said a discharge permit from DEQ is a fairly new requirement and is not a standard for single car or vehicle cleaning. It refers to major cleaning of equipment where the water is running into the stormwater system. Ms. Connell said USA assured Staff that this type of facility did not need a discharge permit. Public Works would determine whether a discharge permit would be required.

There being no further questions of the applicant, Chairman Birchill closed the public hearing on SP 95-10, Atlas.

Mr. Hohnbaum asked how far this site was from the Mill Power Site. Ms. Connell said Mill Power had withdrawn their application. There are no other formal applications in this industrial park at this time, however, there is one being considered.

Mr. Bechtold said with regard to landscaping this application seems to be incomplete, as compared to other applications. However, with the problems that have been addressed, it seems that the applicant is willing to work with Staff and Mr. Bechtold said this relieved some of his concerns. Ms. Connell said a tree report is required for industrial site plan approval. Following further discussion by the Commission,

Rick Hohnbaum moved the Planning Commission approve SP 95-10, Atlas, based upon findings of fact, Staff recommendations, agency comments, and public testimony, subject to the following conditions of approval:

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, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, street lighting, landscaping, and signage.
2. Comply with the landscaping requirements and landscape all areas not proposed for use.
3. Provide a minimum six (6) foot high sight-obscuring fence or plantings along both the south and north sides of the property to provide a buffer between the site and adjoining properties.
4. Install a bike rack to be located at least 50 feet from the employee entrance, providing at least 2 spaces.
5. Comply with any recommended safety improvements as a result of the

Washington County Traffic Analyst's report regarding Tualatin-Sherwood Road.

6. If at a future date the dumpster is moved outside, it will need to be located and enclosed as required by City Code.
7. Outdoor display is prohibited.
8. Apply for and obtain an administrative sign permit prior to any sign installation.
9. Provide a lighting plan illustrating sufficient lighting throughout the site, along pathways, within the planned parking areas and the driveway to ensure safety for employees who are entering and exiting the buildings.
10. Revise the site plan to illustrate both the landscaping adjoining the west side of the building and a five (5) foot sidewalk to the mandoor on the south elevation.
11. Construct a five (5) foot sidewalk along the west property line and Galbreath Drive. Provide a four (4) foot connecting sidewalk from the site to the required five (5) foot public sidewalk along Galbreath Drive.
12. The applicant shall install a backflow device.
13. Install a fire hydrant not more than 500 feet away from the building as approved by the City and TVFRD.
14. Provide a report from a certified arborist and obtain approval from the City to remove trees that are on the subject site.
15. The applicant shall meet or exceed City and DEQ surface water runoff standards for discharge of fluids and materials based on the examination of usage at the applicant's current site.

This approval is valid for one (1) year. Building expansion will require an additional site plan approval.

The motion was seconded by Ken Shannon and carried unanimously.

4D. CUP 95-2 BP Service Station

Chairman Birchill called for the Staff Report. Carole Connell advised the Commission that the graphics are contained with the packet information, except for the additional sketches brought by the applicant tonight. Ms. Connell reported this is a dual application for a conditional use permit and site plan request by TOSCO

Northwest Company for a BP Service Station on Tualatin-Sherwood Road. She referred the Commission to the Staff Report dated October 31, 1995, a complete copy of which is contained in the Commission's minutes book.

Ms. Connell reported the property is within the Sherwood Market Place (Gramor Development) and noted as Pad C, next to the entry driveway into the center from Tualatin-Sherwood Road. The service station is 6,000 square feet; convenience store, 2,000 square feet; and car wash, 950 square feet. The site has been graded and utilities are stubbed to the pad. The site is zoned Retail Commercial (RC) and the other two uses are conditional. The proposal complies with the RC Zone dimensional standards and with approval of a conditional use permit, the proposal will comply with the RC Zone permitted uses. The proposed building is set back 55 feet from Tualatin-Sherwood Road.

Ms. Connell reviewed the five criteria which must be met for a conditional use permit. All the streets, water, storm water and sanitary sewer services are available. Specific requirements for the subject facility have not yet been approved by the TVFRD. With approval of a conditional use permit, the proposed use conforms to the applicable zone standards. The applicant has provided an adequate response that there is a demonstrable public need for the proposed use. Surrounding property will not be adversely affected by the use. In summary, Ms. Connell stated all of the criteria have been met.

Ms. Connell reported that based on the findings of fact and recommended conditions of approval for the simultaneous site plan application, Staff recommends approval of CUP 95-2 with no conditions. Staff recommends conditions be applied to the proposed site plan approval.

Chairman Birchill announced he remembered that he had some ex-parte contact on these two applications, CUP 95-2 and SP 95-12, through plan reviews which brought of the question of whether there is adequate fire hydrant protection. Chairman Birchill said he would not participate in Agenda Items 4D and 4E, and he turned the meeting over to Vice-Chairman Chris Corrado to conduct the public hearing on the two agenda items.

Vice-Chairman Corrado asked if the applicant wished to testify.

Richard Coxon, Architect, Robert Lee & Associates, 1550 140th Avenue NE, Suite 100, Bellevue, Washington 98101, representing the applicant, addressed the Commission. Mr. Coxon stated the applicant accepts the Staff Report recommendations. He pointed out that the service station in this location within the shopping center is an enhancement to the shopping center. In regard to best serving the public it is probably better located in the shopping center than someplace else in Sherwood. The shopping center does attract a lot of people and all the traffic that is generated around it will come from within the driving lanes of the shopping center. There will be no problems with cars queuing up, stacking into the street or walking or

crossing driveways. It will not interfere with traffic along Tualatin-Sherwood Road. Mr. Coxon said it is, therefore, an ideal location for a service station. Mr. Coxon thanked the Commission.

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

David Copenhaver, Gramor Development, 9895 SE Sunnyside Road, Clackamas, Oregon 97015, addressed the Commission. Mr. Copenhaver stated Gramor's support for the application. He said he would be available for any questions the Commission may have, since Gramor has more knowledge of the shopping center.

Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application. There being no further proponent testimony, Vice-Chairman Corrado asked if there was anyone wishing to speak in opposition to the proposal. There being no opponent testimony, Vice-Chairman Corrado dispensed with the rebuttal portion of the hearing and closed the public hearing on this particular agenda item, unless a Commission member asked that it be reopened for additional testimony, for discussion and comments by the Commission.

Mr. Hohnbaum asked for clarification regarding a response from the Fire District and whether it was more appropriate to put the condition regarding fire department response on the site plan rather than the conditional use permit. Ms. Connell responded that Mr. Hohnbaum was correct.

Mr. Bechtold remarked that the Commission was discussing a service station and the comments have revolved around a service station, but they were also approving a convenience store and carwash. Ms. Connell said the convenience store is a permitted use and the carwash is not mentioned specifically under the use, but considered to be a part of the conditional use. Staff determined that there did not need to be a lot of burden to prove the need for either one of these uses. This will be discussed further with the Site Plan request. In response to Ms. Stewart's question, Ms. Connell said the Commission is reviewing a service station, convenience store and carwash.

Rick Hohnbaum moved the Planning Commission approve CUP 95-2, BP Service Station, based upon the findings of fact, Staff Report, applicant testimony and discussion, with no conditions. The motion was seconded by Susan Claus and carried unanimously. Chairman Birchill did not participate in this Agenda Item and did not vote on the matter.

4E. SP 95-12 BP Service Station

Vice-Chairman Corrado called for the Staff Report. Carole Connell reported this is a Site Plan request for a BP Service Station on Tualatin-Sherwood Road. Ms. Connell referred the Commission to the Staff Report dated October 31, 1995, a complete copy

of which is included in the Commission's minutes book. With the Commission's approval of the conditional use permit, the application meets the applicable zoning.

Ms. Connell reviewed the findings of fact for the Site Plan. The proposed site plan is designed to be compatible with the Sherwood Market Center architecture and building materials. Staff spent time with the applicant to meet this requirement while maintaining BP's trademark and logo identity. Some of the landscaping surrounding the site is already in. The applicant's landscaping plan in parking and loading areas exceeds City requirements. The landscaping will be maintained by an automatic irrigation system. The fifteen foot wide landscape corridor is much larger than that and some of the landscaping has already been installed. The plan illustrates a 22-stall parking lot near the building. No additional improvements are needed. Loading at the BP station is limited to oil tanker deliveries at the gasoline pumps. Ms. Connell identified the circulation to the station by two entries illustrated on the site plan. There is no outdoor storage proposed or permitted.

Ms. Connell reported the Commission would probably spend more time on signage than any other issue. A shopping center sign was installed recently at the main entrance of the shopping center which also happens to be on the BP site. BP would like to have their price sign somewhere near the other driveway entrance. The shopping center is leasing BP the property and they also have sign requirements. The proposed sign will be an estimated 200 square feet, about 27 feet high, while the code allows a 375 square foot sign up to 45 feet high. The issue is that the BP station sign is not larger than the shopping center sign. The applicant has agreed to modify the sign characteristics to meet this need. Ms. Connell referred the Commission to her letter dated August 14, 1995 to the applicant informing them of the free-standing sign restrictions. If BP installs a free-standing sign, there will be no more allowed on Tualatin-Sherwood Road. The free-standing sign will also need a permit, in conformance with the approved design. Other standard signs will be placed around the building.

Ms. Connell reported the lighting plan should be a condition of approval. Building elevations are depicted on Exhibit N in the applicant's report. The City required that all shopping center pads be designed and constructed with materials compatible with the base buildings in the shopping center. The applicant has been very cooperative in modifying their standard service station design to meet this City condition. The island and the carwash are standard and include a flat roof with the characteristic BP green and silver trim. The applicant must install a pedestrian connection to the sidewalk on Tualatin-Sherwood Road. In the past, Staff has been concerned with noise from a carwash (Chevron). This concern has been communicated to the applicant who has agreed to provide an engineer's certification of compliance with City noise standards. The facility will be maintained by the owner, except that the perimeter landscaping, entry roadways and other common center facilities will be maintained by the shopping center management. There are no significant natural features on the subject site.

In conclusion, Ms. Connell reported based on approval of CUP 95-2 and the above findings of fact and agency comments, Staff recommends approval of SP 95-12. Ms. Connell reviewed the recommended conditions of approval.

Vice-Chairman Corrado asked if the applicant wished to testify.

Richard Coxon, Robert Lee & Associates, 1550 140th Avenue NE, Suite 100, Bellevue, Washington 98101, addressed the Commission. Mr. Lee showed the Commission a drawing of the proposed BP Station. TOSCO Northwest and Ms. Connell have worked with Gramor to put together a sign for the station which is more in keeping with the shopping center design elements. The building that the applicant is proposing for the site will incorporate most of the elements on the facade of the shopping center, that is, it will have the same type of brick, it will have the same synthetic stucco material and the same base colors. It will also have some of the same architectural features such as recessed panels, gables and the roofing material over the convenience store will be the charcoal grey concrete style roofing material, so it will look alot like the shopping center itself. Mr. Coxon stated the only thing that will not be the same as the shopping center will be the fueling islands. The fueling islands are very important to BP because essentially this is their corporate identification and after all it really is a fueling island. He worked with the design of the fueling island to come up with another solution, using a gabled roof over the fueling island canopy and it got to be incredibly large and completely higher than anything allowed by code and quite frankly it looked fairly ridiculous. Mr. Coxon said they thought the shopping center was very well designed and to do anything else with the fueling island basically took away from the site. Mr. Coxon said that by going with the elements for the convenience store and other materials, they believe they blend really well. This is true of the convenience store as well as the carwash.

Mr. Coxon reported they worked with Carole on the design of the sign. The sign is open for safety reasons so people can see through when pulling in and out of the driveways. It is not as big as the pylon sign on the other corner. The sign is only about 10 feet wide and 21 feet high. Again, the attempt is to pick up and use the same elements of the stucco, concrete tile and brick. Mr. Coxon said all in all, they think the station will blend very well.

In response to Mr. Bechtold's question regarding generation of traffic and the signage, Mr. Coxon stated signage is required for gas stations by State law. They are required by the State to post their prices so they have to have sign that has to meet this goal and which must be visible to the public pulling into the station.

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

David Copenhaver, Gramor Development, 9895 SE Sunnyside Road, Clackamas, Oregon 97015, addressed the Commission. Mr. Copenhaver stated there is a minimum required for service station signage and that the numbers have to be at

least six (6) inches.

John Goetz, TOSCO Northwest Company, 601 Union Street, Suite 2500, Seattle, Washington 98053, addressed the Commission. Mr. Goetz said the whole design, the sign came out of the last portion, so he did not know if they were going to need to amend one of the conditions of approval that the applicant provide a sign with the same architectural elements of the shopping center and leave the proportioning for later. They have to receive approval from Gramor for the actual design of the building, the site and the sign.

Ms. Connell said she did not think it would be the Commission's intent to have the applicant come back with a final sign design.

Mr. Copenhaver stated for the record, they approve of the concept of the building. Signage is an issue they are not really opposed to, they just need the ability to review it. This is the first time they have seen it.

Vice-Chairman Corrado asked if there was anyone else wishing to speak in favor of the application. There being no further proponent testimony, Vice-Chairman Corrado asked if there was anyone wishing to speak in opposition to the proposal. There being no opponent testimony, Vice-Chairman Corrado dispensed with the rebuttal portion of the hearing and closed the public hearing on this agenda item, unless a Commission member asked that it be reopened for additional testimony, for discussion and comments by the Commission.

Marge Stewart stated she thought it was a nice building, but that the sign needed some work.

Rick Hohnbaum asked Ms. Connell about the bicycle racks. Ms. Connell responded they are included with the site plan and three have to be built. However, the shopping center has several bicycle racks located in other areas.

In response to Mr. Shannon's question regarding arcade games, Mr. Goetz stated there will not be any arcade-type games in the convenience store and that the applicant does not encourage people to come into the convenience store and "hang around".

Ms. Claus asked for clarification regarding the sign height. Ms. Connell responded the signage would be as approved by the Commission. The specifications of the proposed sign is 21 feet in height and 10 feet wide. Considerable discussion followed regarding the signage, in particular the type and dimensions. Ms. Connell stated the sign cannot be in the clear vision triangle. Mr. Corrado said he thought it was a great looking facility. Ms. Claus stated with the embellishment provided by the applicant, the applicant has compromised their sign.

Mr. Copenhaver said Gramor would like the opportunity to review the most recent proposed signage.

In response to Ms. Stewart's question regarding the carwash, Mr. Goetz stated the water would be recycled in the wash cycle, and only fresh water would be used in the rinse cycle. The discharge is very minimal. The local sanitary sewer agency has specific guidelines which must be met.

Susan Claus moved the Planning Commission approve SP 95-12, BP Service Station, based on the findings of fact, Staff Report, agency comments, applicant testimony and discussion, subject to the following conditions:

Prior to issuance of a building permit:

1. Submit engineered construction plans for City, USA, TVFRD approval illustrating public and private utility improvements for water, sanitary and storm sewer, erosion control, grading and fire hydrant locations.
2. Install landscaping and all other site improvements prior to occupancy.
3. Install the free-standing sign as approved by the Commission. All on-site signage must be in compliance with City standards and requires a sign permit. The free standing sign shall incorporate architectural features as illustrated in the rendering presented at the hearing.
4. Screen the garbage receptacle in accordance with City standards.
5. Provide an on-site lighting plan for City review and approval.
6. Provide a registered engineer's certification that the carwash complies with City noise standards.

This approval is valid for one (1) year.

The motion was seconded by Rick Hohnbaum and carried unanimously. Chairman Birchill did not participate in this agenda item and did not vote on the matter.

5. Director's Report

Ms. Connell asked if the Commission had any comments regarding the December 19, 1995 and January 2, 1996, Planning Commission meetings. At this time, the applications are tapering off. The City Council will hear the Transportation Planning Rule Code Amendments on November 14, 1995 and the Commission is scheduled to review Historic Resources on November 21, 1995. The Allied System Site Plan

Appeal will be heard on November 20, 1995. Considering the upcoming schedule, the Commission agreed not to hold a meeting on December 19, 1995 and schedule a meeting on January 2, 1996, only if required. With this decision, the upcoming meeting schedule will be November 21, 1995, December 5, 1995 and January 16, 1996.

Rick Hohnbaum announced the Annual Business Meeting of the Friends of the Refuge will be held on November 8, 1995, 7:00 PM, Stewart Senior/Community Center. Anyone interested may attend.

George Bechtold presented a letter from Halstead Arborists for the record regarding street trees, specifically Maples, and that the City of McMinnville is looking at a \$500,000 problem on their streets. He suggested the Commission take a field trip to McMinnville to look at the problems that have been created by the same trees the City of Sherwood has on their list of approved street trees and is now installing. Mr. Bechtold said this is the same problem Halstead testified to when the Commission approved Woodhaven. The Red and Green Maples lift curbs and sidewalks on streets and crack foundations. The City of McMinnville is now seeing the results of planting these types of trees. Halstead is under contract with McMinnville to provide some options. A copy of the letter will be distributed to the Commission. Chairman Birchill suggested that the Commission review their tree list. Ms. Connell said a tree report was provided to the Council at a recent meeting. Mr. Bechtold will provide pictures for the Commission. Roxanne Gibbons stated there is a housing development off of Martinazzi Street in Tualatin, which is well established, that has the same type of tree problems. The Commission thanked Mr. Bechtold for providing this information.

Ken Shannon reported he attended the Corridor Plan meeting at Rose Lodge presented by ODOT. With regard to signalization, ODOT maps showed Meinecke Road as being safe and not having any problems. Mr. Shannon asked them to review the accident reports for this area. Ms. Connell reported that Larry Cole and Woodhaven representatives met with ODOT in an attempt to speed up signalization on Pacific Highway at Sunset Boulevard. Apparently ODOT agreed to let Woodhaven install the signal at Sunset Boulevard, but it will not be turned on until warranted. They also had some discussion regarding the need for a signal at Meinecke Road. Mr. Shannon reported in a recent conversation, ODOT said it was not a high traffic accident problem unless one out of six cars have an accident.

There being no further business to discuss, the meeting was adjourned at 10:25 PM.

Respectfully submitted,

Roxanne Gibbons

Planning Commission Secretary