

City of Sherwood, Oregon
Planning Commission Meeting

December 5, 1995

1. Call to Order/Roll Call

Chairman Gene Birchill called the meeting to order at 7:00 PM. Commission members present: Chairman Gene Birchill, George Bechtold, Chris Corrado, Kenneth Shannon and Marge Stewart. Commissioners Susan Claus and Rick Hohnbaum were absent and excused. Planning Director Carole Connell, Assistant Planner Lisa Nell, and Secretary Roxanne Gibbons were also present.

2. Minutes of November 21, 1995 Commission Meeting

Chairman Birchill asked if there were any corrections, additions or deletions to the minutes of November 21, 1995. There being no comments, corrections or additions, Chairman Birchill accepted the minutes as presented.

3. Community Comments

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

Robert Lucke, 2000 SW Fair Oaks Drive, Sherwood, Oregon 97140, addressed the Commission. Mr. Lucke had concerns with Allied Systems, in particular, since the trees were removed from the Allied property. He lives directly across the wetlands from Allied. His house has constantly been subjected to "leakage" in terms of noise, light and activities that occur on the Allied property. The lights seem to be aimed so that Mr. Lucke can sit in his family room or bedroom and do shadow puppets on the wall. He is subjected to noise from assembly and disassembly of the large machinery they build, paging activities, bulldozers and dump truck gates banging and clanging. This has been occurring for about 2 years and his patience is about gone. The noise seems to increase during colder weather or clear conditions, especially if the wind is blowing from the Allied site towards his home. These conditions prevent him from sleeping normally and using his house in the way he would like to use it; opening the bedroom windows and blinds. Mr. Lucke wanted to know what was going to happen as Allied expands into the areas they are now filling with dirt, the hours of operation and how much more this expansion would impact his home.

Mr. Lucke said he understands how a business must operate and he does not want to shut them down. He would like to use his house in a reasonable fashion and have the same neighborly consideration extended to him that he would extend to his next door neighbors. He has discussed this situation with Mr. Burns of Allied.

Mr. Lucke asked that the Planning Commission consider his comments as permits are issued for Allied to start using the additional area. He thanked the Commission for allowing him to voice his concerns.

Carole Connell responded that Mr. Lucke's concerns are not that different from what the Council heard on November 20, 1995 when the applicant (Allied) appealed the Planning Commission's approval of their plan for landscaping and screening. A very strong case was made that the noise and lights were a concern since the buffer of trees was removed. Regarding noise, from 10:00 PM to 7:00 AM there are some noise limitations, but impulse noises do not factor into that type of measurement. It must be a long, continuous noise to measure. Ms. Connell said Allied will probably be cited and their grading permit may be revoked. Allied Systems decided to withdraw their application for site design review and will incorporate the required features of the site design review into the design review for the building. Allied will develop one complete package that will address all Council and Staff concerns. The combined application will be submitted to the Planning Department in the near future.

Chairman Birchill recommended Mr. Lucke or his representative attend the next meeting when the Allied Systems application would be heard.

Mr. Corrado said he lives not too far from Mr. Lucke and he also hears various noises from the Allied site. The noise seems to take place at all times of the day. Mr. Lucke said the noise seems to occur during the shift change at 2:00 AM.

Ms. Connell said the Planning Commission could require a noise analysis with the next Allied application.

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

4. SUB 93-7 Crestwood Heights Phase 3 Final Plat

Prior to calling for the Staff Report, Chairman Birchill asked the Commission if they felt that these types of agenda items could be done administratively by Staff or whether this stage of approval needed additional Commission review. It was the consensus of the Commission that these types of reviews could be done administratively or through the hearings officer process. Carole Connell said the Code would have to be changed to remove the Commission from the process. Recent legislation is moving in this direction. The City would be complying with State statutes in changing the current process. Staff is in the process of looking for a hearings officer to do mandated reviews in expediting subdivisions. She will also be reviewing the whole application review process.

Chairman Birchill called for the Staff Report. Lisa Nell reported this is a request for Crestwood Heights Phase 3 Final Plat, a 62-lot single family subdivision on Ladd Hill Road. Ms. Nell referred the Commission to the Staff Report dated November 29, 1995, a complete copy of which is included in the Commission's minutes book.

Ms. Nell highlighted the main points of the report. The Commission approved the Crestwood Heights Preliminary Plat on October 19, 1993. The plat was approved for

three phases. The total lots for all three phases has increased by 2 for a total of 178 lots. Staff recommended deleting Condition #4. In conclusion, Ms. Nell said based on the findings of fact and agency comments, Staff recommends approval of SUB 93-7 Phase 3 Final Plat subject to the conditions as revised.

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

Darren Wellborn, MNWR Partnership, 233 SW Front Avenue, Portland, Oregon 97204, representing the applicant, said he would answer any questions. Mr. Wellborn identified the location of Pine Street in relation to the site. Regarding access, Mr. Wellborn said they would work with Ms. Connell so that no one would lose access when the tract adjoining the Baptist Church and three residences is deeded to the church.

Carole Connell commented for the record that the applicant needs to assure that the entry wall to the development on Sunset and Cinnamon Hills Place meet the clear vision requirements. Currently, the entry wall is in the clear vision area. She has informed the developers they have to move the brick wall out of the clear vision area. Mr. Wellborn said they would deal with this site issue and it is their intent to take care of the problem.

Chairman Birchill opened the floor for discussion by the Commission. In response to Mr. Corrado's question regarding street trees, and a recent letter from Mr. Halstead regarding inappropriate street tree types, the relevant condition was revised. The Commission concurred that Staff implement this change to recommended appropriate street trees as a policy. There being no further questions or comments,

Chris Corrado moved the Planning Commission approve SUB 93-7 Crestwood Heights Phase 3 Final Plat based on the findings of fact, Staff Report, recommendations as noted, and applicant comments. The motion was seconded by Marge Stewart and carried unanimously, subject to the following conditions of approval:

Prior to Final Plat recording or, in some cases, building occupancy:

1. Note on each builder's plot plan which trees are to be preserved.
2. Each lot shall be provided with 1, (2 for corner lots), uniformly planted street trees in the front yard or in a planter strip (4 to 5 feet from the sidewalk) in accordance with City specifications of two (2) inches Diameter Breast Height (DBH) and at least six (6) feet in height. Tree types to be in accordance with City approved street trees and planted prior to occupancy, unless otherwise approved by the City. (Except those species which were noted in Mr. Halstead's letter dated October 30, 1995.)

3. Describe or label all easements on the Phase 3 Final Plat.
4. Provide stop signs in locations approved by the City.

This approval is valid for one (1) year.

Introduction of City Manager Jon Bormet

Carole Connell introduced Jon Bormet, City Manager. Mr. Bormet made a few comments to the Commission.

5. SUB 94-8 Abney Revard Phase 2 Final Plat (formerly Whistler)

Chairman Birchill called for the Staff Report. Carole Connell reported this is a request for Abney Revard Final Plat Phase 2 (formerly Whistler), a 50-lot single family subdivision phase on the south side of Sunset Boulevard with a total of 103 lots. Ms. Connell referred the Commission to the Staff Report dated November 29, 1995, a complete copy of which is included in the Commission's minutes book.

Ms. Connell reviewed the main points of the Staff Report. The Commission approved the original plat on December 13, 1994. There are several public and private stormwater drainage easements throughout the plat. At the Commission's request, these have been minimized as much as possible. Ms. Connell recommended deletion of Conditions #1 and #3 and revising Condition #6 with reference to recommended street trees. The applicant may be going to the Parks Board regarding building additional pathways. In conclusion, Ms. Connell said Staff recommended approval of this application based on findings of fact, agency comments and conditions as revised.

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

Scott Franklin, CES, Inc., 15256 NW Greenbriar Parkway, Beaverton, Oregon 97006, addressed the Commission. Regarding street trees, Mr. Franklin said Phase 2 would be pretty much a continuation as provided in Phase 1. In response to Mr. Bechtold's question regarding storm sewer easements, Mr. Franklin identified the location on the map. In response to Mr. Shannon's question regarding the private street, Ms. Connell said the private street would service four lots. Mr. Franklin said Abney Revard comes from the parent name of the developer. The site sign will be identified as Brookside. There being no further questions or comments,

Chris Corrado moved the Planning Commission approve SUB 94-8 Abney Revard Final Plat Phase 2 based on the findings of fact, Staff Report, recommendations as noted, and applicant comments. The motion was seconded by Marge Stewart and carried unanimously, subject to the following conditions of approval:

1. Provide a joint driveway access and maintenance agreement for Lots 67 and

- 68.
2. Retain the existing vegetation adjoining the north and south property boundaries where feasible. Construct a six (6) foot cedar fence along those boundaries, completion to coincide with the subdivision phasing plan. Require fence maintenance in the project's CC&R's.
 3. Signage shall be posted prohibiting parking within the access way.
 4. Each lot shall be provided with 1 (2 for corner lots) uniformly planted street trees in the front yard or in a planter strip (4 to 5 feet from the sidewalk) in accordance with City specifications of two (2) inches Diameter Breast Height (DBH) and at least six (6) feet in height. Tree types to be in accordance with City approved street trees and planted prior to occupancy, unless otherwise approved by the City. (Except those species which were noted in Mr. Halstead's letter dated October 30, 1995.)
 5. Provide stop signs in locations approved by the City.
 6. Comply with all City grading and fill requirements.
 7. Applicant is prohibited from cutting vegetation in the open space unless necessary for utility extensions and as agreed upon by the City.
 8. Note on each builder's plot plan which trees are to be preserved.

This approval is valid for one (1) year.

6A. County Application for 167 space RV Park Campground on 99W adjoining UGB

Carole Connell reported the applicant (The Benkendorf Associates Corporation) had planned to be in attendance, but has since requested the item be removed from the agenda. After further review, Ms. Connell said it was determined that this application will come to the Commission via the County. The application has been submitted to Washington County. By inquiry from the applicant, the Mayor stated that it is against the City's policy to provide City water outside the City limits, even if the location is in the urban reserve. The Commission did not take a formal position on the application. In general, the Commission agreed that a site should be annexed before any utilities are provided by the City. As presented, the Commission would be opposed to this type of application. Ms. Connell will advise the County of the Commission's comments when an official response is requested.

6B. Metro 2040 Plan Interim Measures

Carole Connell updated the Commission on the status of the Metro 2040 Plan. The Metro Council received their last public testimony on what areas should be included in the Urban Reserve Study Area. Metro Staff will be analyzing several thousand

acres for potential inclusion in the Urban Reserve Area to the year 2040. Sherwood has three large areas that are being looked at, if Metro Council proceeds in the current direction. The study includes 640 acres along the City's southern urban growth boundary, a pocket on the Elwert Road/99W side and 192 acres at Edy Road and Elwert Road. A map of the area was provided to the Commission.

Regarding "Interim Measures," Ms. Connell said proposed changes would be significant relative to density requirements, mixed use and smaller lots in Sherwood's designated corridors, town center and main street areas. The interim measures would require policy changes to the City Code,. Further, some of the policies would coincide with the Transportation Planning Rule. The Commission felt that all members should be in attendance to discuss this item further. Chairman Birchill recommended an hour be set aside to discuss the Metro 2040 Plan at a future Commission meeting.

Ms. Connell will advise the Commission of the time and date for the Washington County Public Officials Caucus in January 1996 where the interim measures will be discussed.

7. Director's Report

Ms. Connell advised the Commission that ODOT will hold a Corridor Planning meeting in McMinnville, Yamhill County Courthouse, 9:30 AM on December 8th.

Ms. Connell reported two Commission member's, Ken Shannon and Gene Birchill, terms will expire in March 1996. Mr. Shannon expressed an interest in continuing service on the Commission.

There being no further business to discuss, the meeting was adjourned at 8:15 PM.

Respectfully submitted,

Roxanne Gibbons
Planning Commission Secretary