

City of Sherwood, Oregon
Planning Commission Meeting

January 4, 1994

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:30 p.m. Commission members present were: Chairman Eugene Birchill, Marty Ruehl, Chris Corrado, Marge Stewart, Glen Warmbier and Susan Claus. Rick Hohnbaum arrived at approximately 8:15 p.m. (Due to an emergency, Ms. Claus had to leave the meeting at approximately 9:30 p.m.) Planning Director Carole Connell and secretary Kathy Cary were also present.
2. **Minutes of prior meeting.**

Minutes of November 30, 1993 Meeting:

Ms. Claus requested that the minutes of the November 30th meeting be corrected as follows:

1. Page 1, opening discussion on Item 3, insert the word "polled" in the first sentence between the words "the" and "members" and in the second sentence between the words "the" and "commissioners".
2. Include the following testimony provided by Mr. Greg Kurahashi of OTAK where appropriate:

Chairman Birchill asked Mr. Kurahashi, "regarding the ponds, which are designed to hold 'x' type of summertime stormwater, where is winter time stormwater retained to avoid down-stream flooding?" Mr. Kurahashi responded that when he quoted the number in terms of the storage being provided on site during the summer time, he was talking about the amount of water that is captured to stop the silt and material from getting into the streams during the summertime event because that is when the streams are very slow and that is what is regulated by USA. In terms of retention or ponding to prevent winter storm flooding, the run-off was proposed to be handled on-site in a major detention facility that could be considered regional and was sized at approximately 300,000 cubic feet, and occurs just above the outer parcel that shows up on the map (pointed to location on map). Mr. Kurahashi noted that the proposed location was only a possibility but what ever is built, it will be built in in the phase that will impact any downstream areas because

sufficient amount of water must be stored for whatever phase is affected; one portion will be done in the first phase and additional arrangements will be incremental with the appropriate building phases.

Ms. Claus remarked that she has a problem with a comment on Page 1 of the minutes, in that it sounds bad when the minutes say, "after the third interruption, the Chairman advised Mr. Rome that it would not be tolerated." Ms. Claus stated that she had talked to Sandy Rome, and he said all he was trying to do was, if there wasn't going to be verbal testimony, he could go to the copy machine and get (copies of) his testimony so that the Commission could have it in a written form, and from his (Mr. Rome's) point, she thought he felt like he was being shouted down when he was asking a question.

Ms. Claus commented that she gets worried when the minutes, and I am not just talking about Sandy Rome, I'm just talking about when they are kind of inferring a negative tone and should be toned down a little bit.

Ms. Stewart stated that she felt that if the Commission does not stick to the rules pretty closely, one thing leads to another and pretty soon pandemonium breaks out. She remarked that she did not find anything wrong with what was said.

Mr. Corrado stated that the comments in the minutes were the way he remembered the incident, and that he did not remember a request to go out and copy anything, it seemed more like a disruption.

Ms. Claus stated that Mr. Rome said he said, "just give me a couple of minutes and I will go copy what I have" and then it turned into the Commission was going to threaten him with the police.

Ms. Stewart moved, seconded by Mr. Hohnbaum, that the minutes of the November 30, 1993, meeting be corrected as requested and approved with the requested amendments. Motion carried unanimously.

3. **Public Hearings:**

Chairman Birchill read the hearing disclosure statement and requested that Commissioners advise of any conflict of interest or ex-parte contact they may have with regard to any of the items on the agenda.

Ms. Claus advised of a potential conflict regarding Item E, PA 93-6 Corcoran, because she owns property immediately below the proposed project.

Mr. Corrado commented that he had no conflict of interest with any of the items; however, just prior to the meeting he was introduced to Mr. Morse.

Chairman Birchill advised that he had requested that staff add a statement to all future Planning Commission agendas which states: "all items not heard by 11:00 p.m., will be forwarded to the next regularly scheduled meeting." He noted that the January 4, 1994, meeting would be the exception because several of the items had been on the agenda for the December 7th meeting, which had been canceled.

Chairman Birchill also announced that due to the length of the agenda, he will limit testimony to 15 minutes each for proponents and opponents, 15 minutes for rebuttal by the applicant, and unlimited time for discussion and questions among the Commissioners.

- A. SP 91-5 Revised Smith Farm Estates: Site Plan request to replace recreation building, and**
- B. SP 93-3 Smith Farm Estates II Expansion: Site Plan request to add 28 manufactured homes adjoining the existing park and Pacific Highway**

Chairman Birchill opened the public hearing and called for a staff report on SP 91-5-Revised Smith Farm Estates.

Ms. Connell advised that there are two items on the agenda, SP 91-5 Revised Smith Farm Estates and SP 93-3 Smith Farm Estates II Expansion, which are included in the same Staff report dated December 23, 1993. Ms. Connell commented that the Planning Commission had previously approved an addition of 24 units, which are located behind the Cherry Tree, to the Smith Farms Estates. The applicant is now asking the Commission to change that approval by replacing the recreation building with a manager's living quarters, and relocating the recreation building to the Smith home which will also house the Park's office, and adding visitor parking spaces to the phase. Ms. Connell stated that SP 93-3 is a new application which will add 28 units to Smith Farm Estates.

Ms. Connell inquired as to whether the Commission would like to hold a public hearing on both applications and make two motions, or separately and make two motions. The Commission concurred that the applications will be considered together, and voting/conditions will be individually.

Regarding SP 91-5, Revised Smith Farm Estates, Ms. Connell

reported that the project is zoned MDRL, appropriate agencies have been notified, and staff felt that the recreation building was an item on which the Commission should spend some time because the City encouraged the recreation building for Smith Farms and other parks. Ms. Connell commented that nothing had changed in the original approval as far as number of units, lot sizes and other various details. She pointed out that the City does not have a requirement for a recreation building in a mobile home park and it is questionable if a building and its location can be mandated.

Ms. Connell advised that the applicant feels the park does not need two recreation buildings, and the existing house is a preferred solution to the three-phase park and can be a multi-purpose building.

Ms. Connell pointed out that one complication of relocating the recreation building could be the leasing of one particular space under the assumption that there would be an adjoining recreation building. However, the project has not been built, and she does not know how lots could already be leased.

With regard to visitor parking, Ms. Connell pointed out that if more parking is made available, it will make a better project. She noted one minor change in configuration of rental space 5, which needs to be 25 feet wide rather than 20 and should be corrected on the final plans.

With regard to relocation of the recreation building, Ms. Connell stated that staff supports the change as well as the addition of more parking spaces, and recommends increasing the lot width of space 5 to 25 feet.

In response to Mr. Ruehl's question as to when the original application and its extension expire, Ms. Connell replied that it would depend upon when the request for revision was submitted, which was before the expiration, but was delayed due to the cancellation of the December 7th meeting, and by approving the revision, the Commission is granting an additional extension. Mr. Ruehl recommended that, if approved, no further extension(s)/approvals be granted. Ms. Connell pointed out that the Commission would have to set a specific time extension. She noted that the conditions to the original approval still apply.

Ms. Stewart remarked that the recreation building was never built, and inquired as to how the Smith house could be brought up to current code standards. Ms. Connell responded that the entire project had never been built, and the applicant would have to bring the Smith house into compliance

with current codes if it is to be used.

Regarding SP 93-3, Smith Farm II, Ms. Connell reported that the applicant is requesting the addition of 28 units to the Park. Ms. Connell requested that the Riverside Engineer's report be entered into the record, a copy of which is attached as part of these minutes. She noted that the City requested that the owner of the property south of the Cherry Tree ask the engineer to look at where they would expect to be serviced by the City's sewer system. Ms. Connell advised that Riverside Engineering indicated that the public sewer can serve the property north of the drainageway if built at the low area along the north side of the Cherry Tree and at a depth of four to six feet. She noted that Riverside Engineering indicated that the sewer should be able to serve several additional properties east of 99W, but should be a public sewer under the control of the City. Ms. Connell pointed out that it is typical in mobile home parks that the utilities are private, the roads are built to different standards, and the park's owner maintains all utilities; however, in the case of Phase 1, there are a variety of public and private lines. Ms. Connell remarked that staff felt the system should be evaluated as to where it will eventually go and whether the utilities will be public or private. Ms. Connell stated that staff is reluctant to go back into Phase 1 to make the utilities public, and noted that the Commission can, through conditions on SP 93-3, extend the sewer line to the Cherry Tree and will have to decide if the line will be public and what line will be the connecting line.

In response to Ms. Stewart's questions as to whether other private properties will connect to the sewer, Ms. Connell indicated that the applicant is not a subdivision, but at least the Cherry Tree and Whitesells will be able to connect to the City sewer. She noted that the sewer could be provided at the Cherry Tree then become public, but a question remains as to what happens beyond the Cherry Tree. Ms. Connell commented that there are two issues: should the sewer be public and how far the developer can be required to go to plan for the future sewer to the south; if this is important the Commission will have to develop clear specific language and decide what is reasonable for every developer.

In response to Mr. Ruehl's questions as to whether water needs to be extended, Ms. Connell replied that water is another issue, but it is not connected beyond the site and water needs to be taken only to site boundaries, no further.

Ms. Connell reported that SP 93-3, Smith Farms II, is a 28-unit project with an existing home which can be converted to office use, yard space and an RV storage, and extra parking

spaces. She noted that access into the property is via Highway 99W and Smith Boulevard onto a frontage road, which is owned by the State. Ms. Connell stated that most of the lots are in the 5,000 square foot range, and are bigger than most other mobile home lots. There is extra parking, an existing large stand of trees and the yard is about 500 feet away from Cedar Creek, which is owned by Ruth Smith Trust. Ms. Connell reported that the project has 17 parking spaces for RVs, 19 visitor/office parking spaces and no additional management living quarters in this phase. Ms. Connell pointed out that the Code has specific requirements regarding parking of RVs: the RV cannot be lived in in a mobile home park, the RV can be parked in a mobile home park, but if parked it must be in a specific lot with an 8-foot sight obscuring fence. Ms. Connell directed the Commission's attention to the illustration which shows the proposed RV parking area and noted that the owner does not want to eliminate the view or the RV parking area from the office. She noted that there are trees inside of the perimeter of the RV lot, two large trees that will be inside as well as landscaping around the perimeter of the parking lot, RV storage will be visible from Highway 99W, proposed landscaping and trees should provide an adequate screen. Ms. Connell remarked that lessees objected to location of the RV lot because of the proximity and visibility from Highway 99W, and one owner objected to landscaping being inside the fence; however, staff is concerned that the landscaping may not be maintained if outside the fence. Ms. Connell pointed out that landscaping inside the lot will also provide shade for the vehicles.

Ms. Connell advised that current home owners requested that the 8-foot fence be topped with razor wire for added security because of vandalism, that the RV lot be lighted, be provided with a locked gate, and have adequate stall width/lengths and adequate drainage. Ms. Connell pointed out that the fence should be the standard 8-foot fence on all fenced sides of the storage yard. Ms. Connell commented that the City does not have a standard requiring a locked gate, and the issues should be at the discretion of management and the home owners unless the Commissions feels it is important.

Ms. Connell stated that all spaces are within the 5,000 square foot lot size, but that lots 14 and 48 do not meet the 50-foot width requirement at the building line, and should be addressed in the conditions.

Ms. Connell advised that the Code requires sidewalks on at least one side of the street throughout the park. She noted that there are no connecting sidewalks in Phase 1 and suggested that the sidewalk extend to and along Smith

Boulevard to Phase 1.

Ms. Connell reported that the interior streets of the project are 28 feet with no parking allowed and that the nearest connecting public road is Smith Boulevard at the south end of the project. She commented that a wider collector is not required for this phase because of the small number of units.

Further, the new phase has direct access to the highway. Ms. Connell pointed out that all three phases of the project access 99W, and ODOT has been notified of each phase. She noted that ODOT accepted the applicant's earlier traffic analysis which indicated the project will not have a profound impact, however, ODOT now requests that a traffic analysis is needed to demonstrate the need for an additional access to Highway 99W, although there is not an additional highway access planned. Ms. Connell remarked that a condition should be added to assure that ODOT accepts the plan for this phase.

Ms. Connell pointed out that there is a 25-foot wide landscape corridor required on Highway 99W at the site, which is about 100 feet from the highway to the new project. She advised that there an existing screen of trees and a fence so that additional landscaping on Highway 99 is not needed. She noted that the RV lot, parking strips, and office area landscaping meet the requirements, and tenants are required to landscape and maintain their individual lots. Ms. Connell stated that parking stalls, including curbs, must be built to City standards. Ms. Connell recommended that a bicycle parking area should be provided adjacent to the Park's office and noted that there is no outdoor storage or signage planned, and street lighting should be consistent with the existing park.

Regarding parks and open spaces, Ms. Connell pointed out that the site plan and the applicant's report provide a description of the Cedar Creek floodplain in the project and a wetland delineation report identifying the wetlands within the project. Ms. Connell noted that the floodplain, located at the 162-foot elevation, has not been dedicated to the City. She indicated that the floodplain is generally at the 162-foot elevation and the Division of State Lands indicated satisfaction with the proposed plans. Ms. Connell stated that her review of Lots 10, 11, 12, and 13 indicate they are not 25 feet from the wetlands and should be moved westwardly to provide the required 25-foot buffer. Ms. Connell pointed out that the Cedar Creek Greenway has been identified by the City as an important natural resource and requires dedication to the City in lieu of Parks SDCs. She noted the value of the dedication is established by appraisal and deducted from the Parks SDCs, and recommended that all required dedications

become part of this specific phase. Ms. Connell pointed out that pedestrian access to the wetlands is via Phase 1, and is not easily accessible. She noted the applicant plans to improve that access for viewing purposes, but does not plan to develop the trail farther. Ms. Connell suggested that a trail be developed adjacent to the Smith home to the dedicated areas. Ms. Connell suggested that a condition be added requiring a trail from the Smith home to the wetlands.

Ms. Connell reported that there are no historical structures in the Park; however, the Smith home is part of the City's draft historical inventory. She noted that the home is to be renovated and will become a recreation/office building for the Park's residents.

Ms. Connell indicated that water will be provided by extension of a six-inch water main at Smith Boulevard leading to the new homesites and will connect to a three-inch line at the project. Ms. Connell pointed out that the City must first approve the water connection prior to construction of the park. Ms. Connell noted that the applicant had intended to retain private sewer services; however, is considering making the utilities public, and if the lines become public, the lines must be a minimum of eight inches.

Ms. Connell stated that the previously approved 24-unit phase is required to extend lines to the Cherry Tree, and that the engineer for the Whitesells was requested to look at services beyond that area. Ms. Connell commented that there may be a need to provide services beyond the Whitesell's property; however, it is questionable that the applicant can be required to do so without some type of payback from the property owners who will benefit.

Regarding stormwater, Ms. Connell reported that stormwater runoff for Lots 1, 2, 26, 28 and 29 will probably drain into the storm drain that connects to the drainage ditch at Highway 99W. She indicated that run-off from the remaining lots will drain into the creek and the applicant proposes treating and retaining the water on private land prior to entering the floodplain. Ms. Connell commented that USA has some questions, which are contained in the Commission's packets, and noted that the applicant must comply with USA and City stormwater policies and will be covered on the engineering plans.

Ms. Connell commented that the project will have a minimal impact on the school system, and noted that the School District was notified and has no concerns. She requested that Dr. Hill's statistical reports dated October 18, 1993,

are on file in the City Planning Office, and are part of this record.

Ms. Connell reported that the addition to the Park is under the same management as Smith Farms Estates and noted that written CC&Rs should be provided to each tenant.

In conclusion and based on the findings of facts and comments from concerned agencies, Ms. Connell recommended adoption of those finding and approval of SP 93-3 to move the recreational building to the house, additional parking and the addition of 28 new units subject to the 11 conditions outlined in the Staff report and the recommended revisions to the conditions. Ms. Connell recommended that two sentences be inserted after the first sentence to proposed condition No. 10 for SP 91-5 to read: "Public water lines must be eight inches and located in an easement or public right-of-way. Provide public sanitary sewer services to the properties to the south and west, if feasible, and as determined by the City." Ms. Connell pointed out that ODOT's acceptance of the proposed plan is required and the Commission should determine whether an additional pedestrian trail should be provided behind the office building.

Chairman Birchill called for testimony from the proponents, and noted that the applicant has 15 minutes in which to present testimony.

Ron Stover, Post Office Box 325, McMinnville, owner of the Smith Farms Estates, addressed the Commission. Mr. Stover stated that Ms. Connell covered all points very well; however, there are two points which he wished to cover. Mr. Stover stated that the project does not contain legal lots, but rather spaces that will be leased not sold, and no deposits have been received nor solicited for the spaces. Mr. Stover indicated that he had just received the revisions to the conditions and was not aware of the planning that had taken place. He commented that Smith Farms is a private project with private streets and utilities except for a small extension of the sanitary sewer. Mr. Stover indicated that the sanitary sewer system can be extended to serve the upper properties, as stated in the original condition, the applicant agreed to service the Weeks' property. He commented that he had also agreed to service other properties if there was capacity from the extension at the Weeks' property. Mr. Stover noted that there is a problem with the shallow, six-inch line. Mr. Stover stated that he is not opposed to the requirements to extend utility services, but within reason and when services are extended to accommodate the Park. He pointed out that the services are very shallow and he does not have sufficient information to discuss private utilities in public streets or public utilities in private streets, and he is agreeable to discussion of ideas

that could work. Mr. Stover requested that proposed Condition No. 10 be changed to "as mutually agreed upon between the applicant and the City" in lieu of "as determined by the City." He remarked that he is not opposed to exploring the extension of utilities to adjacent properties, but is unable to assume large costs of extending public utilities to adjacent properties. Mr. Stover requested that the Commission consider his modification and he will redesign the plan to accommodate the adjacent properties.

Mr. Stover indicated that acquisition of additional property had been difficult, and a decision was made that as soon as the acquisition of the necessary property had been completed, a master plan, which included relocation of the recreational building to the Smith home, would be submitted for Commission approval. He indicated that he now has the ability to develop a master plan and would like to move the recreational building to the Smith house, which the contractor feels can be brought up to standards while preserving some of the old features.

Mr. Stover remarked that in the ODOT report, which was originally done for the Weeks' property, ODOT found no negative impact to Highway 99W and approved the plan. He pointed out that a new study also indicated there would be no negative impact to 99W. Mr. Stover pointed out that the delay in ODOT's response was due to shortage of staff and vacation of the person required to sign-off on the report. He stated that he feels the requirement for ODOT's approval has been met. Mr. Stover requested that the site plan be approved since the conditions are acceptable; however, as far as the requests from the homeowners are concerned, they are acceptable except for the addition of the razor wire on the fence. Mr. Stover offered to answer any questions the Commission might have.

Dick Bailey, Bailey Real Estate, 395 North Sherwood Boulevard, Sherwood, addressed the Commission. Mr. Bailey advised that he is in favor of the project; however, he has a concern. Mr. Bailey stated that he represents the land owner of the property to the south, Mr. Whitesell. Mr. Bailey commented that he had Riverside Engineering prepare a letter, copy attached as part of these minutes. He remarked that he is concerned that private sewers do not serve the City's purpose and feels the City has an obligation to assure that sewer and water are continued to the properties. Mr. Bailey pointed out that another development in the City cannot be served unless the sewer line is deeper, and the developer had to accept the additional cost of providing a deeper sewer line. Mr. Bailey indicated he is concerned that the

properties to the south of

Smith Farms and adjacent to the QT will become properties which have no sewers if private lines are permitted. He urged that the utility services be approved by the City as public utilities.

There being no other proponents testimony, Chairman Birchill opened the hearing for comments from opponents.

Sanford Rome, 1780 East Willamette Street, Sherwood, addressed the Commission. Mr. Rome stated that he felt there were two hearings going on which will result in two motions and requested that he be allowed to have 15 minutes on each project. Chairman Birchill advised that the Commission is trying to combine discussion on the Smith Farm Estates and will allot 15 minutes total. Mr. Rome stated that he probably should be speaking as a proponent for the development and requested that his intent be taken to heart since he is not anti-development. Mr. Rome then expressed the following concerns: a desire to have local experts address the City's problems; there is no respect or recognition of input from the citizens; outside experts are brought in to analyze developments, and staff relies on testimony by outside experts; decisions are made without the benefit of complete reports; the Commission or City should decide that until things are in order and completed, no project will go forward and approval will not be given until that time; has a problem with the City Council, Planning Commission, Planning Director frequently commenting: "we have to look at the sewer service"; cost of private utilities will eventually become responsibility of the citizens; required paybacks never happen in Sherwood, the engineering must be done and costs paid up front and not a "subject to and worked out later" condition; after many years, necessary and proper stormwater facilities are not yet developed; does not want the Commission to continue hurting the citizens of Sherwood; his property is devalued because of a sewer that runs through his property.

Mr. Rome remarked that if the Commission chooses to pass the Smith Farms project, the Commission members should guard their rights and the rights of every citizen in town to not have to come back and ultimately pay for something that the Commission did not catch. Mr. Rome stated that he would like to hold each member of the Planning Commission personally financially responsible for items missed; he would like to, at whatever time it may be, call for regress against that situation and have it financially reimbursed, so that it does not cost the tax payers additional dollars.

Chairman Birchill temporarily closed the public hearing on SP 91-5 Revised and SP 93-3, and opened the meeting for questions and discussion among the Commissioners. Chairman Birchill noted that a Commissioner could reopen the hearing at their discretion.

After a brief recess, Chairman Birchill noted that the applicant had not been given an opportunity for rebuttal and inquired whether Mr. Stover had any additional comments.

Mr. Stover stated he had listened to the comments on the recommended revisions to Condition No. 10, and felt that the issues had been resolved. He pointed out that this is a very small project and when talking about paybacks, etc., what you are suggesting is the first guy that goes has to bankroll the other projects, and he is not able to bankroll that big of a project. Mr. Stover pointed out that there are other properties in the vicinity that will benefit from public utilities and should absorb some of the cost. He suggested that Mr. Bailey participate in the design and engineering of the project.

Chairman Birchill next opened the meeting for questions and discussion among the Commissioners. In response to Ms. Stewart's question, he advised that both SP 91-5 Revised and SP 93-3 will be discussed as one, but that there would be separate motions of each project.

Ms. Stewart pointed out that there is a problem with the sewer running along 99W which is not the fault of Smith Farms. She commented that there will probably be sewer and water lines on 99W that will serve properties other than Smith Farms. She noted that if larger lines are needed along 99W to Cedar Creek, a bottleneck could be created for those properties farther away than the Weeks' property. Ms. Stewart suggested that the depth of the utility lines be explored. Ms. Stewart stated that she also has a problem with the change of the recreational building from the proposed lot to the Smith home because residents selected lots based on the proximity of the lot to the recreational site. In response to Chairman Birchill's question, Mr. Warmbier clarified that there was an area set aside for recreation, and the residents assumed that there would be a recreational building in the original park; however, the developer indicated he envisioned only a picnic area.

Mr. Ruehl inquired as to what sewer facility is available in the area. Ms. Connell responded that according to the sewer plan, Meinecke Road should be a logical south-west extension to the site; however there may not be sufficient depth to

accommodate the properties in the area. Mr. Ruehl commented that insufficient depth of the sewer is a valid concern and questioned how the expansion on 99W will be accomplished and who will absorb the costs? He suggested consideration be given to an LID to cover the costs. Ms. Connell pointed out that the developer of Woodhaven would be extending lines from that project to Whitesells.

Mr. Bailey commented that the Woodhaven project indicates there will be a large trunk sewer line in the middle of private property that will not be accessible to anyone. He noted that the trunk sewer line area going to the QT becomes a swale.

In response to Mr. Rome's question, Mr. Stover responded that the lateral sewer lines in the Park are private and drain into a public sewer. Mr. Stover stated that he has not problem with the condition of approval regarding the sewer or becoming a public sewer, but is concerned that there be matching depths of five to five and one-half feet, and in the project 14-20 foot depths are feasible, but expects to work with the City so that if there are costs to go deeper, the people using the service should absorb the costs. Mr. Stover commented that he is prepared to go with the recommendation if the wording can be changed to "mutually acceptable." Chairman Birchill commented that the City must rely on the engineer's decision, and the questions cannot be resolved because there is no detailed information available on which to make a decision. Ms. Stewart suggested that the motion include a statement that no property be blocked from the sewer.

Mr. Ruehl suggested that a solution might be to run a trunk line down 99W and Smith Farms will connect to the sewer to avoid 16-20-foot sewers in the Park. He commented that an LID could be used to fund the costs at a later date. Ms. Connell pointed out that the City has a great deal of concern with the use of LIDs.

Mr. Corrado commented that it sounds like the applicant is open to maintaining a public sewer line, and that resolves that issue; then, the issue becomes how far does the sewer have to go, does it have to serve everything on the site of the flow...if it doesn't, is it unreasonable to expect the property owners beyond the applicant's property line to have the option if they want a line, they have to pay for it now, and connect when the sewer becomes available, since they will benefit?

Mr. Ruehl moved that SP 91-5 Revised Smith Farms be approved based on the findings of facts and recommendations of staff, with the addition of Item No. 3 that the approval will be good for one year and will not be renewable after that period of time, subject to the following conditions:

1. Increase the width of Lot 5 to twenty-five (25) feet.
2. The original conditions (extension granted on November 17, 1992) still apply as follows:
 - a. The boundaries of each lot shall be surveyed or otherwise permanently marked.
 - b. Each living unit shall be a minimum of one thousand (1000) square feet.
 - c. All parking stalls shall be paved and there shall be no on-street parking.
 - d. A six (6) foot high screen shall be constructed around the entire park.
 - e. The existing island at the new park entry shall be modified as determined by the City. If necessary, signage or striping shall be provided to ensure the intersection functions safely.
 - f. The sanitary sewer easement shall be fifteen (15) feet wide adjoining both Tax Lots 900 (Weeks), and ten (10) feet elsewhere in the park. Sanitary sewer shall be extended to the south property line for future extension, if feasible as determined by the City. The Cherry Tree and existing residences shall be connected to City sewer.
 - g. Public water service lines must be a minimum of eight (8) inches. A fire hydrant shall be installed at the park entry. The fire line must be a minimum of eight (8) inches and in a fifteen (15) foot easement. The fire line shall be extended to the southwest corner of the property for future extension. Private water service lines and fire lines must be separate.

- h. Storm sewer shall be extended to the south property line for future extension, if feasible as determined by the City. Storm sewer will require detention and water quality discharge improvements in accordance with Oregon DEQ and Unified Sewerage Agency (USA) requirements.
 - i. The applicant shall provide a traffic impact study demonstrating adequate access to Highway 99W that is acceptable to the Oregon Department of Transportation.
 - j. The west end of the cul-de-sac near Lots 13 and 14 shall be revised so that an emergency fire access road is extended from the cul-de-sac to Meinecke Road. The design and location of the cul-de-sac and emergency access shall be approved by the TVFRD and the City, and shall include an easement across the Week's parcel to Meinecke Road.
3. This approval is valid for one year and shall not be renewable again.

The motion was seconded by Mr. Corrado and carried unanimously.

SP 93-3:

The Commission reviewed the changes to SP 93-3 and proposed the following revisions to the conditions:

- 1. Add to condition No. 10, the statement "as mutually agreed upon and paid for by benefiting properties and as approved by the City.
- 2. Add a condition to include submittal of the ODOT traffic impact study.

Mr. Ruehl moved that SP 93-3 Smith Farm Estates II be approved, based upon the findings of facts and the recommendations of staff with the corrections to condition No. 10 as proposed by staff and the additional of condition No. 12 requesting an ODOT traffic study. The following conditions were approved:

- 1. Legally describe and dedicate to the City of Sherwood the 100-year floodplain adjoining the original Smith Farm Estates and the proposed addition.

2. Modify the site plan to provide a twenty-five (25) foot wide buffer from the designated wetlands to site's east property line.
3. Increase the fence height around the RV storage area to eight (8) feet and extend the fence to obscure the south and west sides of the RV storage area, as determined by the City. Delete additional fencing on the east property line and plant with native vegetation.
4. Ensure that all lots meet the fifty (50) foot width requirement.
5. The boundaries of all spaces shall be surveyed or otherwise suitably and permanently marked on-site as determined by the City.
6. Each unit shall comply with manufactured home siting standards itemized in Code Section 2.205.01 B.
7. The following building setbacks from space boundaries shall apply:
 - Front: Ten (10) feet
 - Side: Five (5) feet
 - Rear: Twenty (20) feet
8. All homes shall be located within three hundred (300) feet of a fire hydrant. Hydrant locations shall be approved by the TVFRD.
9. The RV storage and visitor parking area shall be constructed to City standards and include curbs and wheel stops. It is further recommended that a bicycle parking rack be installed near the office.
10. Engineered utility plans for sanitary sewer, stormwater runoff, water and erosion control shall be submitted to USA and the City for approval. Public water lines must be eight (8) inches and located in an easement or public right-of-way. Provide public sanitary sewer service to properties to the south and west, if feasible and as mutually agreed upon and paid for by benefitting properties, and as approved by the City. Provide a water quality facility and ensure the highway ditch can handle additional capacity. All public portions of utility improvements shall be boned for prior to issuance of a building permit. Ensure adequate provisions are made for adjoining property

connection to public utilities.

11. Renumber lots for proper postal service.
12. Provide assurance of ODOT's acceptance of the site plan.

The motion was seconded by Mr. Hohnbaum and carried unanimously.

C. **MLP 93-7 PGE/Morse: Minor Land Partition request to create three (3) lots on Tualatin-Sherwood Road.**

Chairman Birchill called for a staff report.

Ms. Connell reported that there is a dual application wherein a partition is requested to create three lots on a parcel and a site plan request for L&M Lumber Yard on one of the parcels. Ms. Connell indicated that the parcel is approximately 15 acres on the north side of Tualatin-Sherwood Road adjacent to the Langer Drive intersection. Ms. Connell commented that Parcel 1 is approximately three acres on which the proposed lumber yard is to be located; Parcel 2 consists of about 10 acres, and Parcel 3 is less than two acres, all of which is vacant land at this time. Ms. Connell stated that PGE is the current owner and is in the process of selling the property to L&M Builders.

Ms. Connell advised that she will review the land partition first and requested that the Commission make a decision on that issue, then she will proceed to the site plan request.

Ms. Connell noted that the minimum commercial lot size is 10,000 square feet and all parcels are beyond that size. She commented that notifications had been sent to Washington County, ODOT, USA and the Fire District and neighboring property owners. Ms. Connell pointed out that a second letter had been received from Washington County and contained a modification to their original letter.

Ms. Connell reviewed the five criteria for reviewing partitions and noted that there are no private streets created by the split; all three parcels will have access to Tualatin-Sherwood Road, which is supposed to have 49 feet from the centerline according to the County's letter and needs to be revised to 45 feet, currently there are 37 feet.

Ms. Connell pointed out that Old Edy Road still exists along the south property line of Parcel 3, and the county has suggested that rather than upgrade that road to County standards, the applicant file for a vacation of the right-of-

way. She noted that there is a water line that should be extended through the right-of-way to connect to the building site, and recommended that the right-of-way be vacated, and that the City obtain an easement for utilities. Ms. Connell reported that the County requires the existing exit to Parcel 3 to Tualatin-Sherwood Road be closed and relocated.

Ms. Connell stated that the partition complies with zoning district standards, there are no designated parks or floodplains, no dedicated streets are proposed, and the only dedication required would be the dedication of a utility easement. She noted that there is a right-of-way dedication required. Ms. Connell pointed out that the applicant plans to connect to a 10-inch water line to be extended from the north-east corner of the Sherwood Plaza Shopping Center; however in order to serve properties to the east the line must be extended across the frontage of the property, and the applicant proposes to extend the line only part way along the property frontage. Ms. Connell remarked that the applicant is eligible to enter into a payback agreement with the City for extension of the water line to their easternmost boundary.

Ms. Connell pointed out that the sewer line is not available at the site and is several hundred feet away. It crosses two drainage basins, and must be extended from either Rock Creek, the Onion Flats or both. Ms. Connell advised that the applicant is requesting a temporary drainage system, which was presented to the City Council and the applicant was advised to pursue approval prior through the Planning Commission prior to applying to the Council. She noted that City construction of the sewer system from Rock Creek to Six Corners is scheduled for the fall of 1994, but the applicant desires to build the lumber yard in the spring. Ms. Connell advised that the Code permits the use of septic system when the sewer service is more than 150 feet from the parcel, and a septic system must be approved by the County and the applicant must enter into agreement to connect to the sewer when it becomes available.

Regarding stormwater, Ms. Connell noted that neither the City nor USA have any objection to the applicant's proposal, however, engineering details have not been provided, and a water quality facility is also necessary presumably in the low area near the BPA right-of-way.

Regarding streets and adjoining lands to the east, Ms. Connell pointed out that adjoining properties to the east will have access to Tualatin Sherwood Road via a driveway from Parcel 1, and Parcel 2 will have access to Tualatin-

Sherwood Road, however, ODOT will not allow access to 99W from the parcels.

In conclusion, Ms. Connell recommended that the partition be approved with the revised condition that the applicant comply with the Washington County road standards, reduction of the right-of-way to 45 feet, and resolution of the street vacation recommendation.

Chairman Birchill opened the public hearing for discussion of MLP 93-7.

Ron Tatone, Zarosinski-Tatone Engineers, Inc., 3737 SE 8th Avenue, Portland, addressed the Commission. Mr. Tatone stated that he is the engineer representing the applicant for parcels 1 and 2 on the partition. Mr. Tatone indicated that he concurs with the remarks made by Ms. Connell, but is requesting that the items for Parcel 3 mentioned in the recommendation be deleted until the site review comes to Parcel 3. Mr. Tatone noted that PGE is the owner of the entire property and L&M Company has entered into an agreement to purchase Parcels 1 and 2, and there is a separate purchaser for Parcel 3. He commented that he would like to get the partition plat recorded in accordance with the decisions of the Commission, and then proceed with the project. Mr. Tatone stated that the applicant is willing to dedicate the necessary portion of the right-of-way and sign a non-remonstrance agreement; however, he felt the extension of the one-foot non-access reserve strip should be required only on Tualatin-Sherwood Road, except at approved access locations. He noted that Washington County requires accesses on a minor arterial to be 600 feet apart, and the distance between the centerline and 99W is 1285 feet, so there is not a question of having an access point to meet the 600-foot requirement as the 600 feet falls close to the dividing line between the properties. Mr. Tatone requested that the one-foot non-access strip not be shown on the plat as recorded unless there is a space allotted that will allow 50 feet from the southwest corner to allow access to Parcel 2. He noted that a mutual agreement with the Andersons might be necessary to provide common access. He indicated that the County requires that CC&Rs could be recorded at the time of plat recording.

Mr. Tatone pointed out that the water line at the northeast corner was mentioned earlier and remarked that the reference should be to the southwest corner. Mr. Tatone indicated that he has no objections to the conditions stated in the staff report and offered to answer any questions the Commission may have.

Dick Bailey, Bailey Real Estate, 395 North Sherwood Boulevard, Sherwood, addressed the Commission. Mr. Bailey

advised that he is representing the contract purchasers of Parcel 3, and urged that the Commission not require vacation of Edy Road right-of-way. He indicated that Parcel 3 and the Langer property might become one piece and a water line easement would disrupt that parcel. Mr. Bailey stated that Washington County requested that access onto Tualatin-Sherwood Road be vacated. He pointed out that the City had zoned the property retail commercial use and could not eliminate access to the property. Mr. Bailey commented that the contract purchaser disagrees with the County's recommendation to vacate the Edy Road access. Regarding the County's required 600-foot distance from the intersection requirement, Mr. Bailey advised that, according to his calculations, the access required by the County would probably be at the corner and might preclude access to Parcels 2 and 3 as well as the adjacent properties off Tualatin-Sherwood Road.

There being no one wishing to provide additional testimony, Chairman Birchill closed the public hearing and opened the meeting for comments and questions among the Commissioners. He noted that any Commissioner wishing to re-open the public hearing may do so.

Mr. Warmbier stated that he would like to see water along Langer Drive, and had a concern regarding the temporary drain field for Parcel 1 on Parcel 2. Mr. Tatone responded that both parcels are under the same ownership and the owner has given the applicant an easement. He pointed out that the applicant is seeking approval of the partition at this time and requested that Mr. Warmbier's concern be addressed under the Site Plan review. Mr. Warmbier concurred.

In response to Mr. Ruehl's question regarding whether the access portion on Tualatin-Sherwood Road was part of the minor land partition or part of the site plan, Ms. Connell pointed out that, in terms of the partition the County recommended closing access from Parcel 3, however, staff did not recommend the closure. She noted that there are no development plans at this point in time and commented that the County is in control of the situation before it gets to the site plan. Ms. Connell remarked that she agreed with Mr. Bailey in that closure of the access will preclude access to adjacent properties.

Mr. Ruehl inquired whether the one-foot, non-access strip should be dealt with at this time? Ms. Connell pointed out that the County will have to give the applicant a permit when a driveway is built and sometimes the strips must be removed from the plat. She indicated that the County's comment was

included for discussion purposes. Chairman Birchill suggested that a note be added to the plat limiting vehicular access.

Mr. Warmbier moved, seconded by Ms. Stewart, that MLP 93-7 be approved based on the findings and facts outlined in the Staff report with the Staff's recommended amendments to change condition 1 from 49 feet to 45 feet, change Item 1 c to require access approval, and permitting for access by the County. The following conditions apply to the approval:

1. Comply with Washington County road standards as follows:
 - a. Dedicate additional right-of-way to provide 45 feet from centerline of SW Tualatin-Sherwood Road adjacent to the site, including adequate corner radius.
 - b. 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 SW Edy Road to County standards between its eastern terminus and SW Langer Drive.
 - c. Vehicle access to Parcel 2 and 3 is subject to Washington County approval.

SP 93-4 Morse: Site Plan request to construct a retail lumber business on Tualatin-Sherwood Road:

Chairman Birchill called for a staff report.

Ms. Connell reviewed Code criteria related to approval of a site plan review and noted that the Code requires that areas not occupied by structures, paved road, walks or patios must be landscaped. She commented that the building fronts on Tualatin-Sherwood Road with public parking in the front, customers drive through the building in order to pick up supplies, and there is a large storage area which must have a six-foot high fence. Ms. Connell noted that there are trees, shrubs and ground cover for landscaping at the front of the building, the parking area on the visible side will be landscaped and there will be a 20-foot landscape island at Tualatin-Sherwood Road frontage; however, the rear of the parcel will be fenced and will not be landscaped because of maintenance requirements and use of the area for storage precludes landscaping. Ms. Connell commented that the landscaping will be maintained by sprinklers, except for the arborvitae hedge which will be hand watered. She noted that

the applicant is requesting only a fence in the storage area, and that landscaping not be required along the fence because it may not be maintained.

Ms. Connell pointed out that on-site circulation will be provided by a 24-foot driveway on the east side of the building, about 40 feet long. She indicated that a four-foot wide sidewalk is required, however, no sidewalks are provided; one parking stall per 200 square feet, or 30 stalls, and one parking space per employee for the storage yard are required, but there are only 26 parking stalls illustrated on the plan. Ms. Connell noted that signage complies with the sign standards and the details of the signs will be part of the sign permit request.

Ms. Connell stated that the proposed building is metal and will have a wooden porch with a brown awning; required utility questions had been previously discussed; there are no floodplains or historic structures on the parcels. She pointed out that the fire department has not reviewed the detailed plans; solid waste will be an exterior dump box; electric utilities will be underground; the front of the business will be lighted and fenced for security; the business is family-owned and will be responsible for all maintenance.

In conclusion, Ms. Connell recommended that SP 93-4 Morse be approved subject to the conditions and revisions recommended in the Staff Report dated December 23, 1993, and the supplemental memo dated January 4, 1994.

Chairman Birchill opened the hearing for proponent testimony.

Mr. Tom Zarosinski, Zarosinski-Tatone Engineers, Inc., 3737 SE 8th Avenue, Portland, addressed the Commission. Mr. Zarosinski advised that he is representing L&M Lumber in this portion of the application. Mr. Zarosinski noted that the property owner is extending the water line about 500 feet and suggested that it not be extended another 100 feet. He stated that the septic tank was moved to accommodate construction of the sewer line and an easement had been obtained. Mr. Zarosinski pointed out that the stormwater run-off may be a problem because of the drop of the land in the basin and suggested that the water run-off be retained on the property. Mr. Zarosinski reviewed the landscaping plan; nature of the business, which is in the category of a furniture-appliance store; and parking requirements. He stated that delivery of the wholesale-retail lumber is by truck and suggested that 24 parking stalls are sufficient for public use since there is additional parking in the rear of the lumber yard. Mr. Zarosinski indicated the design of the

driveway from the east is to resolve a conflict of trucks
versus cars, particularly

when loading and unloading. He commented that the intersection referenced in Condition 4 a will not be a part of the parcel. Mr. Zarosinski advised that the applicant will comply with the recommendations in the staff report.

Steve Morse, 102 NE First, Canby, addressed the Commission. Mr. Morse stated that he would like to address the issue of the easement request at the Langer property since he is concerned about the traffic flow on site. He commented that delivery traffic flow, via the driveway to the staging area, is designed to reduce conflicts with customers versus vehicles, and to eliminate staging trucks on the street. Mr. Morse stated that he is concerned with not knowing what might be required to give easement access to Langers without knowing what will happen on the adjacent property. Mr. Zarosinski pointed out that the property to the east has more than 600 feet of frontage and can comply with the 600-foot spacing standards, and that the parcel should stand on its own as far as access is concerned.

There being no further proponent testimony, Chairman Birchill opened the hearing for opponent testimony.

Sanford Rome, 1780 SE Willamette, Sherwood, addressed the Commission. Mr. Rome stated that he wished to reiterate the comments he made previously and add that he is not against development and would like to see the lumber company move to Sherwood since it would be beneficial in view of the current growth. Mr. Rome stated that he is against the citizens having to pay for unforeseen costs of give-aways for improvements that should be borne by the applicant; and urged that the Commission strictly enforce all conditions of approval regardless of use.

Dick Morse, 102 NE First, Canby, addressed the Commission. Mr. Morse advised that he is one of the owners of the project, and appreciates Mr. Rome's comments and noted that his remarks have and will be taken into consideration. Mr. Morse advised that the septic tank had been moved off the property for one reason: it is expected that the entire area will be topped with asphalt, it will be a nice operation, it will be off-site and will not be a holding tank, and that the septic tank will be filled with sand and abandoned when the parcel is hooked up to the sewer. Regarding parking spaces, Mr. Morse noted that the business is a lumber yard/building supply house and stated that the parking generally is all over the site, depending upon what the customer is picking up. Mr. Morse commented

that the facility is not a retail sales area such as Home Base or Builders' Square, it is a supply house and most of the materials will require truck delivery or pick-up and is not a high-velocity traffic area.

There being no further testimony, Chairman Birchill closed the public hearing and opened the meeting for comments and questions among the Commissioners. He noted that the hearing may be re-opened by request of any Commissioner.

In response to Mr. Hohnbaum's questions regarding the original 20-foot landscape border, which the applicant is reducing to 36 feet thereby losing 8 feet, will there be a readerboard, will there be sidewalks, and is the applicant meeting the landscaping guideline percentage, Ms. Connell replied that there will be a readerboard, the sidewalk is already on the street, there should be a sidewalk from the building to the street, and there is no general percentage of landscaping required for the property, the landscaping is related to the maneuvering area. She pointed out that the applicant has agreed to provide necessary landscaping, which in some cases, is in excess of requirements.

Mr. Hohnbaum commented that he is concerned that two accesses are not required at a highly flammable commercial site. Ms. Connell pointed out that the number of required accesses to a commercial site is based on the number of parking spaces.

After considerable discussion regarding parking spaces, obstruction of emergency vehicle access, right-of-way, cost of sewer, utility easements, access, design and appearance of structure, sight-obscuring fencing, Commissioner concurred with the following revisions to the Staff's recommended conditions:

1. Change condition No. 1 to indicate water shall be extended in the public right-of-way along Langer Drive if possible.
2. Add a requirement to Condition No. 2, that sewer connection is required when it is available, and within 150 feet.
3. Delete item 2 of the supplemental recommendation No. 4 f.
4. Delete condition No. 3 in the original staff report.
5. Change right-of-way width from 49 to 45 feet in condition 4 b.

6. Designate 10 additional parking spaces in the rear of the loading yard.
7. Require a minimum 15-foot landscaping strip on Tualatin-Sherwood Road.

After discussion of the proposed revisions to the conditions in the Staff report dated December 23, 1993, Mr. Ruehl moved, seconded by Mr. Warmbier, that based on the findings of fact SP 93-4 be approved subject to the following conditions:

1. Provide engineered drawings of water, fire protection, septic system, stormwater runoff, erosion control, and other public utilities for City, USA, TVFRD and Washington County approval. Water shall be extended in public right-of-way, if possible, in Langer Drive.
2. Prior to issuance of a building permit:
 - a. Obtain City Council permission to install a temporary septic/drainfield sanitary sewer system.
 - b. Enter into an agreement with the City to connect to City sewer when available and within 150 feet.
 - c. Participate in a pro-rated share of the cost to extend sewer across the frontage of Parcel 1.
3. Comply with the following Washington County road improvements:
 - a. Modify the existing Langer Drive intersection to accommodate the proposed L&M Lumber driveway.
 - b. Dedicate additional right-of-way to provide 45 feet from centerline of SW Tualatin-Sherwood Road adjacent to the site, including adequate corner radius.
 - c. 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 SW Edy Road to County standards between its eastern terminus and SW Langer Road.
 - d. Prior to occupancy, submit plans, obtain county engineering approval and obtain a facility permit for construction of the following public improvements:

- (1) Commercial access to Tualatin-Sherwood Road to County standards located at the intersection with Langer Road.
 - (2) Any additional off-site safety improvements found to be required for compliance with R&O 86-95 upon completion of the County Traffic Analyst's review.
4. Submit an outdoor lighting plan for City review and approval.
 5. Prior to installation, apply for a sign permit at the City Public Works office.
 6. If the solid waste dumpster is located outside, it shall be adequately screened as approved by the City.
 7. Provide a sidewalk to the public right-of-way. Designate additional off-street parking stalls in the rear.
 8. All planned improvements must be installed prior to issuance of a building occupancy permit, unless bonded for with the City.
 9. A minimum 15-foot wide landscaping strip shall be provided along Tualatin-Sherwood Road.

Motion carried unanimously.

E. PA 93-6 Corcoran: a City initiated Plan/Zone Map Amendment designating recently annexed property on Murdock Medium Density Residential Low (MDRL):

Chairman Birchill called for a staff report.

Ms. Connell reported that the Commission is considering a plan amendment to designate a parcel of land at a different zone than designated by the Plan. She noted the annexation was completed by the owner, Corcoran, and there is a proposal to sell the property based on the zoning. Ms. Connell commented that the applicant is Mr. Lou Fasano, who is in the process of purchasing the land pending approval of zoning.

Ms. Connell pointed out that the property is zoned LDR, is surrounded by medium and low densities on two sides and the Tonquin scablands on the east side. Ms. Connell stated that discussions had been held with the developer to help develop

the Roy Street Park to a full park status, and the City informed the developer that he would have to dedicate all of the Sunset Boulevard re-alignment right-of-way, which consists of 80 feet across the entire south end of the property. Ms. Connell stated that the property contains a great deal of rocks and has large out-croppings associated with the scablands. She noted that Staff, considering the constraints of the site, feels that 5,000 square foot lots are the only way to develop the property at its designated density and in order to make development financially feasible. Ms. Connell commented that the applicant was proposing to submit a PUD in order to develop this constrained site under LDR requirements.

Ms. Connell remarked that the Staff report deals with the amendment in detail. She feels the City is not in compliance with the LDR density requirements of five units per acre using 7,000 square foot minimum lots. Ms. Connell expressed concern that LCDC will determine that the City is not meeting it's density goals during the next periodic review.

Ms. Connell commented that the area is planned for residential use, Washington County designated the land for six units per acre with 5,000 square foot lots, before the parcel became part of the City's urban growth boundary. Ms. Connell pointed out that Murdock Road is a natural boundary from the very low density to the east, the medium density residential low to the north and the low density residential to the west. She noted that the LDR zone permits five units per acre and the MDRL permits eight units per acre. Ms. Connell discussed the over-all goals to which the City is trying to adhere concerning density requirements, and noted that zoning the property MDRL is consistent with the City's policies and plans.

Because of the site construction costs due to rocks, and the very extensive development requirements for roads, parks and frontage on Murdock Road, Ms. Connell recommended that the Commission proceed with the site zoning as MDRL rather than LDR.

Ms. Stewart pointed out that the zoning is consistent with Washington County's recommendation and a State mandate to increase densities.

Chairman Birchill opened the hearing for proponent testimony.

Lou Fasano, LA Development, 8925 SW Beaverton-Hillsdale Highway, Portland, addressed the Commission. Mr. Fasano advised that he is the developer and prospective purchaser of

the property. Mr. Fasano stated that he is in full agreement with Ms. Connell's comments and recommendation. He pointed out that there is no subterfuge to get an approval for eight units per acre, we want to get 41 lots on 10 acres, which is the best means to achieve the density the City requires under the LCDC criteria. He offered to answer any questions the Commissioners may have.

There being no further proponent testimony, Chairman Birchill opened the hearing for opponent testimony.

Sanford Rome, 1780 SE Willamette, Sherwood, addressed the Commission. Mr. Rome stated that he wished to reiterate his previous comments. Mr. Rome raised the following concerns: the plan/amendment was initiated by the City and Ms. Connell is recommending a change to the zoning for the benefit of the purchaser; staff is trying to influence selling of property with zoning; staff should not be in a position to initiate zone changes and urged that a legal opinion be obtained from a land use attorney, not City Attorney Dittman; there are 41 lots not 40 and the staff report is inaccurate; the property is restricted and the developer is donating land to the City that is not developable; the citizens should not be held hostage for 40 lots; devalue of his property because of flooding; strongly objects to a time limit being imposed by the Chairman of the Commission.

Mr. Rome suggested that the Commission stand up and say, "we have this and this is why it was done, when you come into town, we have zoning that goes with it, but to have some one 'initiate' a zoning change on behalf of a purchaser reeks of City involvement.

Chairman Birchill advised Mr. Rome that he had one minute left for his testimony. My Rome inquired if Mr. Birchill was listening, or just running a timer. Chairman Birchill advised that he was listening, and was giving Mr. Rome a fair chance to wind up his testimony. Mr. Rome advised that he has 23 pages of written testimony, 12 of which he has not had a chance to read into the record, and stated that the Commission would not take the time to read his testimony before making a decision and this has become an absolute impossibility; the Commission has asked you to fight something that is impossible to fight, it's like saying you have 10 minutes, you are out of time and you pass it. Mr. Rome stated that Chairman Birchill is anti-semitic and against Sandy Rome and requested that Chairman Birchill resign from the Commission. Mr. Rome demanded that the Corcoran plan/zone map amendment be continued.

Ms. Connell remarked that the City has initiated 10 Plan/Map amendments for different properties because they have no City zoning when they become annexed, and the City has to initiate zoning and this re-zone is a formality. Ms. Connell noted that as stated in the open discussion of the Murdock Road stormwater, plans are being developed as money becomes available, and the stormwater plan would have identified this site as one that could have 50 lots, which is not realistic.

Ms. Connell pointed out that the annexation of the Corcoran property is a standard policy.

Lou Fasano, LA Development, again addressed the Commission. Mr. Fasano stated that Ms. Connell had clearly covered all of the issues. In response to Mr. Rome's comments, Mr. Fasano stated that the price of the housing in Kathy park was well below that stated; Mr. Fasano develops property and does not build homes, and the buyer decides the end product. With regard to the 40-41 lots, the reason for the discrepancy is that the City will be asking for: a park and right of way for the Sunset realignment, so the design changed. Mr. Fasano commented that he is attempting to get as close to five units per acre as contemplated by the Comprehensive Planning Code, LCDC, and the plan is consistent with that area.

Chairman Birchill closed the public hearing and opened the meeting for comments and questions among the Commissioners. He noted that the hearing could be re-opened at any time at the request of any Commissioner.

Ms. Connell pointed out that the action of the Commission is a recommendation and will be sent to the City Council for additional hearing.

Mr. Hohnbaum moved, seconded by Ms. Stewart, that a recommendation be made to the City Council for approval of the PA 93-6 Corcoran zoning designation to MDLR, based on the facts and findings and recommendations of staff.

Motion carried unanimously.

4. **Planning Director's Report.**

Ms. Connell directed the Commission's attention to the 120-day waivers for: L.A. Development PUD 93-4, William Park; Alpha Engineering, Handleys/Broadhurst, PUD and the Handley Partition; and Centex Corporation for Wyndam Ridge. Chairman Birchill directed Ms. Connell to place those issues on the agenda when ready, and to add a note to the agenda advising that the meeting will adjourn at 11:00 p.m.

Chairman Birchill advised Mr. Rome to submit his testimony in writing and provide a brief verbal synopsis of the writing at the hearing, which will be more effective. Mr. Rome strongly objected to the proceedings.

5. **Adjournment:**

There being no further items before the Commission, Chairman Birchill adjourned the meeting at 12:20 a.m.

Respectfully submitted,

Kathy Cary
Secretary