

City of Sherwood, Oregon
Planning Commission Meeting

February 15, 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, Chris Corrado, Marge Stewart, Glen Warmbier, Marty Ruehl, Rick Hohnbaum and Susan Claus. Planning Director Carole Connell and Kathy Cary were also present.

2. **Approval of minutes of previous meetings:**

Prior to consideration of the minutes of the previous meetings, Chairman Birchill announced that Agenda Item 5 1, PUD 92-1, Sherwood View Estates, was not subject to public hearing review and will be discussed prior to the opening of the public hearing.

There being no corrections or additions, Chairman Birchill directed that the minutes of the January 18 and February 1, 1994, meetings be approved as presented.

3. **MLP 93-3 Beck: Request for a one-year approval extension.**

Ms. Connell reported that the applicant has requested that MLP 93-3 be granted a one-year extension in order to allow additional time for Mr. Beck to review layout of his home, which is dependent upon a new street on the east boundary property line, and to connect to the sewer line, which is being extended closer to the property as a result of a nearby development. Ms. Connell noted that the original conditions, a copy of which are in the Planning Commission's minute book, still apply to the project.

After a brief discussion, Mr. Hohnbaum moved, seconded by Ms. Stewart, that a one-year, one-time extension of approval of MLP 93-3 be granted. Motion carried unanimously.

4. **SP 94-1 Plaza Directional Signs: Request for eight directional signs in the Plaza Vicinity.**

Chairman Birchill called for a staff report.

Ms. Connell reported that the Zoning Code allows for the Planning Commission's review of directional signs since they are usually off site and not on the property of a particular business. She pointed out that signs may not be larger than one foot by three and one-half feet, and may not over-crowd

the proposed location. Ms. Connell noted that in driving around the Plaza, there is a significant need for directional signs. Ms. Connell indicated there may not be more than eight signs at one intersection; they may not block the clear vision area at the corners; and the applicant is required to provide post and signs to the City, and the City installs the signs. Ms. Connell stated that signs which are proposed in the right-of-way of Washington County and ODOT roads may need their approval prior to proceeding.

Ms. Connell provided a detailed review of the Staff report dated February 8, 1994, a copy of which has been placed in the Commission's minutes book.

In conclusion, Ms. Connell recommended that SP 94-1 be approved based on the findings of fact and the conditions outlined in the Staff report dated February 8, 1994.

Chairman Birchill opened the discussion for comments from the applicant and/or proponents.

Dick Sattler, Image National, Inc., 10725 SW Barbur Boulevard, Portland, addressed the Commission. Mr. Sattler stated that he is representing the applicant and is in agreement with the conditions stated by Ms. Connell. He commented that the intrusion into the vision clearances will be corrected and he will obtain the necessary permits. Mr. Sattler pointed out that there is a significant need for directional signs because of the reconfiguration of the Six-Corners intersection.

In response to Ms. Claus' questions, Ms. Connell confirmed that the signs are turned over to the City for installation to assure installation to City standards. Mr. Sattler remarked that the applicant will maintain the signs after they are installed. He noted that he had also offered to install the signs to City specifications.

After a brief discussion, the Commission concurred that Condition No. 4 should be changed to allow the applicant to install the signs in accordance with a layout approved by the City.

Mr. Corrado moved, seconded by Mr. Ruehl, that SP 94-1, Plaza Directional Signs, be approved based on the findings of fact in the Staff report dated February 8, 1994, and subject to the following conditions:

1. Signs shall not be located in clear vision areas, unless they are under two and one-half (2-1/2) feet in

height.

2. If required, additional approval by ODOT and Washington County to install signs in their road rights-of-way shall be provided prior to issuance of a building permit.
3. All existing temporary Plaza directional signs shall be removed.
4. The applicant shall provide a post for each sign to City specifications and install the post and signs at the applicant's expense.

Motion carried unanimously.

5. **PUD 92-1 Sherwood View Estates: Planned Unit Development Final Development Plan - a 76-lot single-family development on Murdock Road.**

Chairman Birchill called for a staff report.

Ms. Connell reported that the City Council approved PUD 92-1, Sherwood View Estates by ordinance. She noted that a copy of the ordinance, including the conditions imposed by the Council, was included in the Commissioners' packets. Ms. Connell remarked that the final development plans are now before the Commission to assure compliance with those conditions. Ms. Connell pointed out that the plans will also be before the Commission when full drawings and engineering details have been completed for a final plat. Ms. Connell commented that the Staff report describes how the applicant will meet the list of conditions. She noted that staff is recommending Condition No. 5 be revised to require that the applicant comply with the Murdock Road safety requirements of the Washington County Traffic Analyst.

Ms. Connell provided a detailed review of the Staff report dated February 8, 1994, a full copy of which is contained in the Commission's minute book.

In conclusion, Ms. Connell recommended that PUD 92-1 be allowed to move forward with the final plan subject to the findings of fact and the conditions outlined in the Staff Report dated February 8, 1994.

Chairman Birchill opened the meeting for comments from the applicant and/or opponents.

Carl Jensen, CES, 14780 SW Osprey Dr., Beaverton, addressed

the Commission. Mr. Jensen advised that he is the consultant for J.C. Reeves Corporation, and is in agreement with the Ms. Connell's comments and recommendations. He requested that Condition No. 6-b be clarified as to whether the applicant is to participate in the installation of the pump, or if he is to install the pump at his expense. Ms. Connell responded that the applicant is required to participate with other developers in the installation of the pump. Mr. Jensen commented that the applicant is in agreement with the conditions and requested that the Commission concur with Ms. Connell's recommendation for approval.

After a brief discussion, Mr. Warmbier moved, seconded by Mr. Hohnbaum, that PUD 92-1, Final Development Plan for Sherwood View Estates, be approved based on the findings of fact and subject to the following conditions.

1. Legally describe and dedicate to the City all open space and wetlands west of the entry road as illustrated on the Final Development Plan.
2. Preserve all trees in the dedicated open space, and on building lots if in or near building setback areas, unless trees are unsightly or a hazard, as determined by the City.
3. Provide City and USA approval of the on-site stormwater management plan including both water quality and quantity facilities that meet the standards and principles of the 1993 City Storm Water Plan and City Resolution No. 92-520. Locate facilities and manage stormwater so that water quantities and quality are fully preserved for flows into wetlands and ponds within the dedicated open space and to wetlands and ponds immediately north and south of the PUD.
4. Enlarge Lot No. 62 to a minimum of 10,000 square feet.
5. Comply with safety requirements determined by the County Traffic Analyst. Provide City and Washington County approval of the entry road design and location onto Murdock Road. Submit plans, obtain engineering approval, obtain a facility permit and provide financial assurances for all Murdock Road improvements deemed necessary by the City and County. This will require dedication of the right-of-way in the unmarked parcel and adjusting the configuration of Lot No. 1 to provide adequate design of the ultimate Sunset/Murdock intersection. Dedicate ten (10') feet to Murdock Road right-of-way as illustrated on the Final Plan.

6. Submit engineered facility plans to the City, including phasing, maintenance provisions, improvement costs and bonding for the following:
 - a. Location of fire hydrants within 500 feet of the remote side of each house. Utilize roof materials and exterior home materials that reduce fire hazards if deemed necessary by the TVFRD.
 - b. Provide water line extension plans, and upper zone pumping improvements (including participation in the installation of a 25-horsepower water pump and controls beside the reservoir).
 - c. Provide sanitary sewer line extension plans from the Bowen easement and Murdock Road.
 - d. Provide interior street design in accordance with City local street standards. Include street lighting, street names and street trees in accordance with City standards. Subject to identification of a suitable specie(s) that will not damage sidewalks or underground utilities, all required street trees shall be a native species and shall be planted in a boulevard strip between the curb line and the sidewalk.
 - e. Provide engineered construction plans illustrating the design and alignment for an off-street pedestrian pathway through the dedicated ravine from the intersection of the PUD entrance road with Murdock Road, southerly along the ravine slope, then crossing the wetland in an east-west direction, and intersecting with Baker Road.
 - f. Provide a landscape corridor plan for the site's Murdock Road frontage in compliance with City standards.

Motion carried unanimously.

6. **Public Hearings:**

A. PUD 93-4 William Park: Preliminary PUD Development Plan and Preliminary Plat for a 40-lot single-family development on Murdock Road.

Chairman Birchill read the hearing disclosure statement, and requested that Commissioners reveal any conflict of interest or ex parte contact regarding PUD 93-4, William Park.

Ms. Claus stated that at the February 1, Planning Commission meeting, discussion ensued regarding SDC credits and City Manager Rapp had been specifically asked about the SDC credits for William Park, and he stated that there will be a change in SDC credits for this particular 1.2-acre dedication.

Chairman Birchill pointed out that all Commissioners, except Mr. Ruehl, had heard the same remarks.

Chairman Birchill advised that the public hearing will begin with a staff report; proponents will be given an opportunity to submit testimony; opponents will then be given an opportunity to provide testimony, the applicant will then be allowed to provide rebuttal; and if any Commissioners have questions of persons testifying for clarification purposes, they will be accepted; the hearing will then be closed and may be reopened at the request of any Commissioner. Chairman Birchill called for a staff report.

Ms. Connell reported that there are two items to be entered into the record at this time: 1) a letter from GeoTech Resources dated February 7, 1994, which indicates that the significant features of the Tonquin scablands are east of Murdock Road and the majority of the scablands are east of Rock Creek; 2) a letter from Mark Norby, a Sherwood citizen who is objecting to the development on grounds that the Sherwood schools are overcrowded. Ms. Connell also provided a sketch illustrating the preliminary re-alignment of Murdock Road near Roy Street, which was provided by City Engineer Dave Gould of David Evans and Associates.

Ms. Connell reported that the Commission is reviewing a planned unit development consisting of four tax lots, totaling about 9.9 acres on Murdock Road. She noted that the property has recently been annexed into the City and zoning had been reviewed by the Commission at an previous meeting. Ms. Connell stated that the parcel had been zoned low-density residential in compliance with the Zoning Code rather than medium-density residential low because the surrounding area is zoned LDR and the City Council did not want to change the zoning from that designated by the Plan. Ms. Connell noted that the applicant is now submitting the project as a planned unit development in the MDRL zone.

Ms. Connell provided a detailed review of the Staff report dated February 8, 1994, a copy of which has been placed in the Commission's minute book. Ms. Connell stated that a notice had been provided to the School District, and she

requested that the memorandum and report from Sherwood's School Superintendent, Dr. Bill Hill cover letter dated January 26, 1994, expressing the legal opinion regarding school capacity issues be entered into the record. A copy of the memorandum and report has been placed in the Commission's minute book.

Ms. Connell pointed out staff is recommending that a condition be added to the conditions outlined in the Staff Report dated February 8, 1994, requiring that the applicant comply with the Murdock Road safety requirements of the Washington County Traffic Analyst, and that he enter into a non-remonstrance agreement with the City for future road improvements. She noted that any improvements on Murdock Road may have to be removed in the future when the road is brought up to City standards.

In conclusion, Ms. Connell reviewed the conditions of approval and recommended that PUD 93-4 be approved subject to the amended conditions outlined in the Staff report.

Mr. Ruehl expressed his concern that if only half-street improvements are required, half of the street will be in good repair and the remainder will be badly deteriorated. Ms. Connell suggested that centerline improvements may be required to assure that the road is adequate and allow other developers to repair the outside edges of the road. Ms. Connell commented that there is a question as to whether anything should be done at this time since Murdock needs major reconstruction and alignment.

Chairman Birchill opened the hearing for comments from the applicant and/or proponents.

Lou Fasano, LA Development, 8925 SW Beaverton-Hillsdale Highway, Portland, addressed the Commission. Mr. Fasano stated that he is the applicant on the project, and Bill McMonagle, the engineer on the project, is also in attendance to answer any questions the Commissioners may have. Mr. Fasano stated that he is in agreement with the conditions in the staff report; however, there are two issues to which he is taking exception. First is condition No. 2 f., and the use of the word "facility". Mr. Fasano remarked that the terminology of the condition appears to require that the applicant build the stormwater quality facility. He requested that the verbiage be changed to "stormwater treatment acceptable to USA." Chairman Birchill pointed out that the City's Storm Water Plan is more restrictive than that of USA and the preference would be the City's requirements. Mr. Fasano commented that it is possible that

a facility is not needed and suggested that the word "shall" be changed to "may".

After discussion, the Commission concurred that item 2 f. could be changed to state "...and adequate stormwater treatment at the south end of the project."

Mr. Fasano commented that the other major issue has to do with the treatment of Murdock Road. He pointed out that the cost of removing the rock outcropping on Murdock and realigning the road will exceed the \$60,000 SDCs the development will provide for road improvements. Mr. Fasano pointed out that the cost of improving Murdock, combined with improvements to Smock Street, is an excessive requirement for a 40-lot parcel, especially since the Murdock Road is a major benefit to the City and will be heavily used by citizens other than the future residents of William Park. Mr. Fasano stated that he will grade the intersection of Murdock Road down to meet the sight distance requirement, but felt it unfair to have to make half-street improvements.

Bill McMonagle, Harris-McMonagle, 12555 SW Hall Boulevard, Tigard, addressed the Commission. Mr. McMonagle advised that he is representing Mr. Fasano on the development. He stated that Ms. Connell is recommending a half-street improvement from the Smock intersection, roughly lots 23 to 29, including curbs. He noted that the road to the north and south will not be developed at this time. Mr. McMonagle pointed out that part of Murdock Road is solid rock, and he felt it was beyond the purview of the Commission to require the applicant to remove the rock outcropping. He stated that there will be a tremendous cost in excavation and hauling. Mr. McMonagle stated that the applicant is contributing improvements to Murdock, half-street improvements to Smock, park land and other improvements, which are more than fair and generous. Mr. McMonagle commented that vertical alignment of Murdock will be done with the improvements to Sunset, at which time the 300-foot sight distance will be achieved.

Jerry Reeves, J.C. Reeves Corporation, 4850 SW Scholls Ferry Road, Portland, addressed the Commission. Mr. Reeves commented that there is one minor issue which he wished to address: the sanitary sewer stub between lots 18 and 19 to the east should be the proper depth and sized to serve the area to the south-east. Mr. Fasano agreed to stub the sewer as requested. Mr. Reeves commented for the record, that he is a developer and the property has real constraints since it encompasses all type of rock and different issues which reduce the profitability of the development. He requested that the Commission consider that the 40 lots with ten trips per house

will generate only 400 trips and will not justify the burden of a redo on Murdock. Mr. Reeves also suggested that consideration be given to aesthetic value of the Murdock landscaping corridor.

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

Sanford Rome, 1780 East Willamette, Sherwood, addressed the Commission. Mr. Rome expressed his concern that the City is again giving a developer "freebies" which the citizens will pay for in the future, and include road improvements, parks, stormwater quality and quantity facilities, stormwater drainage, landscaping, sidewalks, sewer and water lines, etc.

In rebuttal, Mr. Fasano inquired what are SDC charges for and where do they come from? He pointed out that SDC charges are collected so that more people can contribute to improvements and a single project is not overburdened with improvement costs. He noted that \$60,000 worth of SDCs will be collected from the project just for roads.

Chairman Birchill temporarily closed the public hearing and opened the meeting for comments and questions among the Commissioners.

Mr. Hohnbaum pointed out that Murdock is a Washington County road, for which the City could not use SDC fees to improve the road; and inquired if the road qualified for traffic impact fees. Ms. Connell confirmed that Murdock Road improvements are a high-priority with Washington County and TIF fees are collected and placed into the General Fund--road improvement funds for arterials and major collectors. The City determines when and where improvements are made in accordance with the City's Capital Improvement Plan for roads.

After an extensive discussion of road improvements, Ms. Connell commented that another possibility would be to not require dedication of land to extend the Roy Street Park, and allow the developer to use the park area for buildable lots which may off-set the cost of road improvements.

In response to Mr. Ruehl's questions, Ms. Connell noted that the City's master plan suggests expanding Roy Street Park to bring the park up to neighborhood park standards, and the City initially suggested dedication of park land.

Mr. McMonagle suggested that the City allow the developer to spend an amount equal to what would be collected as SDC funds

to make improvements to the streets. He noted that improvements made by a private developer can be done at less cost than if made by the City. Ms. Claus suggested that a condition be added to allow the developer to work with the City Engineer to determine how much is reasonable. She noted that the Planning Commission cannot stipulate how SDC funds will be used. Mr. Hohnbaum suggested that consideration of the subject not be based on a specific dollar amount.

Mr. Rome commented that he did not know if the City needed more park space. He pointed out that if the cul-de-sac was extended through lots 32 and 33, there would be an additional four or five lots and would make the project more economically viable. Further, he would prefer to have Murdock Road fixed.

After extensive discussion of the park dedication and requirement for road improvements, Mr. Fasano stated that he had no objection to redesigning the project to eliminate the park and requested that the Commission be specific as to what will be required. Mr. Warmbier commented that he had a problem with the Planning Commission designing a development and pointed out that the Commission members are not engineers, nor can they determine cost factors for the project.

Mr. Fasano stated that he believed that what the Commission is asking for is a redesign of the project with added lots, omitting the park and not sticking the applicant with full street improvements on Murdock Road.

After further discussion, Mr. Warmbier moved that PUD 93-4 be tabled for 30 days to allow the applicant time to redesign the development, such redesign to include realignment of roads, continuation of Smock to Roy, eliminating the park area using that area for buildable lots, and determine with City staff how much of Murdock Road improvements will be the responsibility of the applicant.

The motion was seconded by Ms. Stewart and carried. Mr. Hohnbaum voted no.

Mr. Ruehl suggested that staff confer with City Council to determine if the project can be approved without dedication of land to Roy Street Park.

Ms. Claus remarked that the wetlands report from David Evans indicate there is a wetland on the parcel. Ms. Connell advised that the City's wetlands inventory is a general documentation used to "red flag" possible wetlands associated

with a specific development. Further analysis of wetlands on site by DSL and Shapiro indicate no wetlands on this site. She said that she will check further.

7. **Director's Report:**

Ms. Connell advised that a copy of the Annual Staff Report had been included in the Commission's packets for information purposes and illustrates the amount of work accomplished by the Commission over the last year.

Ms. Connell commented that the next two agendas will be very large, one of which consists of eight items. The City must also review the transportation rule, which is supposed to be adopted by May 1994. She noted that the April 5th meeting will include a presentation on the Metro 2040 plan.

9. **Adjournment:**

The meeting adjourned at approximately 10:50 p.m.

Respectfully submitted,

Kathy Cary
Secretary