

City of Sherwood, Oregon
Planning Commission Meeting

July 19, 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, Marge Stewart, Chris Corrado, Susan Claus, and George Bechtold. Rick Hohnbaum arrived at approximately 8:00 p.m. Planning Director Carole Connell and Secretary Kathy Cary were also present.
2. **Approval of minutes of July 5, 1994 Meeting:**

Ms. Claus requested that the last paragraph on Page 4, continuing to Page 5, be changed to read:

"Ms. Claus commented that, on the Public Hearing Item B, Sherwood Village, she does a lot of appraisals and has appraised some homes for that developer in other subdivisions, but had not been hired by the applicant at that time. The appraisals have been made through a governmental entity. Chairman Birchill commented that it is an indirect ex-parte contact. Ms. Claus stated that she does not feel that she is biased one way or another."

Ms. Claus also requested that the words "give them" be inserted between the words "to" and "a" in the second paragraph on Page 20.

There being no other corrections or additions, Mr. Corrado moved, seconded by Ms. Stewart, that the minutes of the July 5, 1994 Planning Commission meeting be approved with the above amendments. Motion carried unanimously.

Prior to proceeding with consideration of the agenda items, Chairman Birchill requested that persons having an interest in Public Hearing Agenda Item 4 B PA 94-4 Chapter 9 Historic Resources, express that interest. He stated that, with concurrence of the Commission members, if only a few persons were in attendance to address the historic resources issue, he would move the item to the beginning of the agenda so that those persons would not have to sit through the entire proceedings.

Ms. Ode Gribble, 340 NW Railroad, Sherwood, addressed the Commission. Ms. Gribble stated that she is a business person in Sherwood and has lived in the City all her life. Ms. Gribble remarked that she had submitted what she felt was some beneficial changes to the historic resource plan and

noted that the changes had been distributed to the Commission. Ms. Gribble commented that she felt the historic resources issues were important to the City, but feels that the Landmarks Board is not at the point wherein the results could be discussed in detail.

Chairman Birchill commented that the Commission is not accepting public testimony at this time, and is merely attempting to learn whether there was reason to move the item to the front of the agenda. In response to Chairman Birchill's question, Ms. Claus indicated that she did not know whether Mr. Claus will be in attendance to testify on the subject of historic preservation.

Ms. Connell noted that letters from Ms. Gribble and Ms. Sherry Washington, another business owner in Sherwood, have been included in the Commission's packet and are part of the record.

Chairman Birchill advised that the Commission would proceed with the agenda pending arrival of Mr. Claus. He requested that the Commission begin their discussion of Item 3.

3. **SUB 93-5 Cedar Creek Estates Final Plat: a 31-lot single family subdivision on Scholls-Sherwood Road.**

Chairman Birchill called for a staff report.

Ms. Connell reported that the review of the final plat is not a public hearing, but is a final look at the plat. Ms. Connell stated that she would review the staff report dated July 12, 1994, and highlight the issues of concern and the Staff recommendations. Ms. Connell noted that the applicant had responded to all of the conditions of approval resulting from the initial approval. Ms. Connell pointed out that Tract B is to be dedicated to the City as open space or floodplain and the Commission needs to assure that the proper dedication language is included in the final plat.

Ms. Connell pointed out that the applicant had some concerns regarding construction of an asphalt sidewalk connecting the development to the sidewalk on Scholls-Sherwood Road; namely, the limited space, pedestrian safety, and grave sites adjacent to the proposed sidewalk. Ms. Connell indicated that the church did not want to grant an easement because of the grave sites and the City Engineer agreed that there are safety hazards associated with the sidewalk. Ms. Connell also noted that the combined easement/pedestrian trail between lots 13 and 14 will be too steep, and might necessitate construction of stairs. She recommended that

another site be selected for the trail. Chairman Birchill pointed out that wooden steps are slippery and stairs will not meet the ADA requirements.

Ms. Connell provided an in-depth review of the Staff report dated July 12, 1994, a complete copy of which is contained in the Commission's minute book. In conclusion, Ms. Connell recommended that SUB 93-5 Cedar Creek Estates Final Plat be approved subject to the conditions of approval outlined in the Staff report dated July 12, 1994.

In response to Ms. Claus' questions as to the time line for improvements to Scholls-Sherwood Road and whether there are non-remonstrance agreements for both subdivisions on Scholls-Sherwood Road, Ms. Connell indicated that she did not believe it would be a long time; but she did not know. Further, non-remonstrance agreements were required of the Lucas subdivision as well as the Cedar Creek Estates subdivision.

In response to Chairman Birchill's question regarding the lack of room at the cemetery right-of-way to construct trails or sidewalks, Ms. Connell remarked that, there are some very old grave sites in that location. Randy Olszewski, Westlake, commented that there are some grave sites that actually encroach into the right-of-way in the old commentary, but they do not impact the subdivision, however, they do impact the ability to widen or construct an extra lane and the bike lane toward the sidewalk. He pointed out that there is not sufficient room between the existing pavement and the grave sites to construct either a bike lane or sidewalk. Mr. Olszewski noted that the existing road is only three to four feet from the existing grave sites.

Ms. Claus inquired whether Mr. Olszewski could cut a little from Lot 30? Mr. Olszewski remarked that the lot is east of where the widening should take place, along with the widening of the connector down to previous phases of Cedar Creek. Chairman Birchill commented that he regretted not having a sidewalk in that area.

Ms. Claus questioned whether there will eventually be a need to move the grave sites? Ms. Connell replied that the future road improvement is moving away from the existing road. At that time there may be sufficient space to construct sidewalks. Mr. Olszewski commented that the radius of the roadway at the site is being increased considerably and it might be 200 feet farther to the northeast. Chairman Birchill inquired if the County will eventually build sidewalks along that portion of the Road. Ms. Connell confirmed that that is

a possibility when the road is built. Chairman Birchill indicated that that would resolve his concerns. Mr. Olszewski commented that the County indicated they would make those improvements.

In response to Ms. Claus' question, Ms. Connell replied that the sidewalks will not stop at Lot 1, they will continue to the existing street at which time it is hoped the County will extend the sidewalks on both sides of the road.

There being no further comments or questions, Ms. Stewart moved that SUB 93-5 Final Plat approval for Cedar Creek Estates be approved based on the findings of fact and the recommendations outlined in the Staff report dated July 12, 1994. The motion was seconded by Mr. Corrado and carried. Mr. Bechtold abstained.

For record purposes, Mr. Hohnbaum arrived immediately prior to discussion of public hearing items, approximately 8:00 p.m.

4. **Public Hearings:**

Chairman Birchill read the hearings disclosure statement and requested that Commission members advised of any conflict of interest, ex-parte contact or personal bias with regard to any items on the agenda.

Ms. Claus advised that she will not vote on Agenda Item 4 B, PA 94-4, because there may be a conflict of interest.

Mr. Hohnbaum advised that on Agenda Item 4 B, PA 94-4, he has already voted on the item as the former Mayor of Sherwood, and his voting record and biases are well known.

Mr. Bechtold commented that, as Chairman of the Historic Landmark Board, he is biased. Chairman Birchill inquired whether Mr. Bechtold should vote on Item 4 B. Ms. Connell replied that Mr. Bechtold is Chairman of the Landmarks Advisory Board and he has already recommended the Commission approve the changes. She suggested that Mr. Bechtold might wish to withdraw from discussion. Chairman Birchill noted that there is a quorum since four persons may vote. He again inquired as to how many persons wished to present testimony.

There being no opposition, and only one persons wishing to testify, Chairman Birchill moved Item 4 B to the first item of public hearing. Chairman Birchill stated that the Commission held a workshop last week on the recommendations of the Historic Landmarks Advisory Board to discuss the issues and receive comments, and referred some items back for

further study. He noted that the further study items should be contained in the document being considered. Chairman Birchill remarked that the members of the Commission and City Council recognize that there are persons in the City of Sherwood that did not like the exclusion of property owner's consent from the designation criteria. He noted that as of this time, there is nothing that can be done about that requirement; the City initially included the requirement, however, the LCDC and court cases have rejected owner consent and sent it back to the City to deal with as best as it could. Chairman Birchill requested that persons providing testimony along that line, keep the remarks short and to the point. He recommended that those people opposing the non-consent application of the rules form committees and work on a referendum creating legislation to have the rules changed at the State level since there is nothing the City can do to eliminate that rule.

B. PA 94-4 Chapter 9 Historic Resources: A Zoning Code Amendment considering revisions to the current criteria for designating historic resources:

Ms. Connell reported that she had provided a thorough briefing at the July 12th workshop and advised that her remarks will be limited to the minor changes recommended by the City Manager, and the section of the Uniform Building Code dealing with historic preservation. She remarked that the Landmarks Advisory Board is ready to proceed with designation of sites; however, they are waiting for the Planning Commission and the Council to amend the section of the Code dealing with criteria so that the proposed changes may be forwarded to LCDC for approval. Ms. Connell pointed out the following revisions to Chapter 9, which had been made since the Commission's workshop:

1. Page 2, Item D has been added to include motels and hotels or apartments that are secondary to buildings in Old Town.
2. Page 5, the reference to the 1989 Resources Inventory has been removed since it is outdated.
3. Pages 10 and 12, the references to "highest or contributing" significance has been deleted since only primary or secondary will be considered.
4. Page 12 - Item 5 was added by the Planning Commission and the Landmarks Board to include sites that are listed on the National Historical Register.

5. Page 17, at the request of the Planning Commission the first line of Subsection 9.501.01 A has been included.

Ms. Connell provided a copy of Section 104 (f) of the Uniform Building Code, which covers renovation and alteration of historic sites. She noted that the UBC provision has not been used since no sites have been designated. Ms. Connell reviewed the UBC Code requirements, a copy of which is attached as part of these minutes. Ms. Connell pointed out that it will be necessary for the Commission to direct the Building Official in the use of the Code and it might be necessary for the Building Official to seek advice from the State Historic Preservation Officer as necessary. Chairman Birchill remarked that once a site has been designated, the Building Official should enforce the UBC.

Chairman Birchill opened the public hearing for comments on the Chapter 9, Historic Resources. He noted that proponents will be given an opportunity to testify first, opponents will then be able to testify. If there is rebuttal from either side, it will be heard after all testimony has been received. He pointed out that the Chapter 9 document is a recommendation to the City Council, and the recommendations are not in effect.

Jim Claus, 22211 SW Pacific Highway, Sherwood, addressed the Commission. Mr. Claus stated that, as this is written, for a number of reasons I am in favor of it; but, there are two things I want to mention to you about these particular kinds of codes, and I want to emphasize this for the public record: in the initial stages where you are starting to develop and establish a basic historical and cultural plans as well as some kind of architectural identify, it is not a difficult thing to develop these codes. By that I mean you are trying to preserve the buildings. In that particular venue, you absolutely need to develop strategy to aid those buildings. Typically, you'll max out on a pretty nice building at \$100 per foot if you know what you are doing with the building. You can fall all the way down to a total of \$68. Giving you an example, I am just redoing an apartment house and we will redo that from the ground up for about \$20 to \$25 because of the way we have been using foundations, etc., and really knocking it down. If we turn around and try to preserve what was there we would be back at about \$40 to \$45 because what happens is that you have to go in and first tear our everything that is there, so you've got an enormous cost and then you have to build it back. For instance, on almost all of the windows everything we have done so far had been rotted out. We have to pull it out, then go to the lumber yard and identify the same set of materials and that is sometimes easy

and sometimes not. So, at that stage, you have to have a strategy to help the people do it, or they won't do it. Because it is cheaper to put your money in a new building someplace else, you get a better rate of return. Also, during that period you will have a very difficult time with tenants; that has already happened with us. I have made it totally clear to some of the tenants that we don't want them to move out of the building, we don't want to throw them out, but the process of renovating is stressful to them. I have one or two of them come to me and one of them I made it abundantly clear to them the lease means what it says, I don't want to see them go, but at the same time I am not going to see that building continue to deteriorate and that's the situation I am in. So, you go through that stage and then you have the strategy stage, and then you get to the next stage and the next stage is where someone wants to come in tear down an historic building. Frankly, the famous case for that by the way is Penn Central, they wanted to tear down the train station in New York and they went in and wanted to rebuild it, and the Historic Commission in New York told them they couldn't. And, if you look carefully at that case, you would have very similar language to the Dolan case. What they do is certification damages. There is a general rule in this country that if you take away 50 percent of the cost of the building the question is how do you go about appraising it? You are a long ways away from that stage, but you will get there quicker than you think and at that stage, you need to really think about how you can induce people to preserving those uses by having valuable accessory uses allowed because they will simply want to tear the building down because of costs. You are not there yet, but you need to think through that stage because that's the Penn Central stage and it's just a matter of time, frankly, if you look at the cases until there is something that comes down like Dolan, very substantially restricting the City's powers. I've watched these case for 20 years and the very first case I had something to do with was Metro Media versus San Diego, and there was supposedly a back-to-back win in Art Deon versus the City of Denver that everybody said this is going to be a slam-dunk. I was working for the City of San Diego, and I told them they were going to loose the case; you're finally facing Gibson, Dunn and Crutcher and they are not going to walk in half prepared. They are going to come in and blow you away and that is what they did and, frankly, that is why we have billboards going back along the freeways in this state. The planners didn't really think it through. So, later you need to have a Landmarks Commission that helps to preserve all, but that is not really the issue tonight because we are in this stage and we are committed to several buildings downtown. So what I would like to do is suggest

that we are going to bring you a drawing for the front of the hotel. If you look on the building at Mary's Swirl and Curl side, there are four modules that are 15 feet 2 inches depending on the brick. They are three inches, and they go back. We are going to come to the Landmarks Commission with a drawing that we think takes it back to its early period. We will do one module, we will have you o.k. the module, if you have any input that's fine; but that way you are going to get a chance to see how this process works. Because, frankly, the aesthetics of it I don't have any problem. I have spoken in front of the American Planning Association on a number of occasions and I have frequently said that you can be a part of American planning process without taking anybody's property away. But it is a hearing examiner's process which they do very well in Germany and England, and the Canadians do a very good job, but in Canada they exclude the public. They just say they don't want any public members. It works very well. But I'll bring you that drawing and secondarily I will take you through the hotel and we are doing the back end of the hotel because we have a very classic case of your second section, and we have a section of the building that has deteriorated so badly it's threatening the other parts of the building. It's a matter of, if you let it go, it's going to get into the historic parts of the building and destroy it. So we'll bring you, you know you've first got the windows and I'm telling everybody it was not my choice of windows, but we went through the process, and Carole knows, we changed windows three or four times. We finally ended up with that window, I'm not wild about it. I wished we had gone true divided light, and we would have paid to go true divided light. That wasn't the choice, we put the drawings in front of people and they didn't want it. We started with the windows, unfortunately, then we go to the cells and we go to the back end so that when we go to the City Council and the Landmarks Commission wants an example of the difficulties we have had, and I don't know of anything else we can do other than that. I think you will also see, if you come up to the hotel, maybe spend a little bit of time looking at it, you will see the real difficulties you get into. We can air condition that building, frankly, easier than we can build a finished module. The building is really interesting, it has a ceiling up above that upstairs and it has a ceiling between the two floors and on one side it is eight feet, you can walk in between the floors and then it tapers towards the tavern. But, I think it will be very beneficial for you to go through this process because we've spent, we've called Heath and we've called everyone we can on ideas and we've finally come back to what we think works. But if your Landmarks Commission meets with us and you don't think it works, then we'll abandon it and you're gonna

see...it's a difficult process, but anyway with that reservation I would like to support the Landmarks Commission early-on so that it is not getting away from you if you are going to do this process, you certainly need the best building in town to start. And, we'll try from there.

Edge Gribble, 340 NW Railroad, Sherwood, addressed the Commission. Ms. Gribble stated: I think one of the things that is important to tell people is that we are trying to do a very difficult job which we think will benefit the town, the community and the people who live here. One of the things I think the people need to keep in mind is that it is the historical integrity of the facade of the buildings that we are mainly concerned with and there are quite a few other things that have happened to the rear end of the buildings that have been done many years after the building was built to begin with that will be affected in a lot of ways. I think people have the idea that we are going to dictate every step of what they can do with their building and it really isn't true. I think that if they give due consideration to the future of Sherwood and the people who live in it, they will realize it is a really important thing for us to do..to try to preserve some of our history.

For the record, Ms. Connell pointed out that Ms. Gribble's and Ms. Washington's letters should be officially added to the record. Chairman Birchill noted that each Commission member had received a copy of the two letters.

There being no further testimony, Chairman Birchill closed the public hearing and opened the meeting for comments and questions from the Commission members. He noted that the public hearing may be reopened at any time at the request of one of the Commissioners.

Chairman Birchill polled the Commission members, except Ms. Claus who had stated a possible conflict of interest, all of whom concurred that the revised Chapter 9 should be forwarded to the City Council with a recommendation for adoption.

Mr. Corrado moved, seconded by Mr. Hohnbaum, based on the findings of fact and recommendations of Staff, that PA 94-4 Chapter 9 Historic Resources, draft dated July 13, 1994 be forwarded to the City Council with a recommendation to adopt the revised code. The motion carried with two abstentions.

A. SP 94-2 Sherwood Marketplace: Site Plan for a 13.9 acre retail shopping center on Pacific Highway, Tualatin-Sherwood Road and Langer Drive:

Chairman Birchill called for a Staff report.

Ms. Connell reported that the Commission is considering a proposed shopping center on a 13-acre site between Highway 99W, Tualatin-Sherwood Road and Langer Drive and involves five tax lots which must be consolidated if the project is to proceed. Ms. Connell provided an in-depth review of the Staff report dated July 12, 1994, a complete copy of which is included in the Commission's minute book. She noted that the Commission will make the final decision regarding the shopping center, unless the project is appealed to the City Council. Ms. Connell requested that the following items be entered into the record:

1. The Code reference is not included in the Staff report, but required in Code Section 5.202.04, which says one shall preserve existing, significant vegetation to the maximum feasible extent. Ms. Connell noted that whether this can or cannot be accomplished is questionable; however, she has requested the applicant to provide a tree survey. Ms. Connell recommended that as many trees as possible be retained.
2. The Code requires a landscape corridor on arterials, which would be 25 feet on Highway 99W, 15 feet on Tualatin-Sherwood and 10 feet on Langer Drive, and should be a condition of approval. Ms. Connell noted that a berm with landscaping is used to screen the loading docks. She noted that there are many fruit trees in the project and recommended they be replaced if they are fruit-bearing. Ms. Connell questioned whether the honeylocust trees should be replaced with more appropriate shade trees
3. Ms. Connell reminded the Commission that it is important for them to remember that Staff relies upon the traffic engineers from Washington County and ODOT to analyze the traffic impact. She noted that both agencies have been notified and both have returned comments. Ms. Connell pointed out that the Transportation Plan Rules had gone into effect May 8 and the project being considered by the Commission had been submitted May 6; therefore, there are no findings regarding the Transportation Planning Rule. Ms. Connell indicated that legally and technically the applicant would not have to comply until after the May 8th date. Ms. Connell noted that staff is not simply turning their backs on that rule and pointed out that there are several important features that are included despite the compliance rule date.

4. Washington County did not initially have correct plans showing traffic signals. Ms. Connell advised that they had been sent a correct plan and the traffic engineer called on July 19 and advised that they are not finished with the traffic impact study, but they basically support the plan and will probably require a signal.
5. Letter from ODOT, which states that they again reject entry onto 99W.
6. Staff's recommendation that a condition be added to require that all on-site utilities shall be buried where economically feasible.

In conclusion, Ms. Connell recommended that SP 94-2 Sherwood Marketplace be approved subject to the conditions contained in the Staff report dated July 12, 1994, with the following amendments:

1. Include a requirement that over-head utilities be buried.
2. Change Condition 12 to obtain ODOT approval of "any" access.
3. Delete Condition No. 14.
4. Delete Condition No. 23, since the applicant has submitted proof of compliance with State noise and air-quality standards.

Ms. Connell pointed out for the record, that a letter from Preston Gates containing revised wording of some of the conditions of approval to which the applicant objects, a letter from ODOT dated July 18, 1994, a sketch of the tree survey, and a letter from the environmental engineer have been placed on the table. Copies of all are attached as part of these minutes.

At 9:30 p.m. Chairman Birchill called for a 10-minute recess. At 9:40 p.m., the hearing reconvened and was opened for testimony from the applicant and/or proponents.

Barry Cain, Graymor Development NW, Inc., 9895 SE Sunnyside Road, Suite P, Clackamas, addressed the Commission. Mr. Cain introduced Graymor, a development company that originated in Seattle in the 1970s. He commented that he has been in the area since 1985 to open the local office. Mr. Cain pointed

out that 17 successful projects have been completed since he has been in the area. Mr. Cain commented that Graymor has been one of the most active developers in the northwest and takes pride in doing very high-quality projects; using high quality materials such as brick and good design; extensive landscaping, often providing more than is required by a community because it adds a great deal to the center. Mr. Cain noted that some centers Graymor developed are on Sunnyside Road, east of I-205--Sunnyside Marketplace, a Newport Bay Center at Mall 205 and 5th Landing Marketplace in Vancouver; all of which are similar to the one proposed for Sherwood. Mr. Cain noted that all of his consultants are available to answer any questions, and only Mr. Stange, the Architect, will speak unless the Commission has questions on issues other than design. Mr. Cain introduced the members of his development team.

Mr. Cain commented that Graymor is here because other tenants with whom we work have taken note of what is happening in Sherwood and they want to be here too. He pointed out that Sherwood is a very high profile site and provides an opportunity to do a project that will demonstrate the type of projects which Graymor can do. He noted that as far as timing is concerned and as Ms. Connell pointed out, the project has five different property owners, all of whom must agree with the project. Mr. Cain remarked that one of the property owners had almost worked out an agreement with a tire store to develop a part of the property, and Graymor intervened. He stated that he hoped the property owner would feel fortunate that Graymor became involved with the coordinated development of the marketplace rather than the tire store. Mr. Cain commented that the parcel is a very difficult site to lay out even though it is a high-profile site. He stated that it is a long rectangular site which created a number of challenges and the site plan being considered by the Planning Commission is not what was originally proposed. Mr. Cain commented that a number of different placements of buildings had been considered and a compromise was made which, hopefully, meet all of the criteria of all persons involved and one with which the Commission can be supportive of the marketplace. Mr. Cain stated that the applicants had planned to require pad building tenants to use the same type of design as used for the shopping center. He pointed out that Graymor typically does not work with fast-food places, they seek financial institutions and full-services restaurants such as Newport Bay as tenants. Mr. Cain pointed out that he lives in Tualatin and he goes through Sherwood frequently and will be tempted to shop at the new marketplace, and is one in which he has an interest. Mr. Cain indicated that the applicants

concur with Staff's recommendation with a few exceptions. He distributed a site plan, which illustrates a few modifications to that submitted to the Commission. With regard to Condition No. 2 requesting a tree survey, Mr. Cain stated that the tree survey has been completed and Mr. Roger Stange will discuss how the existing trees fit into the site plan. He noted that trees which can be utilized will be retained; however, the site is too difficult to design around trees.

With regard to Condition No. 4 requesting a new building pad at the northwest corner of the site, Mr. Cain stated that the applicant looked at the project and felt that from an aesthetic point of view, it would be better to be able to see into the center and see the buildings designed for the project rather than clog up the corner. He commented that if the applicant put a building at the corner at this time, for the reasons that Tri-Met is requesting, the applicants would have to delete one other pad since the current parking in front of the grocery store is minimal for what is need. Mr. Cain pointed out that the store will be handling high-quality groceries and the applicant is concerned about visibility for the grocery store. Mr. Cain stated that he felt a landscape or water feature would be ideal and present a welcome to Sherwood. He suggested that four or five parking spaces be deleted to accommodate a larger feature. Mr. Cain requested that the Commission allow the applicant to work with City staff to design a feature for the corner rather than adding a building pad.

With regard to Condition No. 5 regarding the re-orientation of the entrance, Mr. Cain stated that the original plan came from a Tri-Met request because Tri-Met had an old plan, and they had a plan where the pad buildings were facing opposite directions; one east and one west, which is the best way for the pad buildings to face. Mr. Cain commented that the design has been re-oriented to place the front door in the middle point rather than have them face away from the automobiles. He noted that the orientation will be best for pedestrian and automobile access. Mr. Cain requested that the wording be revised to reflect those changes. In response to Ms. Connell's question, Mr. Cain stated that the drive-through will remain and it will be necessary to cross the drive-through; however, he felt it was the best of both worlds by providing access to pedestrians as well as automobiles.

With regard to Condition No. 8 regarding raised pedestrian crossings, Mr. Cain stated that the applicant was not sure if it is best to provide pedestrian crossing in five different places. He noted that it would be confusing and it would be better to direct pedestrians to more distinct pedestrian crossings. Mr. Cain suggested that one crossing be at the pedestrian plaza, one at 99W and Langer and one at Tualatin-Sherwood Road. He requested that the Condition be reworded as requested by the applicant. Mr. Cain commented that the applicant will also present a signage proposal. He noted that the signage will be of high quality, but the applicant did not know that the City desired signage on the back of the project and this is favorable to the applicant. Mr. Cain

remarked that there is a residential area behind the Marketplace and questioned if it is in the best interest to have signage on the back, but if the City wishes such signage the tenants will be required to provide uniform signage as has been done in other projects. Mr. Cain commented that high-quality individually lighted plastic signs will be allowed, but flashing signs will not be permitted. In response to Ms. Stewart's question as to whether a highway sign listing all tenants would be permitted and if telephones, restrooms will be identified, Mr. Cain replied that signs, as envisioned by the applicant have been proposed but signs listing all tenants, approximately 30, will not be identified from the highway since it is too messy. He commented that people on the highway side will be encouraged to do a good job with signs to identify the Center. Mr. Cain noted that Graymor's signs typically identify the best features of the Center and if requested will identify restrooms and telephones. Ms. Connell pointed out that those signs must be provided by ODOT.

With regard to utilities, Mr. Cain commented that Graymor typically places utilities underground unless there is some reason that simply does not make sense; i.e., a line that goes across the highway.

With regard to access on Highway 99, Mr. Cain requested that the Commission allow the applicants to continue working with ODOT since more access is better as long as it is safe. He noted that where a lot of traffic is channeled through a specific area, that traffic has the tendency to become more congested. Mr. Cain stated that the applicant and the traffic engineer will be working more with ODOT to obtain a right-in-right out access on 99W. In response to Mr. Bechtold's question as to whether the design of the major anchor of the marketplace would change if the applicant was unable to obtain ODOT's permission for access, Mr. Cain stated that the design for the major anchor would not be affected since it is placed in the area where sufficient parking will be provided. Mr. Bechtold pointed out that the traffic flow will be much different if automobiles do not come in off 99W. Mr. Cain stated that he did not believe the design would be changed, and that the applicant is committed to the project, which is laid out in the best possible manner.

Mr. Cain offered to answer any questions the Commission members may have. Mr. Corrado requested that Mr. Cain clarify the rendering of the feature at the northwest corner and whether the drawing depicts the expansion commented upon by Mr. Cain. Mr. Cain replied that the concept is as

depicted; however, the applicants wish to make the rendering larger.

Ms. Stewart questioned whether the amount of lighting is sufficient to deter vandalism. Mr. Cain responded that the applicant wishes to have sufficient lighting and will work to make sure that the light stays on the Center's property.

Roger Stange, Stange Architects, 10 NW Tenth Avenue, Suite 200, Portland, addressed the Commission. Mr. Stange stated that he would like to explain the rationale of the proposed layout of the project. He noted that the parcel is perpendicular to Highway 99W, and provides an opportunity to do something different and more interesting with the site plan. Mr. Stange pointed out that the site has access from a number of different streets and the applicant has divided the project into segments, nearly creating interior streets within the project. He noted that this layout provides the opportunity to divide the parking area, change landscaping so that it is more boulevard in some cases and creates a parking zone, or block, within the project and a parking court around the perimeter of the buildings. Mr. Stange pointed out that the parking scheme also provides an opportunity to add a feature at the corner, rather than adding another building site. Mr. Stange commented that the applicant also considered the location of the existing trees, the grading, and the types of trees on the site. He remarked that the designers have overlaid the existing trees on a map to clearly indicate where the trees will be in the project. Mr. Stange stated that the trees fell into inconvenient locations, and are a variety of trees, some of which are not in good shape and block proper layout of the buildings. Mr. Stange pointed out that the trees should be located in such a manner that good site visibility, a key issue of tenants, is provided. Mr. Stange noted that it is very difficult to keep trees alive during construction since it is difficult to protect their roots, and the environment of the existing tree is changed drastically.

Mr. Stange remarked that the applicant has created access via selected locations into the site and has created an opportunity to link the pedestrian accesses, which will assure that the project works today under the present environment and will work in the future as more people moved into the area.

Mr. Stange pointed out that it is also important that the pedestrian paths be enhanced since the pedestrian paths improve the project and make it a more viable project. He indicated that the pedestrian paths will be a different texture or paving, will contain benches, planters and other furniture to create an environment that will invite people to stay longer and shop more. Mr. Stange pointed out that a

variety of characteristics and features in the surrounding residential area have also been repeated throughout the project in order to link the neighborhood to the Center and make the area more inviting. He proceeded to explain the texture and identification of the building materials and the lighting plan to be used in the project.

Clarence Langer, 15585 SW Tualatin-Sherwood Road, Sherwood, addressed the Commission. Mr. Langer stated that he would like to make a brief historical presentation since the project has been history oriented. Mr. Langer indicated that the project with which his family is working will tie with the walking path which ties into the shopping center, which ties into the whole area, I don't know how we could luck out and get such a good deal!

There being no opposition testimony, Chairman Birchill closed the public hearing and noted that rebuttal would not be necessary. He stated that the hearing will be opened for discussion and questions among the Commissioners and the public hearing may be reopened at the request of one of the Commissioners.

In response to Mr. Hohnbaum's question regarding the walk way, Ms. Connell pointed out that the walkways do not line up exactly, and noted that exact plans have not been prepared. She commented that there will be no vehicular traffic on the walks. Chairman Birchill pointed out that mis-alignment of the walkways is a good idea since a jog will force children on bikes to slow down and look. Chairman Birchill requested that the pedestrian crossing extending north from Century drive be delayed until the property to the south has been developed. After extensive discussion, the Commission concurred that Condition No. 7 be deleted entirely.

Mr. Bechtold inquired if the existing Sherwood Plaza, which is a policy in the Comprehensive Plan, that construction not detract from existing services, is being ignored. Mr. Hohnbaum responded he did not feel the Plaza was being ignored because of the requirement for pedestrian paths. Ms. Claus questioned whether the tenants of the Sherwood Plaza received notice of the public hearing. Ms. Connell replied that the building owners receive notice, but not the tenants.

In response to Ms. Stewart's question, Ms. Connell remarked that ODOT had rejected the addition of a new access to Pacific Highway.

Mr. Bechtold stated that the existing Sherwood Plaza is struggling at this time and might cease to exist; if the

Plaza continues to maintain its current zoning, it will have to coordinate with the new project. He stated that the proposed project looks good, but as far as the community of Sherwood goes, the community has a walk way that services the commuter traffic on Tualatin-Sherwood Boulevard, but does not put much into the City itself. In response to Ms. Connell's question as to how to better interface with the Plaza, Mr. Bechtold pointed out that there had been three different designs and one had the building in the middle, and thought must have been given to the fact that the building would be used from both sides. He noted that the design being considered is very visible from 99, the corner at 99 draws one into the Center, but from a community point of view, it is not a benefit. Ms. Claus pointed out that the tenants in Sherwood Plaza did not show up and have provided no feed back as to whether the project is negative or positive and therefore, it is hard for the Commission to know their business plans and without input hard to know whether the existing tenants will be impacted negatively or positively. Ms. Claus pointed out that the Plaza tenants had been struggling for years and many of the current tenants have been destination oriented and turning toward that because they have always had a problem with the site which has become worse with the realignment. Ms. Claus remarked that it is difficult by the same token and a different mix of tenants will be looking at the proposed site because it is more impulse oriented. She pointed out that it is difficult for the Commission to counter any negative effects from the plaza since there has been no input from the merchants. Mr. Hohnbaum suggested that one option would be to turn the Center away from 99W to face the Plaza and the community. Chairman Birchill pointed out the Center will then face the back wall of the existing Plaza. He commended the architect on the design facing Langer, which contains as much pedestrian access as possible; however, it appears that the applicant is building another plaza and for years there have been many complaints that Sherwood Plaza was allowed to be built so that it was totally separated from the town. Chairman Birchill stated that he felt the same issues would be raised with the proposed Center. He noted that the Center is sited so as to draw customers from the highway and it will probably not draw much pedestrian traffic. Chairman Birchill stated that he is also concerned about the number of lights being proposed along Tualatin-Sherwood Road. He commented that the road was recently opened up in order to facilitate movement of traffic and additional lights will tend to create congestion, which will be exacerbated if Tri-Met does not use the bus turnouts proposed by the applicants. He recommended that the bus turn-outs remain a condition.

Ms. Stewart suggested that parking be re-designed to entice people to park near and include shopping at the existing Sherwood Plaza.

Mr. Corrado commented that one or two things will happen: the growth of Sherwood and the success of the mall will elevate the opportunities for the adjacent mall to do the same and come up to the proposed mall's level; or, it simply will not make it because the proposed mall is a better site.

He noted that if the better site serves Sherwood and provides an opportunity for better shopping for the citizens of Sherwood, then perhaps the existing plaza will lend itself to a better use as Sherwood develops and grows. Mr. Corrado commented that the Commission's job is to assure that the property is developed properly, not to determine how property can be developed to save another.

The Commissioners reviewed the conditions outlined in the Staff report dated July 12 and made the following amendments:

1. Replace Conditions Nos. 4 and 5 with verbiage provided by the applicant.
2. Delete Item No. 7 regarding the alignment of the pedestrian crossings of Langer Drive.
3. Add the word "secured" to condition No. 11 between the words "provide" and "bicycle".
4. Delete Condition No. 14 regarding replacement of fruit-bearing street trees.
5. Add the words "that incorporates signage on the south side of the Center" to condition No. 19.
6. Add the words "loop water lines if determined necessary by the City Engineer" to condition No. 21.
7. Delete Condition No. 23 requiring certification of compliance with State noise and air quality standards.
8. Add a condition that on-site utilities must be buried where economically feasible.

Chairman Birchill noted that the time was approaching 11:00 and polled the Commissioners to determine if they wished to proceed with consideration of SP 94-2, or table the item until the next meeting. Mr. Bechtold's motion to table SP 94-2 failed due to lack of a second. Mr. Hohnbaum's motion to table until the August 2, 1994, meeting, leaving the

record open for written testimony was withdrawn. Commission members concurred that the meeting should continue. Mr. Bechtold requested that he be excused at 11:00.

After discussion of the conditions of approval and the revisions, Mr. Corrado moved that based upon the findings of fact, SP 94-2 be approved subject to the following conditions:

Prior to issuance of a building permit, provide documentation and/or revise the site plan to incorporate the following conditions:

1. Properly partition or consolidate the separate tax lots into one parcel.
2. Provide a tree survey identifying the existing trees on the site. Incorporate those trees into the revised design, where feasible and as agreed upon by the City and the developer.
3. All building "pads" are required to utilize the same building design and architectural features illustrated on the elevation plan, DR2.
4. Add a new landscape feature incorporating the Wildlife Refuge theme and that serves as a pedestrian amenity, in the northwest corner of the site at the intersection of Highway 99W and Tualatin-Sherwood Road as agreed upon by the City.
5. Re-orient the entrances, storefront windows and other display areas of Building Pads B and C to provide convenient and safe pedestrian access that links to the site's pedestrian network. This orientation should take into consideration the use of the access drive between Pads B and C as vehicular access to the interior of the site and the eventual development of drive-through access to buildings to be built on Pads B and C.
6. Create a pedestrian plaza south of Pad A, and a pedestrian plaza between Retail Buildings C and D. Provide adequate space for outdoor restaurant seating in those plazas.
7. Provide marked pedestrian crossings utilizing distinctive or contrasting materials at the following locations across Langer Drive:

- a. At the access drive intersection between proposed Retail Stores C and D;
 - b. At the intersection of Langer Drive and Tualatin-Sherwood Road; and
 - c. At the access drive intersection near applicant's proposed Pad A. At this crossing, provide an on-demand pedestrian signal if warranted and approved by the City Engineer within one (1) year of project completion.
- 8. Utilize distinctive or contrasting materials to identify all internal pedestrian crossings.
 - 9. Provide striping of a bicycle lane on the north side of Langer Drive, if determined feasible by the City.
 - 10. Provide secured bicycle racks within 50 feet of all building entries.
 - 11. Obtain ODOT approval of a right-in only access to Highway 99W. Install sidewalks on Highway 99W in accordance with State Highway standards.
 - 12. Comply with the following Washington County requirements regarding Tualatin-Sherwood Road improvements:
 - a. Submit to the Washington County Land Development Division for review and approval an access report which meets the requirements of Resolution and Order 86-95 and Section 501-8.2B. of the County Community Development Code.
 - b. Obtain approval for a modification to the access spacing standards of the W.C.U.R.I.D.S. from the Washington County Engineering Division for the existing/proposed access point on Tualatin-Sherwood Road.
 - c. Submit to Land Development Services the appropriate forms, fees and plans for construction improvements.
 - d. Obtain County engineering approval and provide financial assurance for construction of public improvements.
 - e. Dedicate additional right-of-way to provide 45 feet from centerline of Tualatin-Sherwood Road.

- f. Sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve the base facility of Tualatin-Sherwood Road between State Highway 99W and Oregon Street.

- g. Provide a one-foot non-access reserve strip along the Tualatin-Sherwood Road, except at approved access points.
 - h. Certify adequate sight distance prepared and stamped by a registered professional engineer upon completion of necessary improvements.
13. Replace the Honeylocust tree with a more appropriate variety, as approved by the City.
 14. Provide landscaping or architectural features against the blank wall of the southwest side of Anchor A.
 15. Install all landscaping improvements prior to occupancy.
 16. Identify all garbage receptacles on the site plan and screen from the view of passing cars and people.
 17. Provide a consistent project signage plan that incorporates signage on the south side of the center in compliance with City sign regulations.
 18. Provide an outdoor lighting plan that is complimentary to the pedestrian scale and village atmosphere for City review and approval.
 19. Provide engineered construction plans and guaranteed bonding for all public utilities and services in compliance with City, USA, TVFRD, Washington County and ODOT requirements. In particular, determine the source of sanitary sewer connection as agreed upon by the City and USA. Provide public water lines throughout the project, extending to Tualatin-Sherwood Road. Loop water lines if determined necessary by the City Engineer.
 20. Remove bus pullouts on Langer Drive and Tualatin-Sherwood Road. Provide a bus stop landing pad at the existing transit stops, in accordance with Tri-Met specifications.
 21. Bury on-site utility lines if economically feasible.

The motion was seconded by Ms. Claus and carried unanimously.
Note: Mr. Bechtold was excused prior to voting.

5. **Director's Report:**

Ms. Connell advised that she had nothing further to report.

6. **Adjournment:**

There being no further items before the Commission, the meeting adjourned at approximately 11:55 p.m.

Respectfully submitted,

Kathy Cary
Secretary