

City of Sherwood, Oregon  
Planning Commission Meeting

August 2, 1994

1. **Call to Order/Roll Call.** Vice-Chairman Corrado called the meeting to order at 7:35 p.m. Commission members present were: Vice-Chairman Chris Corrado, Marge Stewart, Susan Claus, and Rick Hohnbaum. Eugene Birchill was absent due to illness, Ken Shannon was absent since he was on vacation, which had been planned prior to notification of appointment, and George Bechtold was absent. Planning Director Carole Connell and Secretary Kathy Cary were also present.

2. **Approval of minutes of July 19, 1994 Meeting:**

Vice-Chairman Corrado noted that the minutes of the July 19, 1994, have not been completed, therefore they would be considered at the next Commission meeting.

Vice-Chairman Corrado advised that there would be no public hearings since both public hearing items are being rescheduled for a future meeting. He requested that Ms. Connell provide a staff report for Agenda Item 3, SUB 93-8 Highpointe.

3. **SUB 93-8 Highpointe Phase 1 Final Plat: a 40-lot single-family development on Sunset Boulevard.**

Ms. Connell advised that the Commission is reviewing Phase 1 of the Highpointe Subdivision, a 40-lot single family development that is nearing completion. She noted that Foothill Estates is depending upon Commissions acceptance of the Highpointe Final Plan in order to proceed with the Foothills Estate Phase 2 Final Plat. Ms. Connell reviewed the Staff report dated July 26, 1994, a complete copy of which is contained in the Commissions minute book. She noted that a tree survey had been received and reviewed the remaining recommended conditions of approval.

Ms. Connell commented that Highpointe has 32-foot wide streets, restricting parking to one side. She said that the residents of the Cascade View project had approached the City Council and requested that the no parking signs not be installed in the subdivision. She pointed out that the City Council and Safe Streets Committee recommended that residents be allowed to park on both sides of the streets and that an opinion from the fire district is still pending. Ms. Connell remarked that the City should be consistent with the requirements for no parking signs. Ms. Claus suggested that

the curb be painted yellow for the fire trucks. Ms. Connell noted that Mr. Clarno of Highpointe is willing to install the posts and signs before pouring the sidewalks. She recommended that Mr. Clarno be permitted to do so.

With regard to condition No. 6, Ms. Connell pointed out that an 8.5-foot road dedication, which was deeded to the City in the event future development needed it to construct a road, is no longer needed by the City since the interior road has been shifted eastwardly. She noted that the three property owners would like to have the 8.5-foot dedication vacated and returned to them. Ms. Connell reported that the owners requested evidence that the 8.5-foot dedication is not recorded with the final approved plat. She indicated that the engineers had just provided a verification a few minutes ago, however, she has not had time to review the document. Ms. Connell commented that Mr. Maffitt, one of the owners, is in attendance to address the issue.

In conclusion, Ms. Connell recommended that SUB 93-8 Phase 1 Final Plat be approved subject to conditions outlined in the Staff report, with a modification to Condition No. 6 to clarify that the un-needed 8.5 foot road dedication is to be returned to the three property owners, not to adjoining owners in Highpointe.

In response to Vice-Chairman Corrado, David Thomas, BST Associates, 19 NW 5th Street, No. 202, Portland, responded that there is a strip of land, which if you take measurements and subtract back, you will find the 8.5 feet remaining outside of the 642 feet, our measurements to the plat foot form is 640, there's always a little bit of discrepancy, and it does not include the 8.5 feet. Mr. Thomas advised that he agrees with City Staff to return the dedicated portion of the parcel.

In response to Ms. Claus' question, Ms. Connell pointed out that when a road is vacated, one-half is vacated to each side of the property, but this dedication was taken from one side only, and the property owners would like to make sure the property is returned to the property owners on that one side.

Ms. Claus questioned when will the road be vacated and can the vacation be expedited. Ms. Connell responded that a restriction can be placed on the lots that indicates one-half of the dedication does not go to the buyer of the lot. Mr. Thomas suggested that a note be placed on the deed of transfer which indicates that the buyer has no right to that part of the vacation. Ms. Connell pointed out that the City must comply with State laws concerning the vacation and she will determine whether the dedication can be returned to the

owners via a more simple transfer.

John Maffitt, 265, SE Sunset Boulevard, Sherwood, addressed the Commission. Mr. Maffitt stated that he is one of the three-owners of the 8.5-foot strip previously discussed. He commented that he had heard a reference to perhaps the owner could, essentially request that the City start the process to vacate the property. Mr. Maffitt asked if the City owns the 8.5-foot strip at this time, and did not understand how the new owner of Highpointe has any involvement in the issue? Mr. Maffitt indicated it was his understanding that the 8.5 feet belongs to the City of Sherwood. Ms. Claus responded that on vacations, the adjoining property owners split the property down the middle. Mr. Maffitt again inquired whether the City owns 8.5 feet or 25.5 foot strip through the development? Ms. Connell responded that there is a total of 25 feet of which the City owns 8.5, and the City does not own the 16.5-foot strip, which is a flag lot extension.

Ms. Connell advised that the question is whether the City owns the 8.5 feet as a dedication for road purposes, in which case the vacation procedures must be followed; however, if the 8.5 feet is owned by the City, it may be possible to transfer the property back to the owners. She suggested that Condition No. 6 be revised by adding: "The City will proceed with the vacation of 8.5 feet, but if not completed by plat recording, the owners will put a restriction to any entitlement of the 8.5-foot dedication on the deeds for the sale of Lots 27 through 34.

Mr. Thomas advised that he would meet with City Engineer Ron Hudson regarding the no-parking signs, which are to be installed prior to pouring the sidewalks. He requested that Ms. Connell provide the landscape plan and list of street names for the adjacent subdivision.

Mr. Hohnbaum moved, seconded by Ms. Stewart, that based on the findings of fact, recommendation from Staff, information shared during meeting, and SUB 93-8 Phase 1 Final Plat be approved subject to the following conditions:

Prior to Final Plat recording, unless bonded for:

1. Provide the City with a landscape corridor plan for the Sunset Boulevard street frontage, that includes street trees and easy maintenance ground cover.
2. Submit for City approval street names for the unnamed streets.

3. All site fill shall be engineered to City specifications. Street grades shall not exceed 15%.
4. Provide and install "No Parking" signage on one side of the 32-foot wide streets.
5. Provide one street tree per lot, and two on corner lots at the time of building occupancy for each homesite.
6. Provide assurance that the lots on the west property line do not include the 8.5-foot road dedication recorded with the adjoining Johnnissee partition (City File No. MLP 90-2). The City will proceed with vacation of the 8.5 feet, but if not completed by plat recording, the owner shall place a deed restriction on Lots 27 through 34 prohibiting any right to that 8.5 feet.

The motion was seconded by Ms. Stewart and carried unanimously.

4. **Public Hearings:**

**A. MLP 94-5 Claus: a two-lot Minor Land Partition on Murdock and Tonquin Roads.**

Ms. Connell reported that a public notice had been posted regarding MLP 94-5, and the staff report stated that the purpose of the partition was a pro-forma administrative requirement from Washington County. She commented that there is still a question as to whether the partition is needed since US Fish and Wildlife will take possession of the parcel and does not need it to be divided. Ms. Connell remarked that another issue pending possession by US Fish and Wildlife is possible contamination from the Tannery. Since US Fish and Wildlife is not ready to make any decision, Ms. Connell recommended the item be tabled indefinitely.

Mr. Corrado moved, seconded by Mr. Hohnbaum, that MLP 94-5 Claus be tabled indefinitely. The motion carried. Ms. Claus abstained.

**B. PA 94-6 Tree Preservation: a Zoning Code Text Amendment adding new tree protection provisions to Section 8.304.06.**

Ms. Connell reported that PA 94-6 is a proposed amendment to the Zoning Code to add new provisions to sections of the code dealing with trees. She noted that she had met with members of the Tree Committee and their recommendation is that, since

there are several sections in the code regarding trees, and such sections are inconsistent and vague, that Staff be

allowed to review and revise those sections as a part of the amendment. Ms. Connell requested that the Commission table PA 94-6 until the August 16th meeting.

Mr. Hohnbaum moved, seconded by Ms. Claus that PA 94-6 be tabled until the August 16th Commission meeting.

Vice-Chairman Corrado inquired if two weeks is sufficient time to complete the work or should the item be tabled until the September 21st meeting. Barry Kennedy, head of the Tree Committee, commented that he felt there was a need to move forward and develop an ordinance. He noted that the current ordinance is unclear, inconsistent, and is not meeting the needs of the community. Mr. Kennedy remarked that the City needs an ordinance that makes sense and it seems inappropriate to continue with development when the ordinance is unclear. Mr. Kennedy stated that the Tree Committee has offered their assistance in developing an ordinance to Ms. Connell. He pointed out that the Tree Committee had met with Ms. Connell and City Manager Rapp and as a result of that meeting people did some research on existing ordinances. He stated that he feels it is in the best interest of everybody, including developers and the City to move ahead expeditiously.

Mr. Hohnbaum inquired whether he could withdraw his previous motion in order to make a different motion. Vice-Chairman Corrado commented that he is comfortable with the motion to allow two weeks to develop an ordinance; but he is not comfortable with forcing a decision in two weeks. Mr. Corrado agreed that it is important and should be expedited; however the subject is too important to rush into. He pointed out that the City has been living with current policy and there are some problems with the ordinance; however, the City is unable to put development on hold. Mr. Kennedy reiterated that Staff has the full cooperation of the Tree Committee, and that Lisa Nell, a committee member, is a certified planner and can be of assistance to Ms. Connell.

Vice-Chairman Corrado pointed out that there is a motion on the floor to table PA 94-6 until the August 16th meeting, and that discussion indicates that if two weeks is not sufficient to complete the review, the issue will be carried over until the September 21st meeting. He noted that, as the last item on the August 16th agenda, it may again be tabled, even if the motion passes.

Upon call of the question, the motion to table PA 94-6 until the August 16th meeting carried unanimously. Commission members concurred that PA 94-6 be listed as the last item on

the August 16th agenda.

5. **Director's Report:**

Ms. Connell announced that Mr. Ken Shannon had been appointed to fill the unexpired term of Glen Warmbier. She noted that Mr. Shannon was absent on vacation, plans for which were made prior to notification of appointment.

Ms. Connell advised that the agenda for the next Commission meeting will be the Woodhaven Phase 1 as well as Foothill and Georgetown. She pointed out that there will not be a meeting on September 7.

6. **F.Y.I.**

Ms. Connell reported that Mr. Reeves withdrew his LUBA appeal regarding the new elementary school since the school districts have entered into a cooperative agreement to look at their boundaries.

Ms. Connell announced that there is a Planning Commissioners training workshop on October 8, 1994, and urged that anyone interested in attending contact Staff.

Mr. Hohnbaum inquired as to what the reasons were for the City Council's actions regarding the Langer property? Ms. Connell commented that there were three planning items on the Council's Jul 27th agenda: the Drennan rezone, which the applicant requested be continued; and, the Langer rezone. Ms. Connell commented that the Council had some concern that if the parcel was rezoned HDR there is no guarantee that single-family residences will be constructed and felt that there had been an inadequate review of the industrial land and the economic impact on the City. Ms. Connell stated that the Council felt the 200 acres were being developed piecemeal and the motion to approve failed due to a tie vote on the Ordinance. She noted that the applicants are meeting with Mayor Hitchcock to request reconsideration.

Ms. Connell advised that the other item discussed was the Sherwood Marketplace plan which was appealed by the City Council unto themselves and will be heard by the Council on August 17th. She urged Commission members to attend, if possible.

7. **Adjournment:**

There being no further items before the Commission, the meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Kathy Cary  
Secretary