

City of Sherwood, Oregon
Planning Commission Meeting

March 2, 1993

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:35 p.m. Commission members present were: Eugene Birchill, Chris Corrado, Marian Hosler, Marty Ruehl, Marge Stewart, and Chris Saxton. Commissioner Glen Warmbier was absent. Planning Director Carole Connell, Secretary Kathy Cary, and Ken Shannon, Council Liaison to the Commission, were also present.

2. **Minutes of February 16, 1993, meeting.**

Mr. Ruehl moved, seconded by Ms. Stewart, that the minutes of the February 16, 1993, meeting be approved as presented. Motion carried unanimously.

Chairman Birchill announced that there was one change to the agenda: SUB 92-1 Cambridge Meadows Revised Final Subdivision Plat is not part of the public hearing and will be Item IV on the agenda.

3. **Public Hearing.**

- A. **SUB 93-1 Home Town Estates Preliminary Plat: an 18-lot single-family subdivision on Meinecke Road.**

Chairman Birchill read the Hearing Disclosure Statement and requested that Ms. Connell provide a staff report.

Ms. Connell reviewed the staff report and said this is a request for an 18-lot single-family development on Meinecke Road on an approximately 4.8-acre parcel, of which 1.4 acres are in the floodplain. Ms. Connell noted that there are no planned streets on the adjoining property, but that the streets in Home Town estates will connect to King Richard Court in the Robins Run development. Ms. Connell commented that the proposed development extends King Richard Court eastward to the property on the opposite side and will allow future access to that site. She noted that the planned intersection with Meinecke is offset 150 from the nearest intersection, and the code requires no less than 100 feet.

Ms. Connell stated that there are 18 proposed single family home sites, which is well below that permitted for the area, and that minimum lot sizes are 5,000 square feet. Ms.

Connell noted that two lots have direct access onto Meinecke Road, which is discouraged by the Code, but may be permitted due to site constraints. Ms. Connell stated that the development must connect to the sewer in Cedar Creek, which requires crossing the floodplain and approval of a Conditional Use Permit. Ms. Connell commented that the applicant must comply with USA requirements and must provide a storm water management plan. Ms. Connell noted that a 25-foot buffer adjoining the wetlands may be required by USA. The applicant must dedicate the greenway/floodplain prior to issuance of a building permit. She pointed out that a 15-foot easement should be provided between lots 9 and 10 for pedestrian access to the greenway.

In conclusion, Ms. Connell indicated that the Subdivision is a permitted use and complies with all standards, except the two lots with direct access onto Meinecke Road, and recommended that the proposal be approved subject to the eight conditions outlined in the staff report dated February 22, 1993.

Chairman Birchill next opened the hearing for comments from the proponents.

Mr. Tom Burton, Burton Engineering, 11945 SW Pacific Highway, Tigard, Oregon, addressed the Commission. Mr. Burton advised that his firm developed the layout on the plans for the Home Town Estates, and complimented Ms. Connell on the preparation of the staff report. Mr. Burton indicated he had contacted Lee Walker with USA to determine their requirements for storm drainage and that Mr. Walker had advised that due to the size of the facility, the applicant need not construct a storm water treatment facility or pond, and could pay the required fee-in-lieu-of. He advised that he would answer any questions staff or the Commission members might have.

There being no further comments from proponents or opponents, Chairman Birchill closed the public hearing and opened the hearing for comments or questions from the Commission members.

Ms. Stewart questioned the 15-foot easement between lots 9 and 10 since there is a severe drop to the greenway. After discussion, it was agreed that the 15-foot easement should be relocated between Lots 8 and 9.

Chairman Birchill questioned the duplication of street names (King Richard Court in King City) and expressed his concern regarding possible confusion of emergency response personnel.

He requested that staff coordinate names, if possible, with nearby communities.

Mr. Ruehl questioned whether the sight distance had been verified for the two lots with direct access to Meinecke. He requested that sight distance be verified and, if necessary, require that the layout be revised by reversing the side-by-side driveways for Lots 1 and 2 to Lots 2 and 3.

After further discussion, Mr. Ruehl moved, seconded by Mr. Corrado, that based on the findings of fact, SUB 93-1 Home Town Estates be approved subject to the following conditions:

1. The owner shall submit a legal description of the floodplain and execute a dedication of the area to the City prior to final plat recording.
2. The owner shall dedicate twenty (20) feet or right-of-way along the property's Meinecke Road frontage. Half-street improvements to the Meinecke Road centerline across the property's frontage shall be provided. At the intersection with Meinecke Road, Lots 3 and 18 shall be modified in accordance with proper radii provisions.
3. The owner shall enter into a non-remonstrance agreement for future public facility and road improvements to City standards.
4. Construction drawings and estimated costs of sewer, storm sewer, water, fire protection, streets, landscaping and lighting shall be submitted by the applicant and approved by the City, USA and the TVFRD prior to final platting. 100 percent of the public improvement costs shall be bonded for, and a subdivision compliance agreement and maintenance agreement between the owner and the City shall be entered into prior to final platting.
5. A fifteen (15) foot wide pedestrian easement from King Richard Court to the greenway shall be provided between lots 8 and 9.
6. Prior to construction, the applicant shall receive City approval of a Conditional Use Permit to construct a sanitary sewer line in the Cedar Creek floodplain.
7. The applicant shall submit a landscape corridor plan for City approval prior to final platting. The

developer shall install one (1) street tree in the front yard of each lot, and shall so inform the lot buyer.

8. Delineated wetlands shall be noted on the final plat. If wetlands are adjacent to the proposed lots, a twenty-five (25) foot buffer tract shall be provided between the lot and the wetlands.
9. The engineer shall verify sight distance for access from Lots 1 and 2, and if necessary, revise the lot layout for Lots 1, 2 and 3.

Chairman Birchill requested that each Commission member make known any ex-parte contact or a conflict of interest prior to beginning discussions on any item on the Planning Commission's agenda.

B. PUD 93-1 Friar Tuck Meadows Preliminary Development Plan and Preliminary Plat: an 83-lot residential development on Sunset Boulevard and Brookman Road.

Ms. Connell pointed out for the record, that a letter had been received from John and Ruby Seeley, whose property adjoins the proposed development. She summarized the letter, a copy of which is attached as part of these minutes.

Ms. Connell noted that this application is a resubmittal of a proposal the Commission considered and approved last year as Cambridge Meadows PUD, and has a new name: Friar Tuck Meadows PUD. She pointed out that the parcel was previously three tax lots and Friar Tuck is now two tax lots owned by the Minors. Ms. Connell indicated that the decision notice for the previous approval had been included in the Commission packets for their review.

Ms. Connell reported that there are 83 lots proposed for the development and the sizes range from 4,000 to 8,400 feet and a 3.9 acre wetland in two areas of the development. She noted that this is a PUD because of the wetlands and the developer is allowed to vary the sizes and transfer density because of the wetlands. Further, the developer plans to dedicate wetlands in exchange for reduction of lot sizes. Ms. Connell stated that there are no private streets in the development, which calls for public streets with width variations and some hammerhead turn-arounds. Ms. Connell noted that the hammer-heads meet TVFR standards, except for the two "half" hammer-heads, and that the proposal does not provide sidewalk improvements at the end of hammerhead streets.

Ms. Connell noted that there are 3.9 acres of floodplain with no improvements planned, and the applicant will dedicate to the City two open spaces for passive park land.

Ms. Connell noted that access is from Brookman Road to the south, Cambridge Meadows Subdivision to the east, and Sunset Boulevard to the north, which is a minor arterial with a planned bikeway. She advised that an additional 10-foot dedication will be required on Sunset Boulevard and one-half street improvements are required for Sunset and Brookman. Further, a landscaped corridor and bikepath are required for Sunset. She noted that a traffic impact analysis had been submitted by the previous applicant, which did not address sight issues. Washington County is concerned about the sight distances and safety issues on Brookman Road and suggested submittal of a new traffic analysis to verify extent of the problems. Staff also recommends that no direct access be allowed onto Brookman, but that one-half street improvements be required. Ms. Connell reported that the County said the same comments they made for Cambridge Meadows PUD apply to this application.

Ms. Connell concluded that the project complies with City requirements and recommended that PUD 93-1 Friar Tuck Meadows be approved subject to the 16 conditions outlined in the staff report dated February 22, 1993.

At 8:30 p.m., Chairman Birchill called for a ten-minute recess. The hearing reconvened at 8:45 p.m., at which time Chairman Birchill opened the hearing for testimony from the proponent.

Tom Burton, Burton, Engineering, 11945 SW Pacific Highway, Tigard, Oregon, addressed the Commission. Mr. Burton advised that his firm had developed the layout for this project. He noted that due to the fact the property to the east is also being developed, some changes in the configuration of the development will be necessary. Mr. Burton directed the Commission's attention to Item 3, page 6, of the staff report dated February 22, 1993, which stated that the development is a single phase project and is planned to be developed in 24 months. He requested that the application be allowed to complete the project in three phases as per the proposed plans. Mr. Burton also questioned the requirement for the applicant to provide one-half street improvements in front of the Minor property, which will not be part of the subdivision. He requested that the applicant be relieved of that requirement.

On the storm water quantity and quality item, Mr. Burton advised that he had considerable discussions with USA on what will be required. He is requesting the developer be allowed to use the pay-in-lieu-of provision, but USA is requiring the

developer to construct ponds and facilities for retention and treatment of storm water. He indicated that this requirement will result in the loss of approximately 10 lots and will require rearranging lot lines. In response to Mr. Ruehl's question as to where those lots will be, Mr. Burton responded that they are the lots surrounding the wetlands, lots 82 and 83 will become treatment ponds, lots 16 and 17 will become treatment ponds, and lot 6 will be lost. Mr. Burton advised that negotiations have not been completed with USA, but he hopes to salvage some of the lots. He requested that the Commission approve the submittal with the understanding that the applicant must make some adjustments. He also requested that the applicant be allowed to replace the 25-foot radius cul-de-sacs with hammerheads if it becomes necessary. Mr. Burton requested that each property owner be allowed to choose a fence rather than requiring a chain-link fence as requested in Mr. Seeley's letter. Mr. Burton noted that Brookman Road is posted with a speed of 35 miles per hour which requires a 250-foot sight distance. He stated that motorists currently have a 250-foot sight distance, but have a tendency to exceed the speed limit. He expressed concern that if the applicant is required to improve the road, it will allow more speed and less safety.

Carl Spitznagel, 2245 NE Cornell Road, Hillsboro, addressed the Commission. Mr. Spitznagel noted that he has been building homes for years, and there is a tremendous need for medium density homes to provide for low-income families. He indicated that the proposed 1500-square foot homes will allow for adequate yards, and it was his belief that the density was not too high.

Ms. Gerry Minor, 16295 Brookman, Sherwood, addressed the Commission. Ms. Minor noted that her family has lived on their Brookman property for 30 years and during that time cars have run into their fences and pastures. Ms. Minor stated that the speed limit on the curve is 15 miles per hour, but the remainder of the road is posted at 25 miles per hour. She indicated that vehicles must slow down to allow property owners to back out of their driveways and that another access road will not make much difference. Ms. Minor requested that the developer be required to put street improvements in front of their property.

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

Ms. Linda Scott, 17433 SW Brookman Road, Sherwood, addressed the Commission. Ms. Scott stated that she had been forced

off of the road by motorists speeding on Brookman and she is concerned with the increasingly unsafe road created by additional access roads onto Brookman. Ms. Scott commented that a new school is proposed for the area, and requested that Commission members consider the safety of children on the sidewalks as well as while crossing a footbridge over a wetland pond area to get to school. Ms. Scott indicated that some of the residents in the area did not receive a notice of the public hearing and requested that they receive notice of any further hearings.

Mark Stoller, 23845 SW Ladd Hill Road, Sherwood, addressed the Commission. Mr. Stoller indicated he is concerned with increased traffic hazards on Ladd Hill Road. He stated that he has been trying for two years to have more police patrols on Ladd Hill Road, but has been unsuccessful. Mr. Stoller also indicated he is concerned about the brush and the fire hazard which might be created in the wetland area if the property is not properly maintained and requested that maintenance during the summer time be a condition of approval. Mr. Stoller is also concerned with the apparent high density of the development and requested approval be for a lower density development.

Richard Scott, 17433 SW Brookman Road, Sherwood, addressed the Commission. Mr. Scott stated he understood the area is currently required to have 7,000 square foot lots and there is to be a variance granted which will allow smaller lots. He requested that the lowering of the City standards in other new developments be explained. Ms. Connell responded that there has been no lowering of standards in other developments which are not PUDs. Mr. Scott expressed concern that the smaller lots are not consistent with other properties in the area. He also expressed concern that Brookman Road is a rural road and because of the construction on Highway 99W, traffic has been increased substantially by residents from nearby communities who are trying to avoid the construction. He suggested that traffic be channeled up to a road that can handle the increased traffic.

John Seeley, 16425 SW Brookman Road, Sherwood, addressed the Commission. Mr. Seeley stated that Ms. Connell had adequately reviewed his letter of March 1, 1993, so he will not go into the contents. Mr. Seeley noted that traffic on Ladd Hill Road from Brookman has also increased significantly. He suggested that Clackamas County be requested to install a stop sign on Ladd Hill Road at Brookman.

Ms. Janice Lockwood, 17495 SW Brookman Road, Sherwood, addressed the Commission. Ms. Lockwood stated she is concerned about the increased traffic which will be on Brookman. She noted that Phase 2 will create an additional safety hazard with the start of construction.

Ms. Margarette Nicholls, 24788 SW Brookman Road, Sherwood, addressed the Commission. Ms. Nicholls noted that this type of development lends itself to the lower income homes. She noted that once construction on 99W has been completed, the traffic on Brookman to Ladd Hill Road, etc., should decrease significantly.

There being no further testimony, Chairman Birchill closed the public hearing and opened the hearing for comments or questions from Commission members.

Mr. Ruehl questioned if there is anything in the conditions in terms of curbs on Brookman Road. Ms. Connell responded that the only thing relating to Brookman Road is one-half street improvements and verification of the sight distance. Mr. Ruehl inquired if the other one-half of the street belonged to Clackamas or Washington County. Ms. Connell responded that Brookman Road is in Washington County's jurisdiction, and that the Clackamas County line is at Brookman. Mr. Ruehl suggested that the curve on Brookman Road could be re-engineered to correct the problem. Chairman Birchill suggested that the City contact both Clackamas and Washington Counties and request installation of speed bumps.

Mrs. Scott stated that the County felt that the speed bumps would create a liability and a greater additional hazard (corrected 3-16-93). After further discussion of the traffic hazards on Brookman, Mr. Ruehl suggested that residents contact Clackamas County and request they re-engineer the curve at the time the street is improved. He also suggested that ODOT be contacted for input. Mr. Corrado suggested that the applicant pursue with Cambridge the possibility of aligning streets between the adjacent subdivisions, which might provide an alternative access route.

Chairman Birchill requested that the applicant clarify the apparent discrepancy of the boundary lines of the wetlands and the floodplains as shown on adjoining plans submitted for Cambridge and Friar Tuck developments.

Mr. Ruehl noted that if the applicant constructs retention ponds on three corners of the development, the use of the wetland is seriously compromised. Mr. Burton replied that access to the wetlands could be through Street No. 8, and he

will continue to work with USA to resolve any questions or

conflicts regarding the wetlands. Mr. Ruehl suggested that the applicant consider the suggested changes and provide a clear indication as to how the lots will be laid out around the wetlands/open spaces.

Chairman Birchill suggested that the applicant contact the developers of Cambridge Meadows to determine if Phase 2 could be constructed first and then Phase 1, to encourage access east out of Friar Tuck to Ladd Hill Road, rather than south to Brookman Road. Further, he requested that the applicant submit maps clarifying wetlands, buffers, and new lot lines.

Ms. Hosler requested that the applicant clarify whether the proposed ponds will be fenced.

Mr. Ruehl moved that PUD 93-1 Friar Tuck Meadows Preliminary Development Plat be continued to a future meeting to allow the applicant to make plan revisions based on storm water provisions, to attempt to coordinate phasing with Cambridge Meadows, and to verify wetland delineation in relation to the adjoining wetland in Cambridge Meadows Subdivision.

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

4. **SUB 92-1 Cambridge Meadows Revised Final Subdivision Plat: a 16-lot single family subdivision on Sunset Boulevard and Ladd Hill Road.**

Chairman Birchill noted that SUB 92-1 had been removed from the public hearing since it is a final plat, and called for a staff report.

Ms. Connell reported that this is a final plat approval for a two-phased, five-acre site which had been approved at the Commission's November 3, 1992, meeting with the conditions included in the Commission's packet. Ms. Connell stated that the applicant proposes to develop the parcel in two phases beginning with lots 1 through 9, and the other seven lots will be developed in late summer. Ms. Connell noted that the site is owned by the City, for which a sale is pending subject to the final subdivision plat approval.

Ms. Connell noted that the street names do not meet City standards and suggested that names be coordinated with the flora and fauna of the area's wetlands. Ms. Connell stated that prior to approval, the applicant must submit a legal description of the floodplain, which is identified as Lot 10, about two acres, and is to remain under the ownership of the

City.

Ms. Connell pointed out that there were some changes in lot configuration since the preliminary plat had been approved. She noted that the changes are due to the revised wetland analysis and a 25-foot buffer requirement by USA. She noted that the applicant is proposing a modification of the buffer in order to retain the original number of lots.

Ms. Connell reported that side-by-side driveways were originally required for Lots 7 and 8, 9 and 10, and 11 and 12. Because of the configuration change, she recommended that side-by-side driveways be required for Lots 1 and 2, 3 and 4, 5 and 6 and 8 and 9 in order to minimize access onto Sunset Boulevard and Ladd Hill Road.

Ms. Connell noted that landscape plans have been submitted which include trees as well as appropriate ground cover to retain maximum visibility. Ms. Connell recommended that SUB 92-1 be approved subject to the conditions outlined in the staff report dated February 22, 1993.

Bill Peterson, Peterson Engineering, 1155 13th Street, Salem, addressed the Commission. Mr. Peterson advised that the lot numbers have been changed to accommodate the construction phases. He noted that the wetland map in the staff report is one submitted by the applicant and prepared by David Evans and Associates. He noted that the incorrect delineation of the wetlands was created by an erroneous report submitted by a different wetland consultant. Mr. Peterson stated that the actual wetlands are as stated on the map, and that Phase 1 is so described out of necessity since the road is already in and the water is on Sunset Boulevard. He would like to begin with the initial construction phase as soon as possible. Further, Phase 2 requires a sewer through the wetlands and a permit is necessary before construction can begin on that phase.

Mr. Peterson stated that he had no major problems with the staff recommendation, but would like to have clarification on some of the recommendations, as follows:

1. Condition No. 1 requires the applicant to provide a construction bond for public improvement costs prior to final platting. Mr. Peterson indicated that this type of bond is very difficult to obtain and they have not been used for a number of years. He suggested the City accept a letter of credit.

2. The condition is acceptable; however, the applicant would like to retain the street name of "Derik Drive."
3. The condition is acceptable.
4. This condition requires a street tree be uniformly planted in the front yard of each lot. Mr. Peterson stated that the flag lot restricts uniform planting of trees.

Mr. Peterson urged the Commission to approve SUB 92-1 since the applicant is anxious to begin construction.

Ms. Connell noted that the requirement for side-by-side driveways was inadvertently omitted and recommended that the requirement be added as Condition No. 5. Ms. Connell then asked Mr. Peterson if the street alignment could be coordinated with the proposed Friar Tuck Development. Mr. Peterson responded that he is ready to begin construction and coordination with Friar Tuck will create a major change and cause undue delays.

Chairman Birchill requested that the applicant reconsider coordinating street development with the Friar Tuck applicant in order to correct the direct access onto Sunset Boulevard.

Mr. Peterson responded that the Commission is asking too much since the development plans are ready and the developer is prepared to proceed based on the Commission's approval. Further, there is no assurance the Friar Tuck developer will go ahead with the project.

Ms. Stewart stated that Lot 10 had become a floodplain when houses were constructed around the area and the drainage was forced from Ladd Hill Road. She noted there were no wetlands in the area prior to house construction and she feels they will become a burden to the City since neither the City nor the County has the finances to take care of each individual wetland.

Ms. Connell reminded the Commission to consider changing the street name to better conform to the Street Naming Standards.

After further discussion, Mr. Ruehl moved, based on the findings and facts that SUB 92-1 be approved subject to the following conditions:

1. Engineered construction drawings for sewer, water, fire, streets, storm drainage, lights, landscaping, erosion control, and their estimated costs shall be

approved by the City, TVFRD and USA. The owner shall enter into a subdivision compliance and maintenance agreement, and provide security for 100 percent of the public improvement costs prior to final platting.

2. Half-street improvements shall be installed on the site's Sunset Boulevard and Ladd Hill Road frontage in accordance with City Standards and project phasing.
3. A legal description of Lot 10 shall be submitted by the applicant and approved by the City and recorded with the final plat.
4. A visual corridor landscape plan for the arterial frontages shall be revised to include streets at an average of one per lot and be approved by the City prior to final platting. A street tree shall be planted uniformly in the front yard of each lot in cooperation with the homeowners.
5. Provide side-by-side driveways for the following lots:
 - Lots 1 and 2
 - Lots 3 and 4
 - Lots 5 and 6
 - Lots 8 and 9
6. Derik Drive shall be renamed in accordance with the natural surroundings of the area.

The motion was seconded by Ms. Stewart and carried. Ms. Hosler abstained.

Mr. Ken Shannon, Council Liaison to the Commission, questioned whether USA had the authority to require a developer to construct ponds rather than join a regional facility. Mr. Ruehl responded that the development surrounds a wetland with no way to connect into a regional facility. Mr. Shannon expressed concern that the pond might become a stagnant pond rather than a grassy swale wetland facility, and will attract mosquitos.

5. **Continued discussion of Draft Code changes regarding Industrial Uses and Solid Waste Facilities.**

Ms. Connell noted that this item was placed on the agenda for discussion should time permit. Due to time constraints, no discussion was held. She requested that Commission members study the draft for discussion at the next meeting.

6. **Director's Report.**

Ms. Connell reported that the Commission members will be receiving material on the Oregon Transportation Rule, which the City is required to adopt by May 1993. She noted ORS 660-12 will be on the agenda for the Commissions March 16 meeting.

7. **Adjourn:**

There being no further items before the Commission, Ms. Stewart moved, seconded by Mr. Saxton that the meeting be adjourned. Motion carried, and the meeting adjourned at approximately 11:00 p.m.

Respectfully submitted,

Kathy Cary,
Secretary