

City of Sherwood, Oregon  
Planning Commission Meeting

April 6, 1993

1. **Call to Order/Roll Call.** Vice-Chairman Ruehl called the meeting to order at 7:30 p.m. Commission members present were: Marty Ruehl, Chris Corrado, Glen Warmbier, Rick Hohnbaum, Marge Stewart, and Chris Saxton. Chairman Eugene Birchill was absent and excused. Planning Director Carole Connell and Secretary Kathy Cary were also present.

Vice-Chairman Ruehl introduced and welcomed the newly appointed member of the Planning Commission, former Mayor Rick Hohnbaum.

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

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

3. **Public Hearing.**

- A. **Continued PUD 93-1 Friar Tuck PUD Preliminary Development Plan and Preliminary Plat (re-named Georgetown Estates PUD), a 77-lot single-family development on Sunset Boulevard and Brookman Road.**

Vice-Chairman Ruehl read the Hearing Disclosure Statement and called for a staff report.

Ms. Connell reported that PUD 93-1 had been continued from the last Commission meeting so that the applicant could make revisions to the storm water provisions, to attempt to phase the project with the adjoining Cambridge development and to delineate the wetlands. Ms. Connell noted that there have been a few changes since the last hearing as follows:

1. Street No. 4 has been deleted since it is now a new storm water detention facility.
2. The project has been reduced from 83 to 77 lots. The lots are less than 7000 square feet since it is a planned unit development and for the reduction in lot sizes, the City will receive 3.5 acres for parks and open spaces. The project is also designed to have

smaller lots and streets to reduce the cost of housing.

3. The 20-foot buffer zone on Sunset has been reduced to 15 feet, which is ample for landscaping, and the wetland area was increased one-quarter acre; however, the wetland area has not been formally identified, which is required prior to formal approval.

Ms. Connell pointed out that Brookman Road is in the City limits, against Clackamas County line, and is a Washington County Road, but not designated as "approved", and it contains many potholes.

Ms. Connell directed the Commission's attention to the Staff report dated February 22, 1993, and suggested that two additional conditions be added: 1) requiring a five-foot wide utility easement on the side and rear property lines for future City access, and 2) alignment of Street No. 5 with the adjoining subdivision.

In response to Mr. Warmbier's question regarding requirement of five-foot easement, Ms. Connell advised that the requirement is a result of discussions with the Public Works Director and the need for the City to be able to access utility lines in order to make repairs.

Vice-Chairman Ruehl opened the public hearing for proponent testimony.

Mr. Tom Burton, Burton Engineering, 11945 SW Pacific Highway, No. 302, Tigard, Oregon, addressed the Commission. Mr. Burton stated that his firm had prepared the layout on the development, which was a copy of the original submitted known as Friar Tuck and renamed Georgetown. Mr. Burton noted that the development is required to have treatment ponds and had, therefore, made one large pond located behind the lots adjacent to the creek area. Further, the wetland buffer had been moved 25 feet from the wetlands in order to have a buffer strip and made some modifications in the turnarounds and cul-de-sacs in order to meet the requirements of the Fire Code.

In response to the additional requirement to provide a five-foot blanket utility easement, he has designed easements for a number of subdivisions, but has been omitting utility easements on side lot lines.

Mr. Burton offered to answer any questions.

Ms. Margarette Nicholls, 24788 SW Brookman Road, Sherwood, addressed the Commission. Ms. Nicholls advised that she is representing the Minors and requested an opportunity to respond after comments from opponents. Vice-Chairman Ruehl responded that only the applicant will be allowed to respond to issues raised during testimony. Ms. Nicholls then read the note, a copy of which is attached as part of these minutes.

Ms. Connell noted that, for the records a letter had also been received from Mr. David P. Sadler, 18127 SW Brookman Road, Sherwood, regarding this subdivision and should also receive consideration. A copy of the letter dated April 6, 1993, is attached as part of these minutes.

There being no further proponent testimony, Vice-Chairman Ruehl opened the public hearing for comments from opponents.

Ms. Theresa Lockwood, 14795 SW Brookman, Sherwood, addressed the Commission. Ms. Lockwood expressed her concern about the safety of the children of Brookman Road. She pointed out that the development will create a higher population of children in the area of Brookman Road which is the most dangerous. She urged the Commission to address the safety of the children in the area.

Mr. Kevin Moore, 16400 SW Brookman, Sherwood, addressed the Commission. Mr. Moore suggested that the main issues of corner sight distance, volume and speed of traffic be addressed. Mr. Moore indicated he is concerned with the additional traffic and safety situation. He noted that during the five years his family lived in the area, there was no problems with the school bus route, but expressed concern that the development would not necessarily enhance that situation. He stated that he is not opposed to development of the property, but is concerned with the manner in which it is being developed and the traffic situation. Further, he is concerned that the City is allowing higher density development in the rural areas of the urban growth boundary rather than the inner-city limits. Mr. Moore also stated that he is concerned with the increased number of automobile trips created by the higher density development as well as traffic from 99W using Brookman to avoid construction. He pointed out that only one-half street improvements are required on Brookman. Mr. Moore requested that the Commission address the effects of the development on the schools; especially considering the effects of Measure 5, which will create overcrowding without the additional increase of children moving into the development.

Ms. Elizabeth Hendricks, 16450 SW Brookman, Sherwood, addressed the Commission. Ms. Hendricks, who lives near the curve on Brookman, expressed concern with the safety of the area. She noted that she has experienced near head-on collisions with three automobiles in the area. Ms. Hendricks stated that motorists generally do not observe the posted speeds. Ms. Hendricks pointed out that additional children will mean additional hazards and expressed concern regarding the manner in which the development has been planned and fears that Sherwood will become a little Beaverton.

Mr. Ron Drouin, 16350 SW Brookman Road, Sherwood, addressed the Commission. Mr. Drouin indicated that he is concerned with the limited sight distance and that he had seen bad accidents on the road and requested that the road be widened on one side and that improvements should be extended to Ladd Hill Road. Mr. Drouin also expressed his concern about the safety of the children on Brookman Road.

Ms. Liz Ouellette, 17045 SW Brookman, Sherwood, addressed the Commission. Ms. Ouellette stated that she is concerned with the safety of the children on the road and especially at the bus stop as well as the excessive speed of the vehicles on the road.

Al Canfield, 24799 SW Oberst Road, Sherwood, addressed the Commission. Mr. Canfield expressed concern with the safety issues. He noted that it is necessary to stop at Ladd Hill Road and Brookman since it is an especially dangerous intersection. Mr. Canfield noted that with the increased traffic, the intersection at Oberst and Ladd Hill Road will become a very dangerous intersection. Mr. Canfield stated that there have been incidents in which he had been forced off of the road.

Margarette Nicholls, 24788 SW Brookman Road, again addressed the Commission. Mr. Nicholls advised that she would like to address some concerns of the speakers; specifically safety of the children. She pointed out there are currently trees growing along the road in front of the homes which should be either cut down or pruned to increase visibility for cars going west on Brookman to Ladd Hill and will allow motorists to see persons backing out of their driveways. Ms. Nicholls stated that some of the shrubs should be removed and the road regraded. Ms. Nicholls pointed out the growth in Sherwood is due to the fact that this area is affordable and people are in need of and deserve a place to live. Ms. Nicholls also stated that the development offers safety to children who, of

necessity, must be alone. She noted that this subdivision will offer more safety to children since they are closer to schools and emergency officials.

Ms. Nicholls suggested that a stop sign be installed at Brookman and Ladd Hill Road and that the residents develop a neighborhood watch program in an attempt to cope with the excessive speed created by traffic on Highway 99W.

Mr. Tom Burton, Burton Engineering, 11945 SW Pacific Highway, No. 302, Tigard, again addressed the Commission. Mr. Burton acknowledged that the biggest problem is the traffic at the curve on Brookman Road, which is currently the only access to the development and that the development will create additional traffic traveling east to Ladd Hill. Mr. Burton indicated that it is impossible for the developer to control the problem, but it was his feeling that the traffic generated from the development would tend to be at a lower speed since the vehicles are exiting on Brookman and anyone leaving a subdivision would be anticipating a turn and would normally be at a reduced speed.

Mr. Burton noted that one requirement was to widen Brookman from the subdivision to Ladd Hill. He indicated that at present there is no alternative access other than Brookman. He requested that access via Brookman be allowed until such time as another property develops and provides an alternate access, then closing off the Brookman access.

Vice-Chairman Ruehl responded that the Fire Department will not allow a subdivision of this magnitude to have only one access. He pointed out that there would be no means of accessing an emergency scene should the access be blocked by an accident.

Mr. Burton suggested that perhaps some work could be done with the curbs to minimize problems and requested that the neighbors encourage Washington County to study the hazards and add a stop sign. He further suggested that signage and reducing the 90 degree turn on the curve, which is out of the realm of the application, would resolve many of the speed and hazard problems.

Prior to discussion by the Commission, Ms. Nicholls requested clarification of the requirement for improvement from the end of the project to Ladd Hill Road. She noted that Mr. Burghardt was asked to make improvements only in the area of the project, and wondered what had changed. Ms. Connell responded that the change is because of the poor condition of the road.

Mr. Burton stated that the road is a rural road and if the developer is required to put in curbs and one-half street

improvements, the trees will be destroyed. He suggested that it would be more appropriate for Washington County to assume the responsibility of improving Brookman Road under Washington County Standards.

There being no further opponent or proponent testimony, Vice-Chairman Ruehl closed the public hearing and opened the hearing for comments from the Commission.

Ms. Stewart pointed out that it is unfortunate that Brookman Road is a situation over which the City has no control. She pointed out that the south side of the road, which is in Clackamas County, was developed without a requirement for a dedication to widen the road. Ms. Stewart stated that requiring the developer to make a 50-foot improvement strip to Ladd Hill Road, is forcing the developer to make improvements for existing residents.

Mr. Warmbier noted that the same issues have been raised for more than 20 years. Brookman is a bad road and has been for more than 20 years. He noted that the liability of the City to change roads becomes questionable, and he questioned how much can be assessed to the developer?

Mr. Hohnbaum inquired as to whether a legal opinion had been requested as to how an off-site street improvement can be assessed to a new subdivision? He pointed out that a greater amount of improvement on an existing road is being required than is required of a new subdivision; more than two-thirds of the improvement is beyond the limit of the subdivision.

Ms. Connell responded that it is not uncommon to apply off-site improvements. She noted that the development will create a high impact on existing traffic patterns. She indicated that the recommendation to access from Sunset is a good idea, as Sunset Boulevard is planned to handle more traffic, but a barrier is created by the wetland. Ms. Connell pointed out that a bridge would be required, which will require a permit from the State Division of Lands, and the existing farm house is being retained for the family which further blocks access. She stated that there are inherent problems with the parcel because of the wetland, a marginal road at the end of the urban growth boundary, and the desire to retain the existing homes.

In response to Mr. Hohnbaum's questions as to whether a building permit would be issued prior to compliance with a two-accesses requirement, Ms. Connell responded that the subdivision is planned in phases and permits for the second

phase will not be issued until the second access is provided.

Mr. Corrado inquired if the timing of the adjacent subdivisions could alleviate any development costs from Friar Tuck. Ms. Connell responded that there are no planned projects to the west and that Cambridge Meadows, Phase 1, to the west does not run to Ladd Hill Road. Mr. Corrado suggested that the recommendations remain and access be limited until there is sufficient access.

Vice-Chairman Ruehl stated that he has a problem with the development in that the traffic will continue whether or not the area is developed. He stated that he did not believe there is anything that the City can do differently to deal with the traffic problem. He suggested that residents follow-up with Clackamas and Washington Counties to resolve the problems with Brookman Road, and if the counties get involved it might be necessary for the residents to trim the trees, etc. Mr. Ruehl noted that the average size of lots has been reduced from the originally approved plan of 6200 to 5200 square feet and did not believe that the higher density is warranted and questioned whether the tradeoff of the wetland is advisable. He expressed concern as to who would care for the wetland, ponds, greenspaces, etc. since the City is unable to obtain a tax base to keep Stella Olsen Park cleaned up.

Ms. Stewart stated she is concerned about all of the open space area the City is gaining. Ms. Stewart pointed out that the area was previously not a wetland and only became so as the area on Ladd Hill was developed and forced the water runoff. Ms. Stewart raised the issue of the State mandate to provide affordable multiple-family housing and pointed out that more apartments need to be built in Sherwood.

Mr. Hohnbaum pointed out that this development is close to the urban growth boundary line and this density is not ideal for the edge of the urban growth boundary.

Mr. Corrado inquired as to what is being gained by the tradeoff of the wetlands, who will benefit from the acquisition of the wetlands, and who will take care of the wetlands? Ms. Connell responded that the benefit is primarily for the Georgetown residents who will be able to look at the open spaces, and that the City will have to maintain the area and the intent is to leave the area as natural as possible.

Vice-Chairman Ruehl stated that he questions whether it is



logical to place this subdivision in this area and suggested that the Department of Transportation be involved to resolve problems with the vehicles from 99W cutting across Brookman.

Ms. Stewart questioned addition of a condition requiring five-foot easements and how it will be handled. Ms. Connell responded that it will be addressed on the engineering plans.

Ms. Connell reminded the Commission that they are developing a recommendation to the City Council who will approve the PUD.

Vice-Chairman Ruehl referenced a letter from Washington County containing recommendations that sidewalks to county standards and roadway drainage be required along the SW Brookman Road frontage. He suggested a pedestrian walk to Ladd Hill Road along the Brookman Road frontage become an additional condition of the recommendation.

Mr. Hohnbaum moved to deny PUD 93-1 based upon the Zone Code requirement of a minimum 7,000 square foot lot per unit. The motion died due to a lack of a second.

Mr. Corrado requested clarification from Mr. Burton, if the lots were required to be a minimum of 7,000 square feet, how many lots would be lost? Mr. Burton responded that he could only offer a guess that 15 lots will be lost.

Ms. Connell advised that if the Commission felt comfortable with approval with an increase of lot sizes and the conditions outlined in the Staff report, then the PUD can be forwarded to the Council. She requested that the Commission indicate to the applicant how they wish to proceed. Ms. Connell pointed out that the preliminary plan has to be approved before being forwarded to the City Council.

Vice-Chairman Ruehl asked Mr. Pense if the developer could handle the increased lot size and how would it affect the price of the homes? Mr. Pense responded that he believed that people would be priced out of a home and that the intent was to develop more affordable housing. He stated he was unable to provide a price range due to the significant increase in lumber prices and development will be slower due to market conditions and interest rates, but at present he anticipates a price range of \$100,000 to \$120,000.

Mr. Warmbier moved, seconded by Ms. Stewart, that PUD 93-1 be approved for the first phase only and including houses to Street No. 6 until such time as other developments will allow additional access, subject to the following conditions:

1. Legally describe the 100-year flood plain, wetlands and buffer and dedicate as per City requirements. The applicant may then apply for Parks SDC credits.



2. Provide proof of PUD plan concurrence by the USA regarding wetland delineation, mitigation and buffer areas.
3. Dedicate ten (10) feet of right-of-way to Sunset Boulevard across the entire frontage of Tax Lot 2052.
4. Reduce the twenty (20) foot landscape corridor to fifteen (15) feet and submit a landscape plan for City approval. In addition, the applicant shall uniformly plant one (1) street tree per lot, and so inform the builder and homeowner.
5. Widen pavement width of Streets Nos. 5, 7 and 8 to thirty-six (36) feet to permit parking on both sides of these through streets.
6. Verify adequate sight distance at Brookman Road's intersection with Ladd Hill Road. Re-align the intersection so that it has no less than a 75 degree angle as required by Washington County intersection standards.
7. Vacate the existing right-of-way in the southwest corner of the project that intersects with Brookman Road and adjoins Tax Lot 504.
8. Provide full hammerhead turnarounds for Street No. 9.
9. Verify sight distance at the cul-de-sac intersection with Sunset Boulevard. Remove vegetation from the clear vision area. Provide adequate turning radius at the intersection.
10. Ensure all hammerheads comply with County and TVFRD standards.
11. Provide on-site water detention and wetland buffers in accordance with USA requirements. The applicant may be eligible for storm water SDC credits.
12. Provide an acceptable method for transporting water run-off from Tax Lot 2601 into the creek.

13. Prepare engineered facility plans which extend services to all adjoining properties, and which includes maintenance provisions and improvement costs for the following public facilities:
  - a. Fire protection.
  - b. Water line extensions.
  - c. Sewer line extensions.
  - d. Erosion control consistent with USA and DEQ requirements.
  - e. Street improvements for interior streets and half-street improvements to Brookman Road and Sunset Boulevard. On Sunset Boulevard, the improvements shall extend across the Minor's frontage. On Brookman Road, the improvements shall comply with Washington County Standards as follows:
    - (1) Provide certification that adequate sight distance exists in both directions at the proposed access to S.W. Brookman Road. Certification shall be submitted in writing by a required professional engineer (P.E.) and must contain the P.E.'s stamp. The certification shall state that all sight distance measurements were made in accord with County Code Section 501-5.3.D.
    - (2) Provide S.W. Brookman Road with a five (5) year life, twenty-two (22) foot wide wearing surface between the site's western property boundary and S.W. Ladd Hill Road.
    - (3) Provide a sidewalk to county standard along the site's S.W. Brookman Road frontage and extending to Ladd Hill Road.
    - (4) Provide adequate roadway drainage along the site's S.W. Brookman Road frontage.
    - (5) The property owner shall sign and record a waiver not to remonstrate against the formation of a local improvement district (LID) or other mechanism to improve and maintain S.W. Brookman Road to County standards between S.W. Ladd Hill Road and Pacific Highway 99.
  - f. Storm water quantity and quality facilities that treat and manage all storm water on-site before entering wetlands and exiting the property.

14. The City will permit latitude in off-setting interior street improvements within the right-of-way where such off-sets may preserve trees in the southern portion of the project.
15. Provide street names consistent with the approved adjoining street in Cambridge Meadow, and consistent with the City street naming standards.
16. Provide a fifteen (15) foot wide pedestrian easement in a practical location from Street No. 3 to Street No. 1.
17. Realign Street No. 5 to coincide with the approved adjoining street in Cambridge Meadows Subdivision.

The motion carried with Mr. Ruehl voting no.

Vice-Chairman Ruehl called for a recess at 9:20 and reconvened the hearing at 9:40 p.m.

**B. SUB 91-5 Chesapeake Park Revised Preliminary Plat, a 13-lot single-family development on Murdock Road.**

Vice-Chairman Ruehl requested that any Commission members who might have a conflict of interest or who have had ex-parte contact with any individual regarding SUB 91-5, please so indicate.

Commissioner Saxton requested he be excluded from any discussion of SUB 91-5.

Vice-Chairman Ruehl called for a staff report.

Ms. Connell reported that this is a revised 13-lot subdivision on Murdock Road. She noted that the plat had previously been approved and the applicant is now requesting approval of the subdivision to create 13 lots, which will include the existing house. Ms. Connell noted that, including the existing home three lots propose use of a central driveway as access to the public cul-de-sac, which should be posted with "no parking" signs. Ms. Connell pointed out that, since the previous approval, the area has been modified in that rocks had been removed, the parcel had been graded and grass seed planted, and fill dirt has been brought in.

Ms. Connell recommended that the Commission approve the revised plans for the development and the conditions outlined

in the Staff Report dated March 29, 1993.

Vice-Chairman Ruehl opened the hearing for comments from the proponents.

Mr. Don Halbrook, Project Engineer, 2201 SW Second Street, Newberg, addressed the Commission. Mr. Halbrook stated that Phase 2 of the project had been withdrawn and revisions made to better utilize the property. He noted the dirt fill had been done and a report will be provided to the building officials, and agreed that the main access will be posted with no parking signs.

Mr. Halbrook directed the Commission's attention to Recommendation No. 2 of the Staff report requiring dedication by easement of a 15-foot landscape corridor along Murdock Road. He indicated that he felt the property owners should make the decision as to how the property should be enhanced.

There being no further testimony from proponents, Vice-Chairman Ruehl opened the hearing for comments from opponents. There being no testimony from opponents, Vice-Chairman Ruehl closed the public hearing and opened the hearing for questions and comments from the Commissioners.

Mr. Warmbier questioned who will use the flag lot as access and whether the code will allow three lots to use a common driveway. Ms. Connell responded that the plan should be redesigned so that the existing residence will have access by use of the flag lot and the code does allow three residences to utilize a common driveway if it meets code requirements and there is an easement.

In response to Vice-Chairman Ruehl's question regarding the width of the drive way, Mr. Connell explained that the Fire Code requires 20-foot wide, all-weather surface. She noted that the common driveway must be posted with "no parking" and "fire lane" signs in order to provide access for emergency vehicles.

Mr. Warmbier stated he is concerned about the drainage of the flag lot. Ms. Connell advised that the applicant will be required to have erosion controls and drainage provisions.

Mr. Warmbier moved, seconded by Mr. Hohnbaum, that based on the findings of fact SUB 91-5 be approved with the following conditions:

1. Half-street improvements along the Murdock Road

Frontage shall be constructed to City standards, and shall connect with the Kay Apartments street improvements.

2. The owner shall dedicate by easement or tract the fifteen (15) foot landscape corridor along the Murdock Road frontage and plant Maple street trees thirty (30) feet on center, and drought-resistant ground cover.
3. A street tree shall be uniformly planted in the front yard of each lot. The tree type and planting location shall be approved by the City.
4. The developer shall enter into the required subdivision performance and maintenance bond in conjunction with submittal of a final plat and the public improvement construction plans.
5. The applicant shall provide proof of compliance with USA storm water improvement requirements.
6. Re-design the plat so that the lots east of the existing residence have legal access by easement from the center "flag lot." Provide legal documentation of the driveway easement and maintenance agreement. Provide "no parking" signage along the driveway.
7. Provide proof of compliance with TVFRD hydrant requirement specifications.
8. The owner of the existing home shall provide written consent of the proposed subdivision.
9. Provide engineer's verification of site fill compliance with the Uniform Building Code.

C. **SUB 93-2 Sherwood Heights Preliminary Subdivision Plat, and 86-lot single-family development on Pine and Sunset Boulevard.**

Vice-Chairman Ruehl requested that Commissioners advise of any conflict of interest or ex-parte contact with the applicants of the Sherwood Heights Subdivision. No disclosures were made, and Vice-Chairman Ruehl called for a staff report.

Ms. Connell reported that this is a preliminary subdivision plat comprised of approximately 14 acres with a proposed 86-



lot development on Sunset and Pine. For the records, Ms. Connell noted that Mr. Glen Hall on Pine Street did not receive a hearing notice. She noted that a note of apology

with a copy of the notice had been sent to Mr. Hall and he was advised of the information available at City Hall for his review. Vice-Chairman Ruehl inquired if Mr. Hall was present, and it was so noted that he was not.

Ms. Connell stated that, for clarification purposes, adjoining Lot No. 700 is owned by the owner of the subject site and he plans to use it as a single-family residence. She noted that the lot has been sold and will not be used to provide access to Sherwood Heights from Schamburg Road

Ms. Connell pointed out that an important part of the review is access which will end up on Sunset Boulevard, or Sherwood Boulevard after passing through the adjoining proposed subdivision. She noted that the applicant is not interested in providing access via Pine Street because of the steep grade and the a desire to not increase traffic; direct access to Schamburg is not viable because of the conditions of the road and the intersection at Division is very unsafe. Ms. Connell pointed out that there is a future possible access via Smock Street when the intervening property is developed.

Ms. Connell reported that the property at one time was designated for apartments and will currently allow manufactured home parks. The proposed development is for a conventional single-family subdivision. She noted that one lot is substandard in lot width and may require the applicant to file for an administrative variance. Ms. Connell referred to the applicant's letter regarding the cul-de-sac. She noted the cul-de-sac has been redesigned so that the 600 foot limit is met. Ms. Connell commented that the MDRL zone limits houses to 2.5 stories or 30 feet, whichever is less, and noted that the houses on Pine Street may be limited to one story due to the slope and likely design using daylight basements.

Ms. Connell indicated that the landscape corridor is required on Pine Street and requested that the applicant submit a landscape plan. She noted that a 30-foot dedication is required on Pine and a 40-foot dedication on Sunset are required, as well as a non-remonstrance agreement for future utility work. Ms. Connell recommended that one-half street improvements be made to Pine and Sunset, a bike lane provided on Sunset, and the applicant must provide proof of adequate sight distance on Sunset. Further, the sanitary sewer must be brought to the subdivision and will hook up at Sunset Court or at Four Corners. Ms. Connell requested that a report be obtained from a hydrologist to assure that homes below the subdivision are not impacted as a result of the

proposed subdivision.

Ms. Connell recommended that SUB 93-2 Sherwood Heights be approved subject to the conditions outlined in the Staff Report dated March 29, 1993.

Vice-Chairman Ruehl opened the public hearing for testimony from the proponents. In view of the large number of speakers in the audience, he requested that comments be limited only to the issues applying to the particular Subdivision.

Mr. Bill Peterson, William Peterson Engineering, 1155 13th Street SE, Salem, addressed the Commission. Mr. Peterson indicated that the Staff report is consistent with most of the items the applicant feels is appropriate for the site. He noted the subdivision plans do not maximize the density allowed. Mr. Peterson commented that the applicant is working with a topographer to develop the most suitable plans and designs for the area. He noted that Sunset Boulevard is an arterial street and that traffic should be towards that direction.

In response to issues raised regarding access via Pine, Mr. Peterson presented charts demonstrating that the steepness of the street inhibits proper cutting and filling to attain a durable street. Mr. Peterson stated that he felt the street width of 32 feet on the hillside is adequate and requested that parking be allowed on both sides of the street.

With regard to the substandard lot, Mr. Peterson advised that the lot will be surveyed, and if necessary, will file for a variance. He feels the variance will amount to approximately two feet.

Mr. Peterson requested that clarification be provided as to what type of proof is required by Condition Nos. 6 and 7 of the Planning Director's report since he is not certain what is needed since the applicant has complied with all other conditions and they expect to comply with all required standards. Ms. Connell indicated that a telephone call from the specific agency involved would be sufficient.

With regard to Condition Nol 9 of the Staff report, Mr. Peterson advised that there will not be a connection at Pine, and he does not recommend one. He stated the Council has adopted traffic impact fees and the developer should not be required to improve streets in that area. Vice-Chairman Ruehl advised that the developer will receive credits for improvements. Mr. Peterson responded that if they are

required to make off-site improvements, there may be no credit left.

Mr. Peterson advised that Mr. Dick Woelke, P.E., T.E., with Associated Transportation, Engineering and Planning had been retained to study the site distance problems along Sunset Boulevard and that Mr. Woelke will provide a report for the Commission.

Mr. Dick Woelke, Associated Transportation, Engineering and Planning, 4040 Douglas Way, Lake Oswego, addressed the Commission. Mr. Woelke stated that he has 23 years of experience in traffic engineering, and that he had reviewed the sight distance from the intersection on Sunset. He noted that there are two types of measurements: one at the stop sign and intersection sight distance, and the sight distance needed to see an six-inch object on the street, which will provide a motorist time to see the object and stop. Mr. Woelke indicated that considering the downhill grade to the west on Sunset Boulevard the sight distance of approximately 450 to 500 feet on both types of measurements, utilizing a speed of 43 miles per hour, is more than adequate. He stated that the sight distance to the east on Sunset Boulevard was approximately 375, assuming there were no improvements. Mr. Woelke pointed out that according to his measurements, the speed on Sunset Boulevard measured at 43 to 55 miles per hour. He noted that the narrower streets would tend to slow down the speeding motorists. Mr. Woelke noted that ORS Goal 12 is encouraging subdivision to be more user friendly and recommended that a pedestrian walkway be installed in lieu of the requirements for street improvements.

Mr. Peterson indicated that Mr. Burghardt is also in attendance to answer any questions the Commissioners or members of the audience may have.

There being no further proponent testimony, Vice-Chairman Ruehl called for a ten-minute recess at 10:35 and reconvened the meeting at 10:45, at which time he opened the hearing for comments from opponents.

John Gigoux, 1020 S. Pine, Sherwood, addressed the Commission. Mr. Gigoux stated that he had lived on Pine Street for several years and the street is extremely busy, especially during the morning and evening rush hours. He noted that it has not been possible to get traffic off Pine and onto Murdock and is concerned about accidents at the intersection. Mr. Gigoux indicated that from his driveway Sunset Boulevard cannot be seen and there is no visibility

when backing out onto Pine. Mr. Gigoux also expressed concern that the size of the proposed properties will not allow driveways to be visible to motorists, and he is opposed to the smaller sized properties on Pine Street.

Harold Nichols, 1345 Pine Street, Sherwood, addressed the Commission. Mr. Nichols indicated that he has two concerns about the development: the level of safety and how the properties in the neighborhood are arranged. He felt the people of the neighborhood are the ones least heard from, or least listened to in the three parties of a subdivision development. Mr. Nichols feels that the present home owners have no obligation to provide low cost housing for future home owners and that the lot sizes are too small for the area and Sherwood already has too many minimum sized lots. He inquired what the developers are allowed to building to a minimum when the City can require any sized lot. Mr. Nichols also stated that he is concerned about the safety at Pine and Sunset, which is already dangerous, and would become more so with only one access to the development. He noted that 870 cars in and out of one access will result in 87 cars per hour in a 10 hour period, or 1.5 car per minute. With regard to the substandard sized lot, Mr. Nichols inquired as to how a development can be approved without a survey. Mr. Nichols believes there should be a minimum of two interior streets and one additional street. Mr. Nichols urged that more attention be given to the exact requirements of the Comprehensive Plan of Sherwood rather than minimum permitted. He stated, "this does not make for a livable neighborhood."

Don Scheller, 865 Schamburg Drive, Sherwood, addressed the Commission. Mr. Scheller expressed his concern about the livability as well as the smaller sized lots attracting the wrong type of people. Sherwood needs a better type of citizen. He also expressed concern about the City sewer line and its effect on Schamburg and if the City will make assessments to connect new residences to the sewer. Mr. Scheller believes that the additional traffic will create more hazards. and thinks that Sherwood deserves more than what is being planned.

Dave Baldwin, 320 Sunset Court, Sherwood, addressed the Commission. Mr. Baldwin stated that he must take exception to the findings of Mr. Woelke on the sight distance. Mr. Baldwin estimates the sight distance to be between 175 and 200 feet; further, he does not agree with the 43 miles per hour estimated by Mr. Woelke and feels that motorist travel closer to 60 miles per hour. Mr. Baldwin stated that he had discussed with traffic problems with Planning Director

Connell on March 30, 1993, and was advised that Sherwood does not plan to widen Sherwood Boulevard.

With regard to the single access, Mr. Baldwin stated that neither the fire department nor public works want only one access and feels it should not be allowed.

Mr. Baldwin stated that the storm drainage for the adjoining properties of the west end of the site is already experiencing problems. He indicated that Public Works Director Milburn is aware of the drainage onto Sunset Court, all homes are affected and the plan was faulty before the homes were built. He does not want to see the drainage problems escalate in that area. Mr. Baldwin feels no one wishes to make an effort to resolve the storm drainage problems, and requested he be provided with a copy of the report from Unified Sewerage Agency.

Mr. Baldwin directed the Commissioner's attention to Item 2 in the development proposal which states "this alternative will not be acceptable because of the height of the road above the houses." He noted that on Sunset Court, Sunset Boulevard is above the gutters and if access is allowed on Sunset Boulevard, at the access point there is a possibility an automobile could end up on his roof. Mr. Baldwin commented that there is an existing easement in the near of the property that may preclude building fences.

George Bechtold, 1185 South Pine, Sherwood, addressed the Commission. Mr. Bechtold expressed his concern about the loss of his yard because of road improvements required of the development. He calculated that approximately 22 feet will be lost when Pine Street is developed and create an undersized lot at his home. Mr. Bechtold stated that he does not believe the development complies with the Sherwood Comprehensive Plan since the lots are small; and simply because the Comprehensive Plan allows small lots doesn't mean they should be approved.

Mr. Bechtold also expressed concern about the effects on the local schools, and where the additional children will go to school.

Vice-Chairman Ruehl stated that he would like to address the school issue. He noted that all plans for developments go before the School Board via the Superintendent and each is returned with the statement that the Board has no objection. Mr. Ruehl requested that all school issues be directed to the School Board .

Mr. Bechtold responded that the Comprehensive Plan addressed public safety, transportation, police and schools, each of which is described in the Comprehensive Plan and does not say one can ignore the schools.

Pat Hodel, 795 SW Schamburg, Sherwood, addressed the Commission. Ms. Hodel expressed concern that a majority of the properties in Sherwood Heights will be view lots and the homes will be 2.5 stories, which potentially will interfere with views of other home owners and devalue their property. Ms. Hodel indicated the size of the lots in the proposed subdivision are not compatible with the surrounding area since the average lot size in the adjoining subdivisions are 12,000 square feet. Ms. Hodel suggested that approval of the smaller lot size be withheld and would like to see the development of the area at a slower rate.

Ms. Hodel stated she is also concerned about the erosion and sediment that develops from the severe slope in the area. She urged that the City require storm sewers as well as drainage to protect the area, and noted that effects of water run off in the streets be considered. Ms. Hodel indicated that the Comprehensive Plan requires a developer to provide drainage and to advise low density developments for steep land, which lends support to the idea of larger lots.

Ms. Hodel commented that she had spent an hour with Dr. Hill and discussed the reasons for accepting the Sherwood Heights proposal considering Sherwood's growth. Dr. Hill advised Ms. Hodel that the position of the School Board is that they cannot tell the City where they can approve development.

Vice-Chairman Ruehl again suggested that the questions regarding schools be addressed to the School Board, not Dr. Hill.

Ms. Hodel stated that she is also concerned about the inability to pass a tax base, the effects of Measure 5, inadequate police protection, and increased traffic.

Spencer Kruger, 1120 S. Pine, Sherwood, addressed the Commission. Mr. Kruger expressed his concern about the development's drain on the tax money as well as the traffic increase on Pine Street, which is already substandard. Mr. Kruger noted that the speed of traffic in the morning and especially on Friday and Saturday considerably exceed the posted 25 miles per hour. However, he has never seen a police officer make an arrest on Pine Street.

Neil Grant, 1000 S. Pine, Sherwood, addressed the Commission. Mr. Grant stated that he is opposed to the development because the small lot sizes do not meet the minimum and we should expect better, not low-end neighborhoods in the City. Further, he is opposed to access on Pine because of the traffic and would like to request speed bumps to slow down motorists. He requested that traffic be re-routed.



Mr. Grant pointed out the applicant intend to retain firs, pine and Madrone and is concerned that there will be no trees left. He noted that whether there is a 5 foot or 50-foot easement, it will result in a 45-foot house which will not allow room for trees. Mr. Grant urged that the Commission consider the effects a 2.5 story home will have in reducing views of adjacent homes. He requested that the homes on Pine Street be limited to one story and that covenants or restrictions to avoid persons working on automobiles in their yards be required. Vice-Chairman Ruehl pointed out that covenants and restrictions are a matter of agreement among the neighborhood residents.

Rae Johnson, 715 South Pine, Sherwood, addressed the Commission. Ms. Johnson noted that she is also speaking on behalf of Mr. Snyder, 712 South Pine, Sherwood. Ms. Johnson expressed concern about the intersection of Division and Pine and is concerned about the safety of the area. She noted there is a free right turn at the stop sign and when the area is icy the vehicles end up in her yard. She stated that in an emergency during the winter, people had to walk because of the street grade, and urged that the developer be required to conform to the street sizes so that emergency vehicles have adequate access. Ms. Johnson indicated she is also concerned about the limited access and recommended that one be required at the lower part of the hill. Ms. Johnson stated that he has had difficulty backing out of her drive way because of the limited sight distance at the Pine intersection.

Richard Koontz, 825 Schamburg, Sherwood, addressed the Commission. Mr. Koontz stated that he has the same concerns expressed by Ms. Johnson. He pointed out that the lot sizes do not conform with others in the area which are two acres. He urged that the vehicle problems be addressed as well as the sewer line problems.

Michael Maaraner, 825 South Pine, Sherwood, addressed the Commission. Mr. Maaraner stated that he is concerned about an issue addressed in the Sherwood Comprehensive Plan: the use of the recreational areas within the development. He noted that the Plan requires a recreational area, but it is not shown on the plans. He is also concerned about the small lots and no play area other than streets. Mr. Maaraner urged that pedestrian access to be required on Pine as well as to Stella Olsen Park and City Hall.

Cliff Tower, 785 Pine, Sherwood, addressed the Commission. Mr. Tower stated that he did not understand why larger sized lots cannot be required. He is also concerned over the

strain on the police, water, poor roads, sewers, schools, cars that must park on the street, and the safety at Pine Street. He urged that the free-right turn at the stop sign be deleted and a four-way stop be required.

Mr. Tower stated that he had moved to Sherwood to get away from the big city atmosphere and is opposed to the small homes. He urged the developer to mesh with the desires of the surrounding community.

Tom Hodel, 795 SW Schamburg, Sherwood, addressed the Commission. Mr. Hodel urged the Commission to discourage small lots on a hillside with a view. He also pointed out the existing homes in the neighborhood are much different than what is planned and urged the Commission to address the design of the tract homes.

Elaine Farber, 745 Pine, Sherwood, addressed the Commission. Ms. Farber expressed concern over the impact of the development at her home on Pine Street. Ms. Farber is concerned that she will lose approximately 30 feet of her property as well the berm and trees in the front yard. She stated that at present her car must be touching the door in order to park in the driveway. Ms. Farber is also concerned about the small lot sizes and the possibility of manufactured homes in the development decreasing adjacent property values.

Don Scheller, 865 SW Schamburg Drive, Sherwood, addressed the Commission. Mr. Scheller stated that he lost part of this property with the development of the property adjoining the church. He urged that homes be restricted to one story where they will block views of the current residents and requested that 36-foot street be required.

Janet Bechtold, 1185 South Pine, Sherwood, again addressed the Commission. Mr. Bechtold stated that at a school meeting, a question was presented to Dr. Hill regarding the developments. Dr. Hill responded that "we get a paper to sign off, the paper doesn't tell me much, and I suggest that you go to the Planning Commission and urged them to get a better form."

Dave Baldwin, 320 Sunset Court, Sherwood, again addressed the Commission. Mr. Baldwin advised that the power company had informed them that the lots bordering on the west end cannot be fenced on the back side since it is a right-of-way for the power lines. He requested that the method of separating the property be clarified.

Don Scheller, 865 SW Schamburg Drive, Sherwood, again addressed the Commission. Mr. Scheller stated that he has the same concerns as most of the neighbors. He believes the lot size is too small and would not conform with the neighborhood and wondered why should this property be used for small homes. He reiterated that the traffic flow is not acceptable on Sunset, and the development is not compatible with the surrounding area. He requested clarification of a vinyl fence to protect the appearance of the property.

Vice-Chairman Ruehl advised that the applicant has the opportunity to rebut, and that the public hearing will then be closed.

Mr. Peterson, reminded the attendees of the provision in the City code on street widths, and noted that 32-foot streets have created no problems or complaints. He noted the only question should be whether parking is allowed. He also pointed out that the a provision in the code provides for three different residential streets. Mr. Peterson pointed out that the applicant has done everything possible to demonstrate that they do not wish to put more traffic on Pine Street. He stated that comments indicate the residents feel it is not a good idea to put in a pedestrian route to resolve some of the problems. With regard to sight distances, he urged the Commission to accept the expertise of Mr. Woelke. He noted that the lots are being designed so that they will open up visibility. Mr. Peterson indicated that he is not in agreement with the comments that the Police and Fire Departments want access on Pine, and have provided a suitable alternate street in that area. The applicant will attempt to develop the property to the west first and will have two accesses in the near future.

With regard to the small lot sizes, Mr. Peterson reminded the Commission that they could have more units than the applicant is proposing. Further, the applicant is not aware of any easement requiring provisions of view to the neighborhood. Mr. Peterson indicated that the nature of the topography allows two-story homes with split level on the down hill side of the lot.

Regarding one entrance, standards do not indicate a single access to this site will be insufficient. He noted that standards and codes have been written to provide for off-street parking, and he questioned the requirement for on-street parking.

Mr. Peterson noted that each resident will pay approximately

\$865 which will be paid into the Park fund and feels that is a sufficient requirement. He pointed out that small parks are expensive to maintain and cities usually do not build large parks.

In response to concerns over loss of property, Mr. Peterson stated that this is not under his control. He noted that the applicant will make every effort to assure that a lot does not become nonbuildable.

In conclusion, Planning Director Connell clarified that reference to an error in math in calculating density, the computation was based on gross acreage, not net as defined by the Code. She noted that the sewer easement on Schamburg will need to be considered and resolved. Ms. Connell noted that regarding the recreational area, there is presently a park in the area and that fees will be assessed against each home to contribute to park development..

Ms. Connell stated that the suggestion to not allow construction on phase two until two accesses are available will be explored.

Mr. Warmbier moved that the public hearing of SUB 93-2 Sherwood Heights be closed. The motion was seconded by Mr. Saxton and carried unanimously. Vice-Chairman Ruehl reminded the audience the Commission will not take any more testimony, but will ask questions of the applicant to get a better understanding of the project.

Mr. Warmbier moved that SUB 93-2 be continued until April 20th meeting of the Planning Commission. The motion was seconded by Ms. Stewart and carried unanimously.

4. **Director's Report.**

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

5. **Adjourn:**

There being no further items before the Commission, Mr. Warmbier moved, seconded by Ms. Stewart, that the meeting be adjourned. Motion carried, and the meeting adjourned at approximately 12:15 a.m.

Respectfully submitted,

Kathy Cary,  
Secretary