

City of Sherwood, Oregon
Planning Commission Meeting

April 20, 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, Marge Stewart, and Chris Saxton. Chairman Eugene Birchill was absent and excused, Mr. Warmbier was ill and Rick Hohnbaum would be arriving at a later time. Planning Director Carole Connell and Secretary Kathy Cary were also present.

2. **Minutes of April 6, 1993, meeting.**

It was noted that some members of the Planning Commission had not received a copy of the minutes. Therefore consideration was tabled until the April 20th meeting.

3. **SUB 91-1 Cascade View Estates Phase 2, Final Plat for 26-lots on Sunset Boulevard.**

Vice-Chairman Ruehl requested that Ms. Connell provide a review of the Staff report.

Ms. Connell reported that this is Phase 2 of the Cascade View Estates and that Phase 1 is under construction. Ms. Connell pointed out that there are some differences between the last approval, June 2, 1992, and the proposal being reviewed at this time. She noted that as a result of Smock Street being extended, some lots were revised, the applicant gained a few lots, and the lots have been renumbered; all of which were reviewed during the first phase.

Ms. Connell reported that consideration at this time is to review Phase 2 against the approved preliminary plat. She noted all lots meet the minimum 7,000 foot lot depth and widths, except for Lot 76, for which the applicant has applied for an administrative variance to reduce the lot depth by five feet. Ms. Connell commented that the administrative variance has been mailed, however, no responses have been received. She indicated that the streets will be 50 feet wide with 32 feet of paving to coincide with City standards and April Meadows. However, "no parking" signs should be required on one side of the street. She noted that the City and County have reversed the opinion regarding street plug requirements and plugs should be removed at this time.

Ms. Connell noted that the street improvements and dedication to Sunset are on the final drawings, and the County has issued a permit to start one-half street improvements at a cost of \$27,000. Detailed construction plans are being reviewed by the City Engineer. Ms. Connell stated that the applicant complied with all original conditions, however, the street name "Sherk" should be revised to Sherk Place. Ms. Connell noted that Smock Street provides access to adjoining vacant land to the east and west and will in the future be extended to Murdock.

Ms. Connell recommended that SUB 91-1 Phase 2 Final Plat Cascade View Estates be approved subject to the conditions outlined in the Staff report dated April 12.

There being no proponents or opponents expressing a desire to comment, Vice-Chairman Ruehl opened the hearing for comments from the Commissioners.

Ms. Stewart suggested that Staff ensure that there is an adequate water circulation system.

After a brief discussion, Mr. Corrado moved, seconded by Ms. Stewart, that based on findings of fact SUB 91-1 be approved subject to the following conditions:

1. Engineered construction drawings in compliance with City, TVFRD and USA requirements for streets, sanitary sewer, storm water runoff consistent with the Murdock Basin Master Plan, erosion control, water service and fire protection, street lighting and signage, including illumination on Sunset Boulevard, visual corridor and street tree landscaping improvements shall be approved by the City. The costs of the public improvements shall be bonded for as part of the subdivision compliance and maintenance agreements.
2. All easements shall be fifteen (15) feet wide and be described as "utility" easements on the plat.
3. The non-access reserve strips shall be deleted from the plat.
4. "No Parking" signs shall be installed on one side of the interior streets.
5. The name Sherk Street shall be changed to Sherk Place.

6. Administrative variance AV 93-2 shall be approved prior to final plat recording.

The motion carried unanimously.

4. **Public Hearing.**

Vice-Chairman Ruehl read the hearing disclosure statement and requested that Commission members advise of any conflicts of interest or ex-parte contact regarding the following item. There being none, Vice-Chairman Ruehl called for a staff report.

A. MLP 93-3 Beck: a Minor Land Partition request to create one (1) new lot on Sunset Boulevard.

Ms. Connell reported that this is a single lot land partition on the south side of Sunset Boulevard, west of the Minor property. She noted it is a proposed flag lot and the applicant is requesting the split from the existing parcel to building one new family home, leaving the existing home on the east side of the property, and creating a flag log with legal access to Sunset Boulevard. She noted that parcel 1 will be approximately 12,400 and parcel 2 will be 22,000 square feet, the property is zoned single-family, low-density residential with minimum 7,000-foot lot sizes. Ms. Connell noted that there will be no new roads created by the parcel, but a 10-foot dedication to Sunset should be required. She noted that the existing property has a pay-back agreement for the water line extended by Steel Tek Industries and the owner is obligated to pay \$230.72.

Ms. Connell pointed out that the existing house has a septic system and drain field. She noted the Public Works Department requested verification that the septic system for the first parcel does not extend into the second parcel. Ms. Connell noted that there is a fire hydrant within 500 feet, the adjoining properties have adequate access, and recommended approval subject to the conditions outlined in the Staff report dated April 12, 1993.

Vice-Chairman Ruehl opened the hearing for comments from proponents and opponents. There being no one expressing a desire to speak, Vice-Chairman Ruehl closed the public hearing and opened the hearing for comments from the Commissioners.

Vice-Chairman Ruehl questioned whether the applicant is required to connect to the sewer. Ms. Connell responded that the City can require hook-up of an existing home with a

septic system, but the policy is not enforced unless a health or hazard problem develops. Vice-Chairman Ruehl suggested that a condition be included to ensure that Washington County permits have been obtained. Ms. Connell clarified that the new house will be connecting to City sewer, but the original house will not. Mr. Ruehl recommended the findings be revised to reflect that information.

Ms. Stewart moved, seconded by Mr. Corrado, that based on the findings of fact, MLP 93-3 Beck be approved subject to the following conditions:

1. The owner shall dedicate ten (10) feet to Sunset Boulevard across the property's north line. The owner of Parcel 1 shall enter into a non-remonstrance agreement for future road improvements.
2. The applicant shall verify that the septic system for Parcel 1 does not encroach on the new Parcel 2. If it does, the partitions shall be re-drawn or the existing house shall connect to City sewer.
3. The partition plat shall be filed with Washington County within one (1) year, by the applicant.
4. The owner of Tax Lot 900 shall pay the City \$234.42 to reimburse the Steel Tek Industries' water refund agreement.

Motion carried unanimously.

Mr. Vincent Rife, 16528 SW Sunset Boulevard, Sherwood, addressed the Commission. Mr. Rife asked to whom the well belonged? He noted that there are some dead trees which should be removed. Ms. Connell responded that the well belongs to the City and she will investigate the dead tree problem.

B. Continued SUB 93-2 Sherwood Heights Preliminary Subdivision Plat, an 86-lot single family development on Sunset and Pine.

Vice-Chairman Ruehl announced that the public hearing portion on this SUB 93-2 Sherwood Heights Preliminary Plat had been closed at the April 6th meeting, but that the record remained open in order to receive additional information from Washington County to include in the records. Vice-Chairman Ruehl called for a Staff report.

Ms. Connell reported that the Planning Commission received a summary of the public testimony, which she had prepared, and the applicant responded to those issues so that the Planning Commission could consider the applicant's side of the case raised by the citizens. Ms. Connell noted information from Washington County regarding street improvements on Sunset was not available at the April 6th meeting, but was provided for this meeting. She commented that the Commission felt it was important to have a second opinion to the applicant's test regarding traffic site distance and safety issues, which has now been made available by the County and should be entered into the record. Ms. Connell also noted for the record that copies of correspondence from Mr. George Bechtold to the school district regarding the schools had been distributed to members of the Commission and members of the audience who had given testimony at the April 6th hearing. She reminded the attendees that Sunset in the location of the subdivision is the jurisdiction of Washington County, but the City does not always enforce each one of the County's recommendations and convert them to City requirements for approval. The City's attention is directed towards the traffic safety recommendations suggested by the County. Ms. Connell indicated that the City expects Sunset to be a City street, and it should be built to City minor arterial standards. She noted that the County had addressed the sight distance at the intersection, but they could not get at the required measurement location. Their distance measurement was six feet short of the required 450 feet, which the County felt could be corrected by removing vegetation and/or cutting a slope on the east side of the road and building up the road in such a way that it is higher at the intersection with Sunset. Ms. Connell advised that a sight distance verification had been provided by the applicant's engineer at the April 6th meeting; however, the County had not yet received the report. She noted that the report of a certified traffic engineer will be accepted by the County.

It was noted that Mr. Hohnbaum arrived during this discussion, at approximately 8:45 p.m.

Ms. Connell also advised that the County requires an access report, which is a more definitive assessment of any nearby traffic hazards, and if a hazard is increased by more than 10 percent, the County may require additional improvements. Ms. Connell recommended leaving the requirement in the conditions so that the applicant, City and County can be assured that new traffic as a result of the subdivision will not create an additional hazard.

Ms. Connell pointed out that a memorandum of suggested approval conditions dated April 26, 1993, had been placed on the table for the Commissioners to ensure that the City has adequately responded to the County's concerns and the questions raised at the April 6th meeting.

In conclusion, Ms. Connell stated that if the applicant has any questions or the Planning Commission requires clarification, the Commissioners should be able to ask the applicant for verification; however, no additional testimony may be accepted. She then recommended that SUB 93-2 Sherwood Heights Preliminary Plat be approved subject to the revised recommendations contained in the supplemental report dated April 20, 1993.

Vice-Chairman Ruehl opened the meeting for discussion and questions and answers among the Commission members. Extensive discussion ensued and questions were raised and answered regarding: access; sight distances and safety on Sunset Boulevard; pedestrian easements; landscape plans for Sunset and Pine; clarification of ownership problems with Tax Lot 900; street names, parking on streets, dedications and non-remonstrance agreements for future improvements of Lot 22; compliance of requirements of the TVFRD and USA; and, conformance with dimensional standards of the lot sizes.

After extensive discussions, Mr. Corrado moved, seconded by Ms. Stewart that based on findings of fact, SUB 93-2 Sherwood Heights Preliminary Plat be approved subject to the following conditions:

1. The owner shall dedicate forty (40) feet from centerline to Sunset Boulevard and provide half-street improvements, including sidewalks and a bicycle lane. The owner shall dedicate thirty (30) feet from centerline to Pine Street and provide half-street improvements to City standards.
2. The owner shall comply with the following Washington County traffic analysis requirements and road improvements:
 - a. Submit an Access Report for review/approval to the County Traffic Analyst in accord with Resolution/Order 86-95.
 - b. Establish a one (1) foot non-access reserve strip along SW Sunset Boulevard frontage, except at the approved access location.

- c. Provide certification from a registered professional engineer that adequate sight distance (as measured in accord with County Code Section 501-5.3.D), has been obtained. Such certification may require physical improvements to the site, the site's frontage, and to SW Sunset Boulevard.
3. A landscape corridor plan for Sunset and Pine shall be submitted for City approval prior to final plat approval. Further, one (1) street tree per lot shall be uniformly planted.
4. The owner shall resolve the ownership problem with Tax Lot 900, which is proposed to be included in the subdivision and is owned by PGE.
5. The owner shall dedicate five (5) feet to Division Street and enter into a non-remonstrance agreement between Lot 22 and the City for future public improvements affecting that tax lot.
6. Engineered construction drawings for public improvements 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.
7. In accordance with City street naming provisions, revise the proposed Burghardt Drive to Madrona Lane. Locate Madrona Lane in accordance with City road alignment requirements. Revise Orchard Heights Court to Orchard Heights Place. Revise Sherwood Heights Drive to Sherwood Heights Place.
8. Provide a five (5) foot wide pedestrian easement from the north end of Orchard Heights Place to Pine Street, which may be coincident with a water line easement. The walkway shall be constructed by the owner from either concrete, asphalt, or gravel as determined by the City. Upon acceptance of the subdivision's public improvements, the walkway shall become the responsibility of the City.
9. Sherwood Heights Place, Madrona Lane and the east/west portion of Orchard Heights Place shall be constructed at full local street width standards, including thirty-six (36) feet of paving and parking on both sides.
10. All lots shall conform to MDRL dimensional standards

unless proposed modifications are approved by the City.

11. Provide adequate utility easements to adjoining properties, including Tax Lot 700 and existing homes on Schamburg Drive.
12. Prior to proceeding with Phase 2 (lots 44-86), if Madrona Lane is not constructed to South Sherwood Boulevard, a secondary access to Division Street or Pine Street shall be permanently provided. The applicant shall propose a revised subdivision plat to the Planning Commission for approval, reflecting the location of the new secondary access as well as any re-configured lots.

The motion carried unanimously.

Vice-Chairman Ruehl called for a recess at 9:30 and reconvened the hearing at 9:40 p.m.

C. PA 93-1 Zoning Code Revisions provided for:

1. **Solid Waste facility and siting standards.**
2. **More restrictive industrial zoning provisions.**
3. **Eliminating permit requirements for fences.**
4. **Deleting Site Plan Review requirements for certain signs.**

Vice-Chairman Ruehl requested that Ms. Connell provide a brief review of the proposed Zoning Code Revisions.

Ms. Connell reported that the Planning Commission has been working on the proposed changes for several months, and it is now time to forward the changes to the City Council for review, modification, approval and public hearings, the first of which is scheduled for May 12 at which the Council will review the changes to the Industrial Zone sections. At their May 26, meeting, Council will review the changes to the solid waste sections.

Ms. Connell stated, for the record, that a full code change package had been sent to Mr. Larry Briggs, representative of the Citizens for Quality Living. It was noted that Mr. Briggs was not in attendance.

Ms. Connell provided a brief review of the changes for the benefit of the new commission members and attendees.

Ms. Stewart moved, seconded by Mr. Hohnbaum, that PA 93-1 Zoning Code revisions, be forwarded to the City Council for

public hearings. Motion carried unanimously.

4. **Director's Report.**

Ms. Connell reported that it will be necessary to address the new Oregon Transportation Rules in the near future. She noted that the deadline for response is mid-May; however, time does not permit the City to meet that deadline.

Ms. Connell noted that it is necessary to establish a Historical Advisory Board and appoint members to develop an inventory to be protected. She noted that City Manager Rapp will appear before the LCDC on Friday, at which time the City will be given 18 months to prepare a final document. Ms. Connell advised that Commissioner Glen Warmbier had agreed to serve on the Historical Board, and six additional residents within the urban growth boundary of the City, two of whom may live outside of the City, need to be appointed. She requested that anyone interested in serving on that Board, please notify her.

Ms. Connell reminded the Commissioners that they had previously expressed interest in a training session and requested that a date for training be selected as well as suggestions made for topics. Interest was expressed in the following subjects: dealing with angry citizens on conflicting evidence, how to relate with each other, roll playing on technical issues, and making legal decisions based on findings; discussion of ex-parte contact and conflict of interest, how to interpret findings of fact and allow Planning Commissioners to have discussions, what is appropriate and what is not?; responsibility for planning and the history of LCDC; and an overview of the Comprehensive Plan.

Ms. Stewart suggested that the City Council be invited to attend the training session to discuss their goals related to planning.

The date of June 15th was selected, subject to determining if there is a conflict (school graduation, etc.).

5. **Adjourn:**

There being no further items before the Commission, Mr. Saxton moved, seconded by Mr. Corrado, that the meeting be adjourned. Motion carried, and the meeting adjourned at 10:15 a.m.

Respectfully submitted,

Kathy Cary,

Secretary