

City of Sherwood, Oregon  
Planning Commission Meeting

May 4, 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, Rick Hohnbaum, Marge Stewart, and Chris Saxton. Chairman Eugene Birchill was absent and excused, Mr. Warmbier was ill. Planning Director Carole Connell and Secretary Kathy Cary were also present.

2. **Minutes of previous meetings.**

Minutes of April 6, 1993: Mr. Hohnbaum moved, seconded by Mr. Corrado, that the minutes of the April 6, 1993, meeting be approved as distributed. Motion carried unanimously.

Minutes of April 20, 1993: Mr. Corrado moved, seconded by Mr. Hohnbaum, that the minutes of the April 20, 1993, meeting be approved as distributed. Motion carried unanimously.

3. **Public Hearing:**

**SUB 93-3 Madrone Village Preliminary Subdivision Plat, an 18-lot single family development on Sherwood Boulevard.**

Vice-Chairman Ruehl read the hearing disclosure statement and requested that Commission members advise of any ex-parte contact or conflict of interest regarding this development.

Mr. Hohnbaum advised that he had previously been in situations with the City of Dundee where he had requested that the KPFF Consulting Engineers be retained to provide information for the City Council. He stated that he did not believe there is a conflict of interest, but for the record noted professional contacts with the KPFF engineering firm.

Vice-Chairman Ruehl agreed there was no conflict of interest or ex-parte contact, and requested that Ms. Connell provide a review of the Staff report.

Ms. Connell reported that the subdivision is two tax lots totaling 3.2 acres, which will have access on Sherwood Boulevard. She noted that this is a vacant parcel, which was previously owned by the Sherwood Friends Church, and an additional small tax lot previously owned by Washington County by tax default, sold to the City for \$1.00 to be used

for right-of-way purposes. The City owned portion is to be a road right-of-way and provides access to the back portion of the property. The site is surrounded by single family homes, a church, and a future subdivision, Sherwood Heights, to the east which will tie into Madrone Village. Ms. Connell stated that the proposed Madrone Village parcel is zoned MDRL, requiring a minimum of 5,000 square foot lots (eight units per acre). Manufactured homes are also permitted in this zone. She noted that 25 home sites are permitted, and only 18 are proposed, all of which exceed the 5,000 square foot minimum. The vacant property contains berry bushes and a large number of Douglas fir trees, and slopes nearly 12 percent from east to west, which may create problems with rain run-off. Ms. Connell commented that there are no significant natural or historic features on the site and no floodplains on the parcel.

Ms. Connell pointed out that access to the site is planned to be from Sherwood Boulevard through the City owned parcel, then going east to Sherwood Heights Subdivision.

Ms. Connell directed the Commission's attention to the criteria for streets and stated that Street No. 1 is called Madrona Lane as was required by the Planning Commission during review of the Sherwood Heights Preliminary Plat. She pointed out that it is a full City street and currently, due to lack of details, may not properly align. Ms. Connell noted that the Planning Commission has approved the Preliminary Plat for Sherwood Heights with the condition that the streets be aligned, and the same condition should be applied to Madrone Village.

Ms. Connell commented that there had been a planned access to Division Street at Tax Lot 2100, but was subsequently vacated. She noted there are no private streets in the development.

Ms. Connell stated that she wished to make a correction to the Staff report dated April 26, which states the height limit of residences to be two stories or 30 feet, whichever is less, not two and one-half stories. Also, Sherwood Boulevard, is a minor arterial and is required to have a 15-foot landscape corridor, which is not feasible because of the width onto Madrona Lane. There is no land left after the improvements are made for the visual corridor.

Ms. Connell noted that each parcel has access to a public street, but there is no direct access from a lot onto Sherwood Boulevard. She noted that the City engineer indicated that the planned 50-foot right-of-way with 36-foot

paving and 5 foot sidewalks are in conformance with the City Transportation Plan. Ms. Connell pointed out that the asphalt must be three and one-half inches thick with 10 inches of gravel. Ms. Connell said that Sherwood Boulevard is currently 60 feet wide, not the needed 50 feet, and that the City Engineer recommends half-street improvements, including right-of-way for the portion of Sherwood Boulevard indirectly adjoining lots 1 and 18. She disagrees, and noted that the City will collect TIF fees which will compensate for the street improvements. Ms. Connell indicated that the proposed design calls for two accesses, and that the Fire Department requires two when there are between 16 and 20 homes. It is unknown if Sherwood Heights will be completed and whether there will eventually be two accesses. However, it is staff's opinion that one access is acceptable for 18 lots, if Sherwood Heights is not completed.

Ms. Connell noted, for the record, that included with the application is a traffic impact analysis describing the number of automobiles resulting from the project, the sight distance at Sherwood Boulevard and the existing level of service on adjoining streets. She stated that the analysis indicates there is adequate site distance and a Level A service on Sherwood Boulevard, which will continue with this development.

Ms. Connell pointed out that a City sewer on Sherwood Boulevard extends to the property, however, detail drawings have not been submitted, and the City will collect SDC fees for future sewer improvements. She noted that water lines are also available for connection, and a storm drain pipe is in Division Street at Sherwood Boulevard, but there is no drain pipe adjacent to the Madrone Village site. Ms. Connell indicated that the City Engineer and USA have expressed the need for additional topographical information. She noted that hydrology and the impact on the streams as well as drainage from some of the lots will also have to be addressed.

Ms. Connell noted that the developer of Sherwood Heights is coordinating a detailed drainage system with the developer of Madrone Village.

In conclusion, Ms. Connell directed the Commission's attention to a letter from KFPP, dated May 3, 1993, which responded to the concerns raised in the Staff report. After Ms. Connell's review of the applicant's requests, she recommended that the conditions in the Staff report be amended as follows:

1. Condition No. 1 - insert the words "in a mutually agreeable alignment" between the words "aligned" and "with" and add the words " as approved by the City" to the end of the sentence.
2. Condition No. 2 - no change.
3. Condition No. 3 - add a requirement for a five-foot easement across each lot for future utilities.
4. Condition No. 4 - add the words "unless the City approves a variance subsequent to review and approval of the street engineering plans."
5. Condition No. 5 - no change.
6. Condition 6 - the applicant requests to pay the fee-in-lieu of putting in water quality facility. Ms. Connell stated that the City is not comfortable with the requested change since the decision will be made by the Unified Sewerage Agency and the Federal rules and regulations under which USA operates are constantly changing.
7. Condition No. 7 - no change.

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

Stuart Cato, P.E., KPFF Consulting Engineers, 707 SW Washington Street, Portland, addressed the Commission. Mr. Cato noted that he is the consulting engineer on the Madrone Village project. Mr. Cato stated that the letter was very well presented by Planning Director Carole Connell, and it is the intent of the applicant to try to clarify two items which might be interpreted differently by a future employee, either for the applicant or for the City. He noted a question regarding Sherwood Boulevard intersection improvements. Mr. Cato indicated that the streets which require improvements will be cut minimally in order to avoid problems when the scheduled future full-street improvement to Sherwood Boulevard takes place. He stated that it is the applicant's intent to work around the right-of-way and install asphalt curbs with an extruded flare on top of the curb. Mr. Cato pointed out, from an engineering standpoint, installation of this type of curb makes it easier to redesign the curb rather than trying to match a curb designed by someone else.

Mr. Cato advised that the request for fee-in-lieu of constructing a water quality facility was made because USA's letter dated April 2, 1993, indicated that the City could collect the fee. Vice-Chairman Ruehl responded that Ms. Connell's point is that the Rules and Regulations under which USA's operates change weekly, it is not known what the final requirement will be, and the City does not wish to circumvent USA's position.

In response to Ms. Stewart's and Mr. Hohnbaum's inquiry regarding storm sewers on Sherwood Boulevard or at the intersection of Division and Sherwood, Ms. Connell replied that the sewer does not go beyond Division and there is no pipe system adjoining the subject property. Ms. Connell pointed out that the City Storm Water Master Plan will be submitted to the Commission for review and eventual adoption and inclusion in the City's Comprehensive Plan. Ms. Connell noted that the Plan identifies improvements by priority and will determine where storm facilities need to be located.

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

Mr. Hohnbaum requested that the Finance Director's comment noted on the Permit Review Checklist "are we selling it (Tax Lot 2700) or giving it away?" be explained. Ms. Connell responded that the City acquired the property at a cost of \$1 from Washington County with the stipulation it be used as a right-of-way. It was never planned to be sold, and the applicant will improve the property as a right-of-way.

Ms. Stewart commented that the right-of-way property had previously been considered for a street; but the proper procedures had not been followed. She noted that a tax lot number had been assigned, but the proper dedication procedures had not been followed.

Ms. Connell responded that there is really no purpose in selling the property, since it was not purchased by the City, and it is a planned right-of-way. Ms. Connell noted that there are several trees on the parcel and the applicant may benefit from selling those trees, but they also have to pay for cutting them down. There are a lot of trees on the property, which are not specifically identified in the City's Comprehensive Plan. She urged that as many as possible be saved.

Mr. Hohnbaum inquired if the applicant is aware of the City's requirements regarding erosion control? Ms. Connell responded that they applicant is subject to the erosion controls imposed by the City and USA.

Ms. Stewart inquired if the Sherwood Boulevard entrance is not finished now, would it be better to wait until Sherwood Boulevard is fully improved and require a non-remonstrance agreement from the applicant. Ms. Connell pointed out that no lots have a frontage on Sherwood Boulevard, therefore there would be no lot on which a non-remonstrance agreement could be imposed.

Vice-Chairman Ruehl expressed agreement with the applicant that the curbs not be installed at this time since they will have to be removed when street improvements are made; however, he requested that assurance be made that no hazard will exist.

Mr. Roy Powell, 1709 Villa Road, Newburg, responded that the intent is to build nice homes, and he does not want to have an offensive entrance. He noted that cooperation with the developers of Sherwood Heights will continue.

Vice-Chairman Ruehl questioned the Unified Sewerage Agency's letter dated April 2, 1993, which mentions the possibility of land-locking utility access at Lot 3001. Ms. Connell responded the lot is not land-locked, but was combined with the Sherwood Friends Church lot by a lot line adjustment.

Mr. Corrado requested clarification of whether Condition No. 5 requiring uniform planting of trees in the front yard of lots on Madrona Lane is practical. Ms. Connell responded that the home buyer and applicant do not meet to discuss street trees, and suggested that the applicant notify home buyers they will plant the trees and when. Mr. Powell stated that the subject of trees is normally covered in the buyer's agreement, and that the trees are planted only after the construction of the home in order to avoid damage or destruction of the trees.

Mr. Corrado moved, seconded by Mr. Hohnbaum, that based on the findings of fact, SUB 93-3 Madrone Village Preliminary Subdivision Plat be approved subject to the following conditions:

1. The proposed Street No. 1 should be named Madrona Lane, as recommended by the Sherwood Heights developer and consistent with the name of the subdivision and City

street naming standards. Madrona Lane shall be aligned in a mutually agreeable alignment with the adjoining subdivision, as approved by the City.

2. All water lines shall be a minimum of eight (8) inches.
3. The private utility trenches shall be located on lots and in easements, rather than in the street. Provide a five (5) foot front yard easement across all lots for private utilities.
4. The intersection improvements at Sherwood Boulevard and Madrona Lane shall be built to coincide with the ultimate Sherwood Boulevard right-of-way, unless the City approves a variance subsequent to review and approval of street engineering plans.
5. The intersection improvement at Sherwood Boulevard shall include a minimum of two (2) street trees and ground cover to City standards. A street tree shall also be uniformly planted in the front yard of each lot on Madrona Lane, to be installed after the homes are built in cooperation with the homeowners.
6. The developer shall comply with all storm water and erosion control requirements of the Unified Sewerage Agency and the City.
7. The developer shall provide engineered construction plans for public improvements in compliance with City, USA and TVFRD standards, including subdivision improvement, maintenance and cash bond escrow agreements prior to final platting.

Motion carried unanimously.

#### 4. **Director's Report.**

Ms. Connell advised that the Commission meeting scheduled for May 18 is canceled due to a lack of applications. She noted that May 18 is also the recognition banquet for Sherwood citizens.

Ms. Connell also advised that a training session has been scheduled for June 15, from 7:00 to 9:00. She noted that the City Council has been invited to attend the training and there will be an informal discussion of the City Councils Goals for the next two years.

Ms. Connell reported that the City's Storm Water Master Plan

is being considered by the City Council and will be referred to the Planning Commission for review, hearings, and inclusion in the Comprehensive Plan. She noted that the City Council will hear the Gerogetown PUD at their meeting on May 12 along with amendments to the industrial, fence and sign section of the Zoning Code; the Code amendments for solid waste facilities will be heard at the Council's meeting on May 26.

Ms. Connell commented that it does not appear that the Sherwood Heights appeal will materialize. She also noted that there has been some interest expressed by a developer for property on the south side of Sunset Boulevard, property owned by the families Scott, Kelly, Scott and Adair, which is being considered for single-family housing.

Mr. Hohnbaum inquired about the status of the Steeplechase Golf Course project. Ms. Connell responded that the approval expires July 21, and that there has been no word of a sale, but the applicant would need to ask for another extension in order to meet the deadline. She noted that they have had two extensions and were notified that there would be no further extensions granted. Ms. Connell commented that the applicant's attorney objected to the statement that no further extensions would be granted since he interpreted the Code as allowing for further extensions requests. Ms. Connell indicated that due to the changes in storm water management, wetlands, etc., the standards under which Steeplechase was approved, have changed and the design might require major revisions.

Ms. Connell advised that a large firm from Texas has purchased land adjacent to Mr. and Mrs. Claus on the northwest side of 99W and Meinecke. She stated that the property on the back side of the parcel will be homes and there are planned commercial buildings on the highway side.

Ms. Connell reported that the proposed Sherwood Estates mobile home park recently sold, and that their extension is almost up, however, a serious mobile home park developer has purchased the property.

Mr. Hohnbaum stated that he had not received a full map, but he noted that West Division should be a collector street, but is not planned for extension because of Gregory Park. Ms. Connell responded that the status as a collector has not changed, and is only east of Sherwood Boulevard.

Ms. Connell advised that work will begin on the Transportation Plan to comply with the transportation rule.



There is nothing yet scheduled for the June 1 meeting of the Commission; however, a partition may be received in time for the June 1 meeting.

5. **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 8:30 p.m.

Respectfully submitted,

Kathy Cary,  
Secretary