

City of Sherwood, Oregon  
Planning Commission Meeting

July 6, 1993

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:30 p.m. Commission members present were: Eugene Birchill, Marty Ruehl, Chris Corrado, and Marge Stewart. Glen Warmbier, Rick Hohnbaum (corrected 7/20/93) and Chris Saxton were absent. Planning Director Carole Connell and secretary Kathy Cary were also present.

2. **Minutes of previous meetings.**

Minutes of June 15, 1993: Marge Stewart moved, seconded by Chris Corrado, that the minutes of the June 15, 1993, meeting be approved as submitted. Motion carried unanimously.

3. **PUD 93-1 Georgetown Estates Final Development Plan, a 74-lot single-family planned unit development on Sunset Boulevard.**

Chairman Birchill called for a staff report.

Ms. Connell reported that the Commission is reviewing a final development plan for Georgetown Estates. She noted that the City Council had approved the preliminary plan with several conditions. Ms. Connell stated that the applicant will also be required to submit a final plat for review and approval by the Planning Commission. Ms. Connell noted that the previous access onto Brookman Road has been deleted from the plan and an asphalt pedestrian path will be constructed from the site on Brookman Road extending east to Ladd Hill Road. She pointed out that the access had been changed to Sunset Boulevard, which was designed to handle more traffic than Brookman Road. Ms. Connell commented that she believed there would be an access eastward in the near future since an adjacent development is under construction. Ms. Connell noted that another change to the plan is the lots south of Street No. 8 have been increased to at least 7,000 square feet to comply with the LDR zoning and to be more harmonious with adjacent housing.

Ms. Connell noted that there is a requirement for a 25-foot buffer around the wetlands and that approximately 1.69 acres of wetlands are not in the 100-floodplain and cannot be used for a density transfer. She remarked that there are now 74 lots rather than 119 as proposed by a previous developer, the density having been reduced by several larger lots and the required 25-foot buffer around the wetlands area.

Ms. Connell pointed that as a result of redesign, some of the lots abutting the wetlands and buffer zone were reduced in size, and a variance to reduce the setbacks of the rear yards will be required. She noted that the applicant has requested a variance for the setbacks for the rear yards to five (5) feet be granted as well as a reduction of street side yards from 20 to 15 feet for all corner lots. If acceptable, the setback variances need to be added to the conditions of approval.

Ms. Connell directed the Commission's attention to Condition No. 13 regarding street names. She noted that one street, Willow Drive, has already been named and recommended that other streets be named for the flora and fauna in the area, consistent with the Willow Drive name. In conclusion, Ms. Connell recommended that PUD 93-1 Georgetown Estates final development plan be approved subject to the conditions outlined in the Staff Report dated June 28, 1993.

After a brief discussion of reduced rear yard setbacks for lots abutting the wetlands and buffer zone, the Commission concurred that those lots could qualify for a variance, if they were less than 90 feet in depth. They also agreed corner lot side yards could be reduced to 15 feet.

Marge Stewart stated that the streets seem to have names of wetland trees, which may encourage the planting of Willow trees or Cottonwood trees in the wetland which have roots that will interfere with the sewer lines. Ms. Connell responded that there are no requirements for planting in the wetlands, nor will those trees be planted as street trees. Ms. Connell advised that the name "Willow Drive" has been recorded.

Chairman Birchill inquired about the 100 by 63-foot lot on the drawing and requested that the applicant explain his intent for use of the lot. Mr. Burton responded that the lot lines should have been deleted from the drawing and the area in questions should be incorporated into Lot No. 26.

Ms. Connell recommended that an additional condition be added to the approval, which states that lots abutting wetlands and less than 90 feet in depth may have a rear yard setback reduced to 5 feet, and corner lots may have a side yard reduced to 15 feet.

Mr. Tom Burton, Burton Engineering, 19945 SW Pacific Highway, Tigard, requested an opportunity to speak. Mr. Burton was granted permission to address the Commission. He directed the Commission's attention to Item 19 on Page 6 of the Staff report, which requires the applicant to provide hard surface trails, one next to the floodplain and one from Street 3 to Street 1. Mr. Burton stated that Street No. 3 is on the

south side of the drainageway. He pointed out that, at the time the condition was set, he was uncertain as to whether he could construct a hard surface trail over a drainageway. Mr. Burton noted that there is now a connection to Sunset and requested that that part of the condition be deleted.

Mr. Burton commented that he has also learned that according to Unified Sewerage Agency's (USA) ordinance regarding the 25-foot setback area, they will not allow hard surface trails. He questioned USA as to whether he could install a Type F trail and was advised that it would have to be sealed, which creates a hard trail. Mr. Burton requested that he be allowed to construct a 1-1/2 minus with 3/4-inch rock on top compacted to 95 percent, which will provide a nearly impervious surface.

Chairman Birchill advised Mr. Burton that a path should be built which will not deteriorate with vegetation. Mr. Burton commented that a soil sterilant could be applied to control weeds. He noted that if USA wants a pervious surface, he could add asphalt and include a grassy swale. Mr. Ruehl suggested that Ms. Connell clarify USA's requirements and deal with the issue administratively.

Since the proponent was allowed to speak to the issue, Chairman Birchill inquired if there were any opponents who wished to speak. No one expressed a desire to provide opponent testimony.

Mr. Ruehl moved, seconded by Ms. Stewart, that based on the findings of fact PUD 93-1 Georgetown be approved subject to the following conditions:

1. Legally describe the 100-year flood plain, wetlands and buffer and dedicate as per City requirements. This dedication shall be Parks SDC credit eligible, except for the 1.96 acre wetland parcel.
2. Provide proof of PUD plan concurrence by the USA regarding wetland delineation, mitigation and buffer areas.
3. Dedicate ten (10) feet of additional right-of-way to Sunset Boulevard across the entire frontage of Tax Lot 2502.
4. Phase 1 is limited to forty (40) lots and Phase 2 shall not commence until a second access east or west is available.
5. Submit a landscape corridor plan for City approval. In addition, the applicant (or builder) shall install one (1) street tree per lot (and two (2) for corner lots),

and so inform the builder and homeowner.

6. Construct a concrete sidewalk to City specifications in the pedestrian easement to Brookman Road.
7. Vacate the existing right-of-way in the southernmost corner of the project that intersects with Brookman Road and adjoins Tax Lot 504.
8. Provide adequate sight distance and turning radius at both intersections with Sunset Boulevard. Remove vegetation from the clear vision area.
9. Parcel designated "treatment pond" shall be dedicated to the City or USA once required improvements are made and accepted by the City or USA. This facility may be Storm Water SDC eligible, as determined by USA.
10. Provide facilities acceptable to USA for transporting water run-off from Tax Lot 2601 into Cedar Creek.
11. 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 Sunset Boulevard. On Sunset Boulevard, the improvements shall extend across the full frontage of existing Tax Lot 2502:32C. This improvement may be eligible for TIF credit, and shall be completed no later than the completion and acceptance by the City of Phase 1 of the PUD. On Brookman Road:
    - (1) Provide an improved asphalt pathway from the pedestrian easement extending to Brookman Road east along the north side of Brookman Road to Ladd Hill Road to County specifications.

- (2) 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.
12. 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, and will also recommend to the County that off-sets be allowed on the pedestrian pathway along Brookman Road to achieve the same purpose.
13. Street No. 5 shall be named Willow Drive. All other street names shall be consistent with City street naming standards. The City recommends continuation of the local flora and fauna street name theme in this area.
14. In Phase 1, construct a fully bordered, crushed rock (1-1/2 minus base plus 3/4-inch surface) 95 percent compacted trail in the floodplain as illustrated on the Final Plan to City specifications.
15. Realign Street No. 5 to coincide with the approved adjoining street in Nature View subdivision.
16. Align Street No. 8 so that the centerline coincides with the northern property line of the adjoining Tax Lot 504.
17. The developer is prohibited from commencing site development between October 1 and March 15.
18. Lots bordering wetlands with less than 90 feet in depth, may have a rear yard setback reduced to five (5) feet. Corner lots may have one (1) street side yard setback reduced to fifteen (15) feet.

The motion carried unanimously.

4. **SUB 93-1 Hometown Estates Final Plat, an 18-lot single-family development on Meinecke Road.**

Chairman Birchill called for a staff report.

Ms. Connell reported that SUB 93-1 Hometown Estates is at the final planning stage for an 18-lot single-family development on Meinecke Road. She noted that the purpose of tonight's review is to make certain that the final plat complies with the preliminary approval, including all of the conditions listed in the staff report. Ms. Connell pointed out that all conditions have been met, except No. 5 which requires the applicant to enter into a non-remonstrance agreement with the City for public facility and road improvements, and should be extended to the final plat approval.

Ms. Connell commented that there is a pedestrian easement between Lots 8 and 9, which will go to the edge of the wetlands and staff recommends that the applicant construct a six (6) foot wide asphalt path up to the edge of the floodplain. Ms. Connell noted that a question had been raised as to whether there is sufficient sight distance for cars backing onto Meinecke from Lots 1 and 2. She pointed out that, for assurance, a letter has been submitted from the project engineer, Mr. Burton, which indicates there is adequate site distance. Commissioner Ruehl commented that he is concerned with the letter from Mr. Burton which does not contain any type of computation as to how the sight distance was determined to be adequate. At Ms. Connell's request, Mr. Burton advised that he had measured the sight distance based on Washington County's requirements of 4-1/4 car height in a 35-foot yard width, which equates to 250 feet of sight distance for an automobile entering the street at 25 miles per hour. He noted that the sight distance measures 300 feet, or more than required for a posted 25 mph zone.

Mr. Ruehl stated that he would like to have more definitive figures than what had been provided. Mr. Corrado agreed since inadequate sight distance has been a very controversial issue. He suggested that an additional condition be added to the approval which will require the applicant to submit verifiable calculations of adequate sight distance from Lots 1 and 2 and the intersection of Meinecke Road at Little John Street.

Mr. Corrado moved, seconded by Ms. Stewart, that based on findings of fact, PUD 93-1 Hometown Estates be approved subject to the following conditions:

1. Prior to final platting, construction drawings and estimated costs of sewer, storm water, water, fire protection, streets, landscaping and lighting shall be submitted by the applicant and approved by the City,

USA and the TVFRD. One hundred percent of the public improvement costs shall be bonded for and a subdivision compliance and maintenance agreement shall be entered into between the applicant and the City.

2. Half-street improvements shall be made to Meinecke Road in accordance with approved construction plans and City standards.
3. Construction of the sanitary sewer line in Cedar Creek shall be done in compliance with Code Sections 8.202.07 and 8.202.08.
4. The applicant shall submit a landscape corridor plan for City approval prior to final platting. The developer (or builder) shall install one (1) street tree (two (2) on corner lots) in the front yard of each lot, and shall so inform the owner.
5. The owner shall enter into a non-remonstrance agreement with the City for future public facility and road improvements to City standards.
6. The applicant shall adequately verify proper sight distance for Lots 1, 2 and at the intersection of Little John Terrace with Meinecke Road.

5. Public Hearings:

- A. **SUB 93-4 Cascade View Estates No. 3, Preliminary Plat, a 20-lot single-family subdivision on Smock Street near Sunset Boulevard.**

Chairman Birchill read the hearings disclosure statement and called for a Staff report.

Ms. Connell inquired if there were any conflict of interest or ex parte contact between any member of the Commission and the applicant. It was determined there was none.

Ms. Connell reported that the Commissioners are conducting their first review of a 4.47-acre parcel of vacant land, which was created by a partition that divided the land into two parcels, one of which was purchased by the applicant. She noted that the parcel is surrounded by single-family housing on all sides, except the north which is zoned IP. Ms. Connell pointed out that the parcel is zone LDR and allows 20 single family homes with minimum 7,000 square foot lots; however, the applicant is proposing 20 residences on lots of approximately 7,000 square feet to more than 11,000 square foot lots. Ms. Connell commented that there are no floodplains on the parcel, but it does have a natural drainage into a pond that will become part of the Murdock

Basin drainage plan. Ms. Connell pointed out that there are several trees on the parcel, and it is hoped the applicant will preserve as many as possible, especially a 36-inch diameter Oak.

Ms. Connell advised that there are no private streets in the development and the proposed streets and roads align with surrounding subdivisions. She noted that Sunset Court, a cul-de-sac, ends at a City park and recommended that the street not be required to connect to Sunset Boulevard since it will disrupt the two existing homes on the adjacent parcel, and there is a dangerous curve on Sunset at the point where the streets would intersect. Ms. Connell indicated there are no designated parks, wetlands or historical structures to protect. However, it is estimated that an additional 200 new automobile trips per day will be generated by the subdivision and the City will collect TIF fees for future road improvements.

Ms. Connell stated that adequate sewer facilities are accessible at Roy Street, but must be extended along Roy Street and through a City park easement to the development, and should include extension to Tax Lots 5300 and 5400.

Ms. Connell directed the Commissioners' attention to a letter from Unified Sewerage Agency, which was in conflict with the City's storm water plan. She pointed out that USA's comments are irrelevant to the development since the person evaluating the project apparently was not familiar with the City's Roy Street Park planned detention facility adjacent to the subdivision, which will be a quantity facility.

Ms. Connell noted that staff had recommended a pedestrian easement between Lots 90-91 leading to the Roy Street Park. She suggested that Parks SDCs be collected in lieu of requiring dedication of additional park land.

In conclusion, Ms. Connell recommended that SUB 93-4 Cascade View Estates' preliminary plat be approved subject to the conditions outlined in the Staff Report dated June 28. She noted that identification of the Madrone tree on Lot 98 is incorrect and that the tree is an Oak.

Chairman Birchill opened the hearing for testimony from proponents.

Bob Wood, Riverside Engineering Company, Post Office Box 3637, Salem, addressed the Commission. Mr. Wood advised that he is representing the owner of the development as he has done work on Phases 1 and 2 of Cascade View Estates. Mr. Wood indicated that he has read the staff report and has a question regarding Condition No. 5 requiring construction of a six-foot wide asphalt path. He requested that the



applicant be allowed to construct a concrete path with a wheelchair ramp. Mr. Wood pointed out that a concrete path will be easier to maintain over an extended period of time. The Commissioners agreed with Mr. Wood's comment and reason.

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 Commissioners.

Mr. Ruehl expressed his concern regarding storm water runoff. He stated that during review of Cascade Park Phases 1 and 2, we had a concern for dumping of water into the City park area. "I know we have now gone through our storm water management plan, but we have come back to dumping water into the City Park. The contention in Phases 1 and 2 was not so much picking up storm water that has come off natural ground, but it is the asphalt, the asphalt from the shingles on homes, and all of the gutter runoff, that is picked up and dumped as untreated water into what could be a city park. It continues to be a bone of contention with me that we dump that water in there completely untreated."

Mr. Wood explained that the water from the yards of this development as well as Cascade View Estates Phases 1 and 2 will go to the east side of the park via a 24-inch pipe which is an existing line. The water then goes to the pond in the park, which Mr. Wood believes is the intent of the Murdock Storm Water Management Plan. He noted that the water would be treated at a future site.

Mr. Ruehl commented that the controversy is untreated water runoff from Phases 1 and 2 being dumped into the park, and inquired as to where the water will be treated. Will it be treated at the lower basin once it gets to Oregon Street? Mr. Wood responded this is an existing site which will be developed and the water will be treated by a sedimentation/riparian/aeration facility in the detention/retention area.

In response to Chairman Birchill's question, Ms. Connell advised that the City proposes to construct a water quality off-site facility in the Roy Street Park, for which the developer could participate, and then receive SDC credits. She noted that if the developer did not wish to participate in construction of the facility, the developer could pay "fee-in-lieu" fees.

Mr. Dick Bailey, 395 S. Sherwood Boulevard, Sherwood, addressed the Commission. Mr. Bailey advised that he had met with the developer/owner and City Manager Jim Rapp at which time the storm water management plan was discussed. Mr. Bailey noted that the developer has paid \$85,000 toward his percentage of the storm water treatment facility at the bottom of the development where there will be a facility to treat and test the water prior to flowing into the wetland. He noted that the cost was placed on the land as a share of the Murdock basin drainage plan. Ms. Connell affirmed that the Roy Street Park facility is identified as a retention facility in the City's Storm Water Master Plan, and perhaps this is an issue which should be addressed during review of the Roy Street Park drainage facility.

Mr. Ruehl stated that his concern is that a lot of water will be contaminated by the asphalt and blacktop, and will then be drained into a park where children play. He is also concerned about the design of the Roy Street Park water treatment facility. Ms. Connell responded that perhaps this is an issue which should be addressed as part of the Storm Water Master Plan discussion following this hearing.

Ms. Stewart expressed concern that a playground for children will contain a pond and suggested that the area be fenced.

Ms. Connell reminded the Commissioners there was a concern expressed about the placement of fire hydrants, which will be clarified prior to final approval.

Mr. Ruehl moved, seconded by Mr. Corrado, that based on the findings of fact, SUB 93-4 Cascade View Estates No. 3 be approved subject to the following conditions:

1. Change the cul-de-sac name to Cascade Place.
2. Provide "No Parking" signs on one side of the street.
3. Add a catch basin at the intersection near Lot 83.
4. Obtain an easement from the City to extend sanitary sewer across Tax Lot 201. Extend sanitary and storm sewer to Tax Lots 5300 and 5400. Extend storm sewer to Tax Lot 5700. Coordinate the storm sewer outlet and the sanitary sewer construction with planned park

improvements.

5. Provide a fifteen (15) foot wide pedestrian easement between Lots 90 and 91. Construct a six (6) foot wide concrete path in the easement to City specifications.
6. Provide a storm water management plan in compliance with USA and the City's storm water plan for the area.
7. Provide an erosion control plan in accordance with City and USA requirements.
8. Provide one (1) street tree per lot, except for corner lots, which shall have two (2) trees, in accordance with a City approved street tree plan.
9. Provide engineered construction drawings in compliance with City, TVFRD, and USA requirements for streets, sanitary sewer, storm water runoff, erosion control, water and fire service, street lighting, signage and landscaping. Enter into a subdivision compliance and maintenance agreement with the City.
10. Retain the large Oak tree on Lot 98, and all other significant trees where feasible.

The motion carried unanimously.

At 9:00, Chairman Birchill called for a 15-minutes recess after which the Commission reconvened and considered the following items:

**B. PA 93-3 Storm Water Management Master Plan, an amendment to the Sherwood Comprehensive Plan, Part 2.**

Chairman Birchill opened the public hearing on the Storm Water Management Master Plan and called for a staff report.

Ms. Connell noted that the City Council has developed a preliminary resolution and policies regarding the Plan. She pointed out that the Commission's responsibility is to review the policy outlined on Page 2 of the Staff Report, and, if necessary, revise the policy for incorporation into the Comprehensive Plan. Ms. Connell reviewed the policies, objectives, and Code changes outlined in the Staff report dated June 28, 1993. She noted that Items 1, 2 and 3 of the report recommendation deal with changes to the Comprehensive Plan, and Item 4 deals with changing the Zoning Code.

Ms. Connell directed the Commission's attention to Resolution No. 93-542, as adopted by the City Council. She noted that, as far as the City Council is concerned, the plan gives the City authority to charge storm water SDCs based on specific

capital improvements called for in the Plan; as far as site specific improvements and facilities plans, i.e., Roy Street Park, the City is not that far along and it is unknown what the facilities will look like. Ms. Connell advised that the Commissioners may either approve the recommended amendments incorporating the Draft Storm Water Management Plan into the Comprehensive Plan, and send it back to the City Council, may change the language, or direct Staff to undertake further research.

There being no testimony from the audience, Chairman Birchill closed the public hearing and opened the hearing for comments or questions among the Commissioners.

In response to Ms. Stewart's questions, Ms. Connell stated that the City Engineer, David Evans and Associates, developed the plan which was partially paid for by a grant from LCDC. She noted that a Conditional Use Permit would be required when the City begins construction of the facilities and the CUP will come before the Planning Commission. Ms. Connell commented that the property owned by Jim Claus is still zoned residential.

Mr. Ruehl agreed that it would be appropriate for the Planning Commission to utilize the Storm Water Management Master Plan as a guide.

Ms. Connell suggested that the Planning Commission return the Plan to the Council with the recommendation that the Commission concurs with the need for the Plan and intends to utilize the Plan as a resource and back-up document for review of activities concerning how storm water is managed.

Mr. Corrado agreed that the Plan should be used as a resource guide and back-up document in order to more consistently approach and evaluate questions and concerns of storm water management, application of rules, and ensuring that development complies with the Master Plan and the surrounding environment.

Ms. Stewart suggested that a priority system be set up on a 5-year, 5 year to 10-year basis. She noted that this would provide some guidelines that will indicate when the Roy Street Park facility and the Murdock Basin facility will be built.

Mr. Corrado moved, seconded by Mr. Ruehl, that a recommendation be forwarded to the City Council to amend the City's Comprehensive Plan to include the Storm Water Management Master Plan.

The motion carried unanimously.

6. **Discussion of Comprehensive Plan Amendments Necessary to Incorporate Transportation Planning Rule.**

Chairman Birchill stated that a letter had been received from the Oregon Home Builders stating that the State had extended the deadline for implementation of the Transportation Planning Rule to one year. He commented that it was his belief that the extension was only six months, and requested that Ms. Connell confirm the deadline.

Ms. Connell reported that the Planning Commission must develop Comprehensive Plan policies that assure there is a sound basis for the forthcoming Transportation Rule and Zoning Code changes. She briefly reviewed the document and noted that the major purpose is to reduce reliance on automobiles. Ms. Connell indicated other aspects of the plan are: putting buildings immediately adjacent to streets rather than having expansive parking lots between transit and services, urging utilization of public transit for shopping, development of better transit routes, providing transportation to job centers, medical facilities, and increasing pedestrian and bicycle transportation opportunities.

Ms. Stewart suggested that Tri-Met be encouraged to develop better transportation routes to Newberg.

7. **Planning Director's Report.**

Ms. Connell reported that the Landmarks Advisory Board had held their first meeting.

Ms. Connell stated that, at present, she plans to cancel the September 7th meeting, but there will be a very busy agenda for the July 20 and August 3 Commission meetings.

Ms. Connell requested that Commission members provide feedback on the June 15th training session. Mr. Ruehl suggested that the "canned" portion be reduced and allow for more discussion.

In response to Mr. Ruehl's question regarding the status of Steeplechase, Ms. Connell noted that the item is scheduled for the July 20th meeting. She advised that the applicant is requesting a 120-day extension. Ms. Connell commented that Mr. Yoshida is negotiating with Genstar, a major developer

from Canada who has until July 15th to conclude an option to purchase the property.

Ms. Stewart suggested that the Steeplechase area along the railroad tracks be rezoned to commercial/industrial. Ms. Connell responded that the suggestion can be brought up if Genstar drops their option.

8. **Adjournment:**

There being no further items before the Commission, Chairman Birchill adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Kathy Cary  
Secretary