

City of Sherwood, Oregon
Planning Commission Meeting

July 20, 1993

Prior to opening of the meeting, Commissioner Saxton advised that he had moved to Newberg, Oregon, and was therefore submitting his resignation from the Planning Commission. Mr. Saxton stated that serving on the Planning Commission had been a rewarding experience, and one he will miss. Chairman Birchill regretfully accepted Mr. Saxton's resignation, thanked him for his service, and wished him the best in his new location.

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:30 p.m. Commission members present were: Eugene Birchill, Chris Corrado, Marge Stewart and Glen Warmbier. Rick Hohnbaum was out of town, and Marty Ruehl was absent. Planning Director Carole Connell and secretary Kathy Cary were also present.
2. **Minutes of previous meetings.**

Minutes of July 6, 1993 Meeting: Chairman Birchill requested that the minutes of the July 6, 1993, meeting be corrected to show that Rick Hohnbaum was absent. Mr. Warmbier moved, seconded by Ms. Stewart, that the minutes be approved as amended. The motion carried unanimously.

3. **Public Hearings:**

Chairman Birchill read the hearing disclosure statement and requested that Commission members advise on any conflict of interest or ex-parte contact as each item is raised.

**A. PUD 89-1 and CUP 92-2 Steeplechase Country Estates
Planned Unit Development Final Development Plan Request
for a 120-day Extension.**

Chairman Birchill called for a staff report.

Ms. Connell reported that the Commission packets contain a letter of request from the applicant with the conditions of approval as issued in 1990, extended in 1991, and again extended in 1992. She noted that the applicant is now requesting an addition 120-day extension for the reasons outlined in the applicant's letter in order to proceed with negotiations to acquire adequate funding for the project. Ms. Connell commented that the Code states that "when substantial construction has not taken place within one year, the Commission shall hold hearings to determine if

continuation is in the best interest. If found not to be, the Commission shall recommend to the City Council that the PUD be extended; extend with conditions; or, extinguish the PUD." Ms. Connell pointed out that if the extension is approved, it does not go onto the City Council; further, if a 120-day extension is granted at this time, the applicant may submit revised plans for Commission review and will have to comply with all previous conditions as well as any new Code requirements related to project engineering, enacted since the original approval. Ms. Connell reminded the Commissioners that the applicant had been advised that it would be difficult to obtain an additional one-year extension since too much time has passed and many rules have changed. Ms. Connell noted that the request for the current 120-day extension is different from a one-year extension request, especially since the applicant is requesting time to complete negotiations for financial partners. Ms. Connell recommended that the extension be granted.

Chairman Birchill opened the hearing for proponent testimony.

Michael Temple, Quincorp Investment Group, Inc., 8440 NE Alderwood, Suite A, Portland, addressed the Commission. Mr. Temple advised that he is the Vice-President of Finance for Quincorp. He noted that Quincorp had become involved in the Steeplechase project in 1989 just as the real estate recession hit and it was difficult to obtain financing for development. Mr. Temple advised that his firm is currently negotiating with a well-known residential developer and is pursuing a joint partnership to develop the project. He noted that the potential partner is funding engineering services on the project, the potential partner does not need a loan, and is a group that will be able to assist Quincorp in bringing a quality product to the City of Sherwood. Mr. Temple commented that Quincorp is cognizant of the fact that a great deal of time has lapsed, and the rules in place at the time of the original approval have changed, but Quincorp feels that a 120-day extension will allow sufficient time for the group to finalize details with the partners. He offered to answer any questions the Commission or audience may have.

Mary Drill, 17670 SW Sunset Boulevard, Sherwood, addressed the Commission. Ms. Drill inquired if Quincorp intended to construct 4500 homes and a golf course as originally planned.

Mr. Temple replied that the final number of homes has not been determined at this point, Quincorp will be a partner in the project, the golf course and housing density are still to be discussed, the potential partner is considering whether a golf course is the best use of the land and whether it will be built is unknown, but there will not be 4500 homes. Ms.

Connell stated that, at most, only 1500 homes could be built on the property.

There being no additional proponent or opponent testimony, Chairman Birchill closed the public hearing and opened the hearing for discussion, questions and comments among the Commissioners.

Ms. Stewart commented that the original plan was approved with a golf course, and inquired if the golf course is deleted, will the applicant be required to submit revised plans. Mr. Temple responded that the applicant will submit revised plans since they wished to keep the project operational.

Mr. Corrado inquired if the purpose of the extension was to allow time to consummate the partnership; and, if so, will the applicant have an answer in 120 days, or will another extension be required? Ms. Connell responded that the 120-day extension is to allow Quincorp to seek partnership or sell the property, and if funding is not secured within the 120-day, a new plan and modifications will be required. Mr. Temple commented that Quincorp is hopeful of obtaining a 120-day extension and they are sensitive to the fact that staff is not supportive of a longer extension of this project. He stated that 120 days is the minimum amount of time in which Quincorp can handle negotiations and/or modifications and feels that the proposal will be agreeable with staff; however, if the Planning Commission wants to allow more time, they would certainly appreciate the additional time.

Ms. Stewart inquired if in 120 days the Planning Commission can expect a complete plan and a substantially revised development without a golf course? Mr. Temple replied that he is unable to answer that question at this time. He pointed out that Quincorp is relying upon the partners for their study and expertise with golf courses. Mr. Temple reiterated that the partnership has not been completed as yet, and the question is difficult to answer, but he expects that within 120 days, Quincorp will be back with a significantly similar plan as previously approved.

Mr. Warmbier inquired if the Commission is dealing with a preliminary plan. Ms. Connell responded that the Commission is dealing with a final development plan and noted for the record that the preliminary plan went through the Planning Commission, then to the City Council, and the final plat went back to the Planning Commission and was approved with several conditions, as outlined in the Staff report dated July 13, 1992.

In response to Mr. Corrado's question as to whether the potential partner is public knowledge, Mr. Temple advised that the partnership has not been published yet and since the Commission proceedings are on public record, he would have to obtain permission from the partner to announce the partnership. He noted, however, that the partner is a substantial developer that has been in business for many years.

Mr. Warmbier pointed out that there have been some changes in the City's codes and inquired if the applicant has reviewed the current codes to determine the differences in PUD design.

Mr. Temple replied that they have not done so, but will make necessary adjustment to comply with those changes. Ms. Connell advised that engineering plans had not been submitted, and must comply with current codes. She noted that the applicant's DSL permit is still active. Mr. Warmbier noted that alterations to the original wetland plans will result in a state review, and the applicant will have to deal with the new Storm Water Management Master Plan requirements.

Mr. Warmbier moved, seconded by Ms. Stewart, that a 120-day extension be granted for PUD 89-1 and CUP 92-2. Motion carried unanimously.

Ms. Stewart expressed hope that the plans will be much like the original approval and will include a golf course.

B. SUB 93-5 Cedar Creek Estates Preliminary Subdivision Plat, a 30-lot Single-Family Subdivision on Scholls-Sherwood Road.

For the record, Mr. Warmbier advised that he has had contact with the applicant for several years and had discussed the matter with staff. He stated that staff did not feel there was a need to decline participation in consideration of this issue.

Chairman Birchill called for a staff report.

Ms. Connell reported that the Commission is reviewing a preliminary plat request for a 31-lot single-family development on Scholls-Sherwood Boulevard. She noted the parcel is a 17-acre tract adjoining the St. Paul Lutheran Church. Ms. Connell remarked that the property had recently been annexed into the City and designated low-density residential. She pointed out that there is an existing home on one of the lots which is on the City's tentative historic

inventory. Ms. Connell advised that the home was built in 1931 and is a primary historic structure in Sherwood, although there has been no formal designation or review of the structure under the City's Landmark Advisory Board process, but it is hoped the home can be preserved. Ms. Connell pointed out that the staff report indicates the home is to be destroyed, however, the applicant has advised that they will attempt to preserve the house and move it onto a larger lot, and possibly utilize some of the features of the home on the new homes (i.e., porches). She encouraged the applicant to preserve the home.

Ms. Connell advised that the preliminary plan illustrates a topography that slopes to Cedar Creek and drops approximately 30 feet, with a wide variety of soils ranging from well drained to poorly drained soils in the floodplain. Ms. Connell advised that the analysis prepared by Scientific Resources identified a 5.3-acre floodplain and wetland, which the applicant is planning to dedicate to the City for the Cedar Creek Open Spaces Plan. She noted the area also contains a wide variety of vegetation and several large trees, including fir, fruit, and large walnut trees.

Ms. Connell stated that the Comprehensive Plan illustrates a pedestrian trail through the floodplain, which will extend and connect to paths throughout the City. She pointed out that there is also a BPA power line crossing the property at the northern end and the applicant cannot build under the power line. Ms. Connell noted that the lots near the BPA easement will have building limits, but they should be big enough to accommodate a home.

Ms. Connell summarized the required findings outlined in the Staff report. She noted that no streets are planned to connect with the church property on the east and the parcel narrows to the south so there will be no roads through to Edy Road. Ms. Connell remarked that access is via the Scholls-Sherwood Road, which is planned to have a 90-foot right-of-way. She noted that the applicant should dedicate a 15-foot right-of-way; however, Washington County has identified Elsner Road/Beef Bend Road as a high priority project and there is a possibility the road will be moved. Ms. Connell indicated that she had discussed the road with the County which agrees that requiring a dedication at this time is not logical, nor should the applicant be required to make half-street or road improvements. Ms. Connell noted that the County prefers the proposed access point and indicated the County will build a left-turn lane from Scholls-Sherwood into the subdivision. She noted that there is also a small piece of property owned by Mr. Wetzels which will be transferred to

the applicant, who is in the process of purchasing the lot. Ms. Connell indicated a lot line adjustment will be necessary to incorporate the lot into the parcel so it will have access to Scholls-Sherwood. She also pointed out that the access onto Scholls-Sherwood will be improved if the church utilizes the new entry road. The applicant should coordinate improvements with the church.

Ms. Connell reported there is a private road serving four homes on the narrowest part of the parcel. Further, a full street to Edy Road is not feasible because of the extensive floodplains. She noted the private street will be a 30-foot paved hammerhead and will provide adequate access for emergency vehicles. For the record, Ms. Connell commented that the TVFRD had not yet commented, however assurances that the road complies will be obtained prior to final approval. She also noted that the City engineer felt the slope of the hammerhead will require an extensive cut and/or fill.

Ms. Connell advised that the development complies with the LDR zoning since the lots are a minimum of 7,000 square feet, and there is a potential of 87 lots, but the applicant plans only 31 lots for the development. She noted there are no proposed variations to zoning requirements other than Lot 31, which will be temporarily land-locked; however, there is an easement from the development site, but no access to public streets. Eventually there will be an access to the lot from Edy Road. Ms. Connell recommended that no home be built on the lot until such time as the adjacent development on Edy Road is underway and public access is available.

In response to Ms. Stewart's questions as to whether that restriction will be on record until the development occurs, Ms. Connell stated that it will and pointed out that the lot has legal access, but not through a public street.

Ms. Connell indicated that there will be the usual requirement for landscaping on Scholls-Sherwood Road, which will affect Lots 27 through 30. She noted this is particularly important since there will be a high volume of traffic noise at the curve and recommended the applicant be required to submit a landscaping plan with the final plat.

Ms. Connell advised that except for the proposed private street, all interior streets will have 32 feet of paving, parking on only one side, curbs, gutters and sidewalks. She noted that the cul-de-sac is less than 600 feet and has the required 50-foot turning radius; however, the hammerhead engineering must be resolved prior to construction of the road, and a road maintenance agreement among the buyers of

the four homes on the private road must be obtained.

Ms. Connell pointed out that the County's comments on Scholls-Sherwood Road appear to have been made without consideration for the future improvements. Therefore, she recommended the consideration of several issues raised in the staff report be deferred until future coordination with the County, except for safety related improvements.

Ms. Connell stated that there is an 8-inch sewer line connecting to an existing 24-inch trunk line in Cedar Creek. She noted that the sewer line will be extended to each lot and the line on Lot 14 must be relocated. Ms. Connell noted that there is an existing 10-inch water line on Scholls-Sherwood Road, which will be extended the length of the northern end of the property. She pointed out that the City Engineer commented that if the fire flow is inadequate, the developer should be required to install a 10-inch loop to Pacific Highway, which will be a major condition for the developer. Ms. Connell noted that the Mr. Runyan of the TVFR provided a test for the location which estimated the fire hydrant exceeded the required 1,000 GPM. She noted that the City will ensure by way of a final condition that the fire department and the City verify there is adequate pressure.

Ms. Connell indicated that the storm water runoff drains into Cedar Creek and will meet quality standards of USA and the requirements of the Storm Water Management Plan. Ms. Connell discussed the six conditions provided by USA, and noted that staff questions whether there are adequate provisions for storm water drainage for Lots 4, 5, 6, and 7, which do not seem to be addressed on the plans. Ms. Connell stated that the applicant indicates the storm water runoff will drain into Cedar Creek.

Ms. Connell explained that there are no improved public parks or playgrounds planned; however, the site adjoins the Cedar Creek greenway. The City's Comprehensive Plan indicates a pedestrian trail near the creek which will connect to a continuous trail throughout the community. She recommended that the trail not be built at this time since it has been included in a recent grant request to ISTEPA. Ms. Connell also recommended that a 15-foot easement, with a six-foot wide asphalt trail be built, from the cul-de-sac between Lots 15 and 16 extending into the floodplain. She pointed out that the floodplain dedication had not yet been accepted by the City Parks Board; however, it must be accepted since the floodplain is identified in the Parks Plan.

Ms. Connell noted that the schools will be impacted by the

development; however, the school district made no comments.

In conclusion, Ms. Connell reviewed the conditions in the Staff report dated July 12, 1993, and recommended that based upon the findings of fact against the criteria, the Commission approve SUB 93-5, with additional conditions requiring a 15-foot wide easement across Lot 31 and a road maintenance agreement among the owners of Lots 4, 5, 6, and 7.

Chairman Birchill opened the public hearing for testimony from proponents.

Len Schelsky, Westlake Consultants, 7340 SW Hunziker Road, Suite 204, Tigard, addressed the Commission. Mr. Schelsky stated that neither he or the developers have any questions or comments regarding the conditions of approval and would be willing to answer any questions. He noted that he had received a copy of Washington County's preliminary plans for the Beef Bend/Elsner road modifications should anyone wish to review them. Commissioner Warmbier pointed out that the County had moved the street since they did not want to move the graves in a historical cemetery.

There being no further proponent testimony, Chairman Birchill opened the public hearing for opponent testimony. There being no further testimony, Chairman Birchill closed the public hearing and opened the hearing for questions and comments among the Commissioners.

Mr. Warmbier noted that the large trees, which were said to be on the driveway, are on the church property.

Chairman Birchill inquired as to whether the County has indicated any time frame for realignment of Scholls-Sherwood Road. Mr. Schelsky indicated the applicant is not aware of any. Ms. Connell commented that the Scholls-Sherwood project is approximately two years out.

Chairman Birchill inquired if Lot 3 could access directly into the cul-de-sac rather than through a private road, should the owner be required to enter into a road maintenance agreement. Commissioners concurred an agreement would not be necessary.

Chairman Birchill suggested that if the water lines need to be looped at the outer edge of the UGB, it would be better to cross the wetland and move to South Edy Road in order to gain the loop rather than a dead-end line. Mr. Schelsky agreed the line should run to Edy Road. Ms. Connell commented that

the latest plan shows a water line looping back to Edy Road.

Mr. Warmbier requested that a fence be installed behinds Lots 1 and 2. Mr. Schelsky and the Commissioners concurred that a condition should be added to require a fence along the rear of those lots.

Mr. Corrado moved, seconded by Ms. Stewart, that based on the findings of fact that SUB 93-5 be approved as amended, and subject to the following conditions:

1. Prior to final platting, provide engineered construction drawings in compliance with City, TVFRD, Washington County and USA for streets, sanitary sewer, storm water runoff, erosion control, water and fire service, street lighting, street trees and signage. Enter into a subdivision compliance and maintenance agreement with the City. Provide a performance agreement for cash bond escrow agreement guaranteeing security for 100 percent of the public improvements. In particular:
 - a. Verify adequate fire flow (1000 GPM) at the nearest fire hydrant, and if inadequate, comply with City improvement requirements.
 - b. Provide adequate stormwater runoff provisions for Lots 4 through 7 in accordance with the City and USA.
 - c. Modify the odd curve in the curb and right-of-way of the cul-de-sac serving Lots 23 through 30.
 - d. Engineer all areas needing cut and fill in accordance with City and UBC requirements.
 - e. Locate utilities in street right-of-way and on street side of the curb, where possible.
 - f. Provide an easement in the private street for utilities.
 - g. Provide a fifteen (15) foot wide sewer, water, or stormwater easement across Lot 31 to Tax Lot 500.
2. Provide a left-turn refuge lane on Scholls-Sherwood Road into the subdivision. Coordinate with the City and Washington County regarding dedication and improvement to Scholls-Sherwood Road. At a minimum:
 - a. Submit an Access Report for review/approval to the County Traffic Analyst in accordance with

Resolution/Order 86-95.

- b. Sign a waiver not to remonstrate against the formation of a local improvement district, or other mechanism, to improve the base facility of Scholls-Sherwood Road to County standard between Elsner Road and Highway 99W.
 - c. Establish a one (1) foot non-access reserve strip along the Scholls-Sherwood Road frontage, except at the approved access location.
 - d. Access should be located in accordance with the County's access spacing standards, or the applicant shall request and obtain approval of a Modification to the Washington County Uniform Road Improvement Design Standards.
 - e. Construct any warranted safety improvements on Scholls-Sherwood Road which may be required based upon completion of the County Traffic Analyst's review of the project in accordance with Resolution/Order 86-95 and review of any proposed modification of W.C.U.R.I.D.S.
 - f. Provide certification from a registered professional engineer that adequate sight distance (as measured in accordance 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 Scholls-Sherwood Road.
 - g. Construct a five (5) foot wide asphalt sidewalk connecting the development to the sidewalk on Scholls-Sherwood Road adjoining Cedar Creek Park Subdivision.
3. Complete the lot line adjustment transferring the Wetzel triangular parcel into the subject parcel's ownership, between the site and Scholls-Sherwood Road.
 4. Cooperate with the St. Paul Lutheran Church in providing church access onto the new public road serving the subdivision.
 5. Construct a six (6) foot wide asphalt or concrete pedestrian trail in a fifteen (15) foot wide easement between Lots 14 and 15 to the floodplain.

6. On the final plat, illustrate the 100-year floodplain and wetland boundary and dedicate said area to the City.
7. Submit to the City for approval a landscape corridor plan enhanced with noise buffers along the Scholls-Sherwood Road frontage, prior to final plat approval.
8. Uniformly plant in the front yard of each lot one street tree (two on corner lots), upon completion of home construction.
9. Provide street names on the final plat consistent with City street naming provisions.
10. Lot 31 shall not be built on until legal access is provided and approved by the City.
11. Provide a private road maintenance agreement between Lots 4, 5, 6 and 7.
12. Construct a fence on the back property behind Lots 1 and 2, the style of which shall be agreed upon by the developer and the church.

The motion carried unanimously.

At 8:50, Chairman Birchill called for a 10-minutes recess after which the Commission reconvened and considered the following items:

C. MLP 93-5 City/Claus Minor Land Partition creating two (2) new lots on West Villa Road.

Chairman Birchill called for a staff report.

Ms. Connell reported that MLP 93-5 is a joint request by the City and James Claus et al, which will create two new lots for a total of three lots on West Villa Road. She noted that there will be three parcels; one of which is approximately .4 acre with an existing home; one is approximately two and one-half acres and will be purchased by the City as an addition to Stella Olsen Park; and, the remaining 3.8-acre parcel is above the 100-year flood plain and will be a future residential development. Ms. Connell pointed out that the parcel is zoned MDRH with minimum 5,000 square foot lots. She commented that acquisition of this portion of the 100-year floodplain had been budgeted by the City in order to purchase pieces of the floodplain connecting to Stella Olsen Park.

Ms. Connell reviewed the criteria for Land Partitions and noted that a 20-foot dedication for the Villa Road right-of-way is being requested; there are no street improvements planned for parcel 2, which has frontage on Villa Road; road improvements will eventually be made by the City in conjunction with the recent purchase of the Beeler property and because of the intervening park, the road will not be developed for a main thoroughfare.

Ms. Connell reported that a 20-foot sewer easement exists at the corner of Parcel 2, and other public facilities are of no concern at this time, but will be reviewed at the time of development of the uppermost parcel. She noted that the adjoining property has access and does not rely on this parcel for future access; parcel 2 development is not applicable; and, parcel 3 may be divided as illustrated on the map and has no planned improvement at this time; a 70-foot corridor is proposed to connect to Villa Road as future road and is more than adequate.

In conclusion, Ms. Connell recommended that MLP 93-5 be approved with the one condition outlined in the Staff report dated July 12, 1993.

Chairman Birchill opened the public hearing for comments and testimony from proponents.

Susan Claus, 22211 SW Pacific Highway, Sherwood, addressed the Commission. Ms. Claus stated that the applicant will comply with the City's requirements; however, they are requesting an 80-foot corridor to connect Parcel 1 to Villa Road, rather than 70 feet. Ms. Claus stated that if the additional 10 feet are not necessary to complete the construction of the connection to Villa Road, the 10 feet could be returned to the City. After considerable discussion the Commissioners concurred with the 80-foot corridor.

Mr. Warmbier moved, seconded by Mr. Corrado, that based on the findings of fact, MLP 93-5 be approved, including an 80-foot wide corridor to connect Parcel 1 to Villa Road, and with a note that no fill could be done in the 100-year floodplain. Motion carried unanimously.

4. **Transportation Planning Rule Amendments.**

Ms. Connell reported that upon investigation of time extension, she learned that the extension is one-year. She noted that METRO will be putting together model language for the rules.

5. **Planning Director's Report.**

Ms. Connell stated that there were no other items on which to report at this time.

Chairman Birchill that Ms. Connell advise City Manager Rapp of Mr. Saxton's resignation.

6. **Adjournment:**

There being no further items before the Commission, Chairman Birchill adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Kathy Cary
Secretary