

City of Sherwood, Oregon
Planning Commission Meeting

August 17, 1993

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

2. **Minutes of previous meetings.**

Minutes of August 3, 1993 Meeting:

Mr. Warmbier moved, seconded by Ms. Stewart, that the minutes of the August 3, 1993 meeting be approved as presented. The motion carried unanimously.

3. **SP 92-4 Baptist Church addition: Request for a one (1) year extension.**

Vice-Chairman Ruehl called for a Staff report.

Ms. Connell advised that a letter had been received from the Board of Elders of the Sherwood Baptist Church requesting an extension of the Planning Commission's August 10, 1992, Site Plan approval. She noted that the Site Plan was to build an addition to the Church and was approved with the conditions stated in the Decision Notice dated August 10, 1992, a copy of which was attached to the letter from the Church. Ms. Connell commented that the church has not yet built the Church addition, and they are at this time requesting a one-year extension. Ms. Connell pointed out that past practice of the Planning Commission was to grant one-time, one-year extensions.

Mr. Warmbier moved, seconded by Mr. Corrado, that a one-year extension be granted for SP 92-4, Baptist Church addition. Motion carried unanimously.

4. **SUB 91-5 Chesapeake Park Final Subdivision Plat, a 13-lot subdivision on Murdock Road.**

Vice-Chairman Ruehl noted that the applicant for SUB 91-5, Chesapeake Park had not yet arrived, and directed that the Commission proceed with the remainder of the agenda.

5. **Public Hearings:**

Vice-Chairman Ruehl read the hearing disclosure statement and announced that Item 5 B of the Agenda, MLP 93-6 Handley, has been continued until the September 21, 1993, meeting.

A. PUD 92-1 Sherwood View Estates Preliminary Development Plan and Preliminary Plat for a 76-lot single family development on Murdock Road.

Vice-Chairman Ruehl requested that Commission members advise of any conflict of interest or ex parte contact regarding any items on the agenda. He determined there were no conflicts of interest or ex-parte contact.

Vice-Chairman Ruehl advised that PUD 92-1 Sherwood View Estates Preliminary Development Plan and Preliminary Subdivision Plat for a 76-lot single-family development on Murdock Road, had been continued at the August 3, 1993. He noted that this is a continuation from the last meeting, and requested that persons who did not attend the last meeting, but wish to testify at this time please limit the testimony to new comments. Vice-Chairman Ruehl then called for a Staff report.

Ms. Connell advised that the Planning Commission had received a thorough staff report at their August 3 meeting, and the item was continued in order to resolve questions regarding the future of the Murdock Road/Sunset Boulevard intersection. She pointed out that the preliminary analysis indicates that a straight extension is feasible and has been confirmed by the City Engineer. Ms. Connell commented that she and City Manager Rapp are meeting with the City Engineer in order to review the engineering analysis and get cost estimates in hopes of expediting the improvements at the intersection. Ms. Connell indicated that the most important item in the application before the Commission is that Staff and the Commissioners know where the alignment will be so that the new roads can end up with one aligned intersection and not two offsetting intersections.

Ms. Connell noted that a detailed traffic analysis of Sherwood View Estates has not been provided by the applicant to Washington County. She commented that Washington County is concerned about the sight distance and the over-all traffic impact on the area. Ms. Connell reminded the Commissioners and the applicant that the traffic report, adequate sight distance and the full impact report are conditions of approval and must be included as such. She noted that the application must still go through a public

hearing before the City Council for a preliminary review, will again be before the Planning Commission for a final development plan review and suggested that the requirements of the condition be satisfied during the review process.

Ms. Connell directed the Commissioner's attention to the Staff report dated July 26, 1993 and noted that proof of a wetland fill permit for a water line extension was required; however, due to plan revisions, which will loop the water throughout the development, the water line need not be extended through the wetlands and a fill permit is no longer needed. Ms. Connell stated that the requirement for a 25-horsepower pump is being reviewed by the City and will be worked out so that the cost is spread among the three new subdivision in the area which will be utilizing the pump.

Ms. Connell suggested that an additional item (g) be added to Condition No. 6 to require a pedestrian trail in the open spaces between Lots 65 and 66, and a requirement for a water quality facility as required by USA's letter of April 6, 1992.

Vice-Chairman Ruehl invited the applicant, Mr. Jerry Reeves, to make any additional comments. Mr. Reeves stated he had no further comments to make at this time. Vice-Chairman Ruehl next called for comments from proponents or opponents.

Mr. David Green, 24052 SW Baker Road, Sherwood, addressed the Commission. Mr. Green, who lives adjacent to the property being developed, commented that he had received a packet of material from Planning Director Connell. He stated that part of the wetlands on the acreage is on his property also. Mr. Green pointed out that information in the Commission packet discusses the delicacy of the wetland, and it must be very carefully developed. Mr. Green commented that Mr. Reeves is a good developer and he is not opposed to development of the property, but he is concerned about the number of units that are being allowed on the property and the size of the lots compared to the surrounding property. He noted that one lot is 1.29 acres on a main boulevard and there are no other lots in the adjoining acreage that small. Mr. Green feels there are simply too many housing units being permitted in the development.

Martin Gamble, 23500 Murdock Road, Sherwood, addressed the Commission. Mr. Gamble stated that he owns three acres adjoining the proposed development. He commented that he is not opposed to the development of the subdivision, and feels lucky to have a good developer on the project. Mr. Gamble indicated that he doesn't want to have all of the houses

backing up to his property line without a provision to assure his privacy. He feels that a project of this size could provide some type of barrier along the property for that purpose, and that it is not his responsibility to provide a barrier. Mr. Gamble urged that the applicant be required to provide a buffer area along his property line and that of Dr. Chen.

Sanford Rome, 1780 East Willamette, Sherwood, addressed the Commission. Mr. Rome stated that he has asked for information at the last minute, and is certain the Commission has looked at the maps included in the subdivision. He commented that he previously spoke very adamantly against the subdivision for a lot of reasons, including those spelled out in the staff report including USA's findings, the storm water, etc. He indicated that he has a greater concern, after 22 years of being before the Board, he wasn't certain as to whether he has the same findings of fact as the Commission has. He directed the Commission's attention to the supplemental Staff report dated July 26, 1993 and requested the Commission look at the entire project and 38 acres and look at planning and development, like we did 26 years ago when it was decided that Roy Street will have 10,000 square foot lots, which is the objective of the proposed development; with 38 acres and 76 lots allowed, this results in a one-half acre lot, but the 10,000 square foot lots will result in lot sizes of less than one-quarter acre

Mr. Rome pointed out that 13 percent of the wetland will be dedicated to the City, which already has financial difficulties and overburdened staff, police problems, complaints to the Council about Murdock Road and every street in town needs repair; and, if you impact the Murdock Basin, whether it be wetlands or Murdock Road traffic, the area we are talking about now is basically a base type of road until you get to the paved part at the top of Murdock. Baker uses it with all the new houses going in on the hill and the new subdivisions going in are using it; and if they don't go through Kathy Street, they come through April Meadows, which has streets that are below standards. Vice-Chairman Ruehl requested that Mr. Rome restrict his comments to facts at issue. Mr. Rome responded that he is keeping to the facts of roads and the number of units; the focus is being 10,000 square foot lots, and if you have 38 houses that is one acre per lot, which is standard. If you go to a PUD, you are allowed a one-half acre lot, not 10,000 square feet. Mr. Rome stated that he doesn't know how a PUD allows the shifting of density, and disputed that a PUD would allow the shifting of density by cutting lot size, and requested the Commission look at that point very seriously since it might

be grounds for criteria where you can't have this much density.

Mr. Rome stated that he questioned the comments in the Staff report wherein cul-de-sacs are discussed, etc., in that the project has been changed to meet the fire district's approval. But Murdock Road, even with half-street improvements and alignment with Sunset and Murdock, I am asking you to look at Murdock itself from the added impact or whether 38 families, two trips or whatever. I think when you look at Murdock even if it means we have to do what we did with Willamette Street, we have a mess on Willamette and not because I came to this Commission and asked for help before it ever happened, I am telling you we will have another problem, and I'm saying as a citizen of the City, please help us before that happens on the upper part of Murdock.

Mr. Rome also questioned the Staff comments regarding swales. Now we have given into this new report. We can say it has to have all of the staff findings and it has to meet with the current standards, but please help us. I complained before we ever did the Gotter's. Mr. Rome urged that the Commission add a requirement that the swales be storm water catch basins and gutters to avoid running over the curbs. Good storm water management will make the subdivision look better.

Mr. Rome quoted from the staff report dated July 26, 1993 which states "the site is truly constrained by previous partitioning, boundaries, terrain, etc." Once again a PUD proposal versus a standard subdivision proposal is warranted and appropriate, is a staff opinion not an objective situation. He stated that his request to the Planning Commission is humanitarian, we have enough constraints in the City now; everything that has gone before us we have said leave some, change some, vary some. I am saying let's pay for it now, rather than trying to find money we won't have in the City to pay for it later.

Vice-Chairman Ruehl pointed out that the 10,000 square foot lot is the minimum and in a PUD that means they cannot have any lot less than 10,000 and most of the lots are well over 10,000 square feet; and, based on PUD guidelines the developer can go two houses per acre based on the total acreage of property. The development is well within the guidelines and restrictions of the Comprehensive Plan. He pointed out that the proposal will also go before the City Council and various other steps in order to provide ample opportunity for people to provide input.

David Green again addressed the Commission. He asked "what is the purpose of the Planning Commission, is it just to look at the development and determine if they meet within the guidelines of the law, or to determine whether this is good for the community?"

Vice-Chairman Ruehl responded that the Planning Commission is constrained by the guidelines of the law and the Comprehensive Plan and Code. The Planning Commission cannot arbitrarily say the Commission does not like a project even though it meets the Comprehensive plan requirements and say you cannot do this project. The Planning Commission must react based upon what is written in the Comprehensive Plan and work within those guidelines. Vice-Chairman Ruehl noted that there is a great deal of development going on in Sherwood, and the Commission must allow the development within legal guidelines, and there is no way the Commission can deter the development. He noted that the only legal reasons for stopping development in a community are: if the City cannot provide water, or sewer or cannot deal with the storm water. These are the only reasons the City can impose a moratorium.

Mr. Rome again addressed the Commission. He pointed out that a LID could be required to help pay for sewers and storm water facilities. He urged that the Commission consider requiring bonding for all improvements, including Phase 2 which is scheduled for future development. Mr. Rome suggested that the Commission look at getting all improvements completed prior to allowing the applicant to proceed with the next sequential phase of development.

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

Ms. Stewart inquired if the City water was to be extended to the outside of the property between Lots 16 and 17 for residents behind the development. Ms. Connell responded that there is an easement on the adjoining property to the north for utilities.

Mr. Warmbier inquired as to whom staff is meeting in regards to Murdock/Sunset alignment. Ms. Connell responded that staff and the City Engineer are meeting to review the alignment. She pointed out that the alignment will not be completed until the City has adequate funds, but the alignment of Murdock as well as Oregon and Willamette Street repair have been given a high priority.

Mr. Warmbier expressed concern about the traffic analysis, which has not been reviewed by Washington County, and stated that he understands the reluctance of the applicant to proceed without an idea of whether he will get a preliminary approval and has the proper information for Washington County. Ms. Connell responded that Washington County has strict standards on sight distance and road improvements, which are more than the City has the ability to review. She recommended that the City confirm the requirements of Washington County and include their recommendations in the conditions of approval. She suggested that if the Commission wishes to review Washington County's analysis at a certain time; i.e., prior to final development plan approval, the Commission can require the findings prior to submittal to the Council. Ms. Connell noted that the applicant must make improvements to get sight distance approval, and might be required to elevate the intersection in order to get County approval.

Vice-Chairman Ruehl noted the requirement to making everything stay to the northeast of the ridge line, so basically there are no property lines extending over the ridge line entering the wetlands area, and inquired if the Commissioners or staff had any opinions on the requirement. Vice-Chairman Ruehl indicated that the topographical plans indicate some lots cross the ridge line and felt that Lots 64-69 could infringe across the ridge line and extend to an area near the proposed retention pond. He suggested that rather than making the lots as deep as indicated, the applicant make the lots wider and combine Lots 68 with 69, 66 with 67 and 64 with 65 into individual lots, which will allow those lots to move above the pond and provide a buffer protection to the sensitive areas to the south. Ms. Connell reminded the Commissioners that the ridge line becomes less definitive in that area, and suggested that such a condition would result in the removal of fewer trees.

Mr. Warmbier commented that it is very difficult to determine the delineation of the wetlands and is concerned that the exact area of the wetlands cannot be determined until the applicant surveys the area. Ms. Connell noted that the delineation of the wetland areas must be completed before the next hearing with City Council.

Mr. Warmbier questioned whether a developer should be required to do a half-street improvement on Murdock in view of the high priority ranking by the City. Ms. Connell responded that she was not certain a half-street improvement could be made since

there is a 50-foot right of way and only 70 feet of frontage. She pointed out that the important consideration is that the streets must line up with the new intersection and noted that there are no half-street requirements in the conditions of approval.

Mr. Corrado pointed out that the engineering feat required to bring Sunset to Murdock at a right angle is difficult. He suggested that a determination be made as to what is the greater task of the two for the greater use in the long-term for the proper usage and safety of that intersection, and questioned whether Sunset should be cut first, and then line up the street since there are only 80 feet and the street has to line up somewhere? Ms. Connell responded that the City Engineer will provide some answers that will, hopefully, be site specific and sufficient to determine alignment.

Mr. Warmbier commented that the combination of the six lots as suggested by Vice-Chairman Ruehl would be feasible; however, it would be necessary to know the exact delineation of the wetland before requiring the combination of lots.

Mr. Warmbier moved, seconded by Ms. Stewart, that based on findings of fact and recommendation of staff, PUD 92-1 be approved, and include the combination of the previously described six lots into three lots since there is no wetland delineation; and, that the applicant meet the specific standards and engineering specifications to align with Sunset Boulevard at Murdock, and that it meets all County traffic restrictions that will be imposed for sight distances (Item 3), including modifications recommended by Ms. Connell: provide a 20-foot easement for Tax Lots 2100 and 2200 and provide a pedestrian trail between lots 65 and 66, or in that vicinity.

J. C. Reeves, J.C. Reeves Corporation, 4850 SW Scholls Ferry Road, Portland, addressed the Commission. Mr. Reeves commented that there is testimony in the records that indicates the lots are more than 100 feet from the wetlands, and the Commission has to meet clear and objective standards before they can take three lots away. He stated that the Commission is not addressing those standards and issues, and if he produces a wetland delineation that shows the lots 100 feet from the wetlands, then the Commission cannot remove the three lots. Ms. Connell responded that the delineation is not available. Mr. Reeves indicated that a definite delineation could be available prior to the review by the Council.

Mr. Reeves stated that a wetland delineation made by David Evans and Associates is available. He commented that the designation is not clear as to the exact footage, however, it is clear that there is sufficient room. Mr. Reeves suggested that the proposal be continued rather than either he or the City incurring the cost of an appeal before LUBA.

After a brief discussion, Mr. Warmbier withdrew his motion and Ms. Stewart withdrew the second to the motion. Mr. Warmbier then moved that PUD 92-1 Sherwood View Estates be continued to the September 21st Planning Commission meeting in order to obtain a wetland delineation. The motion was seconded by Ms. Stewart and carried unanimously.

Vice-Chairman Ruehl advised that at this time, the Public hearing will be suspended so that the Commission can discuss SUB 91-5, Chesapeake Park, and called for a staff report.

SUB 91-5 Chesapeake Park Final Subdivision Plat, a 13-lot subdivision on Murdock Road.

Ms. Connell reported that this is a final plat, which is being reviewed for comparison to the April 7, 1993, preliminary approval. She noted that the Staff report addresses conditions attached to that approval. Ms. Connell pointed out that the proposal conforms in every way to the subdivision streets and zoning standards for lot sizes, for street widths and location. Engineering plans for utilities have already been approved by the City and bonded for; further, the work has already been done. Ms. Connell commented that public improvements are being completed before the plat is recorded.

Ms. Connell stated that one of the conditions of approval was to redesign the plat so that the lot east of the existing home, became a flag lot with driveway access to the adjoining lots. She noted that a driveway maintenance agreement should be required. Ms. Connell indicated that Lot 5 is too narrow where it meets the street, and it is her recommendation that, in accordance with the width requirement, the house be no closer than 35 feet from the street, which will provide an adequate lot width at the building line.

In conclusion, Ms. Connell recommended that the SUB 91-5 final plat be approved based upon the conditions outlined in the Staff report dated August 10, 1993, with an amendment to Condition No. 1 to require the utility easement along Lots 9 and 10 be increased to 15 feet, and that the width of the existing easement along the west property line not be reduced; and, delete Conditions Nos. 3 and 5, since those

conditions have been met.

Vice-Chairman Ruehl opened the meeting for comments from the applicant or others in the audience.

James Claus, 22211 SW Pacific Highway, Sherwood, addressed the Commission. Mr. Claus described the work he had done at the subdivision, at an economic loss, in order to preserve the quality of life in Sherwood. Mr. Clause stated that he had declined an offer of \$125,000 for the 1.8 acres from an apartment developer and he will not make this much profit from his subdivision. Mr. Claus commented that residents of adjacent Atley Estates are unable to circulate without trespassing on his property, and people daily are crossing his property as well as dumping dirt on his property, and in some instances Atley Estates residents are unable to get into their own driveways because of the narrow streets and homes that are too close. Mr. Claus suggested that the Commission very carefully consider reports on wetlands prepared by David Evans and Associates. He noted that his wetland is actually seven acres more than what was identified by David Evans. Mr. Claus stressed the inaccuracies of reporting by David Evans, some of which have cost upwards of \$25,000 in overruns because of errors on David Evans' part.

After a brief discussion, Mr Corrado moved, seconded by Mr. Warmbier, that SBU 91-5, Chesapeake Park Final Plat be approved based on the findings of fact and subject to the following conditions:

1. Re-name all easements, except the driveway and landscape easements, "utility" easements. Widen the utility easement along Lots 9 and 10 to 15 feet. Do not reduce the width of the existing easement along the west property line.
2. The front building setback line of Lot 5 shall be at least 35 feet from the street.
3. Plant drought resistant ground cover, and Maple street trees in the landscape corridor on Murdock Road 30 feet on center. Uniformly plant one street tree per lot in the front yard of each lot.

The motion carried unanimously.

At 8:50 Vice-Chairman Ruehl called for a 10-minute recess. At 9:00 the Commission meeting reconvened and considered the following:

B. MLP 93-6 Handley: A three (3)-lot Land Partition on Highway 99W.

The Planning Commission concurred with continuation to the September 21 meeting.

C. PA 93-4 and SUB 93-6 Foothills Estate Preliminary Subdivision Plat: a Plan/Map Amendment and proposed 36-lot single family subdivision on Sunset Boulevard.

Vice-Chairman Ruehl called for a staff report.

Ms. Connell advised that the Commission is reviewing a joint application for a City-initiated Plan/Zone Map Amendment of property recently annexed. She noted that the preliminary plat is for 36 single family homes on a 9.85-acre parcel on Sunset west of Brittany Lane.

Ms. Connell recommended that the Plan Amendment be approved since the property was just annexed into the City and must be given different City zoning of Low Density Residential. She pointed out that the Commission is obligated to notify neighbors and hold public hearings. Ms. Connell commented that the amendment proposal must also go through review in the City Council and the Plan Amendment must be adopted by Ordinance. Ms. Connell advised that the annexation of the parcel became effective August 16, 1993 and is a result of an application sent directly to the Boundary Commission for annexation.

Ms. Connell stated that the annexation is discussed in the Staff report dated August 9, and suggested that the Plan Amendment be considered separate from SUB 93-6. Ms. Connell recommended that PA 93-4 be approved based on the findings of fact and based on the Boundary Commission's final order and findings of fact. She requested a separate motion for each proposal.

Vice-Chairman Ruehl opened the hearing for proponent testimony of the Plan Amendment.

Mr. Len Schelsky, Westlake Consultants, 7340 SW Hunziker Road, Suite 204, Tigard, addressed the Commission. Mr. Schelsky stated that he did not plan on addressing the Plan Amendment issue and that the applicant is in agreement with the staff report.

Vice-Chairman Ruehl next opened the hearing for testimony from opponents. There being no further testimony, Vice-Chairman Ruehl closed the public hearing on Plan Amendment PA 93-4 only, and opened the meeting for comments and questions among the Commissioners.

Mr. Warmbier stated that people are going directly to METRO and bypassing the City in order to obtain annexations, and when METRO approves the annexation, the City does not have a choice regarding the annexation. He questioned how many more will circumvent City approval by going to METRO.

Ms. Stewart pointed out that the parcel is within the urban boundary and was meant to be annexed to the City in the future. Ms. Connell responded that the legislature has attempted to streamline annexations, especially within an urban growth boundary.

Mr. Warmbier pointed out that persons have been successful in getting a parcel annexed along with an adjoining parcel, the owner of which had not been notified until after the fact.

Mr. Warmbier moved, seconded by Mr. Corrado, that based on the findings of fact, PA 93-4 be approved. Motion carried unanimously.

Ms. Stewart pointed out that the annexation approval is simply a formality to assure that the property is zoned as close as possible to the City's zoning.

Vice-Chairman Ruehl called for a staff report on SUB 93-6.

Ms. Connell distributed a copy of the revised utility plan, which shows no direct access to Sunset, but access from the property to the west. She noted that the plan also indicates more circulation in the back phase across the property to the west. Ms. Connell pointed out that the reason for distributing the late change is because the applicant received a notice from the County denying access from Sunset due to lack of adequate sight distance.

Ms. Connell reported that the proposal consists of a 9.8 acre, 36-lot development, for which the phasing has been reversed. She noted that Phase 1 is now the 23 lots in the rear of the property, which will have access through Paula Lane; and, the second phase will be 13 lots in the front of the development which faces Sunset. Ms. Connell pointed out that the proposal has been divided into two phases since the site is divided by a ridge near the middle of the parcel, and the front part of the parcel drops to Sunset and the back

part drops to Paula Lane, and there is a significant slope change from back to front. Ms. Connell advised that the topo survey illustrate that there are many trees on Sunset planted by the applicant and some large fir trees on the back of the property, many of which the applicant plans to retain. She noted that the fruit trees on Sunset may be in the right-of-way and may have to be removed.

Ms. Connell stated that there are no floodplains, no historic sights or significant natural features, but there is an existing house on the property and the land has been used for grazing horses.

Ms. Connell reported that the access to the parcel was originally from Sunset, which the County rejected due to poor sight distances and inadequate spacing. Ms. Connell commented that the applicant was very cooperative and was able to complete a redesign to relocate access to the west for lots adjoining Sunset. She noted that Whispering Firs is the only adjoining existing plat in the vicinity, and land to the west is vacant; to the north is Cascade View, but has no access in this vicinity. Ms. Connell pointed out that the proposal conforms generally to the Whispering Firs design and will extend Paula Lane through to the west.

Ms. Connell noted that other changes in the revised submittal was taking the back street from Paula Lane to the north and extending it west so that there is actually better circulation and three points of access to the property which will eventually return to Sunset Boulevard. She pointed out that there are no longer problems with dead-end cul-de-sacs, no long cul-de-sacs and better circulation. Ms. Connell stated that the new plan, because of the better circulation, is for 37 lots, where the original plan called for 36.

Ms. Connell commented that all streets will be public with all standard 32-foot paving and 50-foot right-of way with parking on one side only.

Ms. Connell pointed out that all lots meet the 7,000 square foot minimum, and some are 15,000 square feet. She noted that the property could accommodate 49 lots, but the proponent proposed only 37 lots. Ms. Connell commented that a landscape corridor is required on Sunset Boulevard, and urged that as many trees as possible be retained. She indicated that a 20-foot dedication is required on Sunset Boulevard as well as half-street improvements.

Ms. Connell stated that Phase 1 water was scheduled to connect to the existing line in Sunset Boulevard and proceed westerly; however, because of the revisions, the Phase 1 water will connect from Paula Lane and loop throughout the development. Ms. Connell noted that the existing home is on a private well and septic system, both of which will be abandoned as City services become available. Ms. Connell pointed out that the Phase 2 sewer will connect to the Sunset Boulevard line and Phase 1 sewer will connect to the Paula Lane line. She noted that storm water in Phase 2 will directly tie-in at Whispering Firs and Cascade View connections to the east and north.

Ms. Connell pointed out that there are no public parks planned for the area since Roy Street Park will be developed for residents in the area. She noted the City will collect Parks SDCs for each home.

In conclusion, Ms. Connell recommended that SUB 93-6 Foothills Estates Preliminary Plat as redesigned, subject to the conditions outlined in the Staff Report dated August 9, 1993, with the deletion of Item No. 3 requiring a re-design of the plan to eliminate the cul-de-sac to Tax Lot 2000, which has already been completed. Ms. Connell pointed out that the City intends to spread the cost of the 25-horsepower pump among the new developments in the area.

Vice-Chairman Ruehl next opened the public hearing for testimony from the applicant and proponents.

Len Schelsky, Westlake Consultants, 7340 SW Hunziker Road, Suite 204, Tigard, addressed the Commission. Mr. Schelsky stated that he is representing the applicant, Mr. George Scott. He commented that Phase 1 will be 15 lots and Phase 2 will consist of 22 lots. Mr. Schelsky stated that Phase 1 will be the southern portion. He noted that the realignment had been discussed with the engineer and they have reached agreement with regard to the layout of the street pattern. Mr. Schelsky indicated the applicant has no comment regarding the 25 horsepower pump, except they will work with staff to determine the fees to be paid and the timing. He noted that Acting Public Works Director Milburn indicated the fees could be paid at the time of the second phase. Mr. Schelsky offered to answer any questions the Commissioners may have.

Mr. Robert Moody, 14970 Paula Lane, Sherwood, addressed the Commission. Mr. Moody stated that there are currently 69 lots in Whispering Firs using Brittany Lane as access and he is concerned about the addition of another 15 lots which will also use Brittany Lane as an access. He said he was

concerned about the discussion of another access once the area is developed, and questioned the effects should the additional phase not be developed and the effects of the increased traffic on Brittany Lane because the access was not developed. Mr. Moody pointed out that Phase 2 will add another 22 lots, which totals well over 100 houses with a single access. He suggested that development be delayed until there are two accesses available. Mr. Moody also pointed out that the lots in the proposed development are considerably smaller than the adjoining lots, and there are several large fir trees along the back property line. He suggested that in order to save the trees, the lots be made wider. Mrs. Moody expressed her concurrence over the small lots and the possible loss of the large fir trees on the adjoining parcel. Mr. Moody explained that he had no problems with the subdivision, but is concerned with only one access, which is through Whispering Firs, and the possibility that emergency vehicles will be blocked. Mrs. Moody commented that on occasion she has had difficulty driving out of her subdivision because the roads were block by construction vehicles or debris. She commented that there are many children in the area and expressed concern about the safety of the school buses. Mrs. Moody urged that consideration be given to requiring larger lots and adequate access roads.

There being no additional testimony, Vice-Chairman Ruehl closed the public hearing and opened the meeting for comments and questions among the Commissioners.

Ms. Stewart expressed concern of additional traffic on Brittany Lane and said Tax Lot 2000 appears to have three streets connecting to an entrance on Sunset. She noted that there will be an increase in traffic on Sunset Boulevard that will probably relieve some of the extra traffic.

In response to Mr. Corrado's question about time frame for development of adjoining developments, Mr. Schelsky replied that he has not met with the other developers; however, they plan to proceed with construction this year. He noted that all houses in the new development will be using the access through Whispering Firs. Ms. Connell pointed out that there are two planned accesses from Whispering Firs, one will go east to Murdock and one will go back to Sunset depending upon comments from the Fire District.

Vice-Chairman Ruehl question which plat had been reviewed by the Fire District. Ms. Connell responded that the Fire District had reviewed the original plat, which had a long cul-de-sac, and more problematic to the Fire District. She

noted that she did not feel the Fire District would change their recommendation. Vice-Chairman Ruehl suggested that an additional condition be included to assure that the Fire District reviews the revised plat to see if there are any further comments. Ms. Connell pointed out that Condition No. 1 requires approval of the Fire District and noted that prior to final platting approval, the question will be resolved. Ms. Connell advised that the revised plat will be forwarded to the Fire District for comment.

After further discussion, Mr. Warmbier moved, seconded by Mr. Corrado, that based on the findings of fact, SUB 93-6, based on the revised design that restricts access to Sunset Boulevard, be approved, with the deletion of Condition No. 3 of the Staff report dated August 9, 1993, and subject to the following conditions:

1. Prior to final plat recording, engineered construction drawings for public improvements shall be approved by the City, USA, TVFRD and Washington County. Plans shall include provisions for streets, water, sewer, storm water runoff, fire prevention, erosion control and fill, street lighting, including illumination at Sunset Boulevard, signage, landscape corridor improvements and street trees. In addition to standard utility requirements, the following improvements shall be made:
 - (a) Dedication of Sunset Boulevard right-of-way guaranteeing 40 feet from centerline the width of the subject parcel.
 - (b) Half-street improvements on Sunset Boulevard to coincide with the existing street widening at Whispering Firs subdivision.
 - (c) Connect water and sewer service to the existing residence and abandon the well and septic system.
 - (d) Extend sewer and water to the west property line on Sunset Boulevard. Provide a 25-horsepower pressure pump beside the City reservoir. The pump is creditable against the water SDC charge, and future developments in the area which benefit from the pump will pay their proportionate share of the pump through a City/Applicant reimbursement agreement.
 - (e) Design a water quality facility in compliance with USA requirements, or pay the fee-in-lieu of a

facility if acceptable to USA. If a facility is required that causes a significant change in lot configuration, the plat may need to be reviewed again by the Commission, as determined by the City.

- (f) Provide a landscape corridor plan utilizing the existing pear trees if possible. Provide one (1) street tree per lot, and two (2) on corner lots.
- 2. Retain all fir and pear trees possible.
- 3. Prior to final plat recording, the Plan/Map Amendment shall be approved by the Council.

The motion carried unanimously.

6. **Planning Director's Report**

Ms. Connell advised that there will be no Planning Commission meeting on September 7, and the next meeting will be September 21. Items on the September 21st agenda are a partition by Mr. Handley, a Planned Unit Development for the Handley property; and the Woodhaven Development (formerly Steeplechase) will be considered at the October 5th meeting.

7. **F.Y.I.**

Items are provided for information purposes only and no action was required.

8. **Adjournment:**

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

Respectfully submitted,

Kathy Cary
Secretary