

City of Sherwood, Oregon  
Planning Commission Meeting

October 5, 1993

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

Chairman Birchill introduced and welcomed Ms. Susan Claus to the Planning Commission.

2. **Minutes of September 21, 1993 meeting.**

Minutes of September 21, 1993 Meeting:

Mr. Ruehl moved, seconded by Ms. Stewart, that the minutes be approved as recorded. The motion carried unanimously.

**SUB 93-2 Cinnamon Hills Revised Preliminary Plat and Phase 1 Final Plat: an 86-lot single-family subdivision on Pine and Sunset Boulevard.**

Chairman Birchill requested that Public Hearing Agenda Item 5 A be placed on the agenda at this time since the applicant has formally requested that the revised Preliminary Plat and Phase 1 Final Plat of SUB 93-2, Cinnamon Hills, be withdrawn.

He commented that any one in the audience who attended specifically for discussion on SUB 93-2, may feel free to excuse themselves. Ms. Connell advised that the applicant had requested withdrawal of the item, and she recommended that the Planning Commission accept the applicant's request.

She pointed out that the reason for the withdrawal request is that Mr. Burghardt withdrew the revised plan since he now plans to use the original plan with access to Sunset Boulevard. Ms. Connell advised that Mr. Burghardt will work in conjunction with Cypress Ventures, developers of an adjacent development, to improve Sunset Boulevard. She noted that the originally approved plan is still in effect and there will be no discussion or public hearing of the original plan.

Ms. Stewart moved, seconded by Ms. Claus, that the applicant's request to withdraw SUB 93-2 Revised Preliminary

Plat be approved. The motion carried unanimously.

3. **SUB 93-4 Cascade View Estates #3 Final Plat: a 20-lot subdivision on Smock Street.**

Chairman Birchill called for a staff report.

Ms. Connell advised that the Commission is considering the final plat for Cascade View Estates No. 3, which is a small 20-lot subdivision adjoining Cascade View No. 2. Ms. Connell noted that all required conditions have been met or are in the process of being met. She noted that an easement or access across Tax Lot 201 is needed for a sewer line extension. Ms. Connell noted that Tax Lot 201 is City park land, and the applicant is providing a dedicated pedestrian trail to the park at the end of the cul-de-sac. Ms. Connell advised that all utilities and streets are public and that all street names are in accordance with the City's street naming standards. Ms. Connell stated that the applicant has provided a preliminary set of detailed construction plans for all utilities and the only remaining item requiring solution prior to recording is providing a bond for all improvements, which is in process.

In conclusion, Ms. Connell recommended that approval of SUB 93-4 Cascade View Estates No. 3 Final Plat be subject to the two conditions outlined in her Staff report dated September 27, 1993.

Chairman Birchill opened the meeting for comments from the applicant or opponents.

Dick Bailey, Bailey Real Estate, 585 Sherwood Boulevard, Sherwood, addressed the Commission. Mr. Bailey advised that the applicant is in agreement with all of the conditions and has no further comment.

There being no comments from either proponents or opponents, Chairman Birchill opened the hearing for comments or questions among the Commissioners. There being none, Chairman Birchill closed the hearing.

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

1. Provide bonding for 100% of the public improvements prior to final platting. Installation of "No Parking" signs shall be included in the subdivision compliance

agreement.

2. Obtain an easement from the City to extend services across Tax Lot 201.

The motion carried unanimously.

4. **SP 90-6 Sherwood Village: request to modify a condition of approval.**

Chairman Birchill called for a staff report.

Ms. Connell reported that the Planning Commission had previously approved a mobile home park on Sherwood Boulevard and Division Street, and the park is now under construction.

She noted that all plans, including utilities, have been approved, and bonded for. Ms. Connell remarked that the applicant, the new park owner, is requesting one modification to the original set of conditions in the June 1991 approval.

Ms. Connell stated that the applicant is requesting deletion of the requirement for a recreation hall, which was not a Code requirement, but the Planning Commission felt a recreation area was needed in a 62-unit mobile home park, particularly if there were mostly senior citizens in the park. She noted that the applicant is now requesting that a playground and park be placed on the site, not a building. Ms. Connell indicated that the applicant plans to have rental units for families with children, and there will probably be more small children in the park than was originally anticipated. She pointed out that there will be no increase in the number of units or other changes, and the recreational area will now be an open lot rather than a lot with a manufactured building for common use.

Ms. Connell advised that Staff supports the requested change, especially since the overall land area is small and the open park would be more desirable than an inside space. She recommended that the originally planned recreation hall be replaced by a park utilizing an approved manufactured home space and that park improvements include picnic table and benches, a variety of playground equipment and a half-court basketball area, and that the park be operated by the park manager.

Chairman Birchill inquired if there were any comments from the applicant.

Al Benkendorf, consultant for the applicant Dave Alexander, 522 SW 5th Avenue, Portland, addressed the Commission. Mr. Benkendorf stated that Ms. Connell had done a good job of

describing the applicant's request. He pointed out there were 22 conditions placed on the approval of the project and Mr. Alexander has complied with all of those conditions, except No. 19. Mr. Benkendorf commented that Mr. Alexander has designed the park so that it is more family oriented and may include senior citizens, but the park will not be exclusively senior oriented; and for that reason there is need for a small park facility for children and families. Mr. Benkendorf advised that the applicant intends to use one of the lots, which will be landscaped and will include equipment suggested by City staff, and will be available for residents of the park. He requested that the Planning Commission support the Staff's recommendation. Mr. Benkendorf commented that the landscaping plans for the project were originally designed assuming the site was flat; however, Mr. Alexander is trying to modify the landscape plans to respond to the topographical conditions of the site. Mr. Benkendorf requested that the Planning Commission permit Staff to work with the applicant to modify the landscaping plans at a later date according to the topography of the site.

In response to Mr. Corrado's question as to what is the most significant modification, Mr. Benkendorf stated that the applicant must deal with the slope conditions. Mr. Benkendorf indicated that fill has been placed on the site in order to provide access at a reasonable grade at the site, and the new slope conditions will require appropriate landscape treatment; i.e., ground cover and shrubs on the slope rather than trees.

Ms. Connell noted that the plans show a fence at the entrance to the park, which is rather tall, and the scale and slope might make it difficult to install a fence.

Ms. Stewart noted that the fill has improved the site conditions onto Sherwood Boulevard, but might have created the slope problem. Mr. Benkendorf responded that some of the slope already existed.

Chairman Birchill inquired if the park setting described in lieu of the recreation hall is a corner lot or on a central lot, and has any thought been given to protection to lots adjacent to the basketball hoop to avoid garden damage. Mr. Benkendorf replied that the applicant's intent is to have an amenity rather than a nuisance. Mr. Alexander indicated that the park could be on a corner and adjacent to the manager's unit. He noted that Lot 48 has been targeted as the park, and Lot 47 will be the manager's unit.

Ms. Stewart commented that the park had originally been approved as an adult park, and when it is changed to a family oriented park, a playground areas is needed. She inquired if this was the intent of the applicant. Mr. Benkendorf affirmed that there will be a playground area.

Mr. Corrado inquired if the park will be surrounded on three sides by a street and what are the safety issues. Mr. Alexander responded that the park is approximately six feet below grade at Sherwood Boulevard and there will be a retaining wall at the basketball court which will make it impossible for balls to roll into the street. He noted that the entire park will be fenced.

In response to Ms. Claus' question regarding the percentage of families living in the park with small children and whether the applicant objected to a fence along the south line of the playground, Mr. Alexander responded that it is difficult to know the age of the residents and their children; there have been five young families who have already signed up for the park and he anticipates 35 percent of the residents will be over the age of 55. He also stated that there will be a fence around the park; however, the post office is requiring a bank of mailboxes on one side.

Mr. Corrado expressed his concern with children running into the traffic to retrieve balls. Mr. Ruehl pointed out that having the park next to the manager's unit will place the responsibility of dealing with associated problems with the manager rather than City staff. Mr. Benkendorf stated that the applicant has no objection to a fence by the basketball court.

Ms. Stewart inquired whether there are any State guidelines regarding the area required for a playground in relation to the number of lots. Ms. Connell responded that the guidelines are based on City-wide standards and there are no State requirements for a parcel of land the size of this development. Ms. Stewart expressed concern that the lot being considered for the park is too close to Sherwood Boulevard. She suggested that Lots 29, 30 or 55 would be a more suitable area. Mr. Alexander responded that the lot being considered as a playground is six to eight feet below grade at Sherwood Boulevard and would be fenced.

In response to Ms. Claus' question, Mr. Alexander stated that the park will be open normal hours, and there are no plans to set specific park hours. Chairman Birchill noted that the property backs to the new school area, and eventually there will be additional play area there.

Ms. Stewart noted that the mobile home park was originally designed as an adult park and in view of the change to allow families with children, questioned whether an access through the park to the proposed school area should be required. Ms. Connell responded that such requirement would not be appropriate at this time. She pointed out that due to federal regulations, the park could not have been approved as an adult park, and the City did not specifically approve it as such. Ms. Connell noted that at some future time, Division Street can be used as pedestrian access to the school through Gregory Park via a pedestrian trail.

Ms. Stewart inquired whether the previously indicated gate prohibiting entrance onto Division Street will be removed and half-street improvements with an 8.5 foot dedication is now required for Division Street. Ms. Connell responded that only the 8.5 foot dedication on Division Street is required and that the street will be blocked, except for emergency access. Mr. Ruehl reminded the Commissioners that the Planning Commission required the half-street improvements, but the City Council deleted the requirement. Ms. Connell stated that she will check to determine if Division Street will be an access.

Chairman Birchill polled the Commission to determine if the Commissioners would prefer two motions or separate motions to respond to the applicant's two requests, exchange of the park for the recreation building and modification of the landscaping to be approved by Staff. Mr. Hohnbaum suggested the Commissioners consider one motion and allow Staff discretion to modify landscaping plans. The Commissioners concurred.

Mr. Corrado moved, seconded by Mr. Hohnbaum, that SP 90-6 Sherwood Village, based on the findings of fact and recommendation of staff that the applicant's proposal to revise Condition No. 19 to replace the recreation hall with a park, including a picnic table, benches, a half basketball court, a variety of playground equipment, landscaping, and a fence on the south side of the mail box bank. Further, any project landscaping modification may be approved by City staff.

The original and revised conditions were placed upon the approval as follows:

- A. A final site plan shall be prepared and approved by the City that incorporates the original improvements on the approved plan (dated September 21, 1990) with the revised plan (dated June 3, 1991). The following

conditions apply to the revised plan approval:

1. The applicant shall provide construction drawings for all public utilities, road and bikeway improvements and street lighting for City approval prior to issuance of any permits. Construction drawings shall include a looped water line through the project and extended to St. Barbara Way. If all improvements are not installed prior to occupancy, a performance bond equal to 100% of improvement costs shall be provided to the City.
2. The occupancy of recreational vehicles within the park as permanent living quarters is prohibited.
3. No unoccupied recreational vehicles or motor vehicles over eighteen (18) feet in length are allowed to be parked in the development. Those RVs and motor vehicles eighteen (18) feet or less must be parked beside or behind the manufactured home.
4. Each home shall have a minimum floor area of eight hundred (800) square feet.
5. No building, structure or land within a park shall be used for any purpose except for:
  - a. Residential homes together with normal accessory uses such as cabanas, patio slabs, ramadas, carports or garages, and storage and washroom buildings.
  - b. Private and public utilities and services.
  - c. Community recreation facilities, including swimming pools, for residents of the park and guests only.
  - d. One manufactured or conventional residence for the use of a manager or a caretaker responsible for maintaining and operating the park.
6. All manufactured homes shall be setback at least twenty (20) feet from a public street and ten (10) feet from other property lines.
7. Manufactured homes shall be separated fifteen (15) feet from other manufactured homes or permanent

buildings, and ten (10) feet from any park or street. Accessory buildings, when not attached to the home, shall be separated by three (3) feet from any manufactured home or structure.



8. Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the manufactured home for setback purposes.
9. All manufactured homes shall be placed on a foundation stand, adequate to provide a stable, fixed support. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and at least as large as the mobile home.
10. All manufactured homes shall provide exterior finishing and construction as follows:
  - a. Skirting of moisture resistant, non-combustible material or fire-retardant wood.
  - b. Pedestal or blocking supports ensuring adequate support and in compliance with the Oregon Department of Commerce set-up procedures.
  - c. Awnings, carports, cabanas, and similar structures of a material, size, color and pattern so as to be compatible with the manufactured home and any applicable building codes.
11. All utilities shall be installed underground.
12. Individual roof top or outdoor television or radio antennas shall not be permitted.
13. Fire hydrants shall be installed so that no manufactured home, recreational vehicle or other structure is farther than three hundred (300) feet from an approved fire hydrant, as measured from the center line of streets.
14. Street dedication and improvements to South Sherwood Boulevard shall apply to the original frontage of Tax Lots 700 and 800. The ten (10) foot dedication to Sherwood Boulevard, the eight and one-half (8-1/2) foot dedication to Division Street, and the bicycle path dedication shall be made in accordance with City requirements. Sherwood Boulevard shall be improved to City half street improvement standards. Signage and traffic control measures shall be installed on South Sherwood Boulevard as recommended by the City and shall be accompanied by a final driveway sight

distance analysis to be supplied by the applicant's traffic engineer. There shall be an additional project review by the Planning Commission if driveway sight distance is inadequate as determined by the City. Division Street shall be improved to adequately provide fire access to the development. The owner shall enter into a non-remonstrance agreement for future road improvements to Division Street.

15. The project's final tenant lease agreement shall be submitted to the City and shall provide for adequate park management, landscaping, overall park maintenance of the Recreation Hall, parking area, streets, lighting and other common facilities.
16. One project identification sign not to exceed thirty-two (32) square feet is permitted in the entry area.
17. Systems development charges for parks and City utilities shall be paid at the time of unit installation.
18. A project name shall be provided that is not duplicative of any other development in the City.
19. The originally planned recreation hall may be replaced by a park utilizing Lot 48 as originally approved. Park improvements shall include picnic tables and benches, a variety of playground equipment, a half basketball court, landscaping and a fence on the south side of the lot. The park shall be owned and operated by park management.
20. The original landscaping, bicycle path extension improvements on Division Street, interior street and sidewalk improvements, twelve (12) guest parking spaces, fencing, setbacks, fire hydrant locations, landscape corridor improvements, and signage shall be incorporated into the final plan, except that landscaping may be modified or approved by City staff.

The motion carried with five "yes" votes. Mr. Ruehl abstained.

**5. Public Hearings:**

**A. SUB 93-2 Cinnamon Hills Revised Preliminary Plat and**

### **Phase I Final Plat:**

Discussion and action are covered elsewhere in these minutes.

Chairman Birchill next read the hearing disclosure statement and requested that Commission members advise of any conflict of interest or ex-parte contact regarding items on the agenda as they are considered.

#### **B. SUB 93-7 Meadow View Heights: a 176-lot single-family subdivision on Ladd Hill Road and Sunset Boulevard.**

Chairman Birchill determined there were no conflicts of interest or ex-parte contact and called for a staff report.

Ms. Connell reported that Meadow View Heights is a 46 acre site on Sunset Boulevard and Ladd Hill Road, which is owned by the Adair Family. She noted that the request is for a preliminary subdivision plat for 176 single family lots. Ms. Connell commented that there are two tax lots, most of which are on Sunset Boulevard and Ladd Hill, and a 4.4 acre parcel with an extension to Sunset that lines up with Pine Street. Ms. Connell noted that there is an existing house with outbuildings on the property, which will be removed. Ms. Connell indicated that the parcel's boundaries are Ladd Hill Road, Sunset Boulevard and the Baptist Church and two single family homes, and on the south side is the urban growth boundary and Clackamas County. Ms. Connell commented that the parcel had been used for agriculture as well as grazing of animals and that half the site is open field and there are fir trees which have been selectively logged on the upper portion. She noted that there is also a significant slope between 10 to 24 percent at the south end of the parcel. Ms. Connell remarked that development of the site will require a significant amount of grading and leveling and tree removal, which will change the nature of the site.

Ms. Connell explained that the drainage flows in the northwest direction towards Four Corners and is currently collected in drainage ditches and culverts at Ladd Hill Road, then discharged into a natural wetland of the Nature View Subdivision. She noted that the site is surrounded by single-family housing developments, and an apartment complex.

Ms. Connell indicated that the recently approved Cinnamon Hills Subdivision is to the north of Meadow View Heights and that the original plat of Cinnamon Hills Subdivision has access onto Sunset Boulevard, which lines up with this project should provide a good connection between the two projects. Ms. Connell noted that there are two single family subdivision

which are currently being planned; one of which is Highpointe that will connect to the south-east corner of Meadow View. Ms. Connell pointed out that all the developments are happening concurrently providing a good opportunity to link all projects.

Ms. Connell advised that the zoning of Meadow View is low-density residential and allows five units per acre, which permits 234 houses; however, the applicant is proposing only 176 lots and the lot sizes range from 7,000 to more than 14,000 square feet.

Ms. Connell reviewed the conditions required for approval as outlined in the Staff report dated September 27, 1993. She pointed out that streets and roads do not quite conform with plats for adjoining properties; specifically Willow Drive and Cinnamon Hills Place. Staff recommends changing the plans to connect to the existing platted streets in the developments recently approved. Ms. Connell noted that there are eight east-west cul-de-sacs and two east-west through streets, all of which are 32 feet wide with 50 foot right-of-way and are all public streets. Ms. Connell pointed out that the cul-de-sac radius is substandard and must be increased by four feet.

She remarked that Washington County, which has jurisdiction over Sunset Boulevard at the site of the development, is adamant that the project line up with Cinnamon Hills, and if not, the applicant will need to move closer to Four Corners in order to have the required 600 feet of spacing separation between streets. Ms. Connell noted that dedication of 40-foot from the Sunset Boulevard centerline will be required, and the City should require half-street improvements the length of Sunset. Ms. Connell noted that Ladd Hill Road is a City street, and needs to have a 35-foot dedication from the centerline with half-street improvements the full length of the frontage of the project. She stated that the access point needs to line up with Willow Drive, which is already platted. Ms. Connell indicated that Pine Street south of Sunset, if extended, is a potential access location. Ms. Connell noted that considerable thought has been given to extension of Pine Street during the discussions of the expansion of the Baptist Church. She remarked that the dedication required of the Church did not happen, and may not since the Church is not interested in dedication of the road.

Ms. Connell indicated that Staff is reconsidering the requirement for the Church to dedicate since there will be alternative connections provided by Meadow View and Highpointe.

In response to Commissioner Hohnbaum's question as to whether the body of the flag lot access to the existing residences is

part of the Meadow View project and if the flat lot is used will the City take the body and not consider the flag, Ms. Connell affirmed that the flag "pole" is part of the project; however, the City is not sure how to resolve the situation. She noted that the issue is whether it should be a public street (Pine Street) or should it be deeded to adjoining property owners.

Chairman Birchill pointed out the previous action of the Commission was to provide a street if needed, if not needed it could be abandoned.

Ms. Stewart inquired if there had not been a recent request for a partition at the site of the flag lot. Ms. Connell responded that the partition was to accommodate one house, which has a private easement onto the flag lot.

Ms. Connell advised that Staff is attempting to align the major streets in Highpointe, Nature View and Cinnamon Hills with Meadow View to assure adequate circulation in the whole area.

Ms. Connell reported that Meadow View is planned as a three phase development, which may change based on the conditions imposed. She noted that the streets are presently 32 feet wide, one of which should be a wider major collector to Sunset Boulevard and Ladd Hill Road. Ms. Connell commented that there are no private streets planned for the subdivision.

Ms. Connell stated that the development generally complies with the Comprehensive Plan and applicable zoning in that the parcel is zoned low-density residential and the lot sizes range from 7,00 square feet at the north and are more than 14,000 at the south end of the project. She noted that all other aspects of the zoning had been considered and generally comply. Ms. Connell remarked that a 15-foot landscape corridor is required on Ladd Hill Road and Sunset Boulevard.

She noted that plans for the development are still evolving and as engineering questions are resolved, the applicant is considering using the landscaping corridor for landscaping and to control the storm water run off via a 20-foot easement on Ladd Hill Road and a portion of Sunset Boulevard. Ms. Connell pointed out that all detailed plans will be reviewed at the appropriate time.

Ms. Connell indicated that there is internal circulation that assures there is no direct access to a major street and no direct access from any lots onto Sunset Boulevard or Ladd Hill Road, and a one-foot non access reserve strip will be

required to prevent a driveway from being constructed on a major street. She noted that all streets will have sidewalks and curbs, as well as half-street improvements on Sunset and Ladd Hill Road, and there will be pedestrian access at the cul-de-sacs and upper end of the development to allow improved access to school sites. Ms. Connell indicated there is a street naming problem merging Paula Lane with through Timber View within two intervening subdivisions. She suggested that the future street be given a prominent name since it is the highest point in the City and that the name be consistent with the street naming standards. Ms. Connell remarked that street trees are required to be planted on each parcel on the street, one per lot and two per corner lots.

Ms. Connell noted that there is a 12-inch water line on Sunset Boulevard which terminates at Four Corners and has adequate capacity to serve the project. She noted the applicant proposes internal water line extension, rather than extending the line up Ladd Hill Road and along Sunset, terminating at the south-east end of the project, eventually extending beyond to provide services to adjoining properties. She noted that any easements that may be needed for the extension will be provided with the final engineering design. Ms. Connell stated that one problem with water is that water should be looped between the cul-de-sacs. In order to do so, the cul-de-sacs should be connected to improve circulation in the project and looping of water lines.

Mr. Hohnbaum inquired if there will be a problem with adequate water pressure at the top end of the project. Ms. Connell indicated there should not be a problem.

Ms. Connell pointed out that the sewer line is also at Four Corners and will be extended through out the project and need not be extended up Ladd Hill Road and Sunset Boulevard as long as it gets to the end of the property and can be extended in the future if so required. She noted that extension will require easements on some of the property to extend the sewer lines to the Nichols property and the Baptist Church as well to the corner of Pine and Sunset.

Ms. Connell commented that storm water run off will drain into two swales at the lower end of the property into an existing ditch and then into the road way culvert. She noted the applicant plans to drain the run off into an existing system; however, Unified Sewerage Agency requests more hydrology analysis of the water shed and additional information as to whether the water run off will affect existing structures and any necessary mitigation to control

the water run off. Ms.

Connell noted that all drainage will be approved by USA. Ms. Connell indicated that USA approval will be required on the detailed construction plans, which should be made a condition of approval.

Ms. Connell pointed out that there are no public parks planned on the site in terms of the City's open spaces and parks plan, however, there are nearby parks and each building permit will be required to pay a Parks SDC fee.

Regarding schools, Ms. Connell noted that the School District had been notified; however, they offered no comments. Ms. Connell advised that the Planning Commission is struggling with the school problem as well as how the City and the Commission, which is not responsible for providing this service, can assure there are adequate schools for these subdivisions. Ms. Connell advised that the City Manager has hired a consultant in the field of school legislation and school/growth issues to provide a report in the near future regarding the City's role and responsibility.

Ms. Connell stated that Police and Fire services have generally been discussed and noted a need to change the location of some fire hydrants in order to meet those requirements, and agreed that more police staff may be needed to serve this development.

Ms. Connell stated that there are adequate water, sewer, fire, storm water, and other public facilities to support the subdivision, but the capacity of the schools is unknown. She noted that other public facilities are adequate.

Ms. Connell noted that there is no contiguous land owned by the developer and adjoining land can be developed, however, the adjoining land may need an access extension beyond the urban growth boundary.

In summary, Ms. Connell reported she had made changes to the Staff recommendations contained in her report dated September 27, 1993, and noted that the Commissioners had been provided with a supplemental recommendation. She noted that a letter had also been received from the project engineer regarding sight distance at Willow Drive and Ladd Hill Road, which assures that with the half-street improvements and removal of vegetation, there will be adequate site distance.

After an in-depth review of the supplemental recommendation list, Chairman Birchill called for a 15-minute recess. At 8:30 p.m., Chairman Birchill reconvened the hearing and opened the hearing for comments from the applicant.



Darren Wellborn, MNWR Partnership, 233 SW Front Avenue, Portland, addressed the Commission. Mr. Wellborn provided an aerial photograph of the Adair property and identified the specific site of the Meadow View Heights Subdivision. He noted that Whispering Firs Subdivision and Cascade View Estates are to the east. Mr. Wellborn indicated that the parcel consists of 46 acres owned by the Adair family and 176 residential lots are proposed. He noted that there is a steeper slope to the south of the property and there is a considerable amount of timber, which has been selectively cleared. Mr. Wellborn pointed out that the reason for the proposed layout of the subdivision is that the land is steep in areas, as much as a 22 percent slope. The maximum grade in the City is 15% slope, he said. He remarked that grading of the streets are not steep, but they are terraced up the hill, and the land will slope south-east to north-west. Mr. Wellborn indicated that the intent of the low-density residential, 7,000 minimum square foot lots, is to be compatible with the surrounding area and to provide the City with some larger lots with parcels of more than one-fourth acre. He indicated that the smaller lots are to the north and become larger, 8,000 to 10,000 square feet, with lots more than 15,000 square feet at the boundary.

With regard to access points on Sunset Boulevard and Ladd Hill Road, Mr. Wellborn commented that the applicant is working with the developers of the adjoining developments to develop the best access. Mr. Wellborn pointed out that Pine Street had also been discussed and the applicant had planned to dedicate a parcel to the City, but it became apparent that dedication was not critical since the general area had adequate access. Mr. Wellborn indicated that discussion had also been held with the Baptist Church and the applicant is proposing to donate the flag "pole", which will provide the ability for the church to dedicate the entire road in the future. Mr. Wellborn pointed out that the existing streets and access easement will not change and the existing residents will have continued access.

Mr. Wellborn stated that the original layout was to access the site by providing minimum sloping streets and retain as many trees as possible. He noted that the applicant had misinterpreted the Code regarding cul-de-sacs, which is the reason the lengths extend beyond the 600-foot maximum, and the plans will be changed.

Mr. Wellborn stated that, after reviewing the Staff report, the applicant revised the plans to incorporate the comments and changes requested by Staff. He presented a revised drawing for review by the Commissioners and noted that the applicant will work with Staff to make all of the requested changes.

James Stormo, MNWR Partnership, 233 SW Front, Portland, addressed the Commission. Mr. Stormo advised that the sanitary system will be as originally planned and will extend through Ladd Hill Road to serve the upper section. He noted the existing sewer system at Four Corners will be extended to the east street system and a storm sewer line will be constructed in the subdivision that will provide for future extension. He noted that the area north of Sunset had already been developed and Cinnamon Hills development will utilize a separate system. Mr. Stormo pointed out that there is an approximate 80-foot drop on the Sunset system will be extended throughout the development so that existing residences can connect to the system. He indicated that a water extension will also be constructed on Ladd Hill Road, and if necessary a booster pump will be installed.

Mr. Wellborn commented that the applicant intends to consider Timber Drive as a minor collector, and the remainder of the streets will be 50 feet wide. Improvements will be made to Ladd Hill Road and Sunset Boulevard to expected future widths, including a widening curve and sidewalks. He noted that the project will be done in three phases, Phase 1 being the largest and requiring the most public improvements. Mr. Wellborn stated that the three phases will take approximately three to five years and construction is expected to begin in 1995.

Ms. Claus questioned whether the applicant also had a new utility plan. Mr. Wellborn advised that he had one copy, but has not had time to computerize the plan for each member of the Commission. He noted there was concern of the storm water treatment of a development the size of the Meadow View Heights. Mr. Wellborn stated that the requirements of USA and the City are that run-off will not impact any down hill facilities and any run-off created by the development will be treated to meet the standards of USA, Washington County and the City. Mr. Wellborn offered to answer any questions the Commissioners may have.

Bill Peterson, Peterson Engineering, 1155 - 13th Street, Salem, addressed the Commission. Mr. Peterson advised that he is representing the developers of the Cinnamon Hills Subdivision. He commented that they met with the developers

of Meadow View Heights and as indicated there have been changes in the plans which make the developments more compatible with surrounding developments. Mr. Peterson indicated that his client supports the Meadow View Heights project and believes the project is well developed. He noted that the first phase works well with the first phase of Cinnamon Hills. Mr. Peterson remarked that major improvements are planned on Sunset Boulevard. Mr. Peterson submitted two items he obtained from Washington County; one is the variance request for spacing required for the intersection which was not quite 600 feet. Mr. Peterson submitted Washington County's analysis for the record. He advised that the engineering report regarding the access at that location indicates there is adequate site distance. Mr. Peterson indicated that the traffic engineer estimated that the amount of development traffic that could result could be up to 25 lots; however, this development is considerably less than that. He suggested that the traffic analysis for Cinnamon Hills is suitable for the Meadow View Heights Development and urged that the condition for a traffic impact analysis not be required. Mr. Peterson provided a copy of the traffic analysis for the record. In conclusion, Mr. Peterson indicated that the landscape corridor proposed by Meadow View is compatible with the landscape plan for Cinnamon Hills.

Mark A. Norby, 2400 SW Baker Road, Sherwood, addressed the Commission. Mr. Norby stated that he objects to the Meadow View Development and intends to object to future subdivisions in Sherwood. He stated that the Code provides that preliminary plans require findings that facilities exist to serve the subdivision. Mr. Norby stated that there is a significant issue between the School Board and the Planning Commission regarding whether there are adequate schools to serve the subdivision. He stated existing school facilities in Sherwood are either at or over capacity and that no evidence has been submitted that verifies there are adequate school facilities. Mr. Norby submitted a letter for the record which provides statistical data illustrating overcrowding of the Sherwood schools, a copy of which is attached as part of these minutes.

Mary Jafarpisheh, 450 NW Marshall, addressed the Commission. Ms. Jafarpisheh commented that the subdivision is attractive and fulfills the expectation of a subdivision; however, she wished to address the issues that local residents might be concerned with. She indicated that the question of value is moot; that the Planning Commission has raised the issue of whether the staff has the ability to evaluate the effects of the subdivision on schools. Ms. Jafarpisheh pointed out that

the City Manager had hired a consultant to review the issue as to whether the Commission has the legal obligation to decide a certain issue. She stated that the City has been identified as a desirable city. Ms. Jafarpisheh stated that the sub-development is fine, but what is it going to do to Sherwood since the public facilities and services have become a critical issue? Whether the Planning Commission has the authority to make a decree on that subject will be of paramount importance. Ms. Jafarpisheh strongly objected to the rapid development taking place in the City of Sherwood and the impact on the City services as well as the crowded schools. She urged that development be deterred until the citizens fully understand the impact such rapid development has on the City.

Robert J. Claus, 22211 SW Pacific Highway, Sherwood, addressed the Commission. Mr. Claus stated that he is not in opposition to the subdivision, rather he is in favor of the development. He stated that he is in opposition to the particular application. Mr. Claus stated that given the history of Sherwood, he resents names of streets that are similar to those of subdivisions in Aloha and Newberg. He urged the Commissioners to remember that this is not Tigard, McMinville or Aloha, and if they are going to do anything, at least name streets after Sherwood, or come here and hope someone names a street for you after what you have done for the community. Mr. Claus stated that he resented the self-aggrandizement of naming streets after developers.

Mr. Claus stated that he will not address the school issue, because it is not part of the land planning infrastructure and decisions cannot be based on that issue without incurring serious consequences. He urged that decisions be based on something that is unique; i.e., wetland policies and park policies. Mr. Claus commented that there is nothing unique in the proposed subdivision to address the uniqueness of Sherwood. Mr. Claus stated that he is happy Whispering Firs subdivision is sold out, the Whispering Firs does not need to become another mistake. He indicated that he had called Mr. Kraemer of USA and asked, "when someone brings in an application for storm water control do you look at the adjacent wetlands to determine if there will be an erosion impact?", and was advised that the answer is "no." Mr. Kraemer advised Mr. Claus that the subject must be brought to USA's attention. Mr. Claus then inquired if it would be improper to advise Mr. Kraemer that a surface water hydrologists should be required to evaluate whether there is a wetland on a piece of property. Mr. Claus stated that even though Ms. Connell is very competent in her job and does an excellent job, her time is limited and she cannot do a

wetland survey and can't do a surface-water hydrological survey since she is not trained in that field. Mr. Claus stated that the adjoining subdivision owned by Mr. Burghardt has two acres of wetlands that leads into Cedar Creek Park which is going to have a negative impact because of the way the water is released. Mr. Claus remarked that if a hydrologists report indicates run-off will not cause any erosion of a downstream wetland, the developer should be allowed to continue.

Mr. Claus stated that the second feature in Sherwood that is unique is a downtown that is a downtown in the sense of a traditional, simple meeting complex, which has been preserved. Mr. Claus noted that recently the speed on Sunset has been reduced to 35 miles per hour; but you did not hear any transportation engineer talk about how many trips 1,000 people generating. He questioned how that number of people can be channeled into downtown Sherwood, and noted there is no answer. Mr. Claus noted that the City has the physical parameters for the transportation plan because the standards of the County were lowered on Sunset. He noted that he is not bothered at all by the fact that people living outside of Sherwood have problems getting through Sherwood, but it does bother him that another subdivision is being built, without a tax base or infrastructure or a reasonable plan to move people downtown. Mr. Claus stated that he believes the school issue is critical, and that he is sorry the City can't have bond issues or pass a tax base, but he believes it is ultravarious for the Planning Commission to get involved in those issues. He felt that it is reasonable for the Planning Commission to state: "given our capacities here of staff time, not ability, we need questions answered about storm water, impact on the park system, and a transportation impact study centered on the downtown and school system." Mr. Claus remarked that as Measure 5 manifests itself, there will be other cuts the school needs to consider; i.e., how the children within a certain range will get to school; and that is a protection and promotion of public safety issue and is the absolute responsibility of the Planning Commission.

Mr. Claus stated that he is not certain whether the Meadow View Subdivision should be approved or turned down, but he does not believe the Planning Commission has all the information needed to make a decision. Mr. Claus stated that the proposed development of 1100 lots by Genstar is unfortunate. He stated that development on this side of town is equally unfortunate since there are a number of lots that have been built piece-meal. Mr. Claus remarked that the same thing will not happen on Genstar site because the developer can be forced to the wall with stop lights on 99, streets,

infrastructure and park systems and when submitted, if they don't submit it the applications can be rejected. He noted that it is unfortunate that some of us on the tail-end of some 400 lots on the other side of Sherwood, other than the Langer property, this finishes development on the east side of town. He stated that the infrastructure must be complemented before going ahead; that is the downtown and the storm water system, and the downtown reflects on transportation.

Debbie Smith, 24100 Ladd Hill Road, Sherwood, addressed the Commission. Ms. Smith pointed out that her home is in Clackamas County, but her children are in the Sherwood School District. Ms. Smith noted that there are 29 children in some classrooms, and an advanced math class is also crowded. Ms. Smith stated that she was very upset when she read that there are adequate schools, when obviously there are not. She stated that all applications should be postponed because of the school situation. Ms. Smith suggested that someone go to Salem and address the school issue and attempt to determine how other cities are dealing with the overcrowded school situations. Ms. Smith stated that the Planning Commission should not just put there hands up and state "the law says."

She indicated that the laws are not good enough for the children and Sherwood needs dispensation from the laws. Ms. Smith advised that she had talked to School Superintendent Dr. Hill, who indicated that a survey will be taken to determine if there is a possibility the voters will pass a bond for schools. She indicated that Dr. Hill commented that if positive feed back is not received from the residents, the school will begin to return planning inquiries with more comments than "no comments" since they are concerned about the school situation. Ms. Smith questioned why a builder would continue building homes since there is an adverse impact on the schools and the homes may not be attractive to buyers if the schools are overcrowded.

Ms. Smith commented that the developers have done an excellent job correcting a blind curve, but she would like a very large tree preserved. Ms. Smith concurred with the comments made by previous speakers.

Ms. Pat Hodel, 795 SW Schamburg, Sherwood, addressed the Commission. Ms. Hodel read a lengthy letter to the Commissions, a copy of which is attached as part of these minutes.

In rebuttal to the foregoing testimony, Mr. Wellborn commented that schools are obviously a big issue in the City. He noted that he is the chairman of the Beaverton Planning

Commission. Mr. Wellborn stated that as a developer he is obligated to respond to the impact the development creates. He indicated that if the fire district informs the developer they are not in compliance or the City informs the developer they are not in compliance with the water, sewer, etc. issues, they respond to those issues. Mr. Wellborn pointed out that the only comments the developer received from the School District was that they had no comments, and it was not his intention to prove or disprove the issue, but they have received no other comments. He stated that he had been aware of problems with the schools nor has he received any numbers with which to evaluate the situation. Mr. Wellborn stated that he had spoken with City Manager Jim Rapp and learned that there is a concern on the part of the citizens with school capacity. He advised that he will explore the situation further. Mr. Wellborn remarked that with regard to the transportation issues, the City has a transportation plan which was prepared by a consultant within the last five years and addresses the capacity for the current zoning of low-density. He noted that there is also a Capital Improvement Plan in place and for a City the size of Sherwood, the only way to get adequate roads improvements is for developments to improve them. He noted that the street widths in Meadow View Heights are adequate for this type of development. Mr. Wellborn pointed out that schools are not built on speculation, a student body is required and a bond or a tax base are needed to avoid overcrowded schools. Mr. Wellborn pointed out that there is adequate water and if the City expands more to the east there is a problem, but currently there is no problem in the area of the development. He again stated that the development is in Zone 2 and the problem at Whispering Firs, which has been resolved, was a pressure problem, not inadequate water supply. Mr. Wellborn stated that the issues raised by Mr. Claus have been reviewed by USA and they will meet all standards and requirements of that agency. He noted that the transportation plan has been developed by the City and would like to direct people to downtown Sherwood, but they cannot be forced downtown.

In response to Ms. Connell's question as to how the City of Beaverton resolved the school situation, Mr. Wellborn replied that the Planning Commission and the citizens were in the same situation as is Sherwood and they did not know how to continue development with the overcrowding of the schools. He noted that the City Council received letters from staff, but would not accept the statistics; however, when the school board made a formal submittal, the Planning Commission stopped development.

Ms. Connell pointed out that the current water plan for the City is designed to serve 8,000 citizens and the City's population is currently 4,000. She clarified that she was describing the current condition of substandard streets and noted that improvements to the streets are being required of the developers.

At 10:10 Chairman Birchill called for a five minute recess. At 10:15 Chairman Birchill reconvened the hearing and opened the meeting for comments and questions among the commissioners.

Mr. Hohnbaum inquired if a letter is sent to the fire district, are they requested to look at issues such as specificity of the looping of the fire hydrants. Ms. Connell responded that the Fire District gets the same information the Commissioners get and that the looping question came from City staff. She pointed out that there is a staff requirement that TVFRD approve construction drawings. Ms. Connell noted that the fire district had not seen the final plans but will have to approve the final engineering plans.

Ms. Stewart pointed out that Summit Court provides an opportunity to loop through Brandon Court and to the remainder of the cul-de-sacs, which should provide adequate looping.

Mr. Hohnbaum inquired if the transportation provides a standard for the number of trips and traffic lights, and whether the number of trips would merit a traffic light at Ladd Hill and Sunset. Ms. Connell responded that Washington County's traffic analysis and the current rating of Level A, the best rating, did not warrant a traffic light at that intersection. She noted that Sunset will eventually be a three-lane road with a left-turn lane. Ms. Connell pointed out that a 1200-unit development which generates 12,000 trips a day would merit a traffic light at Highway 99, which will serve the entire community.

Ms. Claus questioned the validity of the traffic report which was prepared for an adjacent subdivision. Ms. Connell advised that the traffic analysis was prepared for Cinnamon Hills and should be valid for the Meadow View development. She noted that the report factors-in traffic impact from Meadow View and Cinnamon Hills, when an analysis was being prepared for Cinnamon Hills, but does not include Highpointe.

Ms. Claus stated that due to the fair amount of information being submitted at tonight's meeting, she is uncomfortable with 176 lots, there should be a traffic study or at least consider having the fire department review the utility plan,



and suggested the hearing be continued. Ms. Connell responded that detailed engineering of all utilities has not been done and there is no approval. She stated there is a great deal of expense involved in proceeding to determine the needs for an approval. Ms. Connell explained that the approval always includes and requires agency sign-off for fire, storm water, etc.; and, Washington County does a traffic analysis and they require an traffic impact analysis on Sunset since it is their road and if there are additional safety requirements, such as a stop light, the applicant must comply before final plat approval. Ms. Connell noted that Washington County is concerned with the sight distance as is the City and the applicant. She pointed out that the applicant must come back to the Planning Commission with a final plat, to which changes are very limited.

Ms. Stewart commented that the Cinnamon Hills sight distance analysis was agreeable with Washington County and it appears that Meadow View's would be also. She noted that if Summit Court connection met the sight distances requirements, there would be no problems at that intersection and the only remaining problem would be Timber View Drive. Ms. Connell noted that sight distance is not always the same on both sides of a street.

Mr. Corrado stated that, in his opinion, Meadow View Heights is one of the best plans with which he has been associated and commended the developer on his willingness to deal with any issue and resolve any problems. He inquired as to where the line of jurisdiction should be drawn and whether the City has the capacity to serve this development, and if the Commission has the authority to determine these facts.

Ms. Stewart remarked that she felt the Commission needed to consider the planning done in the early 70s after months of public input hearing. She noted that the Commission determined what could be served and formed the immediate urban growth boundary and planned the extended urban growth boundary, which was approved by LCDC after the City proved the services were available. Ms. Stewart noted that since the 1970s, the City has taken in more land via annexations. She commented that people who are in the original urban growth boundary should not be penalized because the schools are crowded or someone thinks the City does not have adequate services, which was proven at the time. Ms. Stewart stated that there is a problem with the development that is going on outside of the urban growth boundary. She noted that there are numerous houses being built throughout the area, and they produce children that attend Sherwood schools. Ms. Stewart pointed out that there is a 70 plus housing development

proposed for Parrett Mountain for which there are no plans for sewers and the City's sewers will not handle that development and the residents feel that the City is taking the water away from the mountain residents, and questioned how water will be supplied to the 70 new homes. Ms. Stewart noted that there are also many smaller parcels being developed which are creating problems for City streets, water and sewers and the City cannot control that growth. Ms. Stewart commented that it is unfair for the residents of Sherwood to say that because schools are not adequate, the City must not act on certain matters; and, the substandard streets are the streets that were here before the development started and it is the development that is improving the streets and the best streets in the City are in the new developments. Ms. Stewart suggested that the Commission look at the possibility of double shifting or year around schools, which is one of the biggest wastes -- closing the school for three months. Ms. Stewart commented that she did not feel this development should be determined on these other questions; it should be determined on the quality of the development, finding what might be wrong and correcting that.

She also noted that she felt the development was a very good development. Ms. Stewart remarked that schools could also relieve overcrowding if the students who lived closer to Tualatin or Wilsonville schools attend schools in the immediate area; however, this solution would reduce the industrial/commercial land from which a large percentage of the tax base is drawn.

Mr. Corrado commented that he also agrees with Ms. Stewart, but the fact is the City has over 2,000 homes which could be built in the next two to three years and the other issues will or will not be dealt with, but it is not the Commission's obligation to solve all of the problems; however, someone must solve them, including the building outside of the urban growth boundary. Mr. Corrado stated that he does not have the answers, and this development should not have to suffer.

Chairman Birchill stated that he is not a student of law, but it is his understanding that a moratorium on development is that there is usually a law suit filed, which has been ruled on by the courts and the courts have basically said if you can deem an emergency problem; i.e. lack of water supply or a lack of capacity in the sewer system, the City Council can call a short moratorium on construction, but are immediately ordered by the courts to establish an emergency plan to develop those services, put them on line and in a short time re-open construction. He noted that even if the construction were slowed down, the questions would be back in about one

year since the courts will not stop construction. Chairman Birchill suggested that the citizens pool their resources and find a way to keep the community going. He commented that he too feels the plan is well laid out. Chairman Birchill noted that the computer simulation of the regional growth indicates there will be solid population from Battle Ground, Washington along the I-5 and 99 Corridors to Newberg, Oregon. He noted that the development has good flow to the east, west and north but does not indicate what will happen to the south when/if the urban growth boundary expands. Chairman Birchill suggested that as planners, consideration should be given to the possible extension beyond the Clackamas County urban growth boundary.

Ms. Jafarpisheh again addressed the Commission. Ms. Jafarpisheh pointed out that the plan for the City of Sherwood was developed more than 20 years ago. She commented that the present policies and planning are more difficult to address than they were 20 years ago. Ms. Jafarpisheh indicated that she is very concerned with the rapid growth of the City. She urged the Commission to make their decision based upon the best interest of the citizens already living in Sherwood.

Mr. Ruehl commented that there are dissimilar ways to deal with the funding of different items; and what you find out is that as the City grows we get funding from the tax base. The unfortunate part is that tax base stays the same regardless of whether there are 500 or 10,000 homes in the City, however the school system exists on the fact that the more students, the more money. In one instance the City is trying to keep the growth down to accommodate the citizens who do live here and the school system gets more money if they have more students. This is a real opposing view as to how funding occurs and the provision of services on both sides of the fence; and until someone finds a way to deal with the schools and another way to deal with City, there is nothing more the Planning Commission can do. We are just appointed officials who try to deal this information. We boil down a lot of stuff to pass on to the Council and give them highlights of what the Commission struggles with. I think one thing we would like to try to do tonight in terms of trying to be responsive to all suggestions and needs is to continue this until the next Planning Commission meeting on October 19, at which point in time we hope to have an answer from Jim Rapp as to what is the legal stand the Planning Commission can take regarding schools. If there is nothing we can do, I don't know what other choice we have other than to accept the procedures before us in trying to guide us through the process of coming to grips with this development. As Ms. Hodel said,

this is one of many, which are like planes lined up waiting to land. I think we need to try to get some kind of legal opinion as a guide to what we can do; otherwise, the citizens will have to demand that the school board and superintendent address what will happen to the schools and it must be addressed at that forum and to them. If they have hidden agendas, they should be brought out so that people can understand that; I don't think we have hidden agendas, but if the Commission does have hidden agendas, they too have to be brought out in order to get to the bottom of this thing to figure out what kind of action we can take. Mr. Ruehl noted that during the 1950s schools were dealing with the same situation and schools were being built as rapidly as houses to accommodate the students. Mr. Ruehl commented that tonight's meeting in terms of interaction with people, developers and applicants and all citizens testifying has been the best meeting in terms of lack of emotion and frustration and has been more of a common exchange of ideas and thoughts and process than any other meeting in the three years he has served on the Planning Commission. He expressed his appreciation to all involved.

Mr. Ruehl moved, seconded by Mr. Hohnbaum, that SUB 93-7 Meadow View Heights be continued until the October 19th Planning Commission meeting.

Mr. Wellborn pointed out that this is the second continuance imposed by the Commission and requested that the Chairman close the public hearing portion of the continuance, or consider leaving the record open for seven days in the hopes that the School District can provide a formal response. After a brief discussion, the Commissioners concurred that the public hearing will remain open.

The motion carried unanimously.

**6. Planning Director's Report.**

Ms. Connell advised that an informational report on schools had been included in the Commissioner's packet. She urged that the Commissioners review the information, and noted that a report from the consultant should be forthcoming in the near future.

Ms. Connell reported that the Woodhaven project has been scheduled for the October 19th Commission meeting and stated that plans for that development will be delivered to Commission members as soon as possible.

Ms. Connell announced that the Metro Transportation plan will

be discussed at a public meeting on October 21 from 7:00 to 9:00 p.m. at the Oregon State Building, Room 140, 800 NE Oregon Street. She urged anyone interested to attend.

Chairman Birchill indicated that a volunteer is needed for participation on the City's Speed Committee. There being no volunteers, Chairman Birchill stated he will attend.

7. **Adjournment:**

There being no further items before the Commission, Chairman Birchill adjourned the meeting at 11:15 p.m.

Respectfully submitted,

Kathy Cary  
Secretary