

City of Sherwood, Oregon  
Planning Commission Meeting

November 2, 1993

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

Mr. Hohnbaum advised that he would not be able to attend the December 7, 1993, meeting since he will be on vacation.

2. **Minutes of previous meetings.**

Minutes of October 19, 1993 Meeting:

Chairman Birchill requested that memos regarding the school situation from City Manager Rapp and School Superintendent Dr. Hill be entered into the record as part of the October 19, 1993, minutes. Ms. Connell said they should be entered into the record when we open the hearing for Woodhaven PUD 93-3.

Ms. Stewart moved, seconded by Mr. Warmbier, that the minutes of the October 19, 1993, meeting be approved as presented. The motion carried unanimously.

3. **Public Hearing:**

Chairman Birchill read the hearings disclosure statement and requested that Commission members advise of any conflict of interest or ex-parte contact.

Ms. Claus advised that on a recent business trip to Seattle and Vancouver, while visiting with friends, the subject of Agenda Item 4 B, Woodhaven, was discussed. Ms. Claus commented that her friends had knowledge of the company and had made complimentary remarks; i.e., the company has been around for awhile and had done some development in the Vancouver area. She commented that the conversation was very general in nature and no details were discussed.

Chairman Birchill advised that the deputy fire marshal in his office approached him and advised that he had submitted additional written comments regarding the 700-foot dead-end cul-de-sac in the Woodhaven project.

Mr. Hohnbaum advised that he had conversation with Mayor Hitchcock regarding the history of the Woodhaven Development property. He stated that there were no names or plans discussed, only the zoning changes to that particular parcel of property. Mr. Hohnbaum pointed out that Mayor Hitchcock owns property adjoining the Woodhaven development.

Ms. Claus commented that the Woodhaven project is a rather large project for the City and noted that she had been in proximity to some conversations at which she had to go out of her way to avoid participation in the conversation. Further, she had advised people to save their remarks for the public hearing.

**A. SP 93-2 Alto Car Wash.**

Chairman Birchill next opened the hearing to consider SP 93-2, Alto Car Wash, and requested a motion to continue the consideration until November 16.

Mr. Hohnbaum moved, seconded by Ms. Claus, that SP 93-2 Alto Car Wash be continued until the November 16, 1993, hearing. Motion carried unanimously.

**B. Continued PUD 93-3 Woodhaven: Preliminary PUD Development Plan and Preliminary Subdivision Plat for a 1268-unit residential development on Sunset Boulevard.**

Chairman Birchill advised that the Commission will now continue hearings and discussion on PUD 93-3, Woodhaven, and requested that Ms. Connell report on the current status.

Ms. Connell reported that the hearing was continued at the October 19, meeting and the record is still open for additional testimony as well as written reports on the details of the proposal. Ms. Connell indicated that she would not review the staff report again, but would like to discuss the project in the context of the Comprehensive Plan, and review the letters received during the past two weeks and the eight pages of conditions before the Commission, with which the Commissioners need to become familiar.

Ms. Connell pointed out that, unfortunately, the general public does not necessarily get to see how the Planning Commission works and the decision making process. She commented that it is important that the public become aware of the constraints under which the Planning Commission works.

Ms. Connell noted that in 1979, a decision was made to include Sherwood as part of the Portland Urban Growth

Boundary and that many people do not understand the implications of that decision. She noted that since Sherwood is part of the Portland Urban Growth Boundary, the Commission must take into account all of the growth projections for the entire Metro area so that the any expansion of the Portland UGB, be it Gresham, Sherwood or Hillsboro, the Commission must look at the entire urban growth boundary first and the need for any expansion. Unfortunately, it takes Sherwood out of their unique setting and places the City in the more regional planning picture. Ms. Connell commented that what the UGB means in Oregon, which is an unusual state, is that LCDC and Metro Housing Rules and many other administrative rules in place by the State emphasize and promote dense development inside the UGB. Ms. Connell pointed out that this is not the manner under which Sherwood developed, but since 1979 and confirmed in 1981 that has been the mission of the City. Ms. Connell stated that there had not been much development during the 1980s due to the recession; however, recently there has been a significant demand for homes in Sherwood. She noted that many contiguous jurisdictions, i.e., Tualatin, Beaverton, Tigard, have little vacant land left to develop, and there is a great deal of land in Sherwood to develop and for sale. Ms. Connell commented that the City has been discovered by developers and under the rules and regulations of the City's Zoning Code and Comprehensive Planning Code, the City needs to allow six units per acre to meet the Metro Housing Rule, 50 percent of the housing needs to be multi-family housing or apartments, and the City has 85 percent single-family housing and that percentage is still growing. Ms. Connell noted that the City is under a mandate to balance the housing so that 50 percent is multi-family. Further, the City is trying to get more affordable housing for people while tying in all other issues: transportation, storm water facilities, sewer, water, schools and parks which can create conflicts in the goals between dense development and conservation of quality of life the citizens of Sherwood would like to maintain. Ms. Connell remarked that the Comprehensive Plan is a balancing act of different policies and the Planning Commission cannot decide that growth is not desirable, they are subject to the rules. She noted that the Commission is under State Statutes to make decisions on a timely basis, and if not the Courts could rule that the project had been approved by non action on a timely basis. Ms. Connell commented that the Citizens of Sherwood need to understand that the growth may not be desirable, but the citizens are getting the kind of housing which has been planned for some time. Ms. Connell pointed out that the boundary for the City can support approximately 16,000 persons and at present there are 4,000, the water system supports about 8,000 and the transportation planning

and parks planning are all geared toward a population of 16,000. Ms. Connell commented that the a development such as Woodhaven fits in terms of zoning, since density is under the maximum allowed, and the population is actually less than what was previously proposed by the Plan. Ms. Connell mentioned that the Plan was in updated 1991, so the plan is not outdated.

Ms. Connell advised that additional information had been provided, including a letter from the Department of Transportation amending their original letter and making changes to the types of information they want the applicant to submit. Ms. Connell requested that all persons interested review the new information and noted that the conditions of approval still state that the applicant must comply with the final recommendations of ODOT, which will have to be reviewed at that time. She noted that ODOT has changed some of their demands, but are still concerned about signals at Meinecke and Sunset, when development of that area occurs, and would like to see advance bonding required in some form.

Ms. Connell noted a letter from the Oregon Department of Land Conservation and Development, which was received late in the afternoon of the hearing, discussed Sherwood's eligibility to apply for a grant program that will be available in January. She noted that the funds will be available June 1994 if the City is interested in trying to review the Comprehensive Planning in conjunction with the Oregon Transportation Planning Rule.

Ms. Connell pointed out that a letter had also been received from the Fire District commenting that the District does not approve of reducing the streets widths for the cul-de-sac or through streets; and, will allow the south-west cul-de-sac provided the emergency access ways are approved by the Fire District. Further, the north-west cul-de-sac requires a similar secondary access, or a reduction in the length. Also placed on the table is a revised letter from Mark Norby regarding the school capacity.

Ms. Connell noted that earlier in the week, the Planning Commission had also received additional information from Inkster Boulevard, Inc., a California Corporation, that is joining with Quincorp as equal partners in the development of Woodhaven. She noted that it is the desire of the developers to clarify that the developers provide the graded service lots to the project, but do not build houses. Ms. Connell stated that the developer also plans to have methods by which to control the builders; i.e., a deposit prior to approaching the City for building permits and a pre-approved plan of the

house locations, clearance, architectural features such as materials, colors, and other items which might affect street scapes.

Ms. Connell commented that there is also discussion in the letter regarding how the City will maintain the common areas and the storm water management facilities based on a meeting the applicant had with the City. She noted that these items will be discussed in detail under the conditions of approval.

Ms. Connell remarked that there is also a detailed letter from the applicant describing planning and development in relation to school capacity issue in determining how many students will be generated by the Woodhaven project and how many students the school can currently handle and the adjustment to the school's current facilities. Ms. Connell submitted into the record, Dr. Bill Hill's two reports dated October 18, 1993, regarding housing alternatives of school facilities and school capacity, evidence for the Planning Commission to consider in their decision making.

Ms. Connell noted that a great deal of discussion occurred as to how the City will maintain parks and storm water when it is unable to maintain the current systems. She pointed out that development of Woodhaven is projected over ten years with approximately 100 lots per year. Ms. Connell stated that one of the benefits of the project is that, if approved, and comes in in the phased manner anticipated, the City can plan for costs of maintenance. She noted, however, that a plan must be developed immediately that is comparable or equal to what other developers must do and will help the City prepare for the increased demands.

Ms. Connell remarked that typically the parks and storm water management facilities are dedicated to and maintained by the City after they are built; however, the Woodhaven project places an unusually heavy burden on the City's maintenance budget. She noted that an agreement with the applicant, which must be approved by the City Council and the Planning Commission, wherein the applicant will provide an "improved" mini-park and tot-lot; "improved" meaning describing, grading the areas, seed and plant under a landscaping program, but eliminating equipment the City must maintain. Subsequent to City acceptance, the applicant agrees to maintain the parks the first year and the City will assume maintenance responsibility thereafter as well as reserve funds paid by the Parks System Development Charges to purchase playground equipment in the future.

Regarding storm water maintenance, Ms. Connell noted that

there are 18 storm water ponds proposed for the project, which will require a great deal of maintenance. She commented that the City collects \$280 per housing unit for maintenance of the storm water facilities throughout the City; and an additional \$44.00 surcharge goes into effect on November 4, 1993, but is still not sufficient to maintain storm water facilities city wide. Ms. Connell recommended that the applicant work with the City and Unified Sewerage Agency (USA) to reduce the number of ponds and attempt to regionalize the ponds, if possible. Further, the applicant should attempt to design the ponds so that they are easy to maintain rather than filling with water and items which will require removal. Ms. Connell pointed out that the applicant will take responsibility of the ponds for the first year after which the City will maintain the ponds.

Ms. Connell noted that pathways and bike paths are another maintenance problem for the City; however, the City believes the Street Maintenance Funds can be used to maintain those facilities which are transportation oriented. They will also be subject to the one-year maintenance bond.

Ms. Connell remarked that another issue raised at the last hearing was the width of the bicycle paths and whether they were too narrow in the travel lanes of Sunset Boulevard. She noted that the applicant planned two travel lanes with bike lanes on both sides of the street and a landscaped median. Ms. Connell pointed out that the plan meets the City's transportation specification for bike paths. She indicated that staff will accept the proposal for removing the middle traffic lane since it will be a median and not needed for left turns except at the proposed intersections.

Ms. Connell stated that another issue which was raised at the last hearing was the proposed wildlife refuge. She noted that a copy of the proposal had been submitted to US Fish and Wildlife and that representatives had walked the site, but comments have not yet been received.

In conclusion, Ms. Connell reviewed the proposed conditions and reminded the Commission that their decision is a recommendation to the City Council, which might revise, add or delete recommendations. She then reviewed the proposed and revised conditions item by item and explained the rationale behind each condition. During the review of the conditions, it was recommended by staff that the applicant complete a full local street improvement, less a sidewalk on the north side on the Villa Road frontage of the project. Staff added a new condition that the developer not remove any trees outside an approved phase, unless needed for utilities.

Chairman Birchill next opened the hearing for comments from the applicant and proponents and requested that comments be brief and confined to new issues.

David Bantz, OTAK, Inc. 17355 Boones Ferry Road, Lake Oswego, addressed the Commission. Mr. Bantz advised that he is representing the property owners and the partners in the joint venture. He noted that he had been involved in several discussions since the last hearing, including ODOT, Tri-Met, DLCD and City Staff and the Fire District. Mr. Bantz stated that many agreements have been reached with those agencies concerning issues which were stated in the Staff report. He noted that the applicant is in agreement with almost all of the conditions in the Staff's original and revised recommendations.

Ms. Bantz commented that the issue of tree removal to accommodate construction of a phase or off-site utilities, which had been raised during discussion at the current hearing, was a new issue. He stated that the applicant would like to add to off-site utilities, any off-site mitigation that may be required unless it falls under the category of utilities. Mr. Bantz stated that under Phase 1, there may not be a lot of mitigation required since no wetlands are being crossed by roads, but there may be cases where the applicant will need to provide additional wetlands where current wetlands are disturbed and would like some consideration for off-site mitigation as well as off-site utility construction.

Mr. Bantz indicated that the applicant met with the Fire District and received a written response which states the Fire District does not approve of reduced street widths, which includes cul-de-sacs. He stated the applicant still requests staff's support of reduction of street width to 28 with parking on both sides. Mr. Bantz remarked that the applicant is also requesting reduction of the travel lanes on Sunset from 16 feet to 14 feet in order to construct a landscaped median in the center. He noted that if the recommendation of the Fire District is accepted as a condition, the applicant will have to decrease the size of the median and build 36-foot streets throughout the project.

Mr. Bantz distributed a list of the jurisdictions which are served by the same fire district that serves the City of Sherwood, a copy of which is attached as part of these minutes. He noted that each of the listed jurisdiction allows 28-foot streets with parking on both sides of the street, calculated on the traffic volume of the streets. Mr. Bantz pointed out that Sherwood's staff is recommending

parking on one side for 28-foot streets and parking on both sides for 32-foot streets. Mr. Bantz indicated that the applicant is agreeable to parking on one side of a 28-foot street. Mr. Bantz also distributed a copy on a 1991 article from the "Planning Commissioners Journal" called "Taming the Automobile", a copy of which is attached as part of these minutes. He pointed out that the article addresses streets, the most important feature being street widths, and points out that wider streets are more dangerous and narrow width streets tend to be safer.

Mr. Bantz commented that the northerly cul-de-sac was of concern to the Fire District and the District recommended that it be shortened or a secondary access be provided. Mr. Bantz stated that the reason the property was proposed for development is that it is part of the ownership and zoned single-family and the property to the north and east is zoned multi-family or commercial. He proposed that if there is concern regarding the over-length cul-de-sac, the street could be stubbed to the north and serve some linkage to the property to the north. Mr. Bantz remarked that consideration had been given to making the area part of a park; however, it did not seem well suited for a park since it abuts existing commercial property, is in close proximity to the proposed mini-park and is on the outer edge of the project and would not serve too many of the residents. Mr. Bantz suggested that another option would be to loop the cul-de-sac to the east, but would mean crossing a broad area of the wetlands, which is not a desirable option.

Mr. Bantz stated that the applicant has also met with representatives of DLCL, ODOT and Tri-Met, regarding their concerns raised over this project. He noted that none of the agencies have provided suggestions as to how the project should be changed; but, those agencies have commented that once the Transportation Rule goes into effect, it would suggest higher densities, smaller lot sizes and more commercial structures be included. Mr. Bantz stated that State agencies questioned why there was so little commercial and why the commercial area was not pushed further into the wetlands, and why the density concentration is not higher, to which the applicant responded that they did not wish to have those amenities in the development. He noted that the applicant proposed 85 percent of the allowed density and could not meet their desires within the allowable densities that have been placed on the project.

On another issue, Mr. Bantz remarked that ODOT even questioned what type of street trees were being planted, where the sidewalks will be located and the setbacks. Mr.



Bantz indicated that he believed ODOT was interested in those issues because they have something to do with the neo-traditional design and the types of densities ODOT would like provided, are some of the details ODOT would like to see; however, he did not believe ODOT had the authority to ask. Mr. Bantz also remarked that Tri-Met inquired as to where the toilets would be located along Sunset for their bus drivers to use. He pointed out that Tri-Met would not indicate when and where the buses would be, yet Tri-Met wanted to know where the toilets would be. Mr. Bantz commented that a toilet could be provided if a bus stop is provided near the commercial site.

Mr. Bantz thanked the staff for considering the applicant's request for the street paralleling the Ponderosa Pine forest. He noted that there are 230 Ponderosa Pines, as well as other trees in the forest, and commented that only five or six trees will be removed to accommodate the proposed road and a meandering side walk.

Regarding the report on school capacity, Mr. Bantz noted that the report was provided at the request of the Planning Commission. He commented that the applicant does not necessarily agree that the school capacity is a necessary determination in the decision, and pointed out that the report indicates there is school capacity for approximately 231 units of single-family and is based on information from the School District and their ability to provide additional facilities within their schools. Mr. Bantz stated that Phase 1 includes a small multi-family unit, three single-family neighborhoods and townhome parcels. He stated that the applicant would be willing to remove the multi-family section if school capacity is an issue and the remainder of Phase 1 would be 237 units (which will not be built at one time), or six more than the capacity the reports indicates can be accepted. Mr. Bantz pointed out that there are subphases within the construction phases and the first phase consists of 111 structures which will be built during the first year.

Mr. Bantz stated that the reason for subphases is that there are some geological reasons for phasing and construction of subphases could be built in any one year that could extend the build out to 12 years. Mr. Bantz also pointed out that the concerns raised by ODOT have affected the phasing of construction and if there are some problems regarding access via Meinecke Road, the project could be rephased to resolve those problems.

Mr. Bantz pointed out that the water line serving Phase 1 must be brought from the east side of the railroad track on Sunset and the sanitary sewer serving that phase comes from

the east of the railroad tracks and must be extended to an off-site sewer since there is no manhole. He noted that the purpose of constructing the utilities in that manner is to avoid heavy equipment running through City streets. Mr. Bantz offered to answer any questions the Commission members may have.

There being no further proponent testimony, Chairman Birchill opened the hearing for testimony from opponents.

Sanford Rome, 1780 East Willamette, Sherwood, addressed the Commission. Mr. Rome apologized for not being in attendance at the last meeting of the Planning Commission, and stated that even though he had requested notification of meetings, he had not received them. Mr. Rome thanked the OTAK personnel for preparing a fairly extensive presentation. He stated that given the tax and monetary situation of the City, there are many restraints on Planning Director Carole Connell and her efforts to try to get the Woodhaven project where it is today. However, Mr. Rome stated that where this project is today is one of the most appalling things he had ever seen; not because we are going to build 1200 units, not because we want it, and not because we have a plan that doesn't say we should curb growth, but tell me as I sit back there for 20 years and because I wasn't at the last meeting, I've got to point out to you we are going to do this and if we are going to do this, then all of my speaking here is for naught. I hope this is not the case, but if that is the case, then we might as well say every time something like this has happened in the past, and people come in and ask you for help, and I can go through I don't know how many subdivisions and everyone one of them whether I'm right or wrong today, those costs are affecting everyone of us citizens. We are trying to catch up a little bit in the City by increasing System Development Charges, our SDCs are some of the highest in the area and are going to go up. Mr. Rome stated that he is not trying to eliminate system development charges and does not want the statement misconstrued, but the City has so many requirements, whether it be streets, sewers, parks, sidewalks, whatever, we have to count every dollar that comes into this town. Because of that this development will bring us a lot of money, and it may happen, but I think when we talk about catch-up and we talk about having to go out and get grants or other funding at that point we should take a real look at this project and every future project and say does it possibly leave us \$2 short ten days or two years from now? Mr. Rome stated that as a significant tax payer in this town, every mistake in this town, where a development has gone through that does not fully pay substantially and contribute a financial base, does

not cost the City one dollar, hurts him, but it hurts the small tax payer more as contributing individual home owners, and when you start hurting other people like me, I'm not going to stop and go away because if it gets to a point, like several Council members have said "you can have my position", I have just about....why be here?

Mr. Rome stated that he sees people here looking and I hope you take this to heart, when the applicant says to me, this gentleman here, that there are generous lots, there are generous things coming up, the streets sizes they want to make smaller, and smaller, Mr. Rome wished to remind the Commission of Roy Street, and he wished to remind them that 17 years ago, they had to have everything smaller and asked how could he tell his tenants on one side of the street they can park there and the tenant across cannot park there and you might want to talk to your neighbor and see if he will let you park in front of his property since he has his little trailer on the street. Mr. Rome stated that when you go to one-sided parking and narrower streets, when you create the one, you should create it for the other, I can't go up there as a landlord, I don't know how one could do it as a neighbor, I don't know how I can go in front of my neighbor's house and say you can't park there because I have to bring my RV out tonight; bring it out...I can't park it on the street because there's an ordinance against that. So we have narrow streets, anything less than our current standards and I don't care whether he brings a journal or an article and he says streets are safer when they narrow. We already have small streets downtown and we know what happens in this town. We had a loss of life, whether it be sight distance, bad driving or whatever, if you have three extra feet and that's one-tenth of a second when you see someone dart into the street, the streets got to be safer. Mr. Rome said "when you are talking about smaller streets, please, and I'm humbly begging you, please, if this is developed it be developed to full City standards with no "give-aways", every give away costs me a dollar, it costs you lots of money....no give-aways, none, and that needs to be an absolute part of the conditions for all of the entire project, not Phase 1, but this Board, when you approve this and there must be a lot of conditions, you approve it with zero give-aways, and if they want to bring in a variance for everything they want, I'm going to fight it and hope you will listen to that, but no give-aways, not street size, no sidewalks, no curb give-aways, no lighting, no, no, no. The Fire Department brings up as absolute critical to their well-being, the long cul-de-sacs--we need an escape. What happens if they take these cul-de-sacs and they redesign it so that it goes through four, five or ten of their lots and make it back out to loop full circle, does

that work? It seems to me it would, and I'm sorry they lost 6, 16 or 60 lots...what is the cost of 60 lots out of 1200?, its 5 percent! And, what will happen in the next 10 years? costs and prices go up 35 percent, they will loose no money. We have heard them running the sob story and sob for Mr. Goddard, we don't need it here, this is a commercial development with California backers, local people from an outlying area, and maybe they will move here or maybe they live here now, but let's look at what our general plan says, and our general plan addresses, and now let's go down and talk about starting at the outside of town. Our general plan says to are to encourage and preserve Old Town, encourage and preserve. Now, this plan doesn't do anything for that as far as I am concerned, we want to run out to Sunset, we want to run out to Meinecke and want to run out to 99, and we are going to build a bike path, we are going to build a trail to down town. Gee, that goes to schools and I appreciate that, I want them, but that doesn't help get us to downtown unless they necessarily want to go downtown. I think the City should encourage traffic through downtown and if that means we have to improve Oregon Street to hook up to Villa Street and all that through the downtown, I think you need to look at that as a Planning Commission, I think that's your job, not my job; I can point it out to you, but I think if we are going to keep the environment of downtown healthy, we have already seen Kathy Park run to Tualatin, we're seeing the hill run to Newberg, King City or Tigard...when you put latest situation in a in if you don't consider the health of our core, you're killing the core, you might as well close it up, bulldoze it down, and turn it into a pond.

Mr. Rome pointed out another problem...they say, I don't know if sanctimonious is a good word or not, people pass and these people say they are generous and the lots are generous and we should have smaller lots, and they say we should talk about schools and schools downstream should pass a bond or tax levy, and I don't think the City will pass a \$12 million dollar bond for the schools; we never turn the school district down, but we turn tax base after tax base down. We have to educate kids because we are mandated to do so, we have to pay for that but if you build a school, it doesn't mean you can staff it because Measure 5 put constrains on that so we are through it this year and we go through it two years from now, they are willing to live with it whenever we do it; but instead of asking for 271, and I don't want to use vulgarities here, they are asking for 276...that in itself is hostile and I hold that as absolutely as hatred for me as for the people who work in the district and the kids that come through this district. If the applicant is going to come in here and ask if we can go up to your maximum, don't ask me to

go five more, you're pushing me, and I don't care if its 1 or 2 percent, you have already shown me you are trying to maximize your lots and now you are going to maximize the kids, and we're not doing that. We know these projections historically have been low, but I'm not going to get into what happened out there with the apartments, because are somewhat like local governments....they want to continue to build so that can continue their self-building and all that, but you have to believe that we're maxed at 271 and he's asking for 276 and he's asking for more; what are they going to ask for next? This is a maximum plan, if the Planning Commission approves this project, I believe you should cut, I believe you should put restraints on the planning, and I don't care what the unit count is, I believe you need to look at the golf course and if this is supposed to have a golf course, it needs to be a public golf course. Mr. Rome stated that he did not think the City would ever let a subdivision go out there and close off that part of the City and become something like Charbonneau; and if that's your intent, then we need to do that, build a development like that, but not develop it where it gets us into and out of whether we are city or a subdivision or Phase 1, A, B, C or whatever, it needs to become that.

Mr. Rome continued with the statement that "the last thing that came up was the confusion between whether this is a planned unit development and a subdivision. He stated that applicant says subdivision, and they are developers. If this is a subdivision, we'd have less density, but because we have this phenomenally restricted 76 acres and have know about it since day one, and if I had tried to build it, you would probably have done something different to me, but when you turn around and say we will let you develop this wetland and put it in more parks, and for that we will give you twice as many parcels because that's planning and development. He stated that he questions what has really done that is "unique" and contributory to our general life. Mr. Rome pointed out that "unique" by its own definition means this is "one" and we talk about restraints, any property you talk about eases development, any property you develop will have restraints, it will have give-aways in left-turns and will have give-aways in parks, it will have all of those things you have to contribute to get credit on something else. Mr. Rome asked, if this unique he wanted to know how as a citizens he is getting something it is directly beneficial and that is really contributory to the growth and development of his City, is the applicant building a school for free, will he fix all of the roads that interconnect for free? No, because they are not on their site, they are not helping the City, they are developing for one reason, and that is called

developer's profit. Now, because we are here and because we are a little bit educated, and because we've gotten smart over the years of mistakes we have made, we now come across and we have nine or ten pages of additional conditions, we have had two or three months of negotiations and have come to this point and I can't pick any one specific element, but by golly if they are going to do it, and we've had a problem with bonding before, and then we have a down-turn like in 1978, and then we talk about Lou Fasano who bought the City's property and this board turned around and gave him give-aways on Kathy Park. We now have wonder who will pay for Willamette Street, all of us again! And yet we've got half streets, we've got Villa Road, we've got water problems and we are going to tear up...they're talking about the longest way to get improvements in and sewer and water. What happens when we put in sewer and water, we tear up existing roads. Do we have any recommendations from staff that when these improvements go in that they want to call it minor improvements to make these roads better? Have you driven down Villa Road recently with chuck holes and potholes? It's absurd, it's an absolute treacherous to your vehicles! Now, if you've got to let them tear it up to put this through, then they need to bring them back to do a proper repair. You've got to tear something up to get there, this town has been torn up for years and it is still torn up, and if you are going to let them tear it up, make them put it back in better condition before the continue with another phase. Make it possible, help us, don't hurt us.

Mr. Rome pointed out there are a couple more problem the City recently ran into with this development.... one is the storm ponds....the applicant was talking about 18 storm ponds, now they want to reduce them, make them bigger and reduce the number. He stated that there is something this Board has never heard before and the City Council was also astounded when they heard about it....they did not know there is a conflict in the Comprehensive Code. Mr. Rome continued to express his concerns regarding the storm ponds, disruption and lack of repair of roads, vegetation, number of and cost of maintaining ponds versus a regional facility.

Robert J. Claus, 22211 SW Pacific Highway, Sherwood, addressed the Commission. Mr. Claus stated that he had recently taken a trip to Canada where he is preparing to hold a seminar. He requested some personal friends of his to try to get him an introduction to Genstar so that he could express his concerns about what Genstar was doing. Mr. Claus indicated he was unable to meet with Genstar because Mr. Cartwell had talked to Walter Hartman the previous Monday and among some of the rambling remarks, one was made to the great

umbrage taken at the exception he (Mr. Claus) had made to the Canadians and Japanese. Mr. Claus stated that he had met Mr. Yoshida by chance at the theater, and first of all, Mr. Claus understands that Mr. Yoshida is intending to move into Sherwood, and he is an American citizen, so not only did Mr. Claus wish to apologize, but he wanted to encourage Mr. Yoshida to come to Sherwood as a neighbor; but the point Mr. Claus was trying to make with that remark is neither racial nor nationality based, it was also aimed at the people from Lake Oswego and contrary to what Ms. Connell says, the Planning Commission has a charge inside the urban growth boundary anything you want to put on it to develop the planning model as per the environmental plan and you do not have the option to have that overlooked. Specifically, I am trying to tell these people is that this is Sherwood, there are requirements in Sherwood that they need to meet. They are attempting to develop a project over one decade; let me put that into perspective....in that one decade, we have gone from growth to no-growth back to growth with real estate loosing site, the child in-stork will be in Junior High School from the first grade when the development intends to finish this. What are some of the significant figures you have heard that Ms. Connell glosses over? That the City has water for a population of 8,000, yet we have 4,000 here now? 3.5 is the average household in this area, those 1200 units are 8,000 and you are significantly planning the entire infrastructure for Sherwood. The applicant is asking to master plan 20 percent and are asking to master plan an area larger that has been built in the City to date. Why am I urging caution and why am I urging you to check? Because it is known that today we have violated the law by having no storm water management plan, no erosion control, illegally filling wetlands - it is endless what has been done. We are now asking someone to jump into a major area, the map of which--from an urban planner's point should be turned sideways--to give one an idea of the great connection. Mr. Claus pointed out that the applicant wishes to start building at the far end of the development, rather than connecting to the City. He noted that the phase is not an attempt to built out to the urban boundary line, try to understand this is not an attempt to phase this and build out, because he wants to get to the remark that in some way he has a racial prejudice against some nationality or race. He stated that anyone who knew his record and planning background, and to personally check would understand that that is a trade-liners remark and it is false. He asked, "is there a chance they just don't get it?", they don't get what we are trying to tell them, they are in a position to permanently shape this community and I would suggest so and will name names, and I wonder why there are some things that have not been brought to the

Commission's attention by the Planning Department. Mr. Claus stated that this is a total reversal of what the City had planned, and that Mr. Yoshida has the best interest of Sherwood in mind, and it is Mr. Claus' belief that if he could delay enough of this Commission and educate the Commission as to the concerns some of the citizens have, he believed the development could work; however, he also believes the Commission should stop and think about the shifting of this...we went from a public golf course, not a wall-enclosed compound, it was a public golf course and would have done tremendous things for the downtown and the commercial use they sought to have there was an exceptional use to the golf course. We are now being asked not to merely triple the densities, we are not asked to close it off to a business generator, a public, we are not asked to integrate something that does not work with a park way or water system, we are further being compounded by being asked to do something that is phased away from the City. All of these essentially major reversals when presented any other way is disingenuous, and this dis-ingenuousness is why I am prejudiced.

Why do I spend the time with this? Let me tell you why...the Fish and Wildlife Service has just been given \$2 million to build a refuge and they spent thousands of dollars planning it and today lightning struck when we asked them to give the City input. How do you think you can make an intelligent input without that information before now; you can't and remember you are merely applying the laws that exist in this town in the general plan and a specific plan and are in no better position to than the input you have in that decision.

We don't have a certified surface water hydrologist in this town, and we should, but we don't; we don't even have an education specialist, we don't have anyone that is a specialist in transportation engineering, we depend upon outside input from the developer. Why isn't the developer obligated to give this? Because it's something they don't get...if someone wants to live in this town, they invest in this town, they stay in this town and make a long-term impact, and the developer comes in here for a profit and they leave. If the project fails in the process, the citizens pick up the pieces and it has happened before.

Regarding the proposed retail section, has the developer thought about the downtown? No, they want to build one square block in the middle of their subdivision which is the size of the existing town and we are supposed to not believe that it will not impact downtown. Income comes from a derived demand and that is why Wall-Mart is called a product or category killer because when they move in they absorb the



particular demand and it's not their problem. The developer puts an acre out here and it will take an acre of business from somewhere else...that is a land-use question that is not unrelated to a golf course. Understand the dimensions of these shifts or we will all be presented as if there is no issue here. You will have business people asking why phase away from us?

Mr. Claus commented that he had called John Fregonese from Metro. He noted that there was a requirement that the application be submitted to Metro, but staff has not submitted the application to Metro. Why has it not been submitted to Metro? Because LCDC's Bob Cortright was willing to sponsor a grant to plan the village center particularly based on the Woodhaven project to see how it would impact. Why? Because most developments are five acres and Woodhaven is 300 acres. Then, the second thing I heard was "we don't have money in Sherwood to sponsor that and Metro's John Fregonese was willing to pay our portion of the grant to get a plan review to check how this impacted old town and other parts of our transit plan. Why wasn't all of this done? Why did I have to place phone calls and find out that without a request for a proposal, this village center and the impact of this could have been studied by Metro. Like I said, I am not a bigot, but I don't like anyone that throws red herrings out and starts smoking what's going on. This project is too big to move ahead without thorough study by experts and the impact can be too much. The Commission is obligated to look at the parks and the trails, the refuge and Old Town and the impact this will have. It is positively embarrassing to find the main street going into old town village being added in this hearing; it is embarrassing to find them not discussing Meinecke, which is the next thing I want to bring up. These poor fellows are just victims, while they call ODOT and ODOT says this is what you will do and there's no good arguing, and the City just has to lay down like a canvas-backed dog and take it. According to the conversation we had today, they don't explain it that way...they say we are transportation engineers and we know that many are thinking that we have long come and gone; but if you come to us with your plan, we will look at your plan and we will do the construction specifications to make sure it is safe. If the community wants it, we will support that plan. Let's stop the bigot nonsense and let's stop the red herrings, let's find out how this integrates with our plans let's phase it in and do it. You have LCDC willing to give you a grant in January, you have request to come from Metro to do one of the eight village projects in process, you've got all kinds of help, but yet no one on our staff asked those people and that is very serious. We can't even build a storm water retention

facility in this area and we can't go to anybody, we just have to plow ahead.

Mr. Claus commented that the more he hears in these meeting, the more shocked he becomes. He pointed out that he had given 2.5 acres on Villa Road, and he says "gave" since the price the City paid did not cover his direct cost of surveying or other related cost of giving that 2.5 acres to the City. He stated that he has an agreement with the City where those pedestrian facilities have to go and suddenly tonight I hear they are go along the railroad track. Mr. Claus stated that he did a thorough job of looking through his correspondence and he is getting sick of getting double-crossed when he makes a deal and sells something below the market for something that was virtually gifted and suddenly finds out that the parks are going to go where they are specified not to go, and this is the first time he had heard it. Because of the constant threats and ex-parte contact nonsense that has gone on here, I have deliberately stayed away from papers; I have requested them and have been told to go other places and to get them myself.

What all of this boils down to is fairly simple, this should be starting on Meinecke, it should be made so that it crosses into Handley's property and connected to where it goes to Elwert Road should be master planned, we should then make Meinecke connect with the downtown and that is what should go in first. Why? Because you are destroying the human resources you have in this town if you don't do it. If anyone tells you that in a village with 3500 people that you can build 3500 people and point them towards Newberg and not destroy the retailing in this town either doesn't know what they are talking about, which is possible, or they are trying to pull the wool over your eyes...more red herrings. This town has to have an economic base. You're going to think I'm saying this because I own property...I own property all most any place they turn. That is not the issue here tonight. I am not going to benefit one...I'm telling you, you have the strict obligation to increase the financial base of that district downtown before you injure our tax base....that is your obligation...this business of telling us ten years from now, they might work with the Cherry Tree, they might work with Bob Salisbury, they might work with Clancy is nonsense...they must do it now, and they hung themselves willingly on their own part again...they said, "we are going to the most expensive part of this subdivision first." Well, gentlemen, they can't cry hardship, they cooked themselves and if you tell them where to start as required by the general plan to make this contiguous to the current urban growth, and anybody who think contiguous is on the far end of

Sunset Boulevard had better go back to planning school.

Mr. Claus stated "finally, we are not victims, open up, saying tell us what you want, let Phase 1 start at Meinecke, let's put the light at Meinecke, let's work with John Whitesell who has offered to give the City property if it is put in there, let's preserve existing buildings and businesses, let's enhance what we have got, let's build our tax base and let's say to these people, 'Jim Claus isn't against any nationality, he's not against any racial group, he just likes Sherwood', and he thinks if you come hear and you want to build a subdivision and make profit, you are going to work with our businesses and our human resources and you are going to enhance our downtown and you are going to enhance our transportation plan and you are not going to tell us what we are doing as if we are some kind of victim that ODOT will not go along with this. Send them back to Metro, get the grant, plan the downtown as a village, work with the transit authority, work with LCDC, and protect this town and give it the kind of attention it needs.'" Now, am I against development?, no; do I care who makes the profit, no; do I have a similar complaint against similar developments, yes; are there any things I'm asking you to do that you are not obligated to do, no; but I for one don't want to see a water line run out for 4,000 people and then have them come back and tell us we okayed that development, that's nonsense, it's game playing and it is more red herring. I live in this town, I intend to stay in this town, I have acted and have spent a great deal of my own money enhancing this town, and I have done it all within the bounds of the guidelines of the City Council and the laws, and the general plans and the master plans we have passed. I believe that Mr. Yoshida is an honest and a very dedicated and concerned man and I believe that if Genstar really understands what we are talking about, they are quality enough organization to implement that and benefit us, but without leadership coming here tonight and stopping this thing, we have state agencies willing to give us money, willing to help us and pushing this through is a disservice to everyone.

Mr. Steve Weeks, 21970 SW Pacific Highway, Sherwood, addressed the Commission. Mr. Weeks stated that he is not in opposition to the project, he is speaking of saving the existing businesses. Mr. Weeks commented that he had been advised approximately two months ago by surveyors from the Department of Transportation that Meinecke Road will be closed and relocated 300 yards to the south, which will shut the business of the Cherry tree down and it will die. He urged that the Commission look at the relocation of Meinecke and consider a signal at Meinecke as was the decision with

the Steeplechase project.

Don Saxton, 22030 SW Murdock Road, Sherwood, addressed the Commission. Mr. Saxton advised that he is not against the development, and that he has been a small business man in Sherwood since 1974. He urged that the Commission maintain the viability of the downtown area since he would hate to see another exodus of what is left of the downtown business people and the businesses at Six-Corners. Mr. Saxton suggested that development start on the east side of Villa and some assurance that the downtown will remain viable. He pointed out that people would not use a bicycle as transportation to his business or shopping and urged that further consideration be given to maintaining the downtown area. Mr. Saxton stated that the proposed phasing would encourage residences to shop in Newberg and he would like to see more traffic generated through the downtown area.

Jerry Reeves, 4850 SW Scholls-Ferry Road, Portland, addressed the Commission. Mr. Reeves state that his issue is the school situation and as the Planning Commission is aware, there has been a problem here wherein the Tualatin and Sherwood Comprehensive Plans are being mixed because of the overlapping Sherwood School District within the City limits of Tualatin, which is taking the children from the urban Tualatin area, placing them in Sherwood and the Sherwood Schools. Mr. Reeves pointed out that schools are a key facility under the law and he wished to address the chart that has been entered into the record by the applicant. Mr. Reeves commented that Chart I, which had been prepared by Dr. Hill, is called "facility housing analysis", is flawed because it does not address core facilities, rather it is based on occupancies which utilizes all school building areas for classroom sizes only and calls the capacity adjustment phase "a temporary basis approach". Mr. Reeves stated that this really is an "emergency basis" approach since core facilities of the school is what in large part determines the design capacity of the school and design capacity addresses many fire and life safety issues, i.e., hall way widths, exit requirements, and design capacity of the core facilities also includes the rest rooms, lunchroom, cafeterias, gymnasium, all areas that are support area to the classroom. He stated that Dr. Hill's chart does not address the actual design of how he is increasing the actual capacity of the core facilities. Mr. Reeves commented that Mr. Hill has called Chart No. 2 an adjustment to school capacities, and here again, he is merely adding what he has projected from Chart 1 for more seats in which to set the children in to call Chart 2 a summary of adjusted school capacity. He pointed out that one cannot do that. Mr. Reeves stated that the design

capacity is for 600 students, for the elementary school and he cannot get a 600-students school to have a 910 capacity. Mr. Reeves commented that this can be done on a temporary basis by adding portable school rooms, however, this does not address the core facility. He requested that Commission address the school issue and stated that not addressing the school situation will result in a direct remand from LUBA.

Angela Weeks, 21970 SW Pacific Highway, Sherwood, addressed the Commission. Ms. Week commented that she has lived in Sherwood for 14 years and has been a member of the City Budget Committee for five years. She stated that she is not against the development since development of Sherwood is something that is needed; however, the over-all picture is most important. Ms. Weeks commented that the Sherwood schools is

the future and the kids depend on the citizens to provide good schools. Ms. Weeks also expressed concern over retention of the current business in Sherwood and urged the Commission look at the over-all picture, and that Sherwood downtown needs to be preserved and made to work for the Citizens.

There being no further testimony, Chairman Birchill opened the hearing for rebuttal testimony from the applicant.

Mr. Bantz, OTAK, Inc. 17355 Boones Ferry Road, Lake Oswego, again addressed the Commission. Mr. Bantz commented that he will try to address the issues raised by the opponents in the order in which they were raised.

Mr. Bantz commented that although the applicant was given the option by the City for providing parking on one side of a 28-foot street, they had asked for parking on both sides of a 28-foot street and as a compromise the City stated that the applicant could have parking on one side of a 28-foot street, or parking on both sides of a 32-foot street. He noted that all of the local streets in the subdivision will be 32-foot streets with parking on both sides. Mr. Bantz stated that the reason for requesting 28-foot streets is their belief that the narrower street provide safe streets since they slow the traffic down. He commented that streets which allow free flow of traffic, cars will go as fast as they can go and that some cities are considering "queing" streets, which requires a vehicle to pull into a vacant area on 20-foot streets and that most 28-foot street provide passing without queing. Further, if the applicant has to go to a bigger street, the applicant either has to minimize the lots, most of which tack on in one manner or another to the open spaces, or reduce the amount open space. Mr. Bantz noted that the applicant is not increasing the number of lots in the development and the average lot sizes range 7,200 square foot, there are some 5,000 square foot lots and some lots are over 18,000. Mr. Bantz pointed out that collector streets are 36 feet wide and have bike paths on both sides. Mr. Bantz commented that narrower streets also minimize the amount of impervious surface, and the more asphalt there in the development, the more untreated water will land in the ponds. Mr. Bantz directed the Commission's attend to the slide presentation and addressed the Meinecke issue and well as the bike paths.

Mr. Bantz addressed the issue raised by Mr. Weeks regarding the closure and relocation of Meinecke Road. He noted that ODOT is proposing the relocation of Meinecke, not the applicant. Mr. Bantz commented that the applicant does not have much input regarding ODOT's plans and cannot control

ODOT's decisions. Mr. Bantz stated that the ODOT might wish to consider moving the primary access from Meinecke to another location so that the traffic on Meinecke to the highway will be closer to the intersection. He noted that if ODOT extends the road as ODOT wishes it will require a realignment of the 90 degree turn. Mr. Bantz advised that Mr. Vandehey from Kittleson Association is also in attendance to answer any questions regrading traffic impacts and report on their meeting with ODOT.

Mr. Bantz commented that Ms. Weeks indicated that he had made a statement that schools are not important. Mr. Bantz pointed out that he did not make the statement, and the applicant is concerned about the schools since that is an important sales tool. Mr. Bantz stated that the applicant is subject to limitations on Phase 1 at this time, and the other phases are subject to the availability of schools and if there is no school capacity, there will not be another phase.

Mr. Bantz presented a slide presentation of the 25-foot meandering pedestrian linkage in areas where the blocks are too long for a resident to circulate the blocks. He noted that trees may be planted on either side of the pathway with benches and commented that the applicant proposes a 25-foot path rather than the 10-foot paths required by the City. Mr. Bantz stated that he did not believe the City is giving anything away since the applicant is doing things that a lot of the developments have not and probably are not able to provided. He pointed out that the reason this development is a PUD is that there is a lot of area that is not buildable, and the applicant is providing a little over 14 percent open space which is not required but will benefit both the residents and the City by providing areas for bicycle and pedestrian paths. Mr. Bantz offered to provide the same presentation as the last meeting, or an individual could contact him to obtain more information. He suggested they call at 635-3618 and he would provide any information desired, including a color drawing of the project.

Chairman Birchill closed the public hearing for this item and opened the meeting for discussion, questions and comments among the Commissioners.

Ms. Claus requested that Kittleson representative summarize his meeting with ODOT and ODOT's recommendations.

Mark Vandehey, a registered traffic engineer and a senior transportation engineer with Kittleson Associates, 610 SW Alder, Portland, addressed the Commission. Mr. Vandehey requested that Ms. Claus be more specific as to the

information she is seeking since the meeting with ODOT lasted for 90 minutes. Ms. Claus requested that Mr. Vandehey discuss the October 29th letter, since it seems that ODOT wants additional information from Kittleson or the applicant on the Meinecke and Sunset connections. She inquired if the reports and/or analysis are in process.

Mr. Vandehey said that the analysis with respect to Meinecke should be done before the final approval, and are not pertinent to Phase 1 since that phase is not making any connection to Meinecke whatsoever and the only modification proposed is on the 99W intersection approach, which requires a permit and approval from ODOT. He stated that the only thing discussed was the conceptual design and ODOT is recommending agreement. Regarding Meinecke, there are a number of alternatives and ODOT does not know what they will do with that intersection. He noted that there is a proposal on the table to realign the road at some future date, which is being studied along with other alternatives for the intersection. Mr. Vandehey pointed out that the applicant is working with ODOT to help addresses all of the issues, but the issues do not pertain to the Phase 1 and essentially do not pertain to the long-term project since there is a lot of flexibility and alternatives for the entire project. Mr. Vandehey indicted that the proposed project does not access in the vicinity of that point and will mesh with whatever plans ODOT may have. He noted that ODOT has some confusion with regard to the information submitted by the applicant; all of the requested information has been provided by the applicant.

Ms. Claus pointed out that the letter from ODOT recommends that preliminary plat approval be deferred until the transportation study is completed, including the request for approval of Phase 1. Mr. Vandehey responded that ODOT is making that statement, and the applicant does not understand why they are saying that, and also disagrees with that point since it does not affect Phase 1. He noted that ODOT is considering a number of modifications, and one business owner doesn't want any modifications of Meinecke, and the applicant is not proposing that modification, but ODOT is asking the developer to study the issue and the applicant is asking ODOT what they should do since the developer can't make the decision or the modifications. Mr. Vandehey advised that additional meetings are being held with ODOT to clarify their request and determine what type of information they are seeking. Mr. Vandehey stated that what is proposed in Phase 1 does not affect Meinecke and the applicant is proposing that action on that issue be deferred until all the information is available. He noted that a development on the north side of the Highway 99 will affect the Meinecke situation. In response to Ms. Claus' question, Mr. Vandehey replied that he is not recommending the Commission disregard ODOT's recommendation, he is merely stating that the



applicant recommends their concerns be taken into account and allow the applicant to work with ODOT to resolve their concerns since they do not relate to Phase 1. Mr. Bantz stated that Phases 1, 4 or 5 will not affect what happens on Meinecke and he does not understand why ODOT's saying there should not be any preliminary approval, we are saying approve the concept and not approve any phase. He pointed out that ODOT indicated that Meinecke cannot be signalized until warranted, and the decision will be made by ODOT.

In response to Ms. Stewart's question, Ms. Connell confirmed that there is a proposed development north of Highway 99, which ODOT is trying to tie together and resolve all of the traffic impact problems at one time.

Mr. Hohnbaum inquired if there had been a completed analysis for the highway access plan from Highway 99 through Sherwood, Ms. Connell stated that an analysis had not been completed, it had only ended up showing what the zoning of the area is and where legal driveway permits are, but was never completed or adopted.

Mr. Rome interrupted the hearing and stated that he believes there are games being played with the applicant, LCDC, the State Bureaus, DEQ issues, and before the Commission approves the development, they should get in touch with the agencies for answers and do not rely of a group of crooks who are trying to rape and pillage the citizens. Chairman Birchill requested that Mr. Rome refrain from making further comments.

After an extensive question and answer period regarding Washington County's requirements, ODOT's requirements and the status, service life, number of and maintenance of ponds, USA's position on ponds versus regional storm water facilities, responsibility for ponds/regional storm water facilities, and other issues involving the storm water ponds, Chairman Birchill suggested that SUB 93-3, Woodhaven, be tabled until the November 16th hearing in order to allow the applicant to respond to following questions from the Commissioners:

1. On the plan for emergency exit on the cul-de-sac, it looks like the emergency exit is crossing the greenway and should be clarified.
2. Clarify the Villa Road plan since it appears there could be a lot of traffic using Villa Road, which is now indicated to be a collector street into downtown Sherwood requiring half-street improvements.

3. Clarification of modifications where hooking into Meinecke, near Salisbury's property since it will have a major impact on the intersection of Meinecke at 99W and other street standards.
4. Clarify why the commercial zone is 1.5 acres rather than the staff recommended 1 acre per the City's standards.
5. Regarding the storm water facilities and the reduction of the number of ponds, including clarification from USA regarding requirement for ponds rather than one regional facility.
6. Phasing of the project, which people see as anti-old-town development, and how the project is truly friendly to the concept stated in the long-term plan of the City.
7. Would like Metro to make a study of the impact of commercial area of Woodhaven and its impact on the downtown area.
8. Determine whether there is a requirement to have contiguous development so that the Commission can evaluate having Phase 1 removed as far from the City core as possible; i.e., do we encourage contiguous development up to this point in time and if there is a policy in place. What exactly is defined in the policy.
9. Major concern with the multi-family units adjacent to a holly far, since the property has essentially be rezoned medium density residential high next to a low-density residential. Consider the area as a buffer as dictated by the Comprehensive Zoning Code.
10. Cul-de-sac nearly Meinecke - can problems be alleviated by taking Lots 293 and 298 and looping a street thereby shortening the length of the cul-de-sac. Alternatively, change the lots at the end of the cul-de-sac to high density residential and stub the street through to pick up development beyond.
11. 15-foot yard setbacks, if allowed from standpoint of this development as well as Highpointe, Commission needs to look at the Comprehensive Code and make the change for everybody, rather than making exceptions as the request arises.

12. Determine if there is a surcharge the City can impose above and beyond the SDC charges for individuals living in this development to maintain project amenities for the people living in the area.
13. Coordinate with ODOT and find out where road and streets will intersect.

Ms. Claus indicated that she had a variety of questions and will submit a written list.

Mr. Ruehl moved, seconded by Ms. Claus, that discussion on SUB 93-3, Woodhaven be tabled until the November 16th hearing to allow the applicant to respond to the foregoing questions. Motion carried unanimously. Mr. Hohnbaum requested that staff provide guidance and policies from the Council on regional ponds.

**C. SUB 93-8 Highpointe: Preliminary Plat for an 81-lot single-family subdivision on Sunset Boulevard.**

Chairman Birchill opened the public hearing and called for a staff report on SUB 93-8, Highpointe.

Ms. Connell advised that there are two additional letters to be entered into the record on SUB 83-8. She noted that one is from Mr. John Maffitt regarding an 8.5 foot Tract A, Tax lot 3000, which he wants to make certain does not get included in the subdivision. Ms. Connell indicated that there is also an additional letter from the applicant regarding the school issues. At this point, Ms. Connell entered into the record the reports from Dr. Hill dated October 18, 1993, regarding school housing and alternatives.

Ms. Connell reported that the Commission is considering a standard subdivision for an 81-lot single-family development on 20 acres, and a variance request to reduce the street side yards from 20 feet to 10 feet. Ms. Connell pointed out that there are two tax lots totalling 20 acres, and two buildings one of which will be demolished and the other will relocated and none of the homes are designated historic. Ms. Connell commented that the site is the highest point in the City at 420 feet, the lowest point is 312 feet in the west corner. She noted that there is a significant group of trees on the northern side of the property, but the property contains no significant natural features, wetlands or floodplains. Ms. Connell indicated that the property is surrounded by large lot single family and Meadow View Heights Preliminary Plat immediately to the west, the urban growth boundary and large-

lot single-family residence to the south and east. She noted that the property is zoned low-density residential, which permits five dwelling units to the acre, and will allow 100 units; however, the proposal is for 81-lots to be constructed in two phases, the first of which will consist of 40 lots on Sunset Boulevard and will extend south to the property line. Phase 1 also provides Foothills Estates their only access to Sunset. Ms. Connell indicated that the 7,000 square foot lots are permitted and the development's minimum lot size is 7,150 square feet.

Ms. Connell noted that Sunset Boulevard is the primary access to the site and Washington County is still developing a traffic analysis and will submit their recommendations to the City when it has been completed. Ms. Connell remarked that Washington County is concerned about the spacing standards between intersections and sight distances to the east and west. Ms. Connell pointed out that Washington County has subsequently granted access at that site for both Foothills Estates and Highpointe. Ms. Connell commented that the applicant will provide half-street improvements to Sunset Boulevard.

Ms. Connell pointed out that Pine Street is another potential access opportunity for the project on the west side, but discussions regarding Meadow View resulted in a determination that due to the topography of the area, Pine Street might not be a needed access. Ms. Connell stated that Paula Lane, which is Timber View on the west side, is an east-west street in the Highpointe Division, and the question arose as to whether Paula Lane should be a collector street, but is not classified as such in all adjoining developments. She noted that this distinction does not create an inconsistency in the required width and paving of the streets. Ms. Connell recommended that in Highpointe the 32-foot streets with parking on one side only be allowed.

Ms. Connell noted that streets are designed to meet all of the City standards, and the cul-de-sacs are all less than 600 feet in length. She pointed out that all improvements will be bonded for prior to final plat approval. Ms. Connell indicated that there are no private streets in the project.

Ms. Connell reported that the project complies with all of the requirements of the Comprehensive Plan and noted that the applicant has requested a variance for the side-yards setback to be reduced from 20 feet to 10 feet.

Ms. Connell indicated that the Staff report contains a detailed report on the public facilities and reviewed the policies in depth. Ms. Connell pointed out that schools are considered a public facility; however, staff has not had the full school analysis completed by Bill Monahan, who is reviewing the City's Comprehensive Plan and giving staff direction and advice with regarding to staff and Commission responsibility when planning for schools.

Ms. Connell advised that in the Staff Report, cursory responses have been provided to Council Planning Goals. Ms. Connell pointed out that the Zoning Code requires a 15-foot wide landscape corridor for Lots 24 through 27 on Sunset Boulevard. She stated that the applicant proposes a 10-foot corridor, and noted that the Commission has been flexible in permitting flexibility with landscape corridors. Ms. Connell recommended that the Commission continue to be flexible, but make certain there are street trees and incorporate a plan that makes maintenance the owner's responsibility while providing a suitable yard along the arterial street, Sunset Boulevard.

Ms. Connell commented that on-site circulation is covered and there are no direct accesses onto an arterial street. She indicated that the development generates 850 trips per day, and planned improvements on Sunset, and a traffic impact fee of \$1,560 per dwelling. Ms. Connell stated that there are currently no street names; however, the applicant will comply with the street naming standards. She remarked that consideration is being given to turning Paula Lane into one-named street and suggested that Timber View running through Meadow View be re-named for consistency.

Ms. Connell commented that an 8-inc water line is to be extended from Sunset Boulevard and adjacent sites and will extend throughout the development. She pointed out that the applicant proposes 6-inch water lines, however those lines must also be 8 inches. Ms. Connell stated that the sewer line is approximately 300 feet away and for the eastern section the sewer will connect from Paula Lane and the western section will connect to the sewer from Meadow View Heights or an easement from the Baptist Church property. Ms. Connell noted that the proposed development is dependent upon other developments being built.

Ms. Connell reported that existing storm facilities are also approximately 300 feet away in Whispering Firs and because of the topography the storm water goes in two directions. She commented that the proposal indicates Foothills Estates will be draining to the north and east corners when extended to

Highpointe and the eastern portion of the storm water drains into the upper Murdock Basin and the Roy Street Park pond facility. Mr. Connell indicated that the storm water runoff from the western portion has not yet been decided, but could be collected in the Meadow View subdivision, then drain to that detention facility near Four Corners.

Ms. Connell advised that USA has reviewed the proposal and requires more details at the engineering stage.

Ms. Connell commented that the Fire District responded that hydrants need to be relocated within 500 feet of the buildings. Ms. Connell noted that no parks are planned, but Parks SDC will be generated for acquisition of park space.

Ms. Connell pointed out that the applicant has proposed use of solar energy and for that reason is requesting a variance to some of the corner lots to reduce the setbacks to 10 feet, which created a self-imposed hardship. She recommended that the setbacks be 15 feet. Ms. Connell suggested that variance criteria cannot be met and that possibly administrative variances for site specific plans maybe a better alternative.

In conclusion, Ms. Connell reviewed the staff recommendations and suggested the following revisions:

1. Item 3 e - delete this requirement assuming the City will require 32-foot paving with parking on one side only.
2. Add an item 6 to read: That the applicant assure that the adjoining 8.5 foot-wide Tract A, Tax Lot 3000, not be incorporated into the final plat.

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

Mr. Randy Clorno, Benchmark Planning, 16325 SW Boones Ferry Road, Lake Oswego, addressed the Commission. Mr. Clorno advised that his partner Mark Rockwell was unable to attend since he had an out-of-town conflict. Mr. Clorno advised that the applicant concurs with the staff recommended conditions and revised requirements, and have no changes to recommend. He offered to answer any questions the Commissioners may have.

There being no other proponent testimony, Chairman Birchill opened the hearing for opponent testimony.

Jerry Reeves, 4850 SW Scholls-Ferry Road, Portland, addressed

the Commission. Mr. Reeves indicated that he does not understand the 32-foot street with parking on both sides. He noted that street widths and parking vary throughout the city, and suggested that street widths and parking requirements be consistent and remain at 32-foot streets with parking on both sides.

Mr. Reeves commented that he did not believe the Commission could grant a variance for the corner lots, even to 15 feet and suggested that the Comprehensive Code be revised instead.

Mr. Reeves requested that his previous testimony regarding the school issues stated in the Woodhaven Subdivision be incorporated into the record for Sub 93-8, Highpointe, including the reports from Dr. Hill.

Ms. Claus inquired what Mr. Reeves thought the Commission could do to clarify the reports of Dr. Hill? Mr. Reeves responded that the Commission could address the issues he raised. He commented that the report has major glitches and only deals with the capacity to add more children, not bathrooms or wider halls, etc., and is only addressing a temporary solution. Mr. Reeves stated that Dr. Hill is not increasing capacity, he is only temporarily increasing facilities. He pointed out that the applicant's future phasing is subject to school capacity, but the first phase is recommended for approval because he has capacity, based on Dr. Hill's report, and Mr. Reeves believes the report is faulty. Mr. Reeves suggested that the Commission ask for clarification from Dr. Hill regarding core facilities. He stated that design capacities are what must be dealt with, not temporary emergency situations. Mr. Warmbier noted that he has been unable to obtain a solid answer as to what is appropriate facility, how many kids, how many rooms, all estimates are based on the occupancy of the room.

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

Chairman Birchill advised that Dr. Hill has answered the questions raised by Mr. Reeves. He pointed out that the memorandum to the Planning Commission that has been entered into the record during the last two Commission hearings. Chairman Birchill pointed out that through rescheduling of classes, Dr. Hill can double the capacity of those schools by running a morning and afternoon shift, or Dr. Hill can go do different scheduling by running a year-round school where 3/4 of the students will be in school at one time and 1/4

will be on vacation.

Ms. Stewart inquired if Paula Lane where it joins the proposed part of Meadow View could be brought in alignment with the cul-de-sac. The applicant advised that the glitch is a drawing error.

Chairman Birchill commented that for some reason people believe the south line of the subdivision is the edge of the world, and from thereon it does not exist. He suggested that a stub street be provided to the south to provide access in the future. Ms. Connell responded that a stubbed street in the Meadow View Subdivision was appropriate since there was no established land use pattern there, but there are several existing buildings to the south of Highpointe. Mr. Warmbier suggested Lot 77 be considered as a stubbed street.

After an extensive question and answer period regarding setback variances, streets, storm water facilities, schools and lot sizes, Mr. Ruehl moved, seconded by Mr. Warmbier, that SUB 93-8 Highpointe be approved subject to the following conditions:

1. Adjoining the site, the owner shall dedicate forty (40) feet from centerline to Sunset Boulevard and provide half-street improvements to City street standards and County traffic safety standards. Street dedications and improvements shall be provided with the relevant phase. Prior to final plat submittal, sight distance shall be certified at the intersection with Sunset Boulevard.
2. Prior to Phase 1 final plat, submit a landscape corridor plan for the Sunset Boulevard frontage for City approval.
3. Prepare engineered construction drawings in compliance with City, TVFRD, USA and Washington County standards for streets, sanitary sewer, storm water runoff, erosion control, water service, fire protection, street lighting including illumination at Sunset Boulevard, and street trees. Plans shall be approved in conjunction with a subdivision compliance and maintenance agreement, including bonding for 100% of the public improvement costs. Those plans shall specifically include, but are not limited to, the following:
  - a. Provide utility extensions to adjoining properties as required by the City.



- b. Provide street names in compliance with City street naming standards.

- c. Provide a one-foot non-access reserve strip along the Sunset Boulevard frontage.
  - d. All site fill shall be engineered to City specifications. Street grades shall not exceed 15% slope.
  - e. All streets shall be thirty-two (32) feet wide with parking allowed only on the south side.
  - f. Increase all water lines to a minimum of eight (8) inches.
  - g. Relocate fire hydrants to ensure building exteriors are within five hundred (500) feet of a hydrant as measured along the nearest vehicle route.
  - h. Provide street trees uniformly planted in the front yard of every lot, including two (2) trees on corner lots.
  - i. Prepare detailed storm water runoff plans for City and USA review that incorporate the following considerations:
    - 1. A water quality facility.
    - 2. A collection system for roof and foundation drains.
    - 3. An adequate discharge point, other than Tract "A" if that area proves to be dysfunctional.
    - 4. An analysis of runoff impact on downstream properties, in all directions.
  - j. Provide a stubbed street for public access twenty-five (25) feet wide to the south in a location to be accepted by the Planning Commission as a part of final plat review.
- 4. All lots shall conform to Low Density Residential (LDR) standards.
  - 5. Prior to final plat, provide a tree survey. If possible, the City will allow minor modifications to street alignments to preserve significant trees.

Motion carried unanimously

4. **Planning Director's Report**

Ms. Connell advised that she had nothing further to report.

5. **Adjournment:**

There being no further items before the Commission, Chairman Birchill adjourned the meeting at 12:45 a.m.

Respectfully submitted,

Kathy Cary  
Secretary