

1. The meeting was called to order at 7:30 by Chairman of the Planning Commission, Harley Huebner. Other Planning Commission Members present were: Edwards, Reber, Martin, Kennedy, Fosner and Gruver. Council members present were: Mayor Harper, Turner, Wilson, Hartford and Parr. Others present were Engineer Powell, City Planner, Draggoo, Recorder Stewart, John Robinson from Washington County Public Works, Don Laidon from Countryaire development, Dale DeHarpport of April Meadows development, Don and Faye Cochran, Pat Patchin, Reporter Saarinen, Owen Snyder and Dennis Hille.

This special meeting was called to discuss the storm drainage situation on the South East end of town. Prior to the meeting, the Planning Commission visited the Countryaire Estates to see how they were going to handle the water run-off and looked at what the City Council had approved for the DeHarpport sub-division and looked at the place where the water would come out on Murdock Road. They felt this was going to create a problem for all parties concerned and that something had to be done about this. Huebner stated that the Planning Commission did not feel that the open ditch would solve the problem. They were concerned about the water going down the drainage ditch through the Cochran property. He felt that the DeHarpport plan for the storm drainage that was approved by the Council should be reviewed.

City Engineer Powell was asked if he still felt the approved plan was right. Mr. Powell stated that "from an engineering point and from a practical point, the drainage courses that are there now should be used. The natural route from those parcels is northerly and northeasterly, toward the drainage ditch that parallels Murdock and there is no reason why they can not be used at this time for these sub-divisions. In the future, as those parcels themselves are developed for single family homes, then further improvements can be made. Open ditches are a fine way of handling storm drainage. Pipe systems are fine. There are combinations of the two. There are two ways to handle storm run-off. One is to get it to the farthestest down stream point, say the Tualatin River, dump into that and let it take care of it. The other way is to have an open ditch-way, not a trench, but a ditch. Almost like a park-way system where you have the ditch that in periods like this is dry or very dry. If there are springs, there is some water. In maximum run off, there is some water running down it." Mr. Powell also remarked that an open ditch allows some storm water to go back into the ground, in its own right of way, not on to other parcels and will be usable for other means and provide a nice area in other times of the year. Storm water will go back into the ground rather than take it away."

Mr. Powell also explained where the April Meadows and Countryaire storm drains are going to be draining to a natural wash which is through the Don Cochran property. Mr. Cochran remarked that the wash was on his property and that he had enough water as it is. Mr. Headd had been allowed to build nine houses on Roy with^{out} providing a storm drain and this is draining on the Cochran property.

Mr. DeHarpport remarked that he had got city approval for his plan, that he had the intention of doing a good storm drain system, will run the pipe to Warmbier's, when the Warmbier property is developed they will tie into the line built by DeHarpport.

John Robinson of the Washington County Public Works Dept. remarked that the County has the same problems. Water can not be diverted from one drainage basin to the other. The water follows natural drainage and the downstream property owner carries it on to the next. One way to help the situation is to install detention basins. The developer pays for this. (This could be a reservoir or coffer dam using one or more lots of the developers land. *Could use one of the lots on a temporary basis.*)

A second choice of going down Murdock Road was discussed. There was much discussion on legal matters concerning this. This could be diverting water from one drainage basin to another.

Harley was concerned about the nineteen houses being built on Willamette and feared the storm water would sheet across the road to his property if the natural drainage ditch was used. (Treehill Development) *Not in area under discussion*

Councilman Hartford listed three alternatives. They were: 1. Follow the natural drainage. 2. Go down Murdock Road and 3, Hold everything in obedience.

Mr. Fosner asked Mr. Cochran what he would propose as a solution and Mr. Cochran replied that he was not proposing anything. "The only thing is you have a natural run off that has been there. I'm going to accept that. Mr. Fosner asked if he would sell an acre below the road(natural drainage area) or grant an easement. Mr. Cochran said he was not selling an acre just to put a bunch of water in.

Mr. DeHarrport stated that his attorney has assured him that the down hill property must accept the natural drainage, with rare exceptions. And in answer as to holding up work, that he had no problems.

Mr. Powell brought out the point that one home had been built last year in the area concerned and that this home increased the run-off. No complaint had been made. If that home is there and no complaint was voiced, why should additional homes bring a protest. This attitude ~~attitude~~ against homes would mean no more development in the area above the Cochran property.

Mr. Huebner stated that the Planning Commission is not against homes being built. But that they want to see it developed and the storm drain problem solved so that no one will be hurt.

Councilman Turner stated that no matter what we do as a body, whether it be the Planning Commission or the City Council, the city cannot do anything without ownership to the property. The city has no obligation to do anything for the one on the down stream flow, because this is natural drainage. The only other solution would be to run it down Murdock Road and across the road into some other property.

Mr. Reber asked Mr. Cochran if he would put the natural drainage on his part underground? Mr. Cochran replied that there is no reason why he should.

Mr. Turner stated that with a little planning and a little engineering, that the initial run-off can be handled very nicely and there will be no more erosion than there is now(you have done nothing on this in six years). With a little help in planning, you might be able to ditch that thing, make a nice shallow ditch and take the water down there and cause less problems than you have right now.

Mr. Huebner stated that he had been on the Council's back for years because of the drainage on Willamette(not related to the Cochran problem) and that the problem had not been solved. "Everytime I come down they are working on it. I am afraid the open ditch would make the same problem on the Cochran property. My kids cannot walk down Willamette in the winter time because it is flooded over. I know the City doesn't have the money to do it but it doesn't help the situation. It is still there. Councilman Turner replied that he believes the problem is about to be solved.

Mr. Huebner hoped the storm drain problem on Murdock could be solved by developers making it as painless as possible to get that thing underground so that it is underground all the way down to Oregon Street or someplace, and then you are done with it. Mr. DeHarrport asked why he should pay for someone else's drainage. Mr. Huebner felt that if it is paid now, then as others hook on to it, the developers would be re-imbursed. Mr. DeHarrport retorted that he was taking off his storm drainage all the way to the creek and he did not see why he should take of other peoples problems. He was meeting all criteria & providing for a fifty or one hundred year storm to get water from his land to the creek. At the time other property is developed, the city will require them to provide adequate storm drains across their property. This is the standard. This is what they made me do and I assume they will make the next guy do the same thing. This is only fair. This will take care of itself in due time and each person pays his fair share.

Mr. Kennedy felt this might be taken care of by completing storm drains now and later on the down stream property owners would repay this with interest as they develop. This might not cost a lot if this goes down Murdock Road to Oregon and each property owner was allocated his percentage according to his number of lots.

More discussion followed on cost, on who pays and where to go. Mr. DeHarrport stated that if we take the present water off Mr. Cochran's property, he is getting something for nothing(if drainage is taken down Murdock Road)

Mrs. Cochran remarked that houses on Roy Street had been allowed by the City without adequate storm drainage.

Councilman Hartford stated that he felt "Don and Faye have a valid point, whether its legal or not, to have no amount of water dumped on their land. I think they have a right whether it is legally right or not to be somewhat protected. Maybe the best solution is an easement and I think Don and Faye have to be reasonable from this standpoint. Some way that water is going to be handled. That's going to develop up there. We are all here to find a solution. What kind of a solution do we come up with?" Don did not know. Faye "let the city take care of it"

Mr. DeHarrport "I think there is an automatic easement across the property because of having the course of water over it for a number of years.

Dan Wilson "I think if those things are to be considered, the County would have to concur with this. No matter whether it goes to the Cochran property or whether it goes down Murdock Road. Where the pipe comes out, ^{on the road in both areas} it is washed out and the pipe has dropped down" *The ground is already washed away*

Don Cochran asked why building permits had been issued on the property in question and was assured that no building permits had been issued.

Dan Reber "Moral issues do not hold up in court and we need to get legal opinions" When we have something to go on, then make the decision.

Mr. Huebner asked the Council if they still wanted to go ahead with this. He stated that the Council had given approval to the April Meadows and asked if they were going to give the approval to Countryside or did they want the Planning Commission to do this. There was some discussion as to the approval of the Planning Commission on April Meadows. The Planning Commission approved the sub-division but not the storm drains. The Council gave the approval on this.

Mr. Hartford stated that the Planning Commission had approved the subdivision with certain restrictions. The Council consulted with the City Engineers on the best way to solve the engineering problems. We took the Planning Commission recommendation to approve the sub-division and we had to handle where the water was to go. Mr. Hartford also asked the Planning Commission why they had approved the sub-division, if they knew about the problem and why they did not let the Council know. Mr. Huebner stated they did not know it was going to be taken up at the time it was. None of the Planning Commission members knew Mr. DeHarrport was coming in with the four options.

Mr. DeHarrport stated that we were at three City Council meetings. Mr. Huebner said he was not notified. The first he knew was from a copy of the minutes. Mr. Draggoo (City Planning Consultant) was asked to give a sequence of events showing how a sub-division is carried out and what part the Planning Commission and the Council plays in the planning. Mr. Draggoo stated that it is the Planning Commission's task to approve the preliminary plan concept. Once the preliminary plan has been approved, then it is the task of the City Engineer plus the engineer for the sub-division to get together to determine if three or four inches of asphalt, whether a 21 inch pipe or not, it was the job of the engineer (lew) to approve a design for the storm water for that sub-division.

Mr. Turner "The Council has studied this entire area and had decided on the best plan of four alternatives. Mr. DeHarrport has done exactly as he was asked to do. Now, all of a sudden, the Planning Commission decided this is no good and we are wrong, and they are right. Where the Planning Commission and Council lost communications, I don't know. But it shouldn't happen again.

Mayor Harper "There is a 25 foot road dedicated to the city below countryside. There is a corrugated pipe in the swale under this road. A fill could be made higher than it is now and catch the water in the area that is being donated for a park. This would take care of a large portion of the water during a storm." The reservoir would be filled up during a storm, drain off gradually and make less wash through there.

There was more discussion on ways to go. Mr. DeHarrport stated that his storm sewage was planned as he was requested to go, the plans were approved by the City

and by D.E.G. etc. He has spent \$13,000 for engineering on this and can't see doing over again.

Mr. Huebner asked what Mr. Headd's plans were. (Roy St. Storm drain) No plans have been proposed by him. At this point, there was considerable discussion on Mr. Headd's drainage problem.

Mr. Huebner asked Engineer Powell if, after all of this conversation, has this changed your thinking? Out of all of this, do you think there is a solution that is going to satisfy the most people?

Mr. Powell. "Three months ago I presented this Council the fact that we have to go down Roy Street. We asked the developers involved (Knottingham Estates and April Meadows) to go this way. Knottingham Estates was not approved because of the inadequate drainage. April Meadows was to have gone into Knottingham Estates at that time. Because of local problems, local individuals involved, nothing was done. Because of these circumstances, it was felt best to help one of the developers that wanted to come to Sherwood to develop. It was felt best to do what was best for the City in general and for helping the City grow in an orderly manner. And this was what was presented and what was approved. I still feel this correct.

There was some discussion on the legality of the City approving the storm drainage

Mr. Turner stated that this was approved by our Attorney (easement) and he assumed that he was on legal ground.

Mr. Cochran stated that the most logical thing to do is to work with the County and instead of going under Murdock Road to go on down. That is no problem. A back hoe could dig that very easy." All that he would ask would be for the developer to install two culverts so he would be able to get his cattle across the ditch.

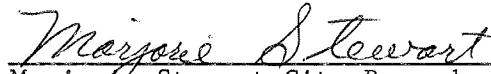
Mr. Huebner asked Don Laridon of Countryaire what his plans were for storm drainage. Mr. Laridon stated they would design an interior system that would be sent to a natural drainage.

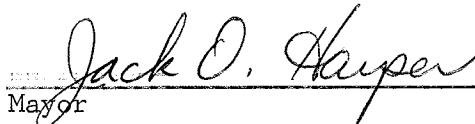
Mr. Hartford disapproved the extension of Division and also Pine & Division will need a traffic light if this becomes an arterial.

Barry Kennedy moved that all drainage (on site) in Countryaire be underground. The motion was seconded by Dan Reber and carried with all Planning Commission members present voting yes. Glen Huitt was absent.

Dan Wilson said he would like to pursue the lagoon area in proposed park. Mr. DeHarrport was reminded that he had also promised the equivalent of the value of one lot (in money) toward the city park system.

There being no further discussion, the meeting was adjourned.


Marjorie Stewart-City Recorder


Mayor