
**City of Sherwood, Oregon
Planning Commission
Meeting Minutes
November 26, 2013**

Planning Commission Members Present:

Chair Jean Simson
Commissioner Michael Cary
Commissioner Beth Cooke
Commissioner Russell Griffin
Commissioner Lisa Walker

Staff Present:

Brad Kilby, Planning Manager
Bob Galati, City Engineer
Michelle Miller, Senior Planner
Jason Waters, Civil Engineer
Kirsten Allen, Planning Dept. Program Coordinator

Planning Commission Members Absent:

Vice Chair James Copfer
Commissioner John Clifford

Council Members Present:

Mayor Bill Middleton

Legal Counsel:

None

1. Call to Order/Roll Call

Chair Jean Simson called the meeting to order at 6:43 pm.

2. Agenda Review

The agenda consisted of a public hearing for SP 13-03 and CUP 13-02/MLP 13-03. Chair Simson moved the discussion of Planning Commission goals and accomplishments to the top of the agenda.

7. New Business

a. Discussion of Planning Commission goals and accomplishments for the Annual Boards & Commission Appreciation Dinner and Reporting dinner.

Accomplishments:

- Sherwood Town Center Master Plan
- Interactive work session Citizen engagement tool
- Special Neighborhood District tool
- Good communication with City Council

Other ideas discussed were increased attendance to Planning Commission meetings and having a Planning Commission with tenure.

Goals:

- Maintain communication with City Council
- Improve the structure of the Citizen Involvement Plan
- Continued Code Clean up including Old Town Design Standards
- Comprehensive Plan update
- Reconsider Brookman Road Concept Plan

Other ideas discussed were how to improved citizen engagement, creating work programs for long term goals, and grant funds for a Sherwood West Concept Plan.

3. Consent Agenda:

There was no Consent Agenda

4. Council Liaison Announcements

Mayor Middleton had no announcements, but commented the City Council was impressed with the Town Center Plan process, indicating that the Council passed the ordinance without discussion and said there was trust between the Council and the Commission.

5. Staff Announcements

Brad Kilby, Planning Manager, reminded the Commission of the Annual Boards & Commission Appreciation Dinner and Reporting dinner on December 3, 2013.

Bob Galati, City Engineer reported a Technical Advisory Committee (TAC) meeting in the afternoon on December 11, 2013 at City Hall with a Citizen Advisory Committee (CAC) meeting that evening at 6pm. He said there will be an open house for the general public on December 12, 2013 from 6-8 pm at the Sherwood Police Station. Bob said the meeting will cover opportunities, needs, requirements, and policies that the TAC and CAC have recommended and will provide an opportunity for the public to give input. More information will be available on the website at www.sherwoodoregon.gov.

6. Community Comments

There were no community comments.

7. New Business

b. Public Hearing – SP 13-03 Sherwood Industrial Park, Phase II

Chair Simson called the public hearing for SP 13-03 Sherwood Industrial Park, Phase II to order and read the public hearing statement.

Commissioner Beth Cooke indicated that she had visited the site.

Note: Commissioner Cary arrived at 7:11pm.

Michelle Miller, Senior Planner, gave a presentation (see record, Exhibit 1) and said the City received a Type IV Site Plan application for two concrete industrial size buildings and the associated parking at the southwest portion of the site off of Century Blvd and Tualatin Sherwood Road. She said it was a 52 acre site with the subject parcel being 9.45 acres.

Michelle explained that this was part of a multi-phase project that first received preliminary land use approval in 2000. An Oregon Department of State Lands permit for a wetland fill followed in 2002, due to Rock Creek running along the eastern boundary of the larger 52-acre site. She said that mass grading was done in 2005 and Phase I included a Site Plan approval for two industrial buildings in 2008.

Michelle said that Building 3 included with this application is the larger building at 72,000 square feet (sf) and Building 4 is 35,000 sf. She described existing improvements on SW Century Blvd as having street trees, sidewalks and full street improvement. Michelle said that the applicant proposes two driveways to access the site and a landscaped parking area with 172 parking spaces. It is anticipated that the traffic trips will be 1,131 per day with a CAP mitigation of \$230. Michelle deferred to

Engineering staff to answer questions about improvements or recommended conditions regarding the infrastructure.

Michelle showed a view of Buildings 1 and 2 showing existing improvements as part of the earlier land use approval and commented that this application will be reviewed with the new industrial design standards developed a few years ago where there are two different options to gain approval. She explained that the applicant does not meet the six objective design standards and have asked for the alternative of a Planning Commission design review to consider seven different criteria that are more subjective. Michelle compared how the applicant performed regarding the criteria for the Industrial Design Standards and asked if the Planning Commission had questions for staff.

Commissioner Walker commented that this was the first [subjective] review by the Planning Commission under the new criteria and received confirmation that four of the six Industrial Design Standards must be met, but all seven of the alternative criteria must be met for when a design review is done by the Planning Commission.

Brad Kilby commented that it was the burden of the applicant to demonstrate that they meet the criteria, but staff will have to support the approval with findings. He suggested that the applicant should provide those findings.

Chair Simson asked if the application had findings to support the seven criteria of the Planning Commission's design review. Michelle responded that the application contained information as well as Exhibit G found in the packet.

Commissioner Lisa Walker commented that the Planning Commission preferred that an applicant meet the Industrial Design Standards and a design review by the Planning Commission was to give an opportunity to review designs that did not meet those criteria but could be reviewed more subjectively.

Commissioner Russell Griffin commented that the applicant may have opted to have a design review hearing in front of the Planning Commission because they don't meet four of the criteria. The Planning Commission decided to ask the applicant.

Chair Simson asked why the parking was based on industrial instead of a warehouse parking standards which require fewer spaces. Michelle said the design is worse-case scenario using the industrial standards and they satisfied the requirement.

Michelle asked to change some errors to the finding and conditions:

- Add the word "time" in the last sentence of the finding under 16.31.020C
- Change the traffic mitigation amount to \$230 for the recommended condition under 16.82.C.7, 16.106.070.F.3 and condition C.3
- Remove the condition that refers to relinquishing the cul-de-sac easement under 16.106.020.A and condition E.4
- Change the finding under 16.90.030.D.8.a.(6) to read the "applicant *does not* meet"

Chair Simson asked for testimony from the applicant.

Mark Person and Dale Poppe, from Mackenzie, 1515 SE Water Ave, Ste. 100, Portland came forward to present on behalf of Jack Steiger of Oregon Washington Lumber, LLC. Mr. Person introduced other members of his team and explained the proposal to the Commission. He said the application was proposing a site plan with two buildings and that he believed it complied with the Sherwood Municipal Code and is allowed in the industrial zone. Adjacent land is zone General or Light Industrial.

Mr. Person explained that a neighborhood meeting was conducted that was unattended and it was his understanding that no public comments have been received. He said that this was Phase II of larger development located south of Century Drive, north of the Southern Pacific right of way, west of Rock Creek and east of Langer Farms PUD Phase VII. Mr. Person informed the Commission that the project started with permits in 2000 and received an Oregon Department of State Lands permit for wetlands around Rock Creek, but this portion of the development does not have any significant natural resources. He said Century Drive and a storm drainage system for the entire site were constructed in 2005 and two buildings totaling 90,000 sf, known as Phase I, was approved in 2008 and constructed in 2010. Mr. Person commented that the recession has slowed some of the progression and with Phase I complete and now leased. The applicant is ready to proceed to Phase II.

Dale Poppe explained that the application was for 107,000 sf of industrial space with two acres or 22% of landscaping. He said the buildings were designed as speculative multi-tenant industrial buildings and there are no tenants proposed. Mr. Poppe indicated that the design incorporates flexibility for a wide variety of industrial tenants such as light manufacturing and warehousing. He said Building 3 is the larger building at 72,000 sf and is designed to accommodate between one and four tenants and Building 4 at 35,000 sf is designed for one or two tenants. Mr. Poppe explained that a typical lease is between fifteen to twenty thousand square feet with 10-15% or 1500-4000 sf of office. Mr. Poppe explained that the site is configured to work with the existing grades and slopes to minimized the amount of grading during construction and stated that circulation is critical in industrial uses with trucks and cars accessing the site. He pointed out that they were proposing two new driveways and have an existing shared access off of Phase I. Mr. Poppe indicated the importance of maintaining circulation around the building and the need for driveways up front. He said moving the building over would lose some of the parking and they wanted to meet the parking standards for the higher level industrial use. To mitigate that, the applicant looked to the landscaping and softening the building from the street with street trees along Century, a ten foot landscape buffer with trees and shrubs and an additional 6 feet on the other side of the parking spaces next to the building. Mr. Poppe said the configuration of the landscaping helps to soften the building's presence along the street.

Mr. Poppe explained that storm water goes to the regional water quality facility to the north and there is swale to the east that drains to the wetland below, but the site is set up to avoid that area and limit disturbance except for planting the trees. He said trash enclosures are available at the back of each building and not visible from Century Drive. Mr. Poppe related that the proposal includes outdoor storage in a couple of pockets on the site that are an important amenity for industrial tenants to have; the storage is back away from Century Drive and screened by the buildings and the landscape. He commented that there is a heritage oak tree on the site that will be preserved and the tree canopy and landscaping requirements exceed the minimum.

Mr. Poppe explained that the buildings are tilt up concrete; a great material for industrial uses because of its durability and easy maintenance. He said the elevations will be softened similar to Buildings 1 and 2 through the use of architectural reveals and a multi-color paint scheme. The paint colors and

configuration of the elevations are not identical but similar to the existing building in order to foster an industrial campus type of appearance. Mr. Poppe remarked that there is a large amount of glazing at the entrees for each of the potential office entries and large ribbon windows in the front. He said the structure would have the ability to add in windows if the tenant has the need.

Mr. Poppe thanked the Commission and said the goal would be to submit for building permits in January, pull permits for construction over the summer in April, and to lease in November.

Mark Person added that the applicant knew the application would not meet the Industrial Design Standard outright and asked for the Planning Commission design review (see 16.90.030D.8.b). He explained that the November 18, 2013 memo provides additional information for 8.b as well as addressing some of the Industrial Design Standards to show how some of the criteria were met.

Chair Simson commented that the Planning Commission has to meet the criteria and then provide findings that correspond with the review. She explained that as a quasi-judicial body the Planning Commission can look at the seven criteria and say if they are met or not. Mr. Person stated that the seven criteria are addressed in the initial submittal beginning on page 7 of the applicant's materials.

Chair Simson asked for questions from the Commission.

Commissioner Russell Griffin asked what the outdoor storage areas would be used for and asked for clarification on how the concrete would create interest on the facade. Mr. Poppe responded that outdoor storage may be for trailers or materials related to the business that may need to be stored for a short period and explained that the face of the concrete can be cast with architectural reveals that would be painted to give depth to the elevation. Commissioner Griffin asked how the proposed buildings were different from the two existing buildings. Mr. Poppe replied that the pattern on the face of the building is different and another paint color was added.

Commissioner Walker asked if Phase I would have met the Industrial Design Standards. Mr. Poppe answered that he did not think it would.

Chair Simson asked for the percentage of windows on the elevation facing the street. Mr. Poppe replied that Building 3 was about 1.6% with the majority of the glass along the "front" face of the building and Building 4 was 6.7%. He said the reason was that an industrial tenant has the office configured across the front and the warehouse or manufacturing area are in the back is because it is difficult to put glazing in an industrial use because windows break and having glass in the back area is a risk. Mr. Poppe also commented on the need for privacy or security in those areas.

Commissioner Michael Cary commented that Phase I faces the street and has more glazing towards the street because of the orientation of the building. Mr. Poppe responded that Phase I did not have 35 foot offset or parking in the back as required by the Industrial Design Standards. He said there was 24 feet of drop across the site, it was hard to orient a long building across that grade, and the new buildings have to be oriented as proposed.

The applicant had 15:13 minutes remaining for rebuttal testimony.

With no other questions from Commission members, Chair Simson asked for citizen comments.

Lori Stevens, Sherwood resident commented that she was happy to see that the oak tree would remain because there are owls in the tree. She expressed her concern that she did not receive a public notice and said she drove around looking for signs. She commented that Tualatin Sherwood Road would be a logical location for a sign and she found out about the hearing by looking at the City website. Ms. Stevens said she was part of a social media action group that tries to have community members attend the Planning Commission and City Council meetings and said they would like more notices.

Ms. Stevens commented on the 1131 trips traffic per day and asked for substantiation, because there was a big discrepancy between this application and the Walmart study which uses the same roads. She asked about the intended use or tenants and asked for more clarity regarding allowing the use of chemicals for labs because it is near a wetland.

Chair Simson asked the applicant to return for rebuttal.

Mark Person commented that the tenant was unknown and the space would be kept open and flexible for future users who would have to go through the tenant improvement process with the City. Each tenant space improvement would require a building permit and have staff review to ensure compliance with the zoning and building requirements.

Chair Simson clarified that when building permits are applied for the use would be reviewed for allowed uses as defined in the Sherwood Zoning and Community Development Code. She asked for explanation of the sign posting from staff.

Michelle Miller explained that a sign was posted in front of the subject property on Century Blvd. and a notice was sent to property owners within 1000 feet of the property per the code requirements on November 6th. A list of who received the mailed notice is kept on file. Staff reminded the Commission that the notice was also posted in five locations throughout the City and on the City's website.

Chair Simson asked if the applicant completed a traffic study.

Mark Person responded that a Capacity Allocation Program (CAP) analysis was completed not a complete traffic study

Bob Galati, City Engineer commented that the Average Daily Traffic (ADT) loading for Walmart was 8070 trips to 1331 trips for this application. He said Walmart was roughly eight times the magnitude. Bob explained that the CAP analysis was to determine if the development will need to mitigate for impacts along Highway 99W. He added that the total CAP for the site is 43 net peak pm trips per acre or 1,756 trips for the total site and there is quite a bit of room for this to grow. Bob said that the site already has an adopted traffic transportation plan and when a tenant improvement comes in staff will check again.

Commissioner Walker asked if there was a time limit on the transportation study. Bob said that there was no expiration of the study even though it did not take the Walmart site into account. He said the Walmart study took surrounding area into account to determine impacts, but on this application the impact is very small and does not come close to the CAP limit.

Chair Simson asked for additional questions from the Commission before deliberation.

Commissioner Cary asked if trucks would take Century Drive to Tualatin Sherwood Road or through Langer Farms Parkway. Dale Poppe commented that current traffic uses Century Drive, because there is no access to Langer Farms at this time and the traffic study indicated roughly 10%. Discussion followed regarding trucks using the roundabout on Langer Farms Parkway and having a traffic light on Tualatin Sherwood Road. Bob answered that the City's Transportation System Plan identifies a future traffic signal at the Langer Farms Parkway intersection and it would be appropriate for trucks to go from Century Drive to Langer Farms Parkway in order to make a left hand turn onto Tualatin Sherwood Road. Mr. Poppe commented that truck traffic would be concentrated on traveling down Tualatin Sherwood Road to I-5.

Commissioner Walker stated that of the six Industrial Design Standards the applicant qualifies for two. She asked which criteria the applicant was close to, and willing to adjust, in order to achieve four of the criteria. She indicated that she wanted to ask questions before the public testimony was closed and the Commission could not ask the applicant questions. Mr. Poppe commented that complying with the other criteria would be a major impact to the functionality of the building and site.

Commissioner Walker commented that the subjective criteria are more difficult to stand behind. Chair Simson added that the applicant would need to address how the seven subjective criteria have been met as only two have been addressed.

Mark Person stated that all seven criteria are addressed in the site plan narrative included in the application.

Commissioner Cary asked if it was the grade of the property that was causing the issues regarding orientation, parking and glazing. Mr. Poppe confirmed that the grade guides many of those issues.

Chair Simson called for a recess at 8:16 pm and reconvened at 8:27 pm and asked if there was any ex parte contact by Commissioners with the applicant during the recess. None were received. She disclosed that she discussed outdoor storage with staff who explained that outdoor storage is within the permitted use on the site and the Commission presumes it is part of the permitted use.

Mr. Person asked to use the remainder of this time to review the seven criteria for the Planning Commission.

1. Provide High Value industrial projects to benefit community, consumers and developer – The applicant believes this is a high value, building that looks good and used Phase I as a testament of the demand and quality of the product. Concrete is more durable and attractive than metal.
2. Diversified working environment – The applicant acknowledged that this is difficult to affirm because there are no tenants, but said that flexible space can be utilized for a wide variety of uses from light manufacturing, recreational businesses, specialty contractors, technical services and limited offices. Startup businesses typically do not have the capital to build their own buildings.
3. Support the City's goals of economic development – The applicant stated that Sherwood is a bedroom community without as many jobs as houses and this project will provide additional jobs in the city.
4. Complement and enhance projects previous developed under the Industrial Design Standards – The applicant stated this is the first project using the standards.

5. Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered “entrances” to Sherwood , including Highway 99W, Tualatin Sherwood Road, and Oregon Street – The applicant believes the layout and siting of the buildings with the short side towards Century Drive looks good and with the 10 foot wide visual corridor with increased landscaping has met the criterion.
6. Reduce the bulk appearance from street by applying exterior features such as architectural articulation, windows and landscaping – The applicant said the orientation with the short side towards the street, visual corridor and landscaping reduces the bulk. The applicant said it was more visually pleasing to have the building further from the street and stated the separation for pedestrians and for parking is important.
7. Protect the natural resources and encourage integration into the site design (including access to natural resources and open space amenities by the employees and community) – Phase I was next to Rock Creek and the associated wetlands. The applicant worked with the City and the Division of State Lands for those permits. Phase II is outside of the natural resource area and the applicant feels this criterion is met. Part of the last phase of this entire project is to construct a pedestrian trail through the wetland area.

Chair Simson confirmed that one of the phases for this project fronted along Tualatin Sherwood Road and commented that this project may set a precedent for future projects being reviewed as a Planning Commission Design Review. She said there are architectural features and opportunities that could be used on the building to make it more pedestrian scale. Chair Simson mentioned the Community Center land use action where the architect was able to break up the wall architecturally to give it a smaller scale.

Commissioner Cary remarked that this project would set a precedent for the next phase particularly the phase facing Tualatin Sherwood Road. Discussion followed regarding how many phases there were and the Commission was informed that Phase III could be built as Phases III and V.

Chair Simson asked for any additional questions from the Commission.

Mr. Person commented that each phase should be considered independently, and depending on the road frontage, the architectural and pedestrian feel could be adjusted for each site.

Chair Simson commented that the applicant could consider asking for a continuance to reconsider architectural features.

Mr. Poppe asked for a continuance to ensure that the project is good for the community and the client.

Chair Simson asked staff for direction regarding the timeline and busy schedule. Brad Kilby said it would be up to the applicant. The hearing could be continued to a date certain if the applicant is wishing address the design of the building or more time can be given if the building locations or parking will be adjusted to allow for additional analysis or comments from agencies and the public. Brad added that the applicant may need to toll the 120 day period for the time that will be asked for. Discussion followed regarding hearing process, time required, and available dates.

Mr. Poppe asked for direction on what the Commission will be looking for.

Chair Simson closed the public hearing and moved to discuss the proposal.

Commissioner Cary commented that he liked the project as it sits and the issue was how it looked.

Commissioner Griffin commented that considering subjective criteria was setting a precedent. He said that this project was two buildings at the back of the development and when the buildings near Tualatin Sherwood come to the Planning Commission it will be different. Commissioner Griffin said he did not have a lot of problems with the current project and that it did not make sense to require glazing that would require a wall behind it, the building location is set by the site and he would like increased landscaping to make up for the flat wall. Commissioner Griffin commented that people could take Century Drive to get to the shopping center and whatever is on that road should look nice.

Chair Simson asked if there were any comments regarding the criteria besides (5) enhancing the appearance of the building or (6) reducing the bulk of the building. She commented that the proposed is similar to the existing buildings but there were no design criteria in place for Phase I and this will be the gauge for future projects. Commissioner Griffin asked about (7) protecting the natural resources and the Commission agreed that they had done that one. Chair Simson commented that the applicant's arguments established that Criteria 1 through 4 had been met.

Discussion followed regarding the amount of traffic there will be on Century Drive. The Commission expressed that they would like to see more architectural features or articulation on the building and more landscaping on the side that faces the road.

Chair Simson re-opened the public hearing and asked if the applicant is willing to continue to a date certain and toll the 120 days.

Mr. Poppe said the applicant would be willing to continue and modify the 120-day period. He said they would look at the street side elevation and work with staff to refine it to a mutually agreeable solution.

Chair Simson said that with a motion, the Planning Commission would continue the hearing with the applicant's understanding that we would be tolling the 120 days by 59 days and at the continued hearing it would be re-opened for applicant and public testimony.

Motion: From Commissioner Russell Griffin to continue the Public Hearing SP 13-03 Sherwood Industrial Park, Phase II to January 14, 2014. Seconded by Commissioner Michael Cary. All present Planning Commissioners in favor (Vice Chair Copfer and Commissioner Clifford were absent).

c. Public Hearing - CUP 13-02/MLP 13-03 Old Town Townhomes

Chair Simson called public hearing CUP 13-02/ MLP 13-03 Old Town Townhomes to order, read the public hearing statement and asked for any ex parte contact, bias or conflicts of interest.

Commissioner Cary indicated that he had visited the site.

Chair Simson turned the time over to staff for a report.

Michelle gave a presentation (see record, Exhibit 2) and said the Old Town Townhomes was a Conditional Use Permit request and a Minor Land Partition. She recounted that the Planning Commission reviewed an Old Town design for a single family home on the other half of the same tax lot. She explained that the lot is approximately 5,000 square feet (sf) and zoned retail commercial. Michelle said the applicant is proposing a two lot partition for the construction of two attached townhomes. She explained that the Conditional Use Permit is required because the site is in the Old Town Overlay and said that each lot is approximately 2,508 sf with garage access from the alley in back. She said frontage improvements will include street trees, a 5 foot sidewalk, and the Engineering Department has requested curb and gutter, quarter street improvements, a Public Utility Easement, a streetlight in the middle of the site, and a storm cleanout with manhole.

Michelle showed a drawing of the elevation that showed colors and materials to address the residential Old Town Overlay design standards and described the volume, roof, building materials and architectural detail. She said there were plenty of windows on the side and front entry and pointed out the front porch and landscaping. Michelle said that staff recommended approval with conditions. She explained that the last condition under D.1 should read prior to "*final occupancy*" instead of "prior to issuance" and become condition F.2.

Chair Simson asked what a full depth AC means. Bob Galati, City Engineer, explained that it meant the asphalt and concrete.

With no other questions for staff from the Commission, Chair Simson asked for applicant testimony.

Larry Wright, C & L Properties and resident of Sherwood said they were a small builder and were under construction for the single-family dwelling and it will go well with the townhomes that are under review. Mr. Wright expressed concerns about the conditions. He handed a copy of the pre-application comments regarding the site on July 30, 2013 from Engineering to the Commission (see record, Exhibit 3) and said they paid for the pre-application meeting to do their due diligence and receive guidelines for the site before purchasing the property. He explained that he received a report of the existing conditions where the curb line and A/C pavement were in a moderate condition. Mr. Wright said that to him moderate was adequate. He stated that in order to receive a partition in other jurisdictions they have been required to do a paved street, curb and sidewalks, but because they were adequate, they should not need to be replaced. Mr. Wright said he discussed this with Bob Galati, City Engineer. He said they had projected \$15,000 in improvements and with the conditions it is over \$50,000. Mr. Wright said his biggest concern was the light and that people do not like a light shining in their bedroom. He commented that there were only a few vacant lots in Old Town and asked where the revenue for other improvement for other parts of Old Town would come from. He asked if other remodels in Old Town would be required to make improvements in front of their homes and said he did not know where the City would get the money for improvements. Mr. Wright complimented staff saying there have been very helpful. He said the issue was that these conditions were not brought up at the pre-application meeting but he was being required to do them now.

Chair Simson said the conditions noted were C.1 a), i), and e) and asked if Mr. Wright was okay with the other conditions. He responded that the catch basin is changed when replacing the curb and gutter. The storm cleanout and manhole were replaced with the first phase.

Bob Galati explained that staff identified items that would be affected by both lots. He indicated that the conditions roll from the first project into this project because it is more cost effective to do them all at once and the intent was to set it up so the conditions applied to both lots regardless of which project was completed first.

Commissioner Walker asked Mr. Wright the same conditions were on the first project reviewed in October. He confirmed and replied that he had not read the email from staff and was unaware of the conditions until the night of the meeting.

Chair Simson commented the Commission was unable to change conditions of a previously approved application. She asked for public comments and there were none.

Candy Wright from C & L Properties came forward to speak as part of the applicant testimony. She said she was a real estate agent and sells the properties developed by the company. Ms. Wright stated that people do not want a streetlight in front of their property and said there were four houses before there was a streetlight in the Oregon Trail subdivision where she lived. She commented that 2nd Street was not a very long street and there was a streetlight on each end of the street. Ms. Wright said the light would shine in someone's bedroom, would not be a pretty color, and lighting up the Andy's Automotive parking lot was not cool. Ms. Wright suggested the City had tunnel vision regarding the Code requirements and should consider what people want.

Chair Simson closed the public testimony and asked for staff response.

Bob commented that the Pre-application process is not a definitive process of identifying all items that will be conditioned through the review process but to talk more generally about the process for planning land use approval. He said staff does not do an in depth study at the pre-application meeting, but tries to capture items as best as possible through a preliminary review. Bob indicated that moderate conditions may not mean it is acceptable regarding design life, and curb lines from the 1950s have a concrete life span of 75 years. Bob said the standards are that if it does not have a 20- 25 year life span available then staff takes a closer look to see if the infrastructure can still function. He commented that the applicant will be cutting out the curb line to replace the storm catch basin sump and be into the asphalt with that improvement. Bob said that the curb is not up to standards and would not be allowed in other infill situations. He said the minimum amount for the street would be a grind and overlay and the full depth of the asphalt has to be torn out to construct the curb line. Bob commented on reducing the sidewalk from six feet to five feet and said that given the type of development, staff feels the conditions are proportional to the development that is occurring.

Bob added that the street light is a safety issue and said the current street lights at Pine and 2nd Street and Washington and 2nd Street which light up the intersections, but do not reach mid-block. He said the light would be the black Shepard's hook, like those installed on Columbia Street that deflects the light down. Even though it is a small development, the light should be required. Bob said he agreed with Mr. Wright voicing his opinions and questioning the conditions, but the conditions are the minimum Code requirements available.

Chair Simson asked if all of the conditions were on both of the properties being developed. Bob answered that the intent was that the conditions apply to both properties and when the Building Occupancy is granted on the last construction that the public improvements be completed.

Chair Simson asked if there was any reciprocity for property owners who would not have to put the light in and how the fee program worked. Bob replied that he did not know about a fee or of anything he could attach a “fee in lieu of improvements”. Bob compared the light to a sidewalk where someone puts it in but the community gets the benefit of it. Discussion followed.

Commissioner Walker asked if there was a cost associated with a pre-application meeting. Brad answered that the fee was \$400 and the applicant meets with Planning, Engineering, Building, Public Works (for water and sewer), and Tualatin Valley Fire & Rescue, receiving notes from departments as needed. He said a typical meeting discusses existing conditions, planning land use process, and criteria that needed to be addressed in the narrative and application requirements. Brad said staff would acknowledge that there will be public improvements and developers are required to provide adequate water, sewer, and access. He said the application is fronting a road and it is the City Engineer’s decision about whether the road is adequate to serve the development.

Commissioner Walker commented that she understood the applicant’s position and expectations regarding the pre-application meeting.

Commissioner Cooke remarked on her experience with a light outside a bedroom window and said it was important to have a style that would minimize light pollution. Bob confirmed that the Shepard’s hook design throws light down towards the street and pedestrian corridor.

With no other comments from the Commission, the following motion was received.

Motion: From Commissioner Russell Griffin to approve CUP 13-02/ MLP 13-03 with conditions, adopting the staff report as presented and modified by staff. Seconded by Commissioner Lisa Walker. All present Planning Commissioners in favor (Vice Chair Copfer and Commissioner Clifford were absent).

Commissioner Griffin commented on the information received by Mr. Wright from staff and suggested more descriptive language be used. Bob concurred and said he would be modifying his language to avoid the misunderstanding in the future.

10. Adjourn

Chair Simson thanked the Mayor for recognizing the work performed by the Planning Commission in the last year and adjourned the meeting at 9:21 pm.

Submitted by:

Kirsten Allen

Kirsten Allen
Planning Department Program Coordinator

Approval Date: January 14, 2014