
City of Sherwood, Oregon
Planning Commission Minutes
December 13, 2011

Commission Members Present:

Commissioner Copfer
Commissioner Griffin
Commissioner Albert
Commissioner Walker

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner

Commission Members Absent:

Chair Allen
Commissioner Carey
Commission Clifford

Council Liaison – none present

1. **Call to Order/Roll Call** – Commissioner Albert called the meeting to order.
2. **Agenda Review** – the agenda consisted of SWOT analysis discussion continued from previous meeting and the PUD 11-01, Denali PUD
3. **Consent Agenda** – July 12, 2011 and August 23, 2011. No comments or changes were made. A motion was made by Commissioner Walker to adopt the consent agenda. A vote was taken and all present were in favor. The motion passed.
4. **City Council Comments** – Councilor Clark had not yet arrived
5. **Staff Announcements** – Julia gave an update on the Cedar Creek Trail. There is preliminary approval of Metro regional flexible funds. The next step is Metro Council approval. Consultants are being evaluated now for the Town Center Plan and are projected to be complete by mid-January. Project kick off is tentatively scheduled for early March. There is an open house hosted by Washington County December 14th to talk about 124th Ave. extension, the Basalt Creek Master Plan and SW Boones Ferry Road project.

Brad gave an update on the code clean-up open house that was held November 16th. He noted that 14 people attended. He has written a memo with information gathered to distribute to the Planning Commission.

In response to the question asked about where the department is in the code clean-up process he has included a status update in his memo. Only 9 items lefts and only 2 or 3 of those are major issues. The rest are basically “housekeeping” items.

Councilor Clark arrived.

Commissioner Albert asked if she had any comments.

She gave two quick updates: including an announcement from Mayor Mays that the City is close to being awarded 5.2 million dollars for the trails project.

She also discussed that “BOOTS” (Businesses of Old Town Sherwood) Main Street project

was approved to move their Main Street Program from emerging to transitioning.

6. **Community Comments** – no community comments on items not on the agenda were made.
7. **Commissioner Albert** moved to old business which included the SWOT Analysis. Julia gave an update regard the SWOT Analysis. She consolidated comments made by the Commission to determine the top 3 priorities. After discussion, the Commission agreed that the following priorities should be forwarded to the Council for 2012:

Improved use of technology to help share information

Continue to improve public involvement

Continue to work closely with other boards and commissions and to improve communication with other boards and councils

Work to improve transportation issues, in, out and around Sherwood

Julia will forward those recommendations to the City Council.

A reminder that the Board and Commission recognition dinner will be held December 20, 2011.

8. **Commissioner Albert** called for a short recess until Chair Allen arrived to ensure they had quorum for the next agenda topic.
9. **Chair Allen** reconvened the meeting and opened the Public Hearing on the Denali PUD 11-01. Chair Allen opened the hearing by asking the Commissioners if there was any ex parte contact, bias or conflict of interest. Commissioner Walker has recused herself from this hearing due to a potential conflict of interest. Commissioner Albert and Commissioner Copfer both indicated that they have viewed the site.

Michelle Miller presented the staff report including a power point presentation. She listed additional attachments that have been received including attachments F through L.

The application is for a Planned Unit Development dividing a 3.71 acre lot into 8 new lots and proposed construction of a local street through the center of the site to connect to Ironwood Land and Denali Lane. The property is in VLDR (Very Low Density Residential) zoning. Topography and soil conditions are factors being review in this area.

VLDR allows 1 unit per acre. There is a special density calculation for PUDs in the VLDR zone that allows doubling of that amount. The minimum lot size allowed differs from the lot size calculated by density calculations. The applicant is requesting they be allowed 8 lots, staff is recommending that the site be modified to allow 5 lots.

Bob Galati, the City Engineer discussed public improvements and streets. What is being shown on the plans is at the most 18 feet road widths. There is a requirement of at least two 11 feet wide travel lanes. They are proposing that the overall width of the road be brought up to at least a 3/4 street standard to bring it into compliance with current standards.

Staff is recommending that the applicants comply with the DEQ requirements.

Bruce Gillis a Clean-Up Manager for DEQ addressed the Commission. He has been working

on the Frontier Leather and Ken Foster Farms sites since 2004. As part of the work that has been done the site has been studied by the Oregon Health Division to evaluate possible human health hazards posed by contamination of the soil. The main concern is Chromium contamination from the Tannery. Those studies concluded that there were no human health risks hazards. The remaining concerns were for threats to wildlife health. DEQ initiated some work on the property through Ironwood Homes in 2007. There was a complete clean-up of 4 lots leading to “no further action” closure on those lots. There have been legal actions taken to try to recoup some of the costs associated with the clean-up of these sites. DEQ would encourage coordination with property owners to facilitate developments like the one being proposed here.

Michelle summarized that the Staff is making a recommendation to: amend the Staff Report to reflect the changes found in exhibit K, to hold a public hearing and take testimony and ultimately recommend that the Planning Commission forward a recommendation of approval to the City Council.

Chair Allen opened the meeting for public testimony.

Kirsten VanLoo of Emerio Design, 6107 SW Murray, Beaverton OR gave testimony as the applicants representative. They clearly understand the requirements of clean-up and will work with DEQ to accomplish that task.

Their main concerns are the number of lots allowed in the VLDR in a PUD. Conditions that they see as significant design constraints include: the size and shape of the property, the fact that the TSP will require the placement of a public road through the middle of the development and contamination mitigation that must be performed to make the site safe. “The PUD is designed to allow creativity and flexibility in site design and review which cannot be achieved through strict adherence to existing zoning and subdivision standards. “

She argued that there is a precedent for calculating density based on the gross, versus net, density. She cited a Hearing Officer decision made in 2004 for Pat Huske’s sitewhere they calculated the gross site area to be 3.71 acres and a net site of 3.11 acres, with 2 units per acre gives them 6.2 units as their basic density.

The applicant has designed their site with 8 lots based on SE Sherwood Master plan which shows 8 lots on the subject site, without any environmental constraints.. She suggested that based on the language in the PUD that gives the Planning Commission flexibility that the site could be approved with 7 – 8 lots because it is a very unique situation.

Patrick Huske 23352 SW Murdock Road, Sherwood, OR - Owns several properties near the Denali subdivision. He supports the PUD with changes. He is most concerned with contamination clean-up and suggests that ODEQ be the final approval agency of the clean-up. He supports the full 8 lots for development. He requests a new location for the storm water outfall.

Kurt Kristensen 22520 SW Fair Oaks Ct., Sherwood OR, - referenced resolution 2006-001, stating that he feels it to be a miscarriage of the public’s trust that the resolution was not carried forward by the City Council. He is in support of the proposed 8 lot proposal with some caveats. Earlier proposals for this area show Denali as a gated road to ensure safety. He would like that to still be considered. He does not agree with capping the contamination but

rather believes it needs to be removed.

Lisa Walker 23500 SW Murdock Road, Sherwood OR lives in property that adjoins the proposed development area. Had been told by the previous Planning Department manager that the proposed property would not be eligible to be developed as a PUD, so believed 3-4 new homes were the most that would be allowed. She requested that a view easement be required to help ensure the value of their property be maintained. She is concerned with the DEQ clean-up but does not feel it as much of an issue as it has been portrayed. Lisa asked that in light of new information that the record be held open.

Roger Walker 23500 SW Murdock Road, Sherwood OR , pointed out that if Tract A is developed it could “land lock” their property and would like to be sure provisions are made to cross tract A for access.

Susan Hart 14300 SW Whitney Lane, Sherwood OR is a neighbor of the proposed development area. Has no issue with the development of an extension of Denali Lane. She recalls that in previous years when this property was reviewed by the Planning Commission that it was approved for an extension off Denali, but not an actual road for fire access. She does not see the clean-up proposed as actual clean-up but rather “re-arrangement” of the contaminated soil as long as there is still contaminated soil on Tract D. She is not in favor of Tract D being a storage location for contaminated soil.

Rufauna Craigmiles 23500 SW Murdock, Sherwood OR, has been involved with the SE Sherwood Master-plan and has a history with this area. She has new concerns and would like the potential hazards of the contamination be clarified. Many tests were done on the soil around her home and was assured there was no threat to human safety. she also, would not like to see the storage piles of the soil allowed, but does not think it’s right to haul it off to make it someone else’s problem.

With no one else signed up to testify, Chair Allen closed the public testimony.

In light of the request that the record be held open and after conferring with the applicant who agreed to toll the 120 day clock for 28 days, Julia recommended continuing the hearing until January 10th and leave the record open for two weeks for written comments.

Questions arose regarding DEQ’s requirements. Chair Allen asked Bruce Gillis from DEQ to come back to the testimony table, and asked him if DEQ makes a finding that satisfies DEQ and the EPA’s standards; is the Planning Commission preempted from making a finding requesting more be done to cleaning the site. Mr. Gillis responded by saying no they would not be preempted. There are City codes that could apply as well as exemptions that could be available under environmental clean-up statues and other possible avenues put in place above and beyond DEQ standards. In response to a question from Commissioner Griffin, Mr. Gillis explained that if the soil is piled then capped that there is no hazard of exposure. If people never come in contact with the contamination there is no risk. Their recommendation is typically 12 inches minimum of clean topsoil, but depending on activities like landscaping, more may be desired.

Chair Allen asked the applicant to come forward to toll the 120 days.

Kirsten VanLoo as the applicant granted a 28 day extension to the 120 day clock.

Chair Allen suggested a motion be made to keep the written record open for 2 weeks and continue the public hearing to restart at the point of applicant rebuttal testimony on January 10th.

Commissioner Copfer made a motion to keep the written record open until December 27th, and continue the public hearing until January 10th. Commissioner Albert seconded the motion. All members present were in favor and the motion was carried. Julia clarified that any additional written testimony must be received by staff by December 27th at 5:00.

Chair Allen closed the meeting.