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**City of Sherwood, Oregon**  
**Planning Commission Meeting**  
**February 23, 2016**

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**Planning Commissioners Present:**

Chair Jean Simson  
Vice Chair Russell Griffin  
Commissioner Chris Flores  
Commissioner Alan Pearson  
Commissioner Lisa Walker

**Staff Present:**

Julia Hajduk, Community Development Director  
Brad Kilby, Planning Manager  
Bob Galati  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Commissioner Michael Meyer  
Commissioner Rob Rettig

**Council Members Present:**

Councilor Jennifer Kuiper

**1. Call to Order/Roll Call**

Chair Jean Simson convened the meeting at 7:00 pm.

She moved to the consent agenda and asked for comments or a motion.

**2. Consent Agenda**

- a. January 12, 2016 Planning Commission Minutes approval
- b. January 26, 2016 Planning Commission Minutes approval

**Motion: From Commissioner Alan Pearson to approve the Consent Agenda, Seconded by Vice Chair Russell Griffin. All present Planning Commissioners voted in favor (Commissioners Michael Meyer and Rob Rettig were absent).**

**3. Council Liaison Announcements**

None.

**4. Staff Announcements**

Brad Kilby, Planning Manager, reported that staff met with the Police Advisory Board and invited members to participate in a Public Work Session with the Planning Commission on March 10, 2016 at 7pm. He disclosed that from March 1st to 31st there would be an online survey for recreational marijuana.

Mr. Kilby explained that city staff would like to hold a public hearing for the Community Garden during spring break on March 22, 2016 and asked to poll commission members as to their availability. Discussion followed and it was decided that the hearing would take place at a later date so Planning Commission members and interested parties could attend the hearing.

Mr. Kilby concluded by saying that the next step for Industrial Land Uses was a hearing tentatively scheduled for April 12, 2016.

**5. Community Comments**

None were received

## 6. New business

### a. Public Hearing – SUB 15-01 Mandel Farms Subdivision

Chair Simson began the public hearing by reading the public hearing statement and asked for any ex parte contact, bias or conflicts of interest.

Commissioner Walker indicated that she had known the Mandel family for many years, but did not think it would make a difference in her considerations.

Chair Simson said she had an ex parte conversation at a previous City Council meeting with Kurt Kristensen regarding school capacity. She said the comment would not affect her ability to participate. She asked for objections to any of the Planning Commission member's ability to participate. None were received.

Chair Simson asked for the staff report.

Brad Kilby, Planning Manager started a presentation (see record, Exhibit 1) and explained that the approval criteria should be read in the public hearing. He said the application was subject to the following code sections of the Sherwood Zoning and Community Development Code Sections:

§16.12 (Residential Land Uses), §16.58 (Clear Vision and Fence), §16.60 (Yard Requirements), §16.72 (Procedures for Processing Development Permits), §16.94 (Off-Street Parking), §16.106 (Transportation Facilities); §16.110 (Sanitary Sewers); §16.112 (Water Supply); §16.114 (Storm Water); §16.116 (Fire Protection); §16.118 (Public and Private Utilities), §16.120 (Subdivisions), §16.128 (Land Division Design Standards), §16.142 (Parks, Trees and Open Space), §16.144 (Wetland, Habitat, and Natural Areas); and §16.156 (Energy Conservation)

Mr. Kilby explained that SUB 15-01 and was for approximately 22 acres of land located at the intersection of SW Edy and SW Elwert Road. He said the applicant proposes the area to be developed with 86 single family residential lots and there was a portion of the parent parcel was on the other side of SW Copper Terrace. He explained that Oregon is one of the states that does not recognize intervening ownership (in reference to the SW Copper Terrace that divided the property). Mr. Kilby said the City Council approved the rezoning of a commercial portion of the property adjacent to SW Elwert [from Neighborhood Commercial] to Medium Density Residential High so the entire property had split zoning. He said the density range between the Medium Density Residential Low (MDRL) and Medium Density Residential High (MDRH) was required to achieve a range between 5.5 and 11.0 dwelling units per acre spread across the development and 6.7 dwelling units per acre, consistent with both zones, was proposed with all of the lots at 5000 square feet or greater. He added that the minimum dimensions, including setbacks, would be verified.

Mr. Kilby noted that the applicant had requested exceptions under §16.144.030, Natural Resources, which allowed for a 30% reduction of all the setbacks for properties impacted by natural resources. The applicant asked for a 30% setback reduction to Lots 28-31, 36-37, and 53 only. Mr. Kilby explained that the standard allowed the setback to be reduced if an amount equal to or greater than the natural resource area was set aside and land was dedicated to those natural resources. He said the applicant was asking for half of what they could, that 2034 square feet of the area would be impacted and the applicant was proposing to mitigate with Tract C at 2155 square feet; more than the amount impacted. He noted the odd shape of some of the lots and said the exception would help fit homes on those lots.

Mr. Kilby said Washington County Engineering had reviewed and approved access spacing modifications to SW C Terrace onto SW Elwert Road and showed a proposed street plan showing SW C Terrace serving

the houses west of the natural corridor. He noted that because of intersection spacing requirements, the applicant was required to approach the Washington County Engineer to ensure they had enough spacing. He said the Washington County Engineer recommended approval and the County would require additional site distance certification once the road was constructed.

Mr. Kilby explained that the proposed subdivision would create three new streets and would make street improvements to SW Copper Terrace, SW Edy Road and SW Elwert Road. The streets would be constructed consistent with City and County Transportation System Plans and the applicant would have to get a facilities permit from Washington County to construct the improvements on SW Elwert and SW Edy Roads.

Mr. Kilby said the applicant had proposed to the County that the full improvements of sidewalk, curb and gutter at the northwest corner of the site not be required because of the topography and the fact that the intersection at Edy and Elwert needed major reconstruction. He noted that it was cost prohibitive to lay all of the cost onto the developer so the County had asked that the developer provide a cost estimate of the work. The County will look at and assess against the cost of other County projects to evaluate if it was a fair cost estimate. A fee in lieu of would then be assessed to the applicant to pay for improvements to go towards future intersection improvements.

Mr. Kilby said the County had asked that the applicant illuminate the intersection for security as there was no lighting there currently and it was added to the conditions. He said the City Engineer was available for questions.

Mr. Kilby explained that Lots 1-8 and the lots between Street A and Street B, fourteen total lots, would have access onto SW Copper Terrace and all other lots would take access from the internal streets.

Mr. Kilby showed a proposed pedestrian bridge crossing at the halfway point between the natural resource areas and said the location was chosen as the place of minimal impact to the natural resource area. He said the bridge provided pedestrian and bicycle connectivity to the site indicating that the intersection improvements at Edy and Elwert were not necessarily needed if people would cut through the natural resource area back onto the sidewalk system. He stated the applicant had proposed a soft trail system on the east side of the ravine as part of the open space which would make a connection to SW Edy.

Mr. Kilby said the applicant was proposing a phased development and to extend existing public utilities; some utilities would come from SW Elwert Road for the development area west of the natural resource area and all other utilities would come from existing stubs on SW Copper Terrace. He disclosed there would be some utilities that would be pushed through the development and cross under the pedestrian bridge.

Mr. Kilby confirmed that the natural resource areas onsite had been professionally delineated by a natural resource wetland scientist and biologist. Clean Water Services had generally concurred and issued a Service Provider Letter in response to that assessment. He said the applicant was not proposing to impact the area except with the pedestrian bridge and some required buffer improvements that must be mitigated as part of the soft path area.

Mr. Kilby explained that the City requires all subdivisions to provide a minimum of 5% open space on site and explained that the natural resource areas did not count as the 5% set aside for the benefit of the development. He stated the applicant had proposed to provide the open space in a series of five tracts totaling 8.5%. The tracts were located at the southwest corner, adjacent to the pedestrian bridge, in the southeast corner across from the "Ridges" schools, a pedestrian connection between Lots 15 and 16, and

a small open space, Tract E at the bottom of the lots adjacent to SW Edy Road. He said the applicant will be required to plant visual corridors along SW Edy and Elwert Roads and the minimum required tree canopy in a residential zone was 40%. Mr. Kilby stated the proposal retains quite a few trees in the vegetative corridor and the code allowed that any tree that is preserved is counted as twice the canopy towards the minimum canopy requirement. In addition, the street tree canopies in a residential subdivision are included to meet the canopy requirement. He said street trees were required along all frontages and with all the trees that would be planting, they will achieve a 59% canopy coverage of the area.

Speaking further to the open space, Mr. Kilby said the applicant was asked to clarify the programming of the open spaces. He said a lot of the open space was passive, not active, but our code was not prescriptive as to what programming had to be in the open spaces. He showed a few pictures of the types of programming that might take place in the open space tracts.

Mr. Kilby stated that community concerns came primarily through the neighborhood meeting held by the applicant plus a phone call with questions, but no formal comment had been received. Traffic was the biggest concern, as in every development and for this development a traffic engineer from Lancaster Engineering put together a traffic analysis that showed 65 AM peak hour trips (5-7AM) and 86 PM peak hour trips (5-7PM) would be generated by the development. Mr. Kilby said the proposal was to mitigate this impact by making all the required improvements: street widening, dedications, pedestrian improvements, and lighting to Edy/Elwert intersection as well as the fee in lieu for the improvements not being made to the intersection at this time. *Note: See page 5 for correct peak hour time frames.*

Mr. Kilby said that all natural resource protection was provided by delineating the natural resource and improving and protecting the area per Clean Water Services standards. He said school capacity at Sherwood Schools were near, at or above capacity, but that it varied throughout the district. State law does not allow cities to deny development based on school capacity. Mr. Kilby said the Sherwood School District commented that they were working on a facilities plan, and if in the course of the next couple years their enrollment exceeded school capacity they would look into installing modulars and addressing capacity through a long range capital facilities plan.

Mr. Kilby indicated that staff recommended the Planning Commission approve the proposed subdivision, subject to the findings and conditions of approval in the staff report to the Planning Commission. He said there were some scrivener's errors provided by the Planning Commission chair and some issues that would be cleared up after questions from the Commission.

Chair Simson asked for any questions for staff.

Commissioner Pearson stated that Chicken Creek ran through the heart of the subdivision and asked if flood plain considerations had been addressed and if the streets in the subdivision would be private streets maintained by the homeowners association or if the city would maintain them as public streets. Mr. Kilby confirmed that the flood plain had been considered and said there was no proposed development within the flood plain, waterway or corridor and explained that the streets would all be public streets built to a public standard except for the public alley that staff has proposed be a private alley because it was a small strip that would provide access to three properties and that access to Lot 78 be on the private alley, not C terrace. He confirmed that the homeowners' association would be responsible for maintenance of the private alley and reported that public and private streets would be noted on the final plat and in the CCRs. He noted that the city does not enforce CCRs but would ensure that they were drafted so the homeowners were responsible for maintaining private land set aside for access and private open space tracks. He gave the example of the park on Century Blvd where the playground equipment was replaced by the homeowners' association. Chair Simson asked for and received confirmation that all of the open space

tracks would be privately owned by the homeowners' association. Mr. Kilby said the city would request for access easements for pedestrian, sewer, and water access for utilities. He said the application did not meeting block length standards because of the topography and the natural resource areas, but the proposed mitigation was to provide a pedestrian bridge connection across the creek. He said the city would make sure there was a public access easement so the homeowners could not stop the public from using it.

Commissioner Walker asked who determined the peak hour trips to be from 5-7 AM/PM. Bob Galati responded that the International Traffic Engineers manual (ITE) manual. He said he misspoke and said the AM peak hours were from 7-9 AM and related to commuter traffic and the PM peak was from 4-6 pm. Mr. Galati indicated staff had asked Lancaster Engineering to look at the difference between the trips generated between what was initially zoned neighborhood commercial and the new zoning of Medium Density Residential Low. He said the trip count was significantly less with the residential compared to the initial commercial zoning.

Chair Simson requested clarification that Washington County had requested that the street improvements not occur next to the natural resource area at the intersection at Elwert and Edy Roads and that the developer was going to construct the southern connection of the sidewalk all the way from Lot 76 to the development to the south. Mr. Kilby said it was correct as the Daybreak Subdivision was required to stub the improvements because the topography wasn't as steep.

Chair Simson asked if the soft path was Americans with Disabilities Act (ADA) compliant. Mr. Galati suggested that the applicant would want to speak to the issue.

Mr. Kilby said he had received revised comments from Engineering staff (see land use record, Exhibit B) and noted there were no substantive changes.

With no further questions for staff, Chair Simson called for applicant testimony.

**Mimi Doukas**, from AKS Engineering and Forestry, came forward and stated she represented the applicant, Venture Properties. She gave a presentation beginning with the property location (see record, Exhibit 2). She said the property was located at the southeast corner of SW Edy Road and SW Elwert Road at the edge of the city limits and the current Urban Growth Boundary (UGB), so there was a rural edge north and west of the property. She pointed to SW Copper Terrace and the elementary and middle school to the east and explained that SW Edy and SW Elwert Roads were Washington County facilities; Edy was a Washington County collector and Elwert was a Washington County arterial roadway. She noted that Copper Terrace was a City of Sherwood facility and a neighborhood route. Ms. Doukas pointed out the split zoning across the property in a combination of Medium Density Residential Low and Medium Density Residential High. She noted that the plans had been rotated to the left and said it would enable them to zoom in on the plans to allow for the greatest detail. She showed the subdivision layout and said the property would be built in four phases shown color coded. Ms. Doukas commented that the property was unique and was bifurcated by several things; the tributary to Chicken Creek, an existing storm water facility that was constructed with the school construction, and Copper Terrace splits the site as well. She said that led to creativity when it came to the layout and we worked hard to create a sense of community for all of the disparate parts.

Ms. Doukas stated they were proposing eighty-six single family detached homes on lots at a minimum of 5000 square feet. She said they were requesting a reduced rear yard setback on seven of the lots backing up to the natural resource area and they had mitigated for that with additional open space area. She explained that they were not proposing, nor permitted to have any lot access directly on to Edy or Elwert Road, so all the access was internal. Ms. Doukas said there was one small area of alleyway that

accommodated a tight spot within the site and that they would be doing frontage improvements along Edy and Elwert except at the corner. She appreciated Chair Simson's clarification that those improvements would extend south along Elwert.

Ms. Doukas detailed that the subdivision open space system requirements were to have 5% of the site as open space and they were providing 8.6% without including the riparian corridor in the net calculation. She said of the entire site, 30% of the gross site area was within natural and open space area.

Ms. Doukas walked the Commission through that open space system beginning with the tributary to the creek that was protected by CWS. She said they had added a few areas around the edges to accommodate the mitigation for the rear yard setback reductions, then started laying in the open space areas identified on the plan. She said there were four concentrated areas of open space that were more passive, but landscaped and improved with benches and were interconnected. She talked about the pedestrian system that would pull this community together through a combination of hard surface sidewalks and trails and soft surface trails. She explained that the trail connection on the west side of the storm water facility was only allowed to be soft trail because it was within the CWS vegetative corridor. She said the soft path section was not ADA accessible, but there were full sidewalks along the public streets and the remainder of the trail system would be a hard surface and accessible. Ms. Doukas noted that within the four open space facilities Tract A to the north was the most unique and included a picnic shelter. She said they thought the tract adjacent to the school and could serve as a spot for families to wait for children as they were coming out of school. It also included landscaping, picnic tables and some passive amenities. She described the remaining open space facilities (Tracts B-G) as having benches, landscaping and the trail system. Ms. Doukas pointed out the soft path on the west side of the open space facility and the accessible hard path along the east side. She showed Tract H that extended all the way from the pedestrian bridge allowed for connectivity over to Elwert Road and had a combination of picnic tables, benches, trash cans and landscaping.

Ms. Doukas said the applicant was comfortable with the conditions of approval, she appreciated help from city staff, and requested approval of the application.

Chair Simson asked for any questions for the applicant from the Commission before public testimony.

Commissioner Pearson commented on the number of conditions of approval and asked if the developer could ensure that the conditions were met and what would happen if they were not met. Mr. Kilby responded that staff did work with the developer at every step along the way and would use code compliance efforts as necessary. From this point forward there were general conditions that must be met continually and other conditions that must be met at each stage; final plat, public improvements, grading or building permits. He stated that staff had a way to hold the developer responsible at every juncture as well as holding final occupancy, and any long term or general conditions that were unmet or later violated would be handled through code compliance. Julia Hajduk, Community Development Director added that it was not uncommon in a subdivision this size to have conditions and city staff were able to utilize conditions of approval for items that can be reasonably met, so there was not a big concern that these conditions could not be reasonably met.

Commissioner Pearson asked for confirmation from the applicant that they did not consider the conditions too difficult to be able to comply with. Ms. Doukas responded that they had reviewed the conditions of approval and thought they matched what the developer was proposing and they were comfortable moving forward.

In response to a question from the audience, Mr. Kilby explained that a soft surface path was like a bark trail or a surface that was not concrete or pavement. Chair Simson added that the portion of that trail that would be soft surface was because Clean Water Services did not want any addition impervious surfaces within the natural corridor. The pedestrian bridge to Edy Road and a short portion next to Elwert Road would be a soft path.

Commissioner Pearson asked who would maintain the natural area containing the creek. Ms. Doukas indicated that the space would be owned by the City and Clean Water Services controlled the long term maintenance of it. She said there was a maintenance period where the applicant would be required to install enhancement planting with a two year period where the applicant would be responsible before it would be turned over to the City if it was sufficiently stable.

Chair Simson noted the applicant had 23 minutes remaining for rebuttal and asked for public testimony.

**Anthony Bevel**, Sherwood resident came forward and said he lived close to the proposed development. He acknowledged that it was a large development and said he did not believe that traffic would not be impacted by the development. Mr. Bevel commented on another nearby development and properties for sale and said that the intersection at SW Elwert and Edy Road would need to be so well thought out as not to increase the existing traffic problems. He said he was very familiar and aware of the concerns at the intersection. Mr. Bevel read portions from the meeting packet asked if the issues were going to be addressed under the conditions.

- *City and County Engineers have agreed that the dedications along the entire frontage are required, but that full improvements would not be proportional to the impacts of this development (page 37)*
- *These trails and pathways serve as connections around and through the neighborhood due in part to adjust for the lack of sidewalks on segments of SW Edy and Elwert Road around the development. (page 53)*
- *Staff is concerned that the applicant does not propose any play structures, active play courts or exercise equipment within the development, limiting the recreation opportunities (page 54)*
- *Comments received from the County, SW Elwert Road is designated an “Enhanced Major Street Bikeway” (page 36)*

With no other public comments, Chair Simson asked for a rebuttal from the applicant.

**Michael Ard**, from Lancaster Engineering in Portland Oregon and Sherwood resident came forward with Ms. Doukas. Ms. Doukas stated several of Mr. Bevel’s concerns were discussed in the conditions of approval. Regarding the sidewalks on Edy and Elwert and the internal pedestrian connections, she explained that staff’s analysis was that the design accommodated pedestrian connectivity even though there would be a gap in the sidewalks short term along the Edy and Elwert intersection.

Regarding the lack of play structures within the development, Ms. Doukas noted that it was discussed with staff and within the applicant’s development team and they thought that with the proximity of the school facility that had such a good asset in terms of play structures and active play space that with our natural area in the riparian corridor, it was more appropriate to have the trails as the key identity for the how open space functioned for this community. She said there was also the noise factor of active play space and noise was something that needed to be accounted for in community design and with the school facility across the street, it was a great way to accomplish both active and passive play space. She turned the time over to Mr. Ard for transportation impacts.

Mr. Ard noted that Mr. Bevel stated the traffic would be massively impacted in the vicinity by the project. He said the development was a moderate scale residential development and the impacts were studied and found to be acceptable so the intersections and roadways within the vicinity met the applicable

performance standards of Washington County and the City of Sherwood. In particular, he said the concern expressed was regarding the intersection of Edy Road at Elwert Road and he pointed out that because most of the site was massed around Copper Terrace with the primary destinations to the east on Edy Road or to the south on Elwert Road there was not a lot of traffic from the site that actually passed through the intersection of Edy and Elwert. Mr. Ard said of the 65 AM trips generated by the new development, just 14 would pass through the intersection and during the PM peak hours, 20 of the 86 trips would pass through the intersection. Mr. Ard stated the impacts to the Edy and Elwert intersection were minimal at about 3% of the intersection's capacity being used by the development. He acknowledged that it was an intersection that was approaching capacity, but even with the development in place it still met all of the applicable performance standards. He said the City was well aware that the intersection would require improvements in the future.

Chair Simson asked what the level of service would be once the project was completed. Mr. Ard responded that either with or without this development, it was at a level of service C in the morning peak hours and a level of service E during the evening peak hours. Chair Simson confirmed those level would exist with or without the development and noted that people on Copper Terrace would see the impact more than at the intersection of Elwert and Edy because drivers would drive through Copper Terrace and to reach Handley Street or Edy Road.

Chair Simson asked for an explanation of what an Enhanced Major Street Bikeway was. Mr. Ard replied that it was a classification by Washington County as an aspirational goal; there was not a nice enhanced bikeway facility on that road. He explained that Washington County had in their long range plan that the road should be an enhanced bikeway. Chair Simson asked if the half street improvements on Elwert would meet the standards of an Enhanced Major Street Bikeway. Mr. Ard said the bikeway would not go in at this time, but right of way was typically required for the future half street cross section and the improvements programmed in are Washington County's purview, they asked for the necessary dedications that would be provided as part of the development. Chair Simson restated that the applicant would set aside and dedicate enough land to be able to build the road and the current requirement does not include a portion for a bikeway. Mr. Ard confirmed and said they had responded to Washington County's request for dedications and improvements. Chair Simson asked how wide the sidewalk would be on Elwert and Edy. Mr. Ard responded that it would be five feet on Edy and six feet on Elwert and the intersection would remain an all way stop.

Commissioner Russell asked if the street names would change from A, B, C. Ms. Doukas stated the names would change and commented that it was remarkably hard to come up with street names. Julia Hajduk added that the Municipal Code had naming conventions regarding street names.

Commissioner Walker asked about traffic impacts farther from the intersection such as where SW Edy intersects with Tualatin Sherwood Road. Mr. Ard responded that traffic impact studies are scoped early on based on the number of trips generated and the number of intersections that would be impacted. In this case, the intersections studied included Edy Road at Elwert Road, Copper Terrace at Edy Road, the north school access at Copper Terrace, Copper Terrace at Handley Street, Elwert Road at C Terrace, and Elwert Road at Handley Street. Mr. Ard stated the analysis did not extend to the intersection at Meinecke and 99W or the intersection of Edy Road at Sherwood Blvd. He acknowledged that there were impacts there, but by the time traffic got there, the traffic volumes were extremely high and the development represented a very tiny fraction of the traffic going through there.

Commissioner Walker asked how it was determined how far the impacts were studied. Mr. Galati responded that it was an engineering judgment of whether the impacts would be significant enough to



cause an issue so that improvements would be required. Usually staff was looking at in the base model of a 400 average daily total traffic count and the proposed development's impact was far below that. Mr. Galati said if an intersection was impacted by more than 5-10% of the traffic count then he would look at the review criteria because it would make a difference, but the counts on this were well below that. Commissioner Walker asked if Engineering had looked at the counts to ensure that they were below the 5-10%. Mr. Galati confirmed and the type of traffic that this development had was very small and would not show an impact requiring mitigation. He agreed that traffic counts and backups were high, but the development impact were so small they would not change the overall function of the intersection nor could he require improvements.

Mr. Ard added that the other related factor was that the City's Transportation System Plan (TSP) was tasked with providing an adequate transportation system for the development that can occur within the zoning that is allocated to the property. In this case, the property was zoned to develop at a higher density at the last TSP update, by scaling back the density (from commercial to residential) the impacts are reduced at those locations. Mr. Ard said the impacts are supposed to be covered through the TSP and the City's Capital Improvement Plan with cooperation with ODOT.

Chair Simson asked for an explanation of the fee in lieu of for the intersection of Elwert and Edy Roads. She commented that it was due to proportionality, because the City could not require a development that impacted an intersection at 3-5% to develop a multi-million dollar road project. She said it was because of State law that says we cannot mandate a multi-million dollar public improvement that is not proportionate to the impact they are creating to the community. Commissioner Walker added that paying a fee into a fund for future improvements to the intersection counted as paying their portion of the impacts. Chair Simson said they pay into a "pot" and when everyone pays enough, in theory, Washington County would have enough to improve the whole intersection. Bob Galati said Chair Simson had explained the process well and added that both the City's and the County's TSP had the intersection in need of major improvements. He said he did not think development in that entire area would be able to pay a fee in lieu of that would equate to the type of improvements necessary to handle that type of load on that intersection because of commuter traffic that passes through there. The fee in lieu of, or a number of developments combined would not begin to approach the cost required to develop that improvement. He said it would have to be a County project that would take a lot of funds, probably state, county, and federal funds to make it work. Mr. Galati pointed out that we have voice with the County for when the improvements are made by getting it on the Major Streets Transportation Improvement Program (MSTIP) funding program and the fact that the Sherwood West Preliminary Concept Plan included this intersection raised awareness to the road and its issues and we have had some unfortunate incidents out there including deaths that bring it up in the County's mind. He disclosed that a roundabout at another location on Elwert would be constructed and that the road was a higher priority on the county's map and it would not languish forever because it needed to be done. Julia Hajduk added that the developer would also have City System Development Charges (SDC) for transportation and Transportation Development Taxes (IDT) that are intended to pay for incremental impacts to offsite intersections. She said that is how improvements are funded that cannot be funded by any one project and all these pieces are put into place to help fund infrastructure. Alternatively, when a project is so huge that they break the system, they would be required to mitigate and make those intersection improvements.

Chair Simson asked about Lots 76-78 and said the three lots were on a private alley, but would be oriented towards Elwert Road, even though the rest of the development would be facing toward the interior of the site. Ms. Doukas responded that the front yard would technically face Elwert Road, but the homes would front the public alley, like the other homes with the garages and front doors inward. She noted that the

three lots were in an awkward spot, but the developer wanted a community design and putting your back to the neighborhood did not make a lot of sense. Ms. Doukas added that there were also visual corridor along Elwert Road, which was an odd thing for the front door, so it would face inward to the community.

Vice Chair Griffin commented on the new sidewalk on the east side of Elwert Road along Lots 79-86 and asked how the sidewalk would end. He noted the slope expressing concern for kids on skateboards or bikes falling into the green abyss. **Alex Hurley** from AKS Engineering responded that the sidewalk would end at a water quality facility with a Type III red and white barricade per Washington County code and the sidewalk would transition along the street to match the slope. Bob Galati, City Engineer communicated that city staff had walked the site which lead to the decision not to require improvements clear down to the intersection because it was too challenging. He said with proper signage, the end of the sidewalk would be safe; the type III barricade was significant enough and has been used in other parts of the city and the same condition was in place at the Daybreak Subdivision where the sidewalk ended.

Vice Chair Griffin asked about the street light installation at the intersection. Mr. Galati described the lighting along the developed street frontage with a light required to light the intersection.

Commissioner Pearson commented that the code allowed the developer to build houses that were 2 1/2 stories tall. He appealed to the developer to give serious consideration to building a percentage of the houses as one story and said his appeal was based on the fact that the two fastest growing elements of Sherwood's population were seniors and young couples starting out. That more and more Sherwood residents were aging out of the two story houses and we were losing senior citizens, because there were not enough one story houses to buy in order to stay in Sherwood. Commissioner Pearson added that a benefit of a one story house with a senior occupant in a new developed community was they would not likely be adding new kids to the school. He said the other aspect was the affordability of housing in Sherwood. He said it seemed logical to him that a one story house was less expensive than a two story and Sherwood needed to do more in the community to have affordable housing, especially for young couples starting out. He acknowledged that there was nothing in Sherwood's code to mandates this, but asked that the developer give consideration, because the Planning Commission was charged with planning for Sherwood and needed to address the needs of these two significant segments of the population, but there were few opportunities for large development, because we are running out of developable land and there is nothing that required it.

Ms. Doukas responded that the likely home builder had heard from market forces that the type of living Commissioner Pearson described was attractive. She conveyed that she did not think people understood that some of these homes were designed to live in as a one story structure with two story space to them such as bonus rooms, visitor space, or storage; homes are being designed to accommodate one story living even though they have a two story footprint. Ms. Doukas commented that there was the perception that a one story home might be more affordable, but the cost of the land stayed the same and the cost per square foot goes up, so a consumer looked at a house that costs more per square foot and lived the same as one that is less per square foot. She said consumers were also interested in different lifestyle configurations, like multi-generational, when lots are large enough to have a double suite, however that was not always visible from the street, but was something the home building industry was hearing in the marketplace. She added that the request was valid, but was not very pertinent to the land use application.

Chair Simson said she had received an additional request to speak and asked how to proceed as is was out of order. Mr. Kilby advised that the chair could poll the Commission to see if they wanted to hear the comment as well as the applicant to see if they were willing to rebut. Otherwise the opportunity to speak

had passed. Chair Simson did so and the Commission and applicant agreed to accept additional public testimony.

**Barbara Bennick**, resident on Elwert Road came forward and stated that initial plans showed no outlet onto Elwert Road, but now there was and twenty-two properties would be accessing Elwert Road. She said she was not alone in concerns over traffic and as a resident of the area she had to cross the street daily to get the mail and the traffic must be a consideration. She noted that her neighbor had been killed up the road and the new housing across the street (Daybreak) had required her mailbox to be moved three times before she had a safe way to get across. She asked that the Commission be cognizant of the traffic on Elwert.

**Anthony Bevel**, Sherwood resident said he has heard a phrase a few times that says traffic levels were “acceptable”. He stated it made him upset to hear it and asked who decided when traffic congestion was acceptable; if you lived there you would not think it was acceptable. Mr. Bevel said he did not know if it was a standard for planning, and asked how one could look the residents in the eye and say it was acceptable.

Chair Simson gave an opportunity for the applicant to respond.

Ms. Doukas and Mr. Ard came forward. Mr. Ard noted that Elwert Road was classified as an arterial road as a 45 mph posted speed. So it is intended to carry high volumes of traffic at fairly high speeds. This project would not significantly change the culture of that roadway, however, with development occurring adjacent to the roadway it provided a bit of massing adjacent to the roadway. He said anytime you provide something that either looked like an enclosure that visually narrowed the roadway or had a context that signals the need to travel slower, such as adjacency to residential development drivers tended to decrease speeds, so it could be possible as future development occurred, with this being a contributing factor, to reevaluate the speed limit on Elwert Road and reduce the speed. Mr. Ard specified that it was not something that could be done in advance of this project, but was something that could be looked at in the future. Chair Simson asked if that was something the residents would petition to Washington County. Mr. Ard confirmed and said it was not something that happened automatically or because of a request that speeds are typically set through the Oregon State Speed Control Board primarily based on the actual speed of travel traffic on the road. It is presumed that 85% of the drivers on the road are driving at a speed that is reasonable and prudent and 15% of the drivers are crazy idiots that need corrective action. He said travel speeds were the primary consideration and that was why it was so important that the culture along the roadside changed in order to initiate the change in the speed limit. Mr. Ard commented on Mr. Bevel’s exception to the word “acceptable” and said that within the State of Oregon the approval or denial of these applications was required to be on the basis of objective approval criteria. In other words, there was a specific standard that is either met or not met and the word acceptable means that it met the objective approval standard. Commissioner Walker asked when the standard was reviewed. Mr. Ard responded that it was part of the City’s TSP and the development code and the City had the purview to change the standards and what they were based on. He noted that other cities were moving away from a level of service as a standard to a volume over capacity ratio instead, because there were benefits to the community associated with that. He disclosed that volume over capacity ratios allowed some congestion to occur without indicating that there was a problem so long as it was safe and commented that Clackamas County was involved in making the change.

Chair Simson thought that Sherwood had changed to volume over capacity ratio and delay time. Bob Galati responded that the City used both. We apply the volume over capacity ratio because it indicated the basic capacity of a roadway between Point A and Point B; like a pipe with water, it tells you how full it can

operate at. He said the level of service tells how an intersection interacts with traffic and the longer you sit and wait at an intersection the worse the level of service with A-F designations (A being flow through easy and F being stopped in traffic). Mr. Galati said the city applied both because it gave a better handle on capacity objectively.

Mr. Ard added that there was a flip side to the coin in that if the City decided they wanted their standard to be very high, to achieve a level of service C or better everywhere, and never use more than 75% of the intersection capacity, then the TSP and the Capital Improvement Plan needed to be designed to accommodate that and suddenly, you are talking about mountains of dollars and lots of pavement to address to those concerns. There is a balance that had to be stuck as well.

Chair Simson asked for a response regarding access from the subdivision onto Elwert Road. Ms. Doukas referred to Exhibit F, Neighborhood Meeting Documentation in the land use application materials. She acknowledged that the plan had evolved since the neighborhood meeting, but there had always been access shown on to Elwert Road. It was originally shown for a traditional cul-de-sac, but the development team thought the new design was preferable. However, there was no way to access the island of land along Elwert Road without an entrance. She apologized for any confusion and explained that they received approval from Washington County to allow the access, but it had always been shown in the plans.

Chair Simson commented that the confusion may have come from the map prior to the crossing where in the Concept Plan before to the school development originally showed a crossings where the pedestrian bridge was proposed. It was assumed at that time that the site would be accessed in that manner. Mr. Ard noted that the plan also had other zoning that had been changed at another hearing.

Commissioner Flores asked if the peak hour trips, indicated earlier in the presentation, were the number of trips projected to be added to existing traffic flows. Mr. Ard confirmed and explained that traffic engineers count a trip to the store as two trips; one leaving your home and one arriving at the store. So the trips are separated into trips that are departing the residential area and trips that are arriving at the residential area and during the PM peak hour there would be 86 additional trips in total considering both of those, working out to be about one trip per home during the evening peak hour and a little bit less during the morning peak hour.

Chair Simson closed the public hearing and asked for any final comments from staff. Mr. Kilby reviewed the scrivener's errors and corrections in the packet given to staff by the commission chair.

- Page 28, the last sentence changed to: *As discussed and conditioned throughout the report the proposed development can satisfy this criterion.*
- Page 31, under the first finding in the second sentence changed from *68 lots to 86 lots*
- Page 63, the staff recommendation is to remove the condition *D.39 Improvements to the vegetative corridor shall be constructed with the first phase of the development to be constructed west of Southwest Copper tTerrace. Phase 2, 3, or 4* as an unnecessary and redundant condition because the phasing is determined by the Service Provider Letter 15003302 dated November 24, 2015 from Clean Water Services.
- Page 65, Condition 11. Amend the sentence to read *Prior to the issuance of any building permits for the site, the applicant provide a final grading permit that demonstrates compliance with this section (16.128.030)*
- Page 65, Condition 12 remove the word *obtained* in the second sentence.
- The staff report will be amended to specifically identify lots that will have a reduced setback as discussed on page 31.

Chair Simson asked for and received a general consensus regarding the scrivener's errors and changes as described by staff.

The following motion was received.

**Motion: From Vice Chair Russell Griffin that SUB 15-01 Mandel Farms Subdivision based on the applicant testimony, public testimony received, and the analysis, findings and conditions in the staff report with the modifications discussed previously in this meeting. Seconded by Commissioner Alan Pearson. All present Planning Commissioners voted in favor (Commissioners Meyer and Rettig were absent).**

### 7. Planning Commissioner Announcements

Vice Chair Griffin announced the summer musical in the park would be My Fair Lady.

Commissioner Pearson commented on the New Partners for Smart Growth Conference attended by Planning Commissioners, City Councilors, and city staff. He said the conference was informational and felt they were based on problems that old cities face so none of it applied to Sherwood as we are a young growing city with different problems. Commissioner Pearson noted that a smart person learns from their own mistakes, but a wise person learned from the mistakes of others. He suggested that Sherwood could learn from the mistakes of other cities through their aging, growth, and development and he was confident that what was learned would be applied to future meetings, discussions, and developments for Sherwood, because we all want the same thing for Sherwood, the best place in the world to live. He spoke of a section on AARP livability and a conversation with the mayor of Wilsonville who said Wilsonville had the same score of livability as Sherwood, but Commissioner Pearson would rather live in Sherwood. He concluded that a lot of the developmental tools were interesting, but they were just tools that we need to use and he learned a lot.

Chair Simson noted a website that had free tools available for communities to provide citizen involvement. She explained that participants were asked to text "hi" to a certain number and were later asked to respond to four questions. She imagined the possibilities and said the software was open source. She thought it was a good opportunity to get citizens to give their opinions.

She spoke of a keynote speaker that changed her opinion of what smart growth meant to Sherwood as a community and up to the national level. She said the speaker explained how what we do at a planning level was important for smart growth in this country and that smart growth was not putting solar panels on houses, but the ability to walk in a neighborhood so energy and resources are used to the best possible capacity.

### 8. Adjourn

Chair Simson adjourned the meeting at 7:45 pm.

Submitted by:



Kirsten Allen, Planning Department Program Coordinator

Approval Date: \_\_\_\_\_