



City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall & Public Library  
22560 SW Pine Street  
June 13, 2006  
Regular Meeting - 7:00 PM

## A G E N D A

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda:** *Minutes – May 9, 2006*
4. **Brief Announcements**
5. **Community Comments** (*The public may provide comments on any non-agenda item*)
6. **PUBLIC HEARING**  
**Woodhaven Crossing II -Site Plan Review (SP 06-02)**  
The Planning Commission will hold a Type 4 public hearing to review a site plan for 183 units of multi-family residential. The subject property is located at 21815 SW Pacific Highway and is identified as 2S130DB/Tax Lots 1000, 1001 and 1002 on the Washington County tax assessor map. The Commission will consider a staff report and recommendation based on the applicable portions of the Sherwood Zoning & Community Development Code (SZCDC - Part 3). (*Julia Hajduk, Senior Planner, Planning Department*)
7. **Comments from Commission**
8. **Next Meeting:** June 27, 2006 - Goal 5 & Infill/Redevelopment Work Session
9. **Adjournment**

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**City of Sherwood, Oregon**  
**Planning Commission DRAFT Minutes**  
**May 9, 2006**

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**Commission Members Present:**

Chair – Adrian Emery  
Vice Chair – Patrick Allen  
Jean Lafayette  
Dan Balza  
Matt Nolan  
Todd Skelton  
Russell Griffin

**Staff:**

Kevin Cronin – Planning Supervisor  
Rob Dixon – Community Development Director  
Cynthia Butler – Administrative Assistant

1. **Call to Order/Roll Call** – Chair Emery called the meeting to order at 7 PM.
2. **Agenda Review** - There were no changes to the agenda.
3. **Consent Agenda** – Minutes for the April 25, 2006 session were approved by vote:  
  
Yes – 7 No- 0 Abstain– 0
4. **Brief Announcements** – Kevin Cronin said the Economic Development Strategy workshop open to the public will be held tomorrow, May 10<sup>th</sup> from 7-9 PM at City Hall on the 2<sup>nd</sup> floor mezzanine level. The All America City Award presentation and delegation for June 9-11, 2006 is proceeding well. Julia Hajduk, Senior Planner, is the coordinator for the project and is working with the Sherwood Chamber of Commerce on details. Public is invited to plan their vacations and participate to support the community at the event in Anaheim, CA. Kevin confirmed that public participants who would like to attend must use their own funds for the trip. Metro adopted the construction excise tax for urban growth boundary (UGB) expansion areas. Kevin plans to present an inter-governmental agreement to the City Council in June, for an excise tax on new building permits valued over \$100,000. Collected funds will be dispersed through Metro who will reimburse jurisdictions for UGB planning, such as Area 59. The City can also submit grant applications to receive funds for new UGB expansion areas. The City's Wayfinding Open House is Thursday, May 11<sup>th</sup> from 7-9 PM in the community room at City Hall. Community Development Director Rob Dixon recapped that local area residents were mailed flyers announcing the meeting and that the agenda would be expanded for discussion regarding the colors chosen for lighting, pedestrian walkway fixtures, and signage in Old Town - including the recently installed monuments located at the entrance of 1<sup>st</sup> and Pine Streets. Rob said that a survey inviting responses would also be provided to citizens at the conclusion of the meeting.

Patrick Allen asked Rob to summarize what kinds of projects would not be completed if the \$50,000 required to repaint the lighting and pedestrian walkway fixtures to another color was implemented. Rob stated that the funds are from the urban renewal project contingency fund and would have to be used on other urban renewal projects. Rob said that Jim Patterson, Assistant City Manager, is the primary contact for the urban renewal

program and that there is a list of current related projects on the City's website under SURPAC.

**5. Community Comments** – Debra Ng-Wong, 23524 SW Denali Ln., Sherwood OR 97140 – Debra asked commissioners if they received a copy of a Preliminary Assessment Report compiled by the DEQ regarding the former Ken Foster farm site dated September 21, 2005 – along with a copy of a letter from the Governor's office addressed to Kevin Cronin dated April 24, 2006. Chair Emery said that Kevin Cronin had received a copy and would be distributing copies to commission members, but that it was not part of this evening's agenda. Matt Nolan stated that he received a copy at his home on Sunday, May 7<sup>th</sup>, but did not read it and gave it to Kevin Cronin so that copies could formally be introduced to all members at the same time. Kevin confirmed that copies of the document were not received by the noon deadline on May 2<sup>nd</sup> for inclusion to the member's packets, and that copies are to be distributed to commissioners tonight - copies were distributed. Debra stated that Kevin Cronin could have been more flexible in accepting the documents after the deadline on May 2<sup>nd</sup>, and that her neighbor said they called Kevin and asked for more time to deliver the document for the packets due to delays in traffic. Debra reported that her neighbor indicated Kevin they could still deliver the materials, but that when the delivery arrived at 12:15, Kevin would not accept the materials. Debra said that it was important information to the project and that the materials should have been accepted.

Kevin Cronin said that the purpose of the agenda at tonight's meeting for the SE Sherwood Master Plan did not include or require inclusion of the report by DEQ, and that although the DEQ report is indirectly related to the topic it was not relevant to the goals and timeline for the May 9<sup>th</sup> Planning Commission meeting. Kevin also stated that staff is involved with agency communications and has made a request of DEQ to better directly coordinate information with local government and City staff as it develops.

Patrick Allen asked staff if the presence of possible contaminants was not relevant to the determination of defining appropriate zones and density issues. Kevin responded that the DEQ is continuing to proceed in the study and that because possible contaminant information is still under review the answers are not currently knowable. Kevin said that tonight's agenda and goals are to largely focus on street connections, trails and open spaces and that as DEQ information is confirmed any alterations can be assessed at the appropriate time. Patrick said the timing was poor, but that he believed the current report to be relevant. Brief discussion ensued regarding aspects of the report. Chair Emery opened discussion on the first agenda item:

**6. Old Business – SE Sherwood Master Plan:** Kevin stated that he spoke to Metro staff in the Greenspaces program regarding the bond measure and Metro expressed an interest in the Snyder property located outside the UGB. The local share of funds if the bond measure passes would be approximately \$400,000 - \$500,000. Jean Lafayette asked for the location of the Snyder property. Kevin confirmed the property is outside the SE Sherwood Master Plan study area directly east of the Mosier property on the refuge. Kevin said that he spoke to Mrs. Moser recently and Bart Bartholomew, their representative, about a week ago. Kevin understood from his conversation from Mr. Bartholomew that a pre-application separate from this process may be forthcoming geared toward a higher density than any alternatives in the SE Sherwood Master Plan study, but none has been submitted to date.

Patrick Allen asked staff to confirm if there was anything currently in the zoning code that would protect the trees located on the Mosier property. Kevin said there was not.

Kevin reported that the SE Sherwood property owners did not conduct another meeting since the last Planning Commission session on April 11<sup>th</sup> as hoped. Staff distributed draft resolution, 2006-001 to commissioners and the public audience in attendance. Kevin recapped the resolution content to include the initial purpose and authorization to conduct the SE Sherwood Master Plan study, public involvement opportunities throughout the process, and identified Sections 1 through 3 as action items to accept the SE Sherwood Master Plan Report and resolves that master plan alternatives have been reviewed. Kevin stated that staff proposes flexibility for the alternatives: 1) accept Alternative B/C; 2) accept a hybrid of Alternative B/C; 3) allow developers and property owners to arrive at an alternative in their own process. Kevin deferred to the Planning Commission for comments, questions and process.

Chair Emery stated that he would like to include Alternative A, and asked commissioners for their responses.

Patrick Allen asked staff if the selection of any alternative option that is not a higher density would violate any terms of the City's grant from DLCD? Kevin Cronin stated that credibility may be an issue with DLCD in regard to the principles that were put into place. Patrick asked staff how credibility could be an issue for DLCD if the Planning Commission made alternate findings for lower density after thorough review and public discussion. Kevin said that DLCD has supported Sherwood with grant funding and the ongoing relationship is important. Chair Emery questioned to what extent the Planning Commission must follow DLCD guidelines. Kevin said that Metro is the source of funding and a policy decision for a lower density would make it more difficult in the future relationship with DLCD. Patrick asked for confirmation from staff that alternate findings would not violate any terms of the grant with DLCD. Kevin confirmed. Chair Emery said that options for the site will change when applications are actually submitted, and recommended leaving the options to the developers and property owners for a final plan and see what evolves.

Russell Griffin asked staff to confirm if the language in Section 2 allows for another alternative plan to be submitted by an applicant at a later date, and that Section 1 states that any adopted plan is to be used as a guideline. Russell asked staff how transportation issues such as Denali Lane will be addressed. Kevin stated the transportation findings that led to the report and illustrations are accepted, when the report is accepted.

Jean Lafayette said that the City Council requested that the Planning Commission review the project for increasing density within the scope of a well thought out process, and to consider the community as a whole. The City Council also asked the commission to consider parks and amenities. Jean said that Alternative B/C seems like a compromise to all desires expressed and that this alternative has achieved the tasks.

Patrick Allen stated that he was conflicted and understands that a decision is needed. Patrick said that based on results from the last meeting, he expected property owners to have met one more time for consensus and that this did not occur. Patrick rejected Alternative C due largely to lack of connectivity and open space. Patrick stated that he believes the DEQ report on potential hazardous materials should have been included in the commissioner's packets if it was just 15 minutes late. Patrick also stated that he was not ready to adopt a resolution.



Todd Skelton agreed with Patrick and recommended a density higher than 54. Todd also expressed disappointment that property owners did not meet again after the last meeting in an effort to achieve consensus.

Matt Nolan stated he was surprised by some of the citizen comments received in the packet, and said that the proposed lot sizes in the project area are significantly higher than the rest of Sherwood and are comparable to the Fair Oaks development. Matt stated that he understands the DEQ report is relevant to the project, but that tonight's session is charged with providing a direction for the master plan to proceed.

Patrick Allen stated that he would like Alternative A included. Patrick suggested that Section 1 be edited not to include reference to any specific alternative, due to changes a developer may make on an application or any affects later potentially discovered by DEQ. Patrick stated that depending on DEQ findings a lower density may be required. Commissioners showed nods of agreement.

Matt Nolan reiterated that a recommendation to remove reference to any alternative would leave the door open for developers and property owners to decide.

Patrick Allen asked how that would comply with the master plan process.

Chair Emery said the process provided designs to use as concepts for the plan.

Jean Lafayette recapped some calculations on the differences between the alternatives, and said that the comparisons are not so far apart from each other. Jean was also in favor of a wider middle green space to keep a hilltop view park. Jean said that the basic conflict appears to be saving the trees and the location of residential development for density.

Kevin Cronin reiterated that staff is not proposing that the Planning Commission redesign the plans, but to provide the option for private sector to do so through the application process.

Jean Lafayette confirmed.

Patrick Allen suggested adding performance standards or targets as guidelines for density and acreages to the language in Section 2 of the draft resolution, which would be compatible with the changes to Section 1 omitting a specific adopted alternative.

Kevin Cronin stated that the Planning Department is booked completely the next six months on other projects that are mandated by deadlines. Rob Dixon reaffirmed Kevin's schedule and added the initiation of the SE Sherwood Master Plan was a proactive volunteer effort to involve the community and that property owners and developers can now take it forward.

Patrick Allen asked staff non-mandatory numbers could be recommended as targets in Section 2. Kevin confirmed. Discussion among commissioners ensued on desirable aspects of alternatives.

Kevin Cronin reiterated that staff can affirm that any pre-applications presented for development in the master plan area represent the adopted concept plan or guidelines. Additionally, the

Planning Commission will review any submitted development applications requiring a zone change and other development applications requiring the Planning Commission review process.

Jean Lafayette asked staff to confirm that development could presently occur under the current VLDR (very low density residential) zoning. Kevin confirmed.

Dan Balza referred to the SE Sherwood Master Plan project report by Otak, Inc. and stated that the study provided by the consultants entailed a lot of time and work. Dan said he agrees with other commissioners to establish targets or performance standards that will achieve an end result that relates to designs from the project report.

Chair Emery suggested at 7:50 PM taking a 15-minute break for commissioners to discuss potential targets for the resolution.

< 15- minute break >

Chair Emery reconvened the session at 8:05 PM. Adrian recapped that during the break performance standards and target calculations were discussed, that would keep the existing framework of the resolution and maintain the general concepts of alternatives in the project study.

Patrick Allen recapped the recommended change for Section 1 of the resolution to read:  
"The SE Sherwood Master Plan Report (Exhibit A) dated February 20, 2006 is hereby accepted and the concept plans contained in the report meet the project objectives." The new language omits reference to specific alternative plans.

Patrick read the stated the performance targets recommended by commissioners in Section 2 of the resolution as follows:

"The Planning Commission will consider a specific development and proposal from an application which is consistent with the principles and goals listed in Exhibit A, and those which provided the framework for the creation of the master plan alternatives. In particular, any proposal should attempt to meet the following performance targets:

Total # of proposed lots = 72

Acres of open space = 12.5

Gross density = 2.2

Endorsement of a hilltop viewpoint park included in open space, and the use of swale green space.

Discussion ensued on the current total acreage of trees, which was not known.

Chair Emery asked commissioners if consensus was achieved on recommendations recapped by Vice Chair Allen. Jean Lafayette moved to approved Resolution 2006-001 as amended.

Dan Balza seconded. Vote was taken:

Yes – 7 No – 0 Abstain – 0

Motion passed.

Chair Emery suggested a 10-minute break before beginning the next agenda item at 8:15 PM.

< 10-minute break >

Chair Emery reconvened the session at 8:25 PM.

**7. New Business - Urban Planning Area Agreement (UPAA):** Kevin Cronin recapped the UPAA with Washington County and stated that the UPAA has not been updated since 1988 and that the draft has been updated to include current language and date information. In particular, email as a means of communication between the two jurisdictions was needed. Kevin said that a couple of changes were submitted from Washington County after the commission packets were delivered that do not appear on commissioner copies, as follows: Page 1, Item 4 – Process to amend UPAA, Metro expanded the original UGB in December 2002 and in June 2004 DLCD acknowledged (expansion dates listed). Under definitions, communication by email has also been added and in sections where communication is mentioned in the document. Page 4, under “Additional Coordination Requirements”, adding Sections E & F. Section E adds that the originating agency shall utilize tracking options (tracked changes). Section F adds that the originator of an emailed notice will send a copy of the notice by first class mail by the next business day, and that copies of emails will be kept as part of the public record per State archive laws. Page 5, under “Comprehensive Plan & Development Policies”, Section E, adding “land divisions that are inconsistent with the FD20 district designation.” Lastly, under signatures, the effective date of execution on the signed current document. Kevin said once approved by the Planning Commission, the UPAA will be reviewed and signed by the Mayor and then sent to the Washington County Planning Department for adoption sometime in the fall - likely September or October 2006, before the November 2006 vote on annexation for the Area 59 Master Plan project.

Jean Lafayette asked staff to review Page 2, Item 2-A, and stated that this section was not consistent with other entries with nearly identical text, regarding first class mail or electronic mail and asked Kevin to update this section.

Patrick Allen suggested that using the term “notify” to define communication to mean electronic or first class mail, and entering “notify” in the definitions would simplify the process.

Kevin Cronin confirmed. Jean Lafayette stated that Item 2-C has the same issue. Kevin stated that he would proof the document for consistency before it is presented to City Council. Jean said that she would provide Kevin with edits.

Patrick Allen moved to approved the UPAA with edits.

Jean Lafayette seconded. Vote was taken:

Yes – 7 No – 0 Abstain – 0

**8. Comments by Commission –** Matt Nolan and Dan Balza stated they would not be present at the next session. Kevin Cronin recapped that the May 23<sup>rd</sup> session will consist of a

field trip for commissioners on Infill Standards conducted by Heather Austin, Associate Planner, and that there will be no regular meeting.

Russell Griffin asked staff if the water tank in Tualatin near Sherwood received approval through Washington County. Russell commented on its close proximity to the road and lack of buffers or screening. Chair Emery is on the I-5 Connector Task Committee and gave an update, stating that no location has been determined to date. Rob Dixon said that excise tax funds for Brookman Road and the Light Industrial (LI) zone cannot be used for a study until a corridor has been determined. The I-5 corridor needs to be identified for concept planning to begin. General discussion ensued regarding toll charges for road use. Chair Emery asked if there were further comments by commissioners. There was none.

**9. Next Meeting – May 23, 2006:** 7 PM – No regular held - Infill Standards field trip for Planning Commission members and work session to follow.

**10. Adjournment** – Chair Emery adjourned the session at 8:35 PM.

End of minutes.



## Planning Commission 2006 Work Program (Quarterly Report - June 2006)

**Planning Commission Members:**

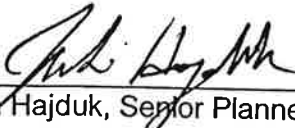
Chair: Adrian Emery, Vice Chair: Patrick Allen, Jean Lafayette, Dan Balza, Matt Nolan, Russell Griffin, & Todd Skelton

**Council Liaison:** Mayor Keith Mays

**City Staff/Project Managers:** Kevin A. Cronin, Julia Hajduk, Heather Austin, & Cynthia Butler

Priority	Item	Status	Hearing Date/(PM)
High	Area 59 Concept Plan (School Site)	In process – Phase 2: Implementation (Plan Amendments)	July 06 (KC)
High	Area 54-55 Concept Plan (Brookman)	Extension request submitted to Metro; Council consideration of IGA – June 20 Construction Excise Tax	2006 (KC)
High	Area 48 Concept Plan (Quarry Area w/ Tualatin)	See above	2006 (KC)
High	Economic Development Element & Strategy	In process (SURPAC – Cogan Owens Cogan)	Fall 06 (KC)
High	Commercial & Light Industrial Design Standards	Need to scope/evaluate/find templates (car dealerships, buffering standards, and architectural design)	2006 (KC)
High	Infill Standards (flag lots, orientation, partitions, etc)	In process (TGM – Siegel Planning Services)	2006 (HA)
High	Parks Master Plan	In process (Parks Board – Greenplay)	Fall 06 (KC)
High	Sanitary Sewer Master Plan	RFP - Assist Engineering Department	2006 (KC)
High	Urban Planning Area Agreement (WACO)	In process – Council consideration - June 20	2006 (KC)
High	Code Review: Mobile vendors	Need to scope/evaluate problem/find templates	2006 (JH)
High	PUD Guidelines for Mixed-Use Development	Determine appropriate level of commercial/office in PUD	2006 (JH)
High	Review sign code	Need to scope/evaluate problem	2006 (HA)
Medium	Goal 5 Tualatin Basin Partners - Implementation	In process – work sessions completed	2006 (JH)
Medium	Annual Housekeeping Bill	Fix scrivener errors, outdated references, etc.	Fall 2006 (JH)
Low	Metro Title 7 (Affordable Housing) Compliance	Need to monitor MPAC/HTAC discussion; three reports are overdue	2006 (KC)
HOLD	Cellular/Wireless Facilities Review Standards	Need to scope/evaluate problem	2006 (JH)
HOLD	Review Townhouse Standards	In process – Area 59 plan implementation	2006 (JH)
HOLD	Town Center Master Plan (Title 6 - Centers)	Scope and evaluate; identify funding source	2006 (KC)
HOLD	Improve Public Involvement Process: Goal 1	On-going (Improve delivery of project information)	2006 (All)

PLANNING DEPARTMENT

  
Julia Hajduk, Senior Planner

Pre App. Meeting: September 8, 2004  
App. Submitted: February 13, 2006  
App. Complete: April 18, 2006  
120-Day Deadline: August 16, 2006

**Proposal:**

The applicant has requested site plan approval for a 183 unit multi-family housing complex, which will be sold as condominiums. The proposal is to construct the units, parking, attached and detached garages, outdoor recreation areas, and construct road improvements to serve the site on tax lot 1000. The applicant has also requested a lot line adjustment to increase tax lot 1000 by .52 acres and decrease tax lot 1002 by .25 acres and tax lot 1001 by .27 acres to accommodate the necessary local street construction. This configuration includes a proposal for a modification to the street standards to allow a reduced right-of-way width while providing meandering sidewalks and landscaping within a public easement on private property. The applicant's submittal packet is attached as Exhibit A.

**Part I. BACKGROUND**

- A. Applicant  
Otak, Inc.  
Attn. Brad Kilby, AICP  
17355 SW Boones ferry Road  
Lake Oswego, OR 97035
- Owner tax lot 1000  
Woodhaven Crossing II, LLC  
9755 SW Barnes Road, Suite 210  
Portland, OR 97225
- Owner tax lot 1001  
Lloyd and Irene McFall  
21805 SW Pacific Highway  
Sherwood, OR 97140
- Owner tax lot 1002  
Robert James and Susan Claus  
22211 SW Pacific Highway  
Sherwood, OR 97140
- B. Location: The primary site is located at 21815 SW Pacific Highway and identified as 2S1 30DB, tax lot 1000. The properties identified on Assessor Map 2S1 30BB, tax lots 1001 and 1002 are part of the proposed lot line adjustment. The three (3) subject parcels are located on the northern side of SW Pacific Highway and southwest of Cedar Creek.
- C. Parcel Size: Tax lot 1000 is 8.35 acres, tax lot 1001 is 1.11 acres and tax lot 1002 is 7.37 acres (unadjusted). The proposed site plan would be located primarily on tax lot 1000. With slight modification through lot line adjustments, the site development area on tax lot 1000 is approximately 8.87 acres.
- D. Existing Development and Site Characteristics: Tax lot 1000 is developed with an existing single family dwelling, accessory structures and a septic system, which will be removed as part of this development. There is an existing access to Pacific Highway, which will be closed. The property is relatively flat, with a gentle slope to the north towards Cedar Creek. Tax lot 1001 has an existing dwelling that will remain and an existing garage which will be removed to accommodate the construction of Cedar Brook Way. The existing driveway accesses Pacific Highway and will be relocated to take access from Cedar Brook Way. This tax lot and tax lot 1002 both slope more

steeply than tax lot 1000 and are encumbered with vegetated corridor buffer restrictions. Tax lot 1002 also has floodplain and wetlands identified on-site.

- F. Zoning Classification and Comprehensive Plan Designation: The existing zone is High Density Residential (HDR), which permits multi-family residential uses with a density between 16.8 and 24 units per acre.
- G. Adjacent Zoning and Land Use: The property on the west is currently vacant and zoned general commercial. The property to the north and east of the proposed development is zoned HDR. The properties to the north and west of all parcels involved in the proposal (including the lot line adjustment) are zoned HDR and LDR. To the south, across Pacific Highway, are properties zoned and developed HDR.
- H. Review Type: Because the total floor area and parking area is greater than 40,000 square feet, the site plan requires a Type IV review with a public hearing and decision made by the Planning Commission. In the event that the Planning Commission decision is appealed, the appeal would be heard by the City Council.
- I. Public Notice and Hearing: Notice of the June 13, 2006 Planning Commission hearing was published in the Tigard/Tualatin Times, posted and mailed to property owners within 100 feet of the site on May 24, 2006 in accordance with Section 3.202 and 3.203 of the SZCDC.
- J. Review Criteria:  
The required findings for the Site Plan are found in section 5.102.04 of the SZCDC. The following SZCDC sections are also applicable: 2.105, 2.301, 2.302, 2.303, 5.100, 5.200, 5.300, 5.400, 5.500, Chapter 6, 8.304 and 8.305.

## II. PUBLIC COMMENTS

The City received one public comment from **Marilyn Stinnett**. She provided comments via e-mail with concerns about the left-turn lane queuing space at Sunset Blvd (on the south end of Sherwood) from Hwy 99W. She indicates in her comments:

"At times, the queuing space gets full enough to make me wonder whether it will be adequate when the numerous condos on 99W adjacent to the YMCA are occupied. Residents of these new condos coming southbound on 99W will have to U-turn here to access their homes. In addition, I have been informed that residents of 183 more condos that are planned for the opposite side of 99W will use this turn for an undisclosed period of time until another development and the Cedar Brook Way roundabout are completed.

Looking into the future, I am concerned that this left-turn traffic will overfill the queuing space, interfering with vehicles traveling south on 99W toward Newberg. Speeds frequently exceed the 45 mph limit (everyone's rushing to beat the signal). Much of the "southbound-through traffic" in that area uses the lefthand travel lane and doesn't slow down for vehicles that need to decelerate because cars are already waiting in those left-turn lanes.

These observations lead me to question the long-term adequacy of this queuing space. Buildings are constructed a lot faster than roadways are improved to accommodate the resulting increase in vehicles. The entire region is experiencing this, and my unease about Sunset Blvd at Hwy 99W is just one small example of that phenomenon."

*Staff response* – Staff asked ODOT to review this comment and provide a response. ODOT's response is included in their comments and does not indicate that additional queuing space is needed as a result of this development.



### III. AGENCY COMMENTS

Staff sent notice to affected agencies on April 20, 2006. The following comments were received and are separated by application type. Copies of full comments are included in the record unless otherwise noted.

**Sherwood Broadband** has reviewed the proposal and requests that the applicant make connections to the telecommunication utility at the corner of SW Meinecke and 99W. They also request connectivity to each of the buildings.

**ODOT** provided comments dated May 4, 2006, May 25, 2006 and June 5, 2006, which are discussed within this report and attached in their entirety as Exhibit B.

**NW Natural Gas** responded that they had no comment.

**Pride Disposal** responded indicating that they have concerns with both locations and designs of the trash enclosures. They have provided staff with their requirements, which have been incorporated into the staff report and recommendations. Their specific design requirements are included as Exhibit C.

**Sherwood Public Works Department** provided comments requesting that the developer include specific standards into their Home Owner's Association standards. The specific standards recommended are attached as Exhibit D. This will be incorporated into the staff report and recommendations.

**PGE** has reviewed the proposal and indicates, "PGE has idle overhead 3 phase irrigation line to remove – W.O. #432982. PGE has underground service and pad mount transformer to remove. PGE has overhead transformer and underground service at 21815 SW Pacific Highway that might be affected (removal required)."

**Tualatin Valley Fire and Rescue** reviewed the proposal and provided a detailed letter dated May 24, 2006 (Exhibit E). Concerns that potentially affect the site design are discussed in this report.

**The Sherwood Engineering Department** provided comments which have been incorporated into this decision and are also attached as Exhibit F. The Engineering Department also provided some general comments, which are provided below:

#### Grading and Erosion Control:

Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.

City policy requires that prior to grading, a permit is obtained from the Building Department for all grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

#### Other Engineering Issues:

Public easements are required over all public utilities outside the public right-of-way. Easements dedicated to the City of Sherwood are exclusive easements unless otherwise authorized by the City Engineer.

An eight-foot wide public utility easement is required adjacent to the right-of-way on each side of Cedar Brook Way and parallel to and abutting the portion of Highway 99W that fronts this project.



All existing and proposed utilities shall be placed underground.

Applicant to provide an *approved* DSL/ACOE permit prior to release of engineering plans.

Tualatin Valley Water District (TVWD), Clean Water Services, Division of State Lands and Raindrops2Refuge were also given the opportunity to comment on the proposal, but provided no written comments.

## **Part II. Review of Applicable Criteria**

### **I. SITE PLAN REVIEW – REQUIRED FINDINGS (SECTION 5.102.04)**

#### **A. The proposed development meets applicable zoning district standards and all provisions of Chapters 5, 6, 8 and 9.**

The relevant criteria are found in Chapters 2, 5, 6 and 8. Compliance with these criteria is discussed in Section II – Applicable Code Provisions, below. Chapter 9 is not applicable to this site plan application as there are no Historic Resources on the site and it is not located in the Old Town Overlay.

**FINDING:** Compliance with the relevant criteria in Chapters 2, 5, 6 and 8 are discussed and conditioned as necessary in Section II below and, therefore, this standard is satisfied.

#### **B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power and communications.**

All public utilities, including water, storm and sanitary sewer, electricity and natural gas are available to serve this site. Pride Disposal has indicated concerns over the location and design of the trash and recycling receptacle, which is discussed and conditioned further in this report. Tualatin Valley Fire and Rescue (TVF&R) has reviewed the plans and provided detailed comments, which are included as Exhibit E. Specific comments, which could impact the development, include the requirement that driveways be spaced a distance apart equal to no less than ½ the length of the property to be served. Due to access spacing restrictions along Cedar Brook Way, it does not appear possible for the design to meet this standard. However, the TVF&R may waive this requirement if alternative measures are provided such as providing automatic fire sprinklers in all buildings. TVF&R has indicated that the required 28 foot turning radius does not appear to be met at all interior intersections. The design will have to be modified to address this standard. The re-design may result in the loss of a few parking spaces, however, as discussed further in this report, the site exceeds the required parking spaces. Therefore, staff is confident that the fire access requirements can be met without resulting in a subsequent violation of another code standard.

**FINDING:** As discussed above, the proposal does not fully comply with this standard because Pride Disposal and Tualatin Valley Fire and Rescue have both indicated that service can not be provided adequately as shown. Pride Disposal requirements are discussed in detail and conditioned further in this report. If the applicant revises the plans and submits verification that the design has been approved by TVF&R, this standard will be fully met.

**CONDITION:** Submit revised plans that conform to TVF&R requirements as noted in their review letter, along with documentation that the revision fully complies with their requirements. In the

event that additional preventive measures are required by TVF&R to allow the site to be developed substantially similar to the proposal, the applicant shall comply with those requirements.

**C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management and maintenance of structures, landscaping and other on-site features.**

The applicant has indicated that the development will be sold and platted as condominiums. As there is extensive common open space including a pool, playground, landscaping, visual corridor and water quality facilities, details of the proposed maintenance responsibility is necessary. The public works department has stated that, at a minimum, the CC&R's regarding maintenance should include the maintenance guidelines from Resolution 2004-041 (attached in Exhibit D). A recorded copy of the maintenance agreement and CC&R's will be necessary prior to occupancy of any structure.

**FINDING:** As discussed above, this standard has not been met. However, this standard can be met by submitting a copy of the CC&R's for review and approval prior to recording for staff to verify all conditions are addressed.

**CONDITION:**

1. Prior to final site plan approval, submit a copy of the proposed CC&R's and Home Owners Association (HOA) agreement for staff review and approval. At a minimum, the CC&R's and HOA agreement must include the landscape maintenance standards required by the Public Works Department for all common open space and water quality facilities, a provision for how the common open space facilities will be maintained with ultimate responsibility assigned, and a provision for the HOA to maintain the water quality facility per the City standards.
2. Prior to final occupancy of the last building, a copy of the recorded CC&R's and HOA formation must be submitted to the Planning Department.

**D. The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainageways, wetlands, trees, vegetation, scenic views and topographical features, and conforms to the applicable provisions of Chapters 5 and 8 of this Code.**

There are no known significant natural features on the portion of the property being developed. The applicant will be temporarily impacting the floodplain and wetlands on tax lot 1002 to bring sanitary sewer over to the development. The applicant has received joint Division of State Lands (DSL) and US Army Corps of Engineers approval (dated May 15, 2006/DSL permit No. 35741-RF) for the extension of the sewer through the identified wetlands. Prior to final occupancy, the applicant shall provide documentation that all conditions associated with the DSL permit have been addressed to the satisfaction of the DSL. The plan complies or is conditioned to comply with all standards in Chapters 5 and 8 as discussed in detail further in this report.

**FINDING:** Based on the discussion above, this standard has been addressed. However, a condition is needed to ensure full compliance prior to occupancy.

**CONDITION:** Prior to final occupancy, submit verification that the conditions in DSL permit No 35741-RF are met to the satisfaction of the DSL.

**E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall**

satisfy the requirements of Section 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.

The proposed use is located in the HDR zone, which is excluded from the requirements of the CAP.

**FINDING:** As discussed above, the CAP does not apply.

- F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.**

The applicant has submitted a traffic study prepared by Kittelson and Associates dated October 2005. The study recommendations indicate that a southbound right-turn deceleration lane (as proposed) should be provided at the intersection of Pacific Highway and SW Cedar Brook Way. The study also recommends that the developer and City coordinate to construct the SW Cedar Brook Way extension to local standards (while not stated, staff interprets this to mean coordinate to ensure a safe design at the intersection and in terms of driveway spacing). While not included in the recommendation, the study also concludes that the eastbound left and right turn vehicle queues at the Pacific Highway/North Sherwood Boulevard intersection will not be accommodated under the year 2008 assumptions. As a result, ODOT has requested the applicant be required to construct a northbound left turn lane at the Pacific Highway/North Sherwood Boulevard intersection. Additional transportation improvements are discussed and conditioned further in this report; however, the discussion in this section is regarding off-site traffic impact mitigation only.

**FINDING:** The traffic study submitted indicates the need for a northbound left turn lane at the Pacific Highway/North Sherwood Boulevard intersection and ODOT has indicated that they will require said lane. The applicant has not proposed to construct the left turn lane and therefore, this standard has not been met. If the applicant submits public improvements plans to ODOT and the City which include both the southbound deceleration lane directly north of the project site and the northbound left turn lane at the Pacific Highway/North Sherwood Boulevard intersection for review and approval, this standard will be addressed.

**CONDITION:** Prior to final site plan approval, submit public improvements plans to ODOT and the City, which include both the southbound deceleration lane directly north of the project site and the northbound left turn lane at the Pacific Highway/North Sherwood Boulevard intersection for review and obtain approval. Prior to occupancy of any unit, the public improvements must be completed and accepted by the City and ODOT.

- G. The proposed commercial, multi-family development, and mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:**

**1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**

**2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**

3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding, metal roofs, and artificial stucco material shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.

4. As an alternative to the above standards G.1-3, the Old Town Design Standards (Section 9.202) may be applied to achieve this performance measure.

The buildings along Pacific Highway are oriented with the fronts facing the street. These front elevations include variations in architectural detail and materials, such as stone veneer, wood trim, variations in siding direction and width as shown on sheets EX 8 through EX 17. As conditioned further in this report, there will also be pedestrian connections from the sidewalk along Pacific Highway to the units facing the street. All units in the development are oriented to the pedestrian in that there is a network of sidewalks connecting all elements of the development to the external sidewalk system. The units along SW Cedar Brook Way do have entrances fronting this street with pedestrian access to the sidewalk from these entrances. However, the elevations do not reveal articulation and awnings demonstrating compliance with these standards, specifically standards 1 and 3. The buildings are setback slightly further than the minimum setback required, however, this is necessitated to accommodate the increased public utility and sidewalk easement width provided.

**FINDING:** Based on the analysis above, this standard has not been fully met; however, the standards can be met through compliance with pedestrian access conditions recommended further in this report and by submitting revised plans to the Planning Commission that demonstrate the elevations facing SW Cedar Brook Way will have significant articulation to identify the front entrances as significant features and to break up the building mass and provide shelter from the rain.

**CONDITION:** Prior to final site plan approval, submit revised plans that demonstrate the elevations facing SW Cedar Brook Way will have significant articulation to identify the front entrances as significant features and to break up the building mass and provide shelter from the rain.

## II. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 2. The relevant criteria in Chapters 2, 5, 6 and 8 are discussed below. Chapter 9 is not applicable to this site plan application, as there are no Historic Resources on the site.

### A. Chapter 2 - Land Use and Development

The applicable zoning district standard for the proposed zoning is identified in Chapter 2.105 (High Density Residential). In addition, the following sections in Chapter 2 are also applicable: 2.204 (Townhomes), 2.301 (Clear Vision Areas), 2.302 (Additional Setbacks) and 2.303 (fences).

#### 2.105 – High Density Residential (HDR) Zoning District:

The applicable standards in Section 2.105 include: 2.105.02, 2.105.03, 2.105.04 and 2.105.05. Compliance with these standards is discussed below:

##### Permitted Uses (2.105.02, 2.105.03 and 2.105.04)

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a Zoning & Development Code density not less than 16.8 dwellings per acre may

be allowed. Minor land partitions shall be exempt from the minimum density requirement. Sections 2.105.02, .03 and .04 list the permitted, conditional and prohibited uses in the HDR zone.

The proposal is to develop a multi-family development, which is a permitted use in the HDR zone. The density permitted in the HDR zone is a minimum of 16.8 and a maximum of 24 units per acre. The subject site, after lot line adjustment and exclusion of right of way dedications, is 7.66 acres. Therefore, the permitted density is no less than 129 units and no more than 183 units. The proposal is to construct 183 units.

**FINDING:** Based on the analysis above, the proposal is a permitted use in the zone and meets the density requirements of the underlying zone.

**Dimensional Standards (2.105.05)**

Section 2.105.05 has the following dimensional standards in HDR zones:

	Single-Family Detached	Single-Family Attached	Two-Family	Multi-Family
Lot area	5,000	4,000	8000	8,000 (for 1 <sup>st</sup> 2, then 1,500 for each add'l)
Lot width at front property line	25 feet	25 feet	25 feet	25 feet
Lot width at building line	50 feet	50 feet	60 feet	60 feet
Front yard setback	20 feet	20 feet	20 feet	20 feet
Side yard setback	5 feet corner side street = 15 ft).	5 feet	5 feet (corner street side= 15 ft)	1 story – 5 ft 2 story – 7 ft 1 ½ story – 8 ft Corner – 30 ft
Rear yard setback	20 feet	20 feet	20 feet	20 feet
Height	Except as otherwise provided, the maximum height shall be three (3) stories or forty (40) feet, whichever is less			

With 183 units, the required minimum lot area is 279,500 square feet or 6.41 acres (181x1500 +8000). The property exceeds this minimum lot area with a net acreage of 7.66. While discrete lots will not be created because the applicant proposes to develop the units as condominiums, staff interprets the lot dimension standards to be equally applicable to the site plan approval. Should the applicant not proceed through the condominium process but instead wish to subdivide the property, a subdivision permit and any related permits would have to be applied for by the applicant.

The property also more than exceeds the lot width at the front property line and building line. Staff verified on the plans that the buildings along both Pacific Highway and Cedar Brook Way are set back more than 20 feet from the property line. The buildings are three (3) stories, therefore the required side-yard setbacks are eight (8) feet and required street side-yard setbacks are 30 feet. The minimum required dimensions are more for "Building 10", which is the only true corner building. Side and rear yard setbacks are met as shown on the plans. The buildings will be three (3) stories and less than 40 feet in height as measured from the base of the building to the top of the roof.

This section also requires that buildings grouped together in one project on one tract of land be separated by a distance equal to the sum of the required yard for each building. In this case, since there are no side-yard setback standards for 3-story buildings, the 2 ½ story



setback of eight (8) feet will be used. This results in a minimum 16 foot separation between all of the buildings. Staff verified on the scaled plans that all buildings will be separated a distance between 16 and 24 feet.

**FINDING:** Based on the discussion above, the proposal complies with the dimensional standards.

### **2.301 - Clear Vision Areas**

**Section 2.301 provides requirements for maintaining clear vision areas at intersections of 2 streets, a street and a railroad or a street and an alley or private driveway. In residential zones, the minimum clear vision distance is 30 feet for streets and 10 feet at the intersection of a street and an alley. In locations/zones with no minimum yard requirements, the clear vision standards do not apply.**

The proposal includes the intersection of SW Pacific Highway and SW Cedar Brook Way and three private driveway intersections with SW Cedar Brook Way. The site plan and landscape plans both show the 30 foot vision clearance triangle for SW Pacific Highway, SW Cedar Brook Way, and the private driveway intersections will be met. The landscaping within the vision clearance areas for the private driveways will be planted with lawn and Bearberry Cotoneaster. The landscaping at the intersection of Pacific Highway and Cedar Brook way is existing and is not proposed to be altered or planted further. No trees are shown to be planted within the vision clearance areas.

**FINDING:** Based on the discussion above, the clear vision standards have been met.

### **2.303 - Fences, walls and hedges**

**Fences up to forty-two inches (42") high are allowed in required front building setbacks. Fences up to six feet (6') high are allowed in required side or rear building setbacks. Additionally, all fences shall be subject to the clear vision provisions of Section 2.301. Chain link fencing is not allowed along any residential street frontage.**

The applicant has proposed 4 foot high (48") fences along the frontage of SW Cedar Brook Way which, in some cases, are located within the required 20 foot front yard setback. The plans do not indicate the types of materials to be used. The proposed locations of the fences do not conflict with the vision clearance areas.

The plans also show a 175 foot long, six (6) foot high wood fence along a portion of the northwestern property line. As this location would constitute the side or rear property line, the six foot height is acceptable. No other fences are proposed.

**FINDING:** Based on the analysis above, staff can not find that the standard has been met. Compliance can be achieved, however, through the conditions listed below.

**CONDITION:** Submit a revised site plan that shows the material of the proposed fences along SW Cedar Brook Way for staff confirmation that chain link will not be provided.

**CONDITION:** Submit a revised plan that shows the fence height will either be 42" high (3 ½ feet) or located outside the required 20 foot front yard setback.

## **B. Chapter 5 - Community Design**

The applicable provisions of Chapter 5 include: 5.100 (Site Planning), 5.200 (Landscaping), 5.3 (Off-street parking and Loading), and 5.4 (On-site Circulation). Compliance with the standards in these sections is discussed below:

### 5.201 Landscape Plan

All proposed developments for which a site plan is required pursuant to Section 5.102 shall submit a landscaping plan which meets the standards of Section 5.200. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

The landscape plans, sheet EX 20 and EX 21, show that all areas not covered with structures, walkways, paved roadways and parking on the site will be landscaped. The plans are silent in regards to the portion of ODOT right of way fronting SW Pacific Highway. Unless ODOT prohibits it, this area must also be landscaped with a variety of trees, lawn and shrubs and maintained by the property owner.

**FINDING:** As discussed above, this standard is not fully met because the applicant has not indicated proposed landscaping between the property line and the pavement. If the applicant submits either a revised landscape plan that includes this area or documentation from ODOT that they will not permit landscaping in this area, this standard will be met.

**CONDITION:** Prior to final site plan approval, submit either a revised landscape plan that includes the area along SW Pacific Highway between the property line and the pavement or submit documentation from ODOT that they will not permit landscaping in this area, this standard will be met.

### 5.202 Landscaping Materials

**5.202.01 Varieties** - Required landscaped areas shall include an appropriate combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of Section 5.200.

**FINDING:** The landscape plan provides a combination of trees, large and small shrubs, ground cover and lawn; therefore, this standard is satisfied.

**5.202.02 Establishment of Healthy Growth and Size** - Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.

The landscape plans do not provide information demonstrating how the landscape areas will be maintained and the preliminary utility plans do not show a proposed irrigation system. It is possible for the applicant to meet this standard if they provide staff with sufficient information documenting how they intend to maintain the required landscaping.

**FINDING:** As discussed above, staff can not confirm that this standard will be met. If the applicant provides more information on the proposed planting and maintenance plan to ensure that the landscaping will be appropriately maintained, this standard will be met.

**5.202.04 Existing Vegetation** - All developments subject to site plan review as per Section 5.102.01 and required to submit landscaping plans as per Section 5.202 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 8.304.07.

**FINDING:** There are no existing trees on the property being developed with the multi-family use. The only existing vegetation is grass, which will be removed to accommodate the development. Therefore, this standard is satisfied.

## 5.203 Landscaping Standards

**5.203.01 Perimeter Screening and Buffering** - A minimum six (6) foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial or industrial uses. In addition, plants and other landscaping features may be required by the Commission in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

The western property line abuts property zoned general commercial but is currently vacant. The applicant has proposed a six (6) foot high fence along only a portion of the property line. Because there is currently no commercial USE, this is acceptable. When and if the commercially zoned property to the west develops, that development will be required to install adequate screening. There is also an existing single family use, which will remain on the northeastern portion of the property across Cedar Brook Way. Because this existing use will be separated by a 52 foot right of way, it does not technically abut this property and no additional screening is required.

**FINDING:** As discussed above, this standard is satisfied.

### 5.203.02 – Parking and Loading Areas:

**Total Landscaped Area (5.203.02.A)** - All areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 5.200.

The plans show landscaping will be provided in all areas not covered by buildings, parking or circulation areas. However, it is not clear that the proposed plants are "native to the Pacific Northwest". This standard could easily be met if the landscape architect submits a letter certifying that the plants are native or are the most appropriate plants given the location and soils or if they modify the plant list to provide the required native plants.

**FINDING:** As discussed above, staff can not confirm that the plants proposed are native. However, staff is confident that this standard can be met if the applicant submits a letter certifying that the plants are native or if they modify the plant list to provide the required native plants.

**CONDITION:** Submit a letter from the landscape architect certifying that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.

**Adjacent to Public Rights-of-Way (5.203.02.B)** - A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 2.303.

For the most part, the only parking or vehicle use areas visible from the street right-of-way are adjacent to the access driveways and screening is limited due to vision clearance standards. The only exception is the parking fronting buildings 10 and 11. The parking in



front of these buildings is 33 feet from the property line and buffered by trees, ground cover and a 4 foot fence, thereby satisfying this standard.

**FINDING:** Based on the analysis above, this standard is satisfied.

**Perimeter Landscaping (5.203.02.C)** - A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.

The applicant's plans show a 6 foot high wood fence will be provided along the western property line (where the proposed picnic area is located) where the parking area will be visible to the adjacent property. In addition to the fence, Ash and Fir trees are proposed along with lawn which meets the ten foot landscape strip requirement.

**FINDING:** Based on the analysis above, this standard has been met.

**Interior Landscaping (5.203.02.D)** - A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row.

The parking lot landscape islands are designed adjacent to pedestrian walkways which help to delineate them. All of the landscape islands exceed 64 square feet and are spaced closer together than every 15 spaces in all instances. The longest distance between landscape islands is eight spaces with 5 spaces being the average. The Code does not currently specify the required amount of parking lot landscaping, however 10 percent is the number that has been used in the past. With that in mind, the applicant has 89,804 square feet of parking and private circulation areas. Assuming 10% of that is required to be landscaped, the applicant must have 8,980 square feet of parking lot landscaping. The applicant's narrative indicates there is 6,098 square feet of landscaping attributed directly to parking areas. However, as shown on EX-22, it appears that some areas that could be counted as parking lot landscaping were not. There is a significant amount of area utilized for landscaping within the parking areas and staff is confident that this standard is or can be met, however the applicant must submit documentation fully demonstrating compliance.

**FINDING:** As discussed above, staff can not confirm that this standard has been fully met. If the applicant submits detailed calculations along with a plan that shows the location of areas calculated to determine the total parking lot landscaping and interior parking lot landscaping, this standard will be met.

**CONDITION:** Prior to final site plan approval, submit detailed calculations along with a plan that shows the location of areas calculated to determine the total parking lot landscaping and interior parking lot landscaping.

**Landscaping at Points of Access (5.203.02.E)** - When a private access way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 2.301.

This standard was addressed and conditioned previously in this report under the clear vision area section.

**FINDING:** Based on the discussion above, this standard has been previously addressed.

**5.203.03 - Visual Corridors**

**New developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Section 8.304.**

The TSP indicates SW Cedar Brook Way as a proposed local street, therefore, the visual corridor standards do not apply for that frontage. The property has frontage on Highway 99W, which requires a 25 foot visual corridor per Section 8.304.04 of the SZCDC. The applicant has submitted a landscape plan, specifically sheet EX-21; however, it does not appear to fully meet the requirements specific to Highway 99W. Section 8.304.04.E requires that at least 50% of the visual corridor area include groupings of at least five (5) native evergreen trees. The frontage along Highway 99W is 730 feet, therefore 365 feet of the frontage should include these groupings. The plans show four (4) groupings approximately 55 feet long, therefore the standard has not been met. In addition, the Code indicates that a landscape plan for the highway median paralleling the property shall be provided in coordination with the City and ODOT. This is not shown.

**FINDING:** As discussed above, this standard has not been fully met. It is possible for the applicant to meet this standard through compliance with the conditions specified below.

**CONDITIONS:**

1. Submit a revised plan that shows 50% of the visual corridor area will include groupings of at least 5 native evergreen trees.
2. Submit a landscape plan for the highway median paralleling the site or documentation from ODOT that they will not permit such landscaping at this time.

**5.301 – General Off-street parking and loading**

**5.301.05 Prohibited Uses - Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.**

The plans are silent in regard to the restrictions on long term storage of vehicles, boats, trailers, etc. In order to ensure that this standard is complied with, the applicant should be required to submit a copy of the recorded CC&R's that verifies surface parking spaces shall be limited to parking motor vehicles only and may not be used for the long term storage of equipment, materials or vehicles.

**FINDING:** As discussed above, staff can not confirm that this standard will be met. However, the standard could be met through compliance with the following condition.

**CONDITION:** Prior to final site plan approval, submit a copy of the proposed CC&R's which verify long term storage or temporary sale of vehicles, equipment or materials shall be prohibited. Prior to final occupancy, submit a copy of the recorded CC&R's.

**5.301.06 Location - Residential off-street parking spaces shall be located on the same lot as the residential use. For other uses, required off-street parking spaces may**

include adjacent on-street parking spaces, nearby public parking and shared parking located within 500 feet of the use.

**FINDING:** The proposed parking is located on the same property as the residential uses and, therefore, this standard has been addressed.

**5.301.07 Marking** - All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

The plans show parking spaces will be striped and compact spaces and ADA spaces will be clearly marked. There are no loading spaces proposed or anticipated. In addition, the applicant shall submit a wayfinding and signage plan for parking and common areas to allow visitors the ability to locate the appropriate parking spaces, buildings, etc without impeding the drive access. Verification of adequate markings and signage will occur during site inspections prior to occupancy permits.

**FINDING:** Submit a signage plan for internal wayfinding that describes and illustrates all signage for review and approval.

**5.301.08 - Drainage**

**Parking and loading areas shall include storm water drainage facilities approved by the City Engineer.**

The Building Department, not the Engineering Department, reviews sites for private drainage. The plans show that catch basins located throughout the parking and circulation areas will be provided and will drain to the water quality facility on the eastern side of SW Cedar Brook Way. Storm drainage will be evaluated in more detail during the building permit phase of development, however, it does not appear that any changes would be required which would require significant alteration to the site. Building Department review of the drainage plan is necessary in order to ensure this standard is fully met.

**FINDING:** Based on the analysis above, staff can not confirm that this standard has been fully met. If the applicant complies with the condition listed below for each development, this standard will be met.

**CONDITION:** Prior to issuance of building permits, obtain approval from the Building Department, Engineering Department and Clean Water Services for the proposed storm drainage system on-site.

**5.302 Off-street parking standards**

**5.302.02 – Minimum parking spaces**

**5.302.02 provides the required minimum and maximum parking spaces for uses permitted by the SZCDC. The required parking for multi-family developments is 1 space for units under 500 square feet, 1.25 spaces per 1 bedroom, 1.5 spaces per 2 bedroom and 1.75 spaces per 3 bedroom. There is no maximum number of parking spaces.**

Based on the units and bedroom types indicated, the development must have a minimum of 276 parking spaces. The applicant has submitted plans that show the required parking will be provided through a combination of garage and surface parking for a total of 315 parking spaces provided (although staff has counted 318 parking spaces).

**FINDING:** As analyzed and discussed above, the applicant has exceeded the minimum required number of parking spaces.

**5.302.03.A – Dimensional Standards**

For the purpose of Section 5.300, a "parking space" generally means a minimum stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five percent (25%) of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

Of the 318 parking spaces provided, the site plan shows 61 compact parking spaces (the site plan indicates 59, however staff count indicates 61), which represents 19% of the total parking provided. All standard parking spaces are at least nine (9) feet wide and twenty (20) feet in length and the compact parking spaces are all at least 8 feet wide and 18 feet in length; however the spaces are larger in many cases. All the compact spaces appear to be marked, which will be verified during site inspections prior to occupancy.

**FINDING:** This standard is satisfied; however, compliance will be verified during site inspections prior to occupancy.

**5.302.03.B – Parking layout**

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required. All parking areas shall meet the minimum standards shown in Appendix G.

All parking spaces are served by the private driveway and do not back out directly onto a public street. The driveway aisles are all 26 feet in width, which provides sufficient width for maneuvering of vehicles. Slight modifications will be required to comply with TVF&R requirements as discussed in detail under Part 2, Section I.B.

**FINDING:** As discussed above, this standard is met.

**5.302.03.C. – Wheel stops**

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in Appendix G.

The plans do not show wheel stops will be provided where parking abuts landscaping or sidewalks. For the most part, every parking spaces that is not abutting or within a garage abuts landscaping or a sidewalk and must have a wheel stop. This could easily be met if the applicant simply revises the plans to show wheel stops will be installed.

**FINDING:** As discussed above, this standard has not been satisfied but can easily be met with the submittal of revised plans that show wheel stops will be installed in any parking spot abutting landscaping or walkways.

**CONDITION:** Prior to final site plan approval, submit a revised site plan that shows wheel stops will be provided for all parking spaces which abut landscaped areas or walkways.

### 5.302.03.E. - Bicycle Parking Facilities

This section provides standards for bicycle parking facilities. The following standards must be addressed/met:

1. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture.
2. **Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage; Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
3. Bicycle parking shall be least as well lit as vehicle parking for security.
4. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
5. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

The applicant's plans show bicycle racks will be provided in the vicinity of the pool and in the vicinity of the playground. The location is out of the pedestrian pathway, however it is not clear how many spaces the bike racks will accommodate or whether they will be covered, lit, or secure. The Code requires one space for every 10 auto spaces. With 318 parking spaces, the applicant is required to provide a minimum of 32 bicycle parking spaces. The applicant indicates a central location, but has not demonstrated why this is necessary or why an individual rack near the entrance of each building is not appropriate.

**FINDING:** Because it is not clear how many spaces the proposed bike racks will handle, staff can not confirm that this standard is met. If the applicant submits a revised plan that includes details of the proposed racks so that staff can verify 32 spaces will be accommodated and addresses all standards in 5.302.03.E, this standard will be met.

**CONDITION:** Prior to final site plan approval, submit a revised plan that includes details of the proposed racks so that staff can verify 32 spaces will be accommodated and addresses all standards in 5.302.03.E. The applicant shall also provide justification as to the appropriateness of the locations proposed. Alternatively, the applicant is encouraged to provide smaller bicycle racks in more locations throughout the development site to better accommodate resident's bike parking needs.

## **5.400 On-Site Circulation**

### 5.401 – On-site pedestrian and bicycle circulation

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.

The development includes a network of pedestrian pathways that internally connect all of the buildings to community recreation areas, including the pool, playground and picnic area. The pedestrian connections that cross driveways are clearly marked. For the most part, the

plans show the pathway scaling to six (6) feet in width, however there are some portions that do not scale exactly. While this is most likely a reproduction issue, the applicant should verify that all on-site pedestrian connections will be six feet wide. The external, on-site pedestrian circulation connects to the sidewalk along SW Cedar Brook Way in four locations. The pathway does not connect directly to the proposed sidewalk along SW Pacific Highway, nor does it connect to the adjacent property. Unless ODOT prohibits it, the applicant should be required to connect the internal pedestrian pathway system to the sidewalk along SW Pacific Highway via new connections extending between buildings 3 and 4, 5 and 6, and 7 and 8. The applicant should also be required to provide at least one pedestrian connection to the adjacent property near the southwestern portion of the property.

**FINDING:** As discussed above, staff can not find that this standard has been fully met. If the applicant complies with the condition below, this standard will be addressed.

**CONDITION:** Prior to final site plan approval, submit a revised plan that shows walkway connections extending between buildings 3 and 4, 5 and 6, and 7 and 8 to the new sidewalk on SW Pacific Highway. In the event that ODOT provides written confirmation that they will not permit such a connection within their right-of-way, this condition will be void.

**CONDITION:** Prior to final site plan approval, submit a revised plan that shows the pathways on-site will be at least six (6) feet wide.

#### **5.401.02 – Joint Access**

**Two (2) or more uses, structures, or parcels of land may utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.**

**FINDING:** The 30 buildings will be served via two access drives onto SW Cedar Brook Way. This is the minimum number of accesses permitted; therefore joint access is not possible.

#### **5.401.03 Connection to Streets**

**A. Except for joint access as per Section 5.401.02, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.**

**B. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.**

The plans indicate all ingress and egress will connect directly to a public street. Pedestrian connections from the entrance of each building to the public street were discussed previously in this report.

**FINDING:** Based on the analysis above, this standard has been met.

#### **5.401.05 Access to Major Roadways**

**Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:**



A. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

B. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.

C. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

The proposal includes construction of Cedar Brook Way, a new local street, which will eliminate the two existing driveway access points to 99W on tax lot 1000, thereby satisfying this standard. Cedar Brook Way will eventually connect to a stub that was provided with the construction of the roundabout south of the subject property. Access spacing along SW Cedar Brook Way in relation to 99W is discussed later in this report in Section C.

**FINDING:** Based on the analysis above, this standard is satisfied.

#### 5.402 Minimum Residential Standards

**5.402.01.C Driveways** states that Multi-Family developments shall have two 24-foot wide two-way driveways when more than 50 units are proposed.

The proposal includes two 26-foot wide access points which satisfies this standard. The Fire District has stricter standards and will likely require an emergency access as well as mitigation for the close spacing of the two proposed driveways shown. The narrative indicates that a grasscrete emergency access is provided from the private driveway to SW Meinecke Road. However, this is not reflected on the submitted plans. Emergency access issues and concerns are addressed and conditioned later in this report under Section C.

**FINDING:** This standard is satisfied.

#### 5.402.02.B Sidewalks and Curbs (Multi-family)

1. A system of private pedestrian sidewalks/pathways extending throughout the development site, shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, to adjacent developments, to transit facilities within 500 feet of the site, and future phases of development. Main building entrances shall also be connected to one another.
2. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one side of approved driveways connecting to the public sidewalk or curb of the public street which provides required ingress and egress. Curbs shall also be required at a standard approved by the Commission.

3. **Private Pathway/Sidewalk Design.** Private pathway surfaces shall be concrete, brick,/masonry pavers, or other durable surface, at least 5 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).
4. **Exceptions.** Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

**FINDING:** This standard was discussed and found to comply previously in this report under Section II.B.5.401.

#### **5.502 - Solid Waste Storage**

**All uses shall provide solid waste storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste storage areas and receptacles shall be located out of public view. Solid waste receptacles for multi-family, commercial and industrial uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.**

The plans show three locations for the trash enclosures. Pride Disposal has reviewed the plans and expressed concerns with the design of the facilities (sheet EX 18), as well as the location of the facility behind Building 18. Pride has provided the applicant with specification for the design of the facility to ensure that the truck and driver can easily service the facility. In addition, the location of the facility behind Building 18 must be moved to allow a truck to access it head on. It appears that this could be addressed by moving the trash facility to behind Building 19 and adjusting the parking currently behind Building 19 accordingly. Prior to final site plan approval, the applicant must submit revised site plans that have been accepted by Pride Disposal as accessible. The trash enclosures are designed to blend in with the overall development and are adequately screened

**FINDING:** Based on the analysis above, staff can not determine if this standard has been met. If the applicant revises the site plan and obtains verification from Pride Disposal that the location of the trash and recycling receptacle and design can be easily accessed, this standard will be met.

**CONDITION:** Submit revised plans along with verification from Pride Disposal that the location of the trash and recycling receptacle and design can be serviced by their trucks.

### **C. Chapter 6 - Public Improvements**

#### **6.300– Streets**

##### **6.301.01 – Required Improvements**

**Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.**



#### 6.303.04 Extent of Improvements

Streets required pursuant to Section 6.300 shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the Standard Transportation Drawings, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map.

Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.

#### *SW Cedar Brook Way:*

This proposed local street represents the first leg of a new road that will eventually connect Highway 99W to Meinecke Parkway at the Cedar Brook Way-Meinecke Parkway roundabout. The new road will also provide access for tax lots 1001 and 1002 to the north.

Per Figure 8-1 of the Transportation System Plan, (TSP), this road is designated as a local street and is expected serve as local access for property adjacent to Highway 99W. Figure 8-5a shows typical configurations for local streets. The applicant has received a letter of concurrence dated March 31, 2006 from the City Engineer regarding the preliminary design of this street to allow the sidewalk to be located outside of the right of way and meander while providing a 36 foot pavement width consistent with a "Neighborhood Route" design.

For public safety and traffic management purposes, the City will require a center turn lane, no parking on either side of the street, street lights and a brief center median located at the "right-in, right out" intersection of Highway 99W and Cedar Brook Way. This is also discussed and conditioned further under 6.305.13 – Traffic Controls.

Should the Applicant desire to extend this median a short distance up SW Cedar Brook Way with a fully curbed section including a landscaped/treed center portion, such design would be encouraged by the Engineering Department and create a visually appealing streetscape similar to the Sunset Boulevard entrance to the original Woodhaven Planned Unit Development.

The Engineering Department has indicated that additional requirements for Cedar Brook Way are that driveways for tax lots 1001 and 1002 align with the proposed driveways for Woodhaven Crossing II.

#### SW Pacific Highway (Hwy 99W):

This is a State highway owned and maintained by ODOT. Therefore, the applicant will need to meet the requirements of BOTH the State and the City for improvements and access to this road. Should ODOT requirements conflict with those of Sherwood, then the more stringent requirement shall generally prevail. Design criteria for Highway 99W within the City limits can be found in Figure 8-3b of the Sherwood Transportation Plan.

A summary of the requirements from this figure is shown below:

ROW	122 ft (min)
Paved Width	42 ft (3 south bound lanes with 1 bike lane)
Curb Width	6 inches
Sidewalk width	6 ft
Tree Lawn (Parkway strip)	5 ft
Design speed	45 mph

The applicant's drawings do not indicate the addition of a third south bound travel lane along the frontage of this site as is required by TSP Figure 8-3b; however, ODOT has reviewed the plans as well as the City TSP and has commented that the installation of the third travel lane at this time is not recommended because there are potential turning conflicts with the Meinecke Road intersection.

Figure 8-3b also requires curb and gutter along the Highway 99W frontage as well as a five-foot planter strip, a six-foot sidewalk and six-foot bike lane. Street trees may be located behind the sidewalk if ODOT objects to such in the planter strip. Pages 28 and 29 of the applicant's narrative suggest relocating the bikeway outside the paved section of Highway 99W and include a bike design with the highway frontage improvements. It should be noted that any variations to the TSP will require approval from both ODOT and the City of Sherwood.

The Engineering Department has also indicated that, at a minimum, street lighting should be provided at the intersection of SW Cedar Brook Way and Highway 99W. The applicant shall be conditioned to obtain approval from the Engineering Department and ODOT for any public improvement plans prior to final site plan approval. In addition, an ODOT access permit shall be obtained. Further, the public improvements must be complete prior to the issuance of occupancy permits for the development.

**FINDING:** As discussed above, the street design proposed for SW Pacific Highway does not fully comply with City and/or ODOT requirements because formal public improvement plan review and approval has not been obtained. While it appears feasible to obtain this approval with potential modification if needed, the applicant must be conditioned to obtain approval from ODOT and the City for the public improvement plans prior to final site plan approval.

**CONDITION:**

1. Prior to final site plan approval, obtain approval from ODOT for the public improvements along Pacific Highway, specifically:
  - a. Curb, sidewalk, bikeways and road widening shall be constructed as necessary to be consistent with the TSP and ODOT/ADA standards, whichever is more stringent
  - b. Right of way dedication as determined necessary to accommodate the planned cross section identified in the TSP.
  - c. ODOT approach permit for access to the state highway system
  - d. ODOT Miscellaneous Permit for the work in the highway right of way
  - e. ODOT drainage permits for connection to the State highway drainage facilities.
2. Prior to final site plan approval, obtain approval from the Engineering Department for the public improvement plans along Cedar Brook Way.

### 6.303.05 Street Modifications

**6.303.05.A.2 - Design Modification.** Design modifications shall be proposed in conjunction with the application for the underlying development proposal and processed as a Type III application.

**6.303.05.B.** Street modifications may be granted when criterion D.1 and any one of criteria D.2 through D.6 are met:

1. A letter of concurrency is obtained from the City Engineer or designee.
2. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
3. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.
4. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.
5. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.
6. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.

The applicant has requested a modification to the street design standards. The TSP calls for SW Cedar Brook Way to be a local street, however, the applicant has proposed to build SW Cedar Brook Way to the dimensions of a Neighborhood Route with 36 feet of pavement within a 52 foot right of way. In order to accommodate this, and to create more visual interest along this street, the applicant proposes a meandering sidewalk within a public sidewalk easement. The City Engineer has reviewed their plans and issued a letter of concurrency for the design modification on March 31, 2006 (attached as Exhibit G) based on compliance with 3 and 4 of the modification criteria stated above.

**6.304.01 Generally** - The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Section 8.311, and topographical considerations.

The general location for SW Cedar Brook Way is shown in Figure 8-1 of the TSP. The applicant has proposed to extend the street through their property to the western property line of their project in accordance with this standard. The location of the intersection of SW Cedar Brook Way to SW Pacific Highway has been reviewed by ODOT and is supported. The proposed dimension of the street has been designed to a Neighborhood Route to accommodate anticipated traffic volume, however, the functional classification continues to be local.

**FINDING:** As discussed above, this standard has been satisfied as proposed.

#### 6.304.02 Street Connectivity and Future Street Systems

- A. **Future Street Systems.** The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).
- B. **Connectivity Map Required.** New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that responds to and expands on the Local Street Connectivity map contained in the TSP.
- C. **Block Length.** For new streets except arterials and principal arterials, block length shall not exceed 530 feet. The length of blocks adjacent to principal arterials shall not exceed 1,800 feet.
- D. **Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.**
- E. **Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.**
- F. **Pedestrian and Bicycle Connectivity.** Paved bike and pedestrian accessways at least 8 feet wide, or consistent with cross section standards in Figure 8-6 of the TSP, shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted Transportation System Plan.
- G. **Exceptions.** Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
  - 1. **Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;**
  - 2. **Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or**
  - 3. **Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.**

The distance between SW Meinecke and SW Cedar Brook Way is approximately 700 feet; however, SW Cedar Brook Way is the only access to SW Pacific Highway that will be permitted by ODOT for this project. The applicant is, therefore, exempt from this standard along SW Pacific Highway. The applicant has been conditioned previously to provide pedestrian access from the sidewalk along SW Pacific Highway to the internal pedestrian circulation system in several locations along the SW Pacific Highway frontage. The frontage along SW Cedar Brook Way appears to be approximately 725 feet. While SW Cedar Brook Way will be providing the primary connectivity to the subject parcel and the parcels to the north, west and east, connectivity is appropriate from this proposed residential development to the commercially zoned property to the west. Staff has reviewed the plans, as well as considered the property to the west, and recommends that the applicant be required to provide a public access easement to the adjacent property. It appears feasible if the access easement

extends from the easternmost private drive north towards Building 27 and eliminates Building 27. Because the proposal is at the maximum end of the density, the reduction caused by removing Building 27 would continue to meet the density requirements. However, an alternative proposal may also be proposed provided the required block length and connectivity standards are addressed.

**FINDING:** As discussed above, the applicant has not met the street connectivity standards. It is possible for the proposal to comply with this standard if the applicant complies with the condition listed below.

**CONDITION:** Prior to final site plan approval, submit a revised plan that shows a public access easement through to the property to the west in the vicinity of Building 27. Alternatively, the applicant may propose to the Planning Commission an alternate connection for review and approval at the public hearing.

#### **6.304.03 Underground Utilities**

**All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

The applicant has shown all improvements to serve their development. The Engineering Department has recommended that laterals to serve tax lot 1001 and 1002 be provided at the time SW Cedar Brook Way is constructed to avoid disturbing the street in the future. Overhead utility lines are discussed further in this report under section 6.803.

**FINDING:** Because the plans do not include laterals to the two tax lots on the north side of SW Cedar Brook Way, this standard has not been fully met. If the applicant includes these laterals in their public improvement plans and obtains Engineering approval, this standard will be met.

**CONDITION:** Submit public improvement plans for SW Cedar Brook Way which include laterals to tax lots 1001 and 1002 for Engineering review and approval.

**6.305.04 Future Extension - Where necessary to access or permit future subdivision of adjoining land, streets shall extend to the boundary of the development. Dead-end streets less than 100' in length shall either comply with City cul-de-sac standards of Section 6.305.06, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map.**

**A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202.**

The applicant will construct SW Cedar Brook Way to the property boundary. The applicant has not proposed, but will be conditioned to show in their public improvement plans the installation of a barricade with signage per this standard.

**FINDING:** As proposed, this standard has not been met. If the applicant includes the barricade location, design and signage in their public improvement plans for Engineering review and approval, this standard will be met.



**CONDITION:** Include the proposed barricade location, design and signage in the public improvements plans for Engineering review and approval.

### 6.305 – Street design standard

**6.305.13 Traffic Controls** - For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit.

The applicant submitted a traffic study prepared by Kittleson and Associates, which identified necessary improvements to the northbound left-turn lane at the SW Pacific Highway/SW Sherwood Boulevard intersection to ensure the transportation system continues to function well after this development was completed. These improvements have been conditioned previously in this report. No other traffic controls were identified off-site. The Engineering Department has indicated that a median is necessary at the SW Cedar Brook Way intersection to ensure adequate management of this intersection and the easternmost driveway intersection on SW Cedar Brook Way. This must be shown on the public improvement plans.

**FINDING:** Because the plans do not indicate that a median will be provided along SW Cedar Brook Way as required by the Engineering Department, this standard has not been fully met. If the applicant submits public improvement plans to Engineering for review and approval with a median complying with their design standards, this will be fully met.

**CONDITION:** Prior to final site plan approval, obtain approval of the public improvement plans for SW Cedar Brook Way including a median at the intersection of SW Pacific Highway and SW Cedar Brook Way.

Prior to occupancy, the public improvements must be completed and accepted by the Engineering Department.

### 6.400 - Sanitary Sewers

**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 6.402.01**

The applicant proposes to extend the sanitary sewer from an existing manhole northeast of the project near the point where Cedar Creek intersects Highway 99W. The extension would parallel Highway 99W until intersecting with the proposed extension of SW Cedar Brook Way. At this point the eight (8) inch line would proceed up SW Cedar Brook Way approximately 240' before accessing the site via the proposed private drive.

This approach is acceptable to the City of Sherwood's Engineering Department, provided specifications and requirements set forth in the Clean Water Services Design and Construction Standards are met.

It should be noted that a sanitary manhole currently exists north of the site, not far from the northern most proposed catch basin for SW Cedar Brook Way. Barring design and/or access constraints, the applicant may want to access the sanitary system at this point instead of attempting a longer route through an environmentally sensitive area.

**FINDING:** The applicant's plans appear feasible, but will require review and approval of the public improvement plans before this can be confirmed.

**CONDITION:** Obtain approval from the Engineering Department for the required sanitary sewer connection prior to issuance of building permits.

#### 6.500 – Water Supply

**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 6.500.**

The city contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. The applicant proposes to extend an existing public 12" water main in Highway 99W, near proposed Building 5, north to SW Cedar Brook Way. This line would parallel Highway 99W until intersecting SW Cedar Brook Way. From this location it would extend up SW Cedar Brook Way and access the site just north of the proposed easternmost driveway approach.

For the purpose of looping the water system, the Engineering Department recommends the main line in SW Cedar Brook Way be extended to the western end of the street and stubbed out for future development. To prevent future construction and subsequent patching of the newly created SW Cedar Brook Way, the Engineering Department recommends installation of service laterals for tax lots 1001 and 1002 as a requirement of this project.

With the extension of the water main and installation of laterals to tax lots 1001 and 1002, the Sherwood Engineering Department finds the water design acceptable, however it should be noted that Tualatin Valley Water District will have the final say on the water system design.

Tualatin Valley Fire and Rescue has reviewed the location of proposed fire hydrants and have not indicated specific concerns with the number or location; however, TVF&R approval will be needed prior to final site plan approval.

**FINDING:** The applicant's plans appear feasible but will require review and approval of the public improvement plans and confirmation from TVF&R that the hydrant location and flow is acceptable before this can be confirmed.

**CONDITION:** Obtain approval from the Tualatin Valley Water District as verified in approved public improvements plans for the water system proposed.

**CONDITION:** Prior to final site plan approval, submit confirmation from TVF&R that the hydrant location and design shown in the public improvement plans is acceptable.

#### 6.600 Storm Water

**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan.**

The applicant proposes to collect the impervious on-site areas and street storm water via a pipe system directed to a storm water quality facility located on the north side of SW Cedar Brook Way. The storm water facility then discharges north of the intersection of Highway 99W and Cedar Brook Way and flows overland until reaching Cedar Creek. This approach

is acceptable provided the final design meets specifications and requirements set forth in the Clean Water Services Design and Construction Standards.

Please note that CWS standards require maintenance access for water quality facilities, (CWS Appendix B, 1.4.a), an issue not addressed in the Applicant's current proposal.

Storm drainage for Highway 99W appears to be a non-engineered "bioswale" i.e., ditch paralleling Highway 99W and located between the sidewalk and the building site. This swale must be built to Clean Water Services standards and that all swales and landscaped areas are maintained by the Woodhaven Crossing II Homeowner's Association.

**FINDING:** Based on the analysis above, the applicant has not shown how the storm water facilities will be addressed. However, it appears feasible to provide the necessary storm water facilities and easements. If the applicant obtains approval from the Engineering Department and submits a revised site plan showing the storm water facilities, this standard will be met.

**CONDITION:**

1. Prior to final site plan approval, submit a revised plan that shows maintenance access to the water quality facility as approved by CWS through the Engineering review.
2. Obtain approval from the Engineering Department for the design of the water quality facility built to CWS standards.
3. Submit plans for and receive approval from the Engineering Department for the proposed storm drainage swale paralleling 99W. The swale must comply with CWS standards.
4. Submit a copy of the proposed HOA agreement and/or CC&R's identifying the HOA as responsible for the maintenance of the drainage swale along Pacific Highway.

**6.700 Fire Protection**

**When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 500 feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.**

Tualatin Valley Fire and Rescue (TVF&R) was given the opportunity to provide comments on the proposal. They provided comments which have been attached to and are incorporated into this report. No additional conditions are necessary.

**FINDING:** Compliance with the TVF&R requirements has been addressed and conditioned previously in this report.

**6.800 Public and Private Utilities**

**6.802 Standard**

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**



- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.

On-site utilities will be private. The plans show a minimum 22-foot wide public utility and sidewalk easement along SW Cedar Brook Way. In addition, Sherwood Broadband has requested that the applicant provide conduits and connection to the units from the existing facilities located at the corner of SW Meinecke and Pacific Highway. The utility conduit must be extended to the end of SW Cedar Brook Way as well.

**FINDING:** As discussed above, the public and private utility standards have not been fully addressed because public improvement plans have not been submitted showing all utilities including Sherwood Broadband. If the applicant submits public improvement plans for review and approval which shows all public utilities including Sherwood Broadband and submits a revised site plan that shows Sherwood Broadband will be provided to all of the units, this standard will be addressed.

**CONDITION:** Submit public improvement plans for review and approval which shows all public utilities including Sherwood Broadband. Prior to final site plan approval, submit a revised site plan that shows Sherwood Broadband will be provided to all of the units.

**6.803 – Underground facilities - Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, and cable television, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the Commission.**

The Engineering Department noted that while the City Code requires all existing overhead utilities be placed underground, an exception is noted where utility transmission lines operating at fifty thousand (50,000) volts or more are allowed to be overhead. There is an existing overhead line shown on the plans and it is not clear if this is over 50,000 volts. The applicant must provide verification from PGE on the voltage or underground the line as part of their public improvements. In addition, there is also an overhead line shown the plans to Building 5. It is not clear if this line is proposed to be removed.

**FINDING:** As discussed above, staff can not confirm this standard is met. If the applicant submits a plan (as part of their public improvement plans) to underground the overhead utility lines along SW Pacific Highway and to Building 5 or submits verification from PGE that the voltage exceed the exception criteria, this standard will be met.

**CONDITION:** Include in the public improvement plans a proposal to underground the overhead utility lines along SW Pacific Highway and to Building 5 or submit verification from PGE that the voltage exceed the exception criteria.

**D. Chapter 7 – Lot line Adjustment**

**7.601 -Generally**

The City Manager or his or her designee may approve a property line adjustment without public notice or a public hearing provided that no new lots are created and that the adjusted lots comply with the applicable zone requirements. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

The proposal includes a lot line adjustment to adjust the lot line between tax lots 1000, 1001 and 1002. No new tax lots will be created. The tax lots currently exceed the minimum lot size for the High Density residential zone and will continue to exceed the lot size after the adjustment is completed. While both tax lots 1001 and 1002 will be reduced and contain sensitive areas (wetland, floodplain and/or vegetated corridor buffer), based on the plans submitted there will continue to be upland property thus not creating non-conformities. The setback to the existing dwelling on tax lot 1001 will be 46 feet, exceeding the requirement.

**FINDING:** Based on the analysis above, the lot line adjustment complies with the applicable zone requirements and may be approved.

**E. Chapter 8 - Environmental Resources**

The following sections in Chapter 8 are deemed applicable to this proposed development: 8.202 (Floodplain), 8.304 (Parks and Open Spaces). Compliance with these applicable standards is discussed below:

**8.202 – Floodplain Development**

**8.202.04 Permitted Uses**

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or flood plain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per Section 8.202.02:

A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.

B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district, that do not impede the movement of floodwaters and flood-carried materials.

C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of Sections 8.202.07 and 8.202.08.

D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the flood plain.

The applicant has proposed temporary disruption of the floodplain and wetland adjacent to Cedar Creek to extend a sanitary sewer line to the site; however, this activity is a permitted use as noted in "C" above because it is an underground utility.

**8.202.07 Flood Plain Development**

**8.202.07.4. Alteration Site Plan - The certified site plan prepared by a Registered Civil Engineer or Architect for an altered flood plain area shall show that:**

- a. **Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of floodwater flow.**
- b. **No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the flood plain or increase in flood heights.**
- c. **Proposed flood plain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.**
- d. **No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.**
- e. **On-going maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.**

The applicant has provided documentation from Fishman Environmental Services as part of the application to the US Army Corps of Engineers and Division of State Lands that the temporary impact to the floodplain and wetlands will not impact the storage capacity. The impact to the floodplain and any wetland will be temporary. The topsoil will be temporarily stored adjacent to the impact site and will be reestablished to the existing contour. Any excess soil will be hauled over to the upland portion of the development or off-site. A copy of the DSL/US Army Corps approval and conditions is included as Exhibit H. CWS issued a service provider letter with conditions, including enhancement of the vegetated corridor in the vicinity of the water quality facility. This approval is included in Appendix 2 of the applicant's submittal materials.

**FINDING:** Based on the analysis above and the fact the applicant has approval from CWS, DSL and the US Army Corps of Engineers for the temporary impacts, these criteria have been addressed.

**8.304 – Parks and Open Spaces**

**8.304.03 Multi-Family Developments - Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards:**

- 1. Open Space - A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.**
- 2. Recreation Facilities - A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.**
- 3. Minimum Standards - Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.**
- 4. Terms of Conveyance - Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home**

association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

The site area is 8.87 acres; therefore, 1.77 acres are required in common openspace. The applicant has provided 2.81 acres of openspace, which includes the visual corridor. Because 1.77 acres are required to be common open space, .88 acres are required to be suitable for active recreation. While the applicant has overstated the active recreation areas by including the visual corridor and perimeter landscaping, the standard is easily met with the pool area and playground areas, which total approximately 1.7 acres, are clearly active uses, and do not include the picnic area. All common open space areas are clearly shown and accessible to all units via the pedestrian path discussed previously in this report.

As discussed and conditioned previously, the applicant has indicated that they plan to establish these units as condominiums in which case, the formation of a homeowners association and establishment of CC&R's is essential to ensure the common areas are maintained.

**FINDING:** As discussed above, these standards have been met.

#### **8.304.04 Visual Corridors**

This standard was discussed under Section V.B.5.203 and found to be in compliance.

**FINDING:** This standard was discussed and conditioned to comply under Section 5.203.03

#### **8.304.06 Trees Along Public Streets or on Other Public Property**

**Trees are required to be planted by the land use applicant a minimum of one (1) tree for every twenty-five (25) feet of public street frontage within any new development. Planting of such trees shall be a condition of development approval. The trees must be a minimum of two (2) inches DBH and minimum height of six (6) feet.**

Street trees (Corinthian Linden) are shown on the landscape plans 25 feet on center; however, the Code specifically required one for every 25 feet of frontage. Because the frontage along SW Cedar Brook way is approximately 725 feet, 29 trees are required on each side of the street. Only 22 are shown on the south side and 10 are shown on the north side of the street. The visual corridor along SW Pacific Highway includes trees, however, ODOT has indicated previously that they do not want additional street trees located along this arterial for safety and maintenance reasons.

**FINDING:** Based on the discussion above, this standard is not met. The applicant must include a minimum of 29 trees on each side of SW Cedar Brook Way in the public improvement plans spaced roughly 25 feet on center in order to comply with this standard.

**CONDITION:** Submit public improvement plans to the Engineering Department for review and approval which include no less than 29 street trees along both sides of SW Cedar Brook Way spaced approximately 25 feet on center.

#### **8.304.07 - Trees on Property Subject to Certain Land Use Applications**

**All site developments subject to Section 5.202 shall be required to preserve trees or woodlands to the maximum extent feasible within the context of the proposed land**

use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City.

**FINDING:** The existing site does not have any existing trees; therefore, this standard does not apply.

#### **STAFF RECOMMENDATION**

Based on a review of the applicable code provisions, agency comments, and staff review, staff finds that the proposal meets the applicable standards with conditions and **recommends APPROVAL with conditions** of the proposed 183-unit development.

### **III. RECOMMENDED CONDITIONS OF APPROVAL**

A. General Conditions - The following applies throughout development and occupancy of the site:

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall be limited to the preliminary plans submitted by the applicant and identified in Attachment 1 (list of exhibits), except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer is responsible for all costs associated with public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. Unless specifically exempted in writing by the final decision, the development shall comply with all applicable City of Sherwood and other applicable agency codes and standards except as modified below:

B. Prior to grading the site:

1. Obtain City of Sherwood Building Department approval of grading plans and erosion control.
2. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, and verification of such shall be provided to the City Engineer.
3. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing any structures.
4. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.

C. Public Improvement plans shall be consistent with the Engineering design standards and submittal requirements and shall include:

1. Plans for SW Cedar Brook Way which include laterals to tax lots 1001 and 1002 for Engineering review and approval.
2. The proposed barricade location, design and signage in the public improvements plans at the end of Cedar Brook Way
3. A median at the intersection of Pacific Highway and Cedar Brook Way per Engineering requirements.
4. The design of the water quality facility to CWS standards.
5. Plans for the proposed storm drainage swale paralleling 99W in compliance with CWS standards.
6. All public utilities including Sherwood Broadband.
7. Detail on the underground facilities and the overhead utility lines along Pacific Highway and to Building 5 or verification from PGE that the voltage exceeds the exception criteria.
8. No less than 29 street trees along each side of SW Cedar Brook Way spaced approximately 25 feet on center.

D. Prior to Final Site Plan approval, submit the following to the Planning Department:

1. Obtain approval from the Engineering Department for the public improvement plans.
2. Obtain approval from ODOT for the public improvements along Pacific Highway, specifically:
  - f. Curb, sidewalk, bikeways and road widening shall be constructed as necessary to be consistent with the TSP and ODOT/ADA standards, whichever is more stringent
  - g. Right of way dedication as determined necessary to accommodate the planned cross section identified in the TSP.
  - h. ODOT approach permit for access to the state highway system
  - i. ODOT Miscellaneous Permit for the work in the highway right of way
  - j. ODOT drainage permits for connection to the State highway drainage facilities.
3. Submit revised plans that conform to TVF&R requirements as noted in their review letter, along with documentation that the revision fully complies with their requirements. In the event that additional preventative measures are required by TVF&R to allow the site to be developed substantially similar to the proposal, the applicant shall comply with those requirements.
4. Submit a copy of the proposed CC&R's and Home Owners' Association (HOA) agreement for staff review and approval. At minimum, the CC&Rs and HOA agreement must include the landscape maintenance standards required by the Public Works Department for all common open space and water quality facilities and drainage swale, a provision for how the common open space facilities will be maintained with ultimate responsibility assigned, and provision for the HOA to maintain the water quality facility per the City standards.
5. Submit a signage plan for internal wayfinding that describes and illustrates all signage for review and approval

6. Submit public improvements plans to ODOT and the City which include both the southbound deceleration lane directly north of the project site and the northbound left turn lane at the Pacific Highway/Sherwood Boulevard intersection for review and obtain approval.
7. Submit revised plans that demonstrate the elevations facing SW Cedar Brook Way will have significant articulation to identify the front entrances as significant features and to break up the building mass and provide shelter from the rain.
8. Submit a revised site plan that shows the material of the proposed fences along SW Cedar Brook Way for staff confirmation that chain link will not be used.
9. Submit a revised plan that shows the fence height will either be 42" high (3 ½ feet) or located outside the required 20 foot front yard setback.
10. Submit either a revised landscape plan that includes the area along SW Pacific Highway between the property line and the pavement or submit documentation from ODOT that they will not permit landscaping in this area
11. Submit a letter from the landscape architect certifying that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.
12. Submit detailed calculations along with a plan that shows the location of areas calculated to determine the total parking lot landscaping and interior parking lot landscaping.
13. Submit a revised plan that shows 50% of the visual corridor area will include groupings of at least 5 native evergreen trees.
14. Submit a landscape plan for the highway median paralleling the site or documentation from ODOT that they will not permit such landscaping at this time.
15. Submit a copy of the proposed CC&R's which verify long term storage or temporary sale of vehicles, equipment or materials will be prohibited.
16. Submit a revised site plan that shows Sherwood Broadband will be provided to all of the units.
17. Submit a revised site plan that shows wheel stops will be provided for all parking spaces which abut landscaped areas or walkways.
18. Submit a revised plan that includes details of the proposed bicycle racks so that staff can verify 32 spaces will be accommodated and that the bicycle racks meet all standards in 5.302.03.E.
19. Submit a revised plan that shows walkway connections extending between buildings 3 and 4, 5 and 6, and 7 and 8 to the new sidewalk on SW Pacific Highway. In the event that ODOT provides written confirmation that they will not permit such a connection within their right of way, this condition will be void.
20. Submit revised plan that shows the pathway on-site will be six (6) feet.
21. Submit revised plans along with verification from Pride Disposal that the location and design of the trash and recycling receptacles can be serviced by their trucks.



22. Submit a revised plan that shows a public access easement through to the property to the west in the vicinity of building 27. Alternatively, the applicant may propose an alternate connection to the Planning Commission for review and approval at the public hearing.
23. Obtain approval from the Tualatin Valley Water District as verified in approved public improvement plans for the water system proposed.
24. Submit confirmation from TVF&R that the hydrant location and design shown in the public improvement plans is acceptable.
25. Submit a revised plan that shows maintenance access to the water quality facility as approved by CWS through the Engineering review.

E. Prior to issuance of building permits (other than grading):

1. Obtain approval from the Building Department, Engineering Department and Clean Water Services for the proposed storm drainage system on-site.
2. Obtain final site plan approval from the Planning Department.
3. Submit a construction and inspection phasing plan to the Planning Department for review and approval. The plan shall show the improvements which will be completed associated with each phase.

F. Prior to receiving an occupancy permit for any unit:

1. Submit verification that the conditions in DSL permit No 35741-RF are met to the satisfaction of DSL.
2. The public improvements must be completed and accepted by the City and ODOT.
3. All public improvement plans must be completed and accepted by the Engineering Department and ODOT.
4. Submit a copy of the recorded CC&R's and HOA formation prior to occupancy of the last building.

G. On-going Conditions

1. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
2. The site shall be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.

**VII. Exhibits**

- A. Applicant's submittal package dated January 31, 2006
- B. Comments from ODOT dated May 4, 2006, May 25, 2006 and June 5, 2006
- C. E-mail comments with attachment from Pride Disposal dated May 3, 2006
- D. Resolution 2004-041 and Homeowner's Association maintenance guidelines to be included in CCR's
- E. Letter from Tualatin Valley Fire and Rescue dated May 24, 2006
- F. Memo from Engineering dated May 9, 2006
- G. Letter of concurrency to street improvements from Gene Thomas dated March 31, 2006
- H. Joint DSL/Corps permit dated May 15, 2006 for temporary wetland impacts

**EXHIBIT A**

**SEE SITE PLAN REVIEW DOCUMENT**

**&**

**SITE PLAN MAP**

*Large documents - Available at  
Planning Commission 4/13/06  
for viewing .*



# Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1

123 NW Flanders St.

Portland, OR 97209 - 4037

Telephone (503) 731-8200

FAX (503) 731-8259

DATE: May 4, 2006

**Sherwood, City of**  
 Planning Department  
 20 NW Washington St.  
 Sherwood, OR 97140-7851

Attn: Julia Hajduk, Senior Planner

SUBJECT: Woodhaven Crossing II Traffic Impact Study  
 US99W @ MP 15.75 (Cedar Brook Way)  
 City of Sherwood Case: SP 06-02/LLA 06-01/VAR 06-02  
 ODOT Land Use Case: 2152

Dear, Ms. Hajduk

I have reviewed the "Woodhaven Crossing II Residential Development Traffic Impact Analysis" (TIS) prepared by Scott Beaird and Marc Butorac, P.E. of Kittelson & Associates in October of 2005. The TIS was prepared in support of the Woodhaven Crossing Development Proposal, City of Sherwood case no. SP 06-02/LLA 06-01/VAR 06-02.

The proposed development is a site located on US99W, at the future Cedar Brook Way intersection. The state facilities that are impacted by the development are the 99W/N. Sherwood Blvd., the 99W/Cedar Brook Way, and 99W/Meinecke intersections at the I-5/Nyberg Road interchange. 99W is a statewide, NHS freight route. According to table 7 of the *Oregon Highway Plan (OHP)* the maximum allowable volume to capacity ratio (v/c) of the highway in this vicinity is 0.99. The speed limit of 99W in this vicinity is 45 MPH. According to Table 13 of the *OHP* the access spacing standard is 990 feet.

### Land Use and Site Traffic Generation

The proposed project is an allowed use for the existing zoning, high density residential. The proposed use is 183 condominium units. The study analyzed traffic during both the weekday AM and PM peak hours. The analyst is using 85 net new trips for the weekday AM peak and 100 net new trips for the weekday PM peak hour. ODOT finds that the assumed trips are consistent with the "ITE Trip Generation" manual. The analysis includes existing 2005 conditions, year of buildout, 2008 conditions with and without the proposed development.

## **Access**

As part of the development the applicant has proposed to construct part of the new Cedar Brook Way frontage road. This is consistent with the City of Sherwood's Transportation Plan. The intersection of Cedar Brook Way will be the only access to 99W. In the future Cedar Brook Way will be connected to SW Meinecke Parkway. The access will be approximately 800 from the 99W/SW Meinecke Parkway intersection. According to the TIS a deceleration lane is warranted at the access point. Based on volumes the access would meet the criteria for a right-turn lane, it will, however, have to be approved by the Region Traffic Engineer, Dennis Mitchell. The applicant will need to contact Steve Schalk of District 2A regarding an access permit. Steve's phone number is 503-229-5002.

### **99W/N. Sherwood Blvd**

According to Kittelson this intersection meets the mobility standard in 2005 for both the AM and PM peaks, the v/c ratio is 0.74 for both. The intersection will meet the mobility standard in 2008 without the proposed development for both the AM and a PM peak, the v/c ratio is 0.78 for both. The intersection will meet the mobility standard for 2008 with buildout; the v/c ratios are 0.79 and 0.81 respectively. ODOT is satisfied that the mobility standards are met. We are, however, concerned about the queuing storage, especially due to the fact that the development will only be able to access the southbound portion of 99W. Northbound traffic wishing to access the site will have to make a u-turn at the N. Sherwood intersection. According to table 4 of the TIS the northbound left-turn queues in the PM peak will be 175 feet with background traffic only and will be 200 feet with the proposed development included. The Table incorrectly states that the available storage is 200 feet. It is actually only approximately 100+ feet based on aerial photos. The applicant will be required to construct enough storage to accommodate the 95<sup>th</sup> percentile queues as per Highway Design Manual.

### **99W/SW Meinecke Pkwy**

According to Kittelson this intersection meets the mobility standard in 2005 for the AM and PM peaks, the v/c ratios are 0.65 and 0.61 respectively. The intersection will meet the mobility standard in 2008 without the proposed development for the AM and PM peaks, the v/c ratios are 0.69 and 0.66 respectively. The intersection will meet the mobility standard for 2008 with buildout, the v/c ratios are 0.74 and 0.66 respectively. ODOT is satisfied that the mobility standards are met. According to table 4 of the TIS the southbound left-turn queues in the PM peak will be 225 feet with background traffic only and will be 250 feet with the proposed development included. The Table states that the available storage is 375 feet. The available storage is adequate. No mitigation necessary at this intersection.

## Conclusion

ODOT does not object to the Woodhaven Crossing II development provided the necessary mitigation is conditioned by the City of Sherwood. ODOT recommend that the City condition the applicant to install the right-turn lane at the Cedar Brook access as described above. ODOT recommends that the City condition the applicant to extend the northbound left-turn lane at the 99W/N. Sherwood Blvd intersection as described above. ODOT also recommends that the city condition the applicant to apply for an access permit. Thank you for allowing ODOT to participate in the Develop Review process for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Grassman", is written over a light gray, textured rectangular background.

Jason Grassman, P.E.

Cc: Tim Wilson, ODOT Senior Planner  
Marty Jensvold, ODOT Region Access Management Engineer



# Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1

123 NW Flanders St

Portland, OR 97209 - 4037

Telephone (503) 731-8221

FAX (503) 731-8259

DATE: May 25, 2006

**Sherwood, City of**  
Planning Department  
20 NW Washington St.  
Sherwood, OR 97140-7851

Attn: Julia Hajduk, Senior Planner

SUBJECT: Woodhaven Crossing II Site Plan, Off-Site Improvements, and U-turns  
US99W @ MP 15.75 (Cedar Brook Way)  
City of Sherwood Case: SP 06-02/LLA 06-01/VAR 06-02  
ODOT Land Use Case: 2152

I have reviewed the email from Marah Danielson which illuminates several concerns the City of Sherwood has regarding the Woodhaven II development. Marah had spoken to Julia Hajduk of the City on May 19<sup>th</sup>.

### **99W Cross-section**

The city's Transportation System Plan notes the planned cross-section of 99W will be 7 lanes in the future. ODOT agrees that right-of-way shall be dedicated for the proper 7 lane section consistent with the Highway Design Manual. ODOT does not, however, recommend constructing the third southbound through lane as a condition of this development.

ODOT does recommend that the developer construct the shoulder, curb, and sidewalk along frontage of 99W consistent with Highway Design Manual. The right-side shoulder shall be 8' wide. The sidewalk shall be a minimum of 6' wide. The deceleration (right-turn) lanes for Cedar Brook Way and Meinecke Parkway shall be constructed as per the ODOT Standard Drawing RD225.

### **Cedar Brook Access**

The Cedar Brook Way public road connection to 99W is generally acceptable as shown on the Preliminary Site Plan sheet no. EX-3 dated 1/31/06. We support the city's recommendation that the "McFall" driveways be aligned with the driveways to the development. ODOT recommends that there be no driveways or parking along Cedar Brook Way within 150' of the 99W connection.



The applicant is advised to contact District 2A, at 503-229-5002, to obtain the necessary permits. Please contact me if you have questions regarding the content of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jason Grassman".

Jason Grassman, P.E.

Cc: Tim Wilson, ODOT Senior Planner  
Marty Jensvold, ODOT Region Access Management Engineer

## **U-Turns**

Kittelson and Associates prepared a Traffic Impact Study as requested by ODOT. The TIS demonstrated that the development will not further degrade the highway facilities. This means that mobility standards will not be exceeded and that the storage pockets (left and right turn lanes) shall be long enough to accommodate the 95<sup>th</sup> percentile queues.

The Woodhaven II development is along the southbound side of 99W between SW Edy Road and SW Meinecke Parkway. Traffic from the development wishing to travel north on 99W will need to make a u-turn at the Meinecke Parkway, according to the Traffic Impact Study there is adequate storage in the left-turn lane for this maneuver. Northbound traffic wishing to access the development will need to make a u-turn at SW Edy Road; the applicant will need to lengthen the left-turn storage pocket. Traffic from the Woodhaven II development is not expected to impact the 99W/Sunset Blvd intersection.

Please contact me at 503-731-8221 if you have any questions regarding the contents of this memorandum.



# Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1

123 NW Flanders St

Portland, OR 97209 - 4037

Telephone (503) 731-8200

FAX (503) 731-8259

Date: 6/5/06

## ODOT Response to Local Land Use Notification

<b>Project Name:</b> Comfort Suites	<b>Applicant:</b> Sherwood Forest Dev
<b>Jurisdiction:</b> City of Sherwood	<b>Case #:</b>
<b>Site Address:</b> 21655 SW Pacific Highway,	<b>Legal Description:</b> 2S130DB
<b>State Highway:</b> OR 99W	<b>Tax Lot(s)</b> 1100,
	<b>Mileposts:</b> 15.55- 15.6

The site is adjacent to the referenced state highway. ODOT has permitting authority for the state highway and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

### ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

Curb, sidewalk, bikeways and road widening shall be constructed as necessary to be consistent with the local Transportation System Plan and ODOT/ADA standards.

Right of way dedication as necessary to accommodate the planned cross section identified in the local Transportation System Plan shall be provided through deed to the Oregon Department of Transportation. The dedication must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the dedication. ODOT should provide verification to the local jurisdiction that the dedication requirement has been fulfilled. The property owner must be the signatory for the dedication and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department.

An ODOT approach permit(s) for access to the state highway or written determination ( e-mail, fax or mail acceptable) from ODOT that the existing approach(es) are legal for the proposed use is required and must be obtained.

An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way.

An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

**Please send a copy of the Notice of Decision including conditions of approval to:**

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97213

<b>Development Review Planner:</b> Marah Danielson	<b>Phone:</b> (503) 731-8258
<b>Traffic Contact:</b> Jason Grassman PE	<b>Phone:</b> (503) 731-8221
<b>District 2A Contact:</b> Sam Hunaidi	<b>Phone:</b> (503) 229-5002

**Julia Hajduk**

---

**From:** Linda Lopeman [lindal@pridedisposal.com]

**Sent:** Wednesday, May 03, 2006 1:14 PM

**To:** Julia Hajduk

**Subject:** Woodhaven Crossing II

Hi Julia,

We have reviewed the preliminary plans for the trash enclosures (EX-18), and the location of the trash enclosures (EX-3) at Woodhaven Crossing II, 21815 SW Pacific Highway.

There are concerns with both the locations and designs of the trash enclosures at this site (approach, size, etc).

I have attached the overview of the Enclosure Requirements for the commercial/front load containers. There is also a sketch available that can be faxed over. I'm happy to supply more detail as necessary.

Sincerely,

Linda Lopeman  
Pride Disposal Company  
503-625-6177 ext 133



DISPOSAL COMPANY  
P.O. Box 820 Sherwood, OR 97140  
Phone: (503) 625-6177 Fax: (503) 625-6179

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## Waste Disposal / Enclosure Requirements Before Occupancy

- The enclosure must be 10 feet deep by 20 feet wide (2 commercial containers). Measurements given are for the inside walls of the enclosure.
- There should be NO CENTER POST AT ACCESS POINT.
- Gates need to be hinged in *front* of walls not inside the walls. This will allow for the extra 120-150 degrees in opening angle needed.
- Full swing gates required.
- Space between containers in enclosure allows access to glass recycling totes.
- Gates must be able to be pinned in the open and closed positions (lock backs) – to keep the gates from potentially swinging into vehicles.
- There must be 75' of unobstructed access to the front of the enclosure (no parking island, parked vehicles, light pole, buildings, etc.).
- There must be 25' of overhead clearance.
- Enclosure location must allow the truck(s) to safely re-enter traffic.

**Please Note:** This information is to be used for guidelines during the construction of enclosures. These recommendations do not signify our approval of the construction; actual plans must be submitted for approval.



**Resolution 2004-041**

**A RESOLUTION APPROVING THE ADOPTION OF CITY OF SHERWOOD MAINTENANCE STANDARDS**

**WHEREAS**, the City has identified a need to adopt Parks and Recreation Maintenance Standards, Exhibit 1, and;

**WHEREAS**, the Parks and Recreation Board have reviewed and approved the proposed Maintenance Standards; and

**NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:**

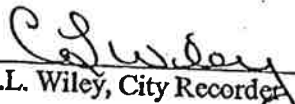
**Section 1.** The adoption of the City of Sherwood Maintenance Standards as described in Exhibit 1.

**Section 2:** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 25th day of May 2004.**

Mark O. Cotto, Mayor

**ATTEST:**

  
C.L. Wiley, City Recorder



City of Sherwood  
Maintenance Standards

Maintenance of facilities will vary depending upon the extent of landscape design, season of use, moisture availability, and intensity of public use.

City of Sherwood Public Works Operations Manager is responsible for inspecting City property, homeowners associations' open spaces and water quality facilities annually during the first quarter of the calendar year for compliance with the following maintenance standards.

The City of Sherwood Public Works Operations Manager is also responsible for enforcing adherence to the standards. If upon notification of a deviation from a standard, the homeowners association does not correct the deviation, the homeowners association will be cited for a code violation.

City Standards of Care

The City's standard is to maintain all landscape and parks and recreation facilities in good condition. Health and safety issues shall take the highest priority, superceding all other maintenance items. A facility that can not be maintained in a safe condition meeting applicable code requirements shall be closed to use or otherwise secured to protect the public.

1. Turf Care - Lawns and Sports Fields (This care item includes identified sports fields and lawn areas in developed recreation sites.)

Grass height shall be maintained according to species and variety of grass. The grass shall be mown when grass height is greater than 2 inches to maintain a uniform height of 1 ½ inches. Grass clippings shall be removed from the site at the time of mowing. Trimming of edges and around objects shall be completed as part of the scheduled mowing. Aeration shall be done as required, not less than four times per year. Reseeding or sodding shall be completed as needed. Weed control shall be practiced so that no more that ten percent of the surface has weeds present at any time.

2. Turf Care - Meadow and Open Play Areas (This care item includes open meadows and play areas outside or adjacent to developed recreation sites, parkway strips and all other lawn areas not included as part of #1 above.)

Grass height shall be maintained according to species and variety of grass. The grass shall be mown when the height is greater than 3 inches. Trimming of edges and around objects may be completed as part of the scheduled mowing. Reseeding shall be performed as needed. Weed control shall be practiced so that no more that ten percent of the surface has weeds present at any time.

3. Fertilizer

Adequate fertilization shall be applied to plant species according to their optimum requirements. Application rates and times shall ensure an even supply of nutrients for the entire year. Nitrogen, phosphorus, and potassium percentages shall follow local recommendations from the County Extension Service. Trees, shrubs, and flowers shall be fertilized according to their individual requirements of nutrients for optimum health and nutrition. Unusually long or short growing seasons may modify the requirements slightly.

4. Irrigation

Frequency of irrigation shall be adjusted to follow rainfall, temperature, length of season, and demands by plant metabolism/species to insure no over- or under-watering of plants and lawns. Inspection of irrigation systems shall be performed weekly to identify obvious problems affecting irrigation performance and efficiency. Repairs shall be performed promptly.

5. Litter Control

Litter control shall be provided a minimum of three times per week in a park or open space. Extremely high/low visitation may revise the frequency. Receptacles shall be plentiful enough to hold all trash generated between servicing without normally overflowing. No trash shall be present on site.

6. Pruning

Frequency shall be dictated primarily by species and variety of trees and shrubs. Length of growing season and design concept is also a controlling factor, as are clipped hedges versus natural style. Timing shall be scheduled to take advantage of special growing characteristics. Pruning practices shall follow standards of International Society of Arboriculture (ISA) to maintain plants in optimal condition for each species, and all plant forms shall be maintained to keep the plants in their natural growth habits, except those specified by design to be pruned into formal shapes. Tree basins, stakes and tree guys shall be maintained and replaced as needed and shall be removed when no longer required.

7. Disease and Pest Control (Pests include insects, snails, slugs, rodents and mammals.)

Control program may use either of two philosophies: 1) Corrective: application of chemical or mechanical controls designed to eliminate observed problems. 2) Integrated pest management: withholding any controls until such time as pests demonstrate damage to plant materials or become a demonstrated irritant in the case of bees, flies, mosquitoes, gnats, etc. Problems shall be observed at an early stage and corrected

8. Lighting

Maintenance shall preserve the original design. Damaged systems shall be repaired within the first week of discovery. Bulb replacement shall be done within the first week after the outage is reported.

9. Surfaces

Sweeping, cleaning, and washing of surfaces shall be done so no accumulation of sand, dirt or leaves distract from the appearance or safety of the area. Re-sealing of surfaces or re-surfacing shall occur when weather or wear have begun to deteriorate the surface or the appearance of the surface. Joint maintenance shall occur once per year for areas that need repair. Repainting or re-staining of structures shall occur when weather or wear deteriorate the appearance of the covering. Stains to surfaces shall be removed within thirty working days. Graffiti shall be washed off or painted over within the first working week after reported or observed.

10. Inspection (including play structures, buildings and surfaces)

Inspections shall be done weekly. Play structures shall be inspected as needed but no less frequently than once each week.

11. Repairs (including play structures, buildings, fences and surfaces)

Repairs to all elements of the design shall be done immediately upon discovery, provided replacement parts and technicians are available to accomplish the job but less longer than within the first week. When disruption to the public might be major and the repair not critical, repairs may be postponed to a less disruptive time period. Safety and health issues shall be repaired immediately.

12. Planting Beds (including ground level beds, planters and hanging baskets)

When multiple annual plantings are scheduled, provide at least two blooming cycles per year. Fertilizing, disease control, disbudding, pruning, mulching, necessary shrub replacements and weeding shall be performed at least every two weeks. The desired standard is mostly weed free. Dead or damaged plants and shrubs shall be removed and replaced promptly, considering optimum weather conditions and plant survival.

13. Restrooms

When provided, restrooms shall receive servicing no less than 3 times per week. Maintenance shall be adjusted in response to high/low use periods. Unclean restrooms will not be permitted.

14. Special Features

Features such as water features, drinking fountains, signs, sculpture, speaker systems, structural art, flag poles or parking and crowd control devices may be part of the integral design. Maintenance requirements can vary drastically but it should be adequate to maintain the intent of the features.

15. Trail Corridors - The Trail Corridor consists of the trail's surface, 4 feet on each side of the trail (and vegetation near the trail which has the potential of interfering with trail users) and 10 feet above the trail surface.

Condition inspections shall be conducted on a quarterly basis; inventories and inspection records of trail features (bridges, signage, bollards, retaining walls, benches, steps) shall be updated and maintained on an annual basis; trail corridor shall be free of hazards including protruding limbs, hazard trees, potholes, and fallen debris; vandalized areas shall be repaired within 48 hours; cut debris shall not be piled adjacent to trails, instead it shall be either spread out to mimic natural conditions or

removed completely; areas prone to patrons cutting across natural terrain shall be modified to prevent this action and disturbed areas shall be repaired; litter shall be removed on a monthly basis; vegetation adjacent to the trail shall be maintained in such a way as to resemble the surrounding natural area (i.e. no nonnative plants and landscaping).

16. Natural Areas and Greenways (including areas outside of trail corridors)

Most of these properties are intended to be preserved in a natural state and as a result these areas are not subject to intensive maintenance activities.

Litter and hazard tree removal shall be accomplished yearly or on an "as reported" basis.

17. Tree, Plant or Shrub Replacement

Dead or damaged trees, plants or shrubs, shall be replaced within 2 weeks of discovery. The replacement species shall be to match the original unless a pest or disease problem prevents doing so.

Any substitution request shall be submitted in writing with the location of the plant, tree or shrub and the reason for the substitution to the Public Works Operations Manager for approval.

18. Water Quality Facilities

As required, mow around the fence, mow road, remove trees blocking inlet and outlet, and remove all noxious vegetation. At a drainage ditch, weeds shall be cut back and maintained on both sides of the bank. Cut out dead trees. Cut back weeds in ditch and on the banks of the ditch. Mow in and around the fence, the embankment and dyke on all sides.



## Homeowner's Association Maintenance Guidelines

The following guidelines shall be applied to all areas within Homeowner's Association Boundaries. Deviations shall only be allowed with the approval of the Homeowner's Board of Directors.

### A) Trails:

#### 1) Definition of Clearance Area:

- (a) The surface of the trail and the air space ten (10) feet above the trail, and the surface of the ground within a three (3) foot border on either side of the trail and the air space ten (10) feet above the three (3) foot border.

#### 2) Trail Surface

##### (a) Homeowner's Association ("HOA") Responsibilities:

- (i) Inspect trail surface on a monthly basis from November through April, and on a bi-weekly basis during seasons of increased trail usage (May through September) to ensure trail surface is clear of obstructions such as rocks, wood debris, leaves, soil runoff, litter, and animal waste.

- (ii) Remove litter, animal waste, and debris within the Clearance Area on a bi-weekly basis.

##### (b) City of Sherwood ("City") Responsibilities:

- (i) Repair Potholes, root damage and miscellaneous damage to the trail surface material.

#### 3) Drainage:

##### (a) City Responsibilities:

- (i) Clear culvert and drainage feature obstructions. Repair culverts and drainage features when necessary to ensure proper operation.

#### 4) Vegetation:

##### (a) HOA Responsibilities:

- (i) Inspect Clearance Area on a monthly basis to ensure that it remains free of shrubs and trees as follows:
- (ii) Remove all limbs of shrubs and trees that extend across or into the Clearance Area in accordance with standard arbor care guidelines and recommendations.
- (iii) Preserve native species of vegetation outside of the Clearance Area (excluding noxious vegetation listed on the Oregon Department of Agriculture's Noxious Weed Quarantine)
- (iv) Limit pesticide use by applying pesticides in such a fashion as to limit exposure to water features and native vegetation.



## Homeowner's Association Maintenance Guidelines

(v) Where HOA maintenance activities remove ground cover and expose bare soil outside the Clearance Area, HOA shall reseed the disturbed area with a native seed mix as soon as possible.

### 5) Hazard Trees:

(a) Definition of Hazard Tree: Any tree 5 inches or greater in diameter at breast height that a certified arborist deems unstable and likely to fall across the trail.

(b) HOA Responsibilities:

(i) Inspect Clearance Area on an annual basis for trees suspected to be Hazard Trees.

(ii) Report suspected Hazard Trees to City.

(c) City Responsibilities:

(i) Remove Hazard Trees if the City determines that removal is deemed necessary to maintain safe operation of the trail.

(ii) Cut Hazard Trees so that stump height does not exceed twelve (12) inches from the ground as measured on the uphill side of the stump.

(iii) Leave felled Hazard Trees as down woody debris within the natural area outside of the Clearance Area. Lop limbs to reduce slash concentration and scatter the clearing debris outside the Clearance Area and in a manner as to not affect the overall esthetics along the trail. Do not leave felled Hazard trees parallel with the trail unless there are sufficient barriers to prevent them from rolling or sliding onto the trail.

## B) Water Quality Facilities:

### 1) Drainage:

(a) City Responsibilities:

(i) Clear culvert and drainage feature obstructions. Repair culverts and drainage features when necessary to ensure proper operation.

(b) Litter:

(i) HOA Responsibilities:

(a) Inspect Water Quality Facilities on a monthly basis for litter.

(b) Remove litter.

c) Vegetation:

(i) HOA Responsibilities:

(a) Mow/cut natural grasses during growing season on a monthly basis.

(b) Prune trees/bushes as necessary to ensure drainage.



## Homeowner's Association Maintenance Guidelines

(c) Remove noxious weeds as listed on the Oregon Department of Agriculture's Noxious Weed Quarantine.

### C) Open Space:

#### 1) Noxious Weeds:

##### (a) City Responsibilities:

- i) Inspect Open Space on a monthly basis for noxious weeds as listed on the Oregon Department of Agriculture's Noxious Weed Quarantine.
- (ii) Remove any noxious weeds and/or employ management techniques to prevent the spread of infestations.
- (iii) Following abatement, take actions necessary to restore natural vegetation to prevent further weed outbreaks.

##### (b) Litter:

##### (i) HOA Responsibilities:

- (a) Inspect Open Space on a quarterly basis for litter.
- (b) Remove litter.

##### (c) Trees:

##### (i) City Responsibilities:

- (a) Preserve all existing trees in natural areas
- (b) Leave dead trees (snags) standing within natural areas as wildlife habitat, as long as it poses no hazard to homes, streets or trails.
- (c) Undertake restoration projects as necessary to preserve natural vegetation.

### D) Maintained Landscape: (all items HOA Responsibility)

#### 1) Turf Care:

- (a) Mowing of irrigated turf areas will be accomplished weekly beginning in March and continuing through November. Depending on growing conditions, mowing will be accomplished monthly in December, January and February. All clippings will be removed.
- (b) Edging of turf areas along curbs, sidewalks, planter beds, etc., will be accomplished every two weeks during growing season.
- (c) Obstacles that do not have planter beds surrounding them will be trimmed each mowing visit.
- (d) Fertilizing of turf areas will be provided 6 times yearly to insure proper health and color.
- (e) At the completion of each maintenance visit, all sidewalks, curbs etc., will be cleared to remove all debris.





## Homeowner's Association Maintenance Guidelines

- 2) Weeds:
  - (a) All turf areas will be sprayed yearly for germinated broadleaf weed control. 80% control will be achieved with each application.
  - (b) All landscaped areas will be hand weeded at least 3 times monthly.
  - (c) Hand spraying of weeds in all planter bed areas to control unwanted weeds and grasses will be accomplished twice monthly February through October.
  - (d) Pre-germination control of perennial and annual weeds will be performed twice yearly.
- 3) Ground Cover:
  - (a) Trimming of ground cover off walks, selected shrubs, trees, walls, buildings, etc. will be performed three times yearly.
- 4) Leaf Control:
  - (a) Leaf control will be performed monthly October through January. 80% of all fallen leaves to be removed each occurrence, with a total removal being provided during the last scheduled visit.
- 5) Fertilizing:
  - (a) Fertilizing of shrubs, ground cover, and ornamental trees shall be done twice yearly. Fertilizing will be accomplished by means of surface applications.
- 6) Pruning:
  - (a) Pruning to be done twice yearly as required for proper growth, development, and traffic control. Sculpting, poodling, extensive dead wood removal, (or types that detour natural growth patterns), will be provided on an as needed basis subject to Board approval.
- 7) Irrigation:
  - (a) Irrigation will be provided during growing season as needed to prevent distress and maintain an attractive green appearance.
- 8) Insecticide Spraying:
  - (a) Spraying for the control of insect and disease on plant material will be provided as needed basis subject to Board approval.
- 9) Annual Flowers:
  - (a) Annual flowers will be planted in designated areas to achieve year around color.
- 10) Rough Areas:
  - (a) Mow approximately 6 times per year. Spray perimeters as necessary and appropriate to control unwanted germination.

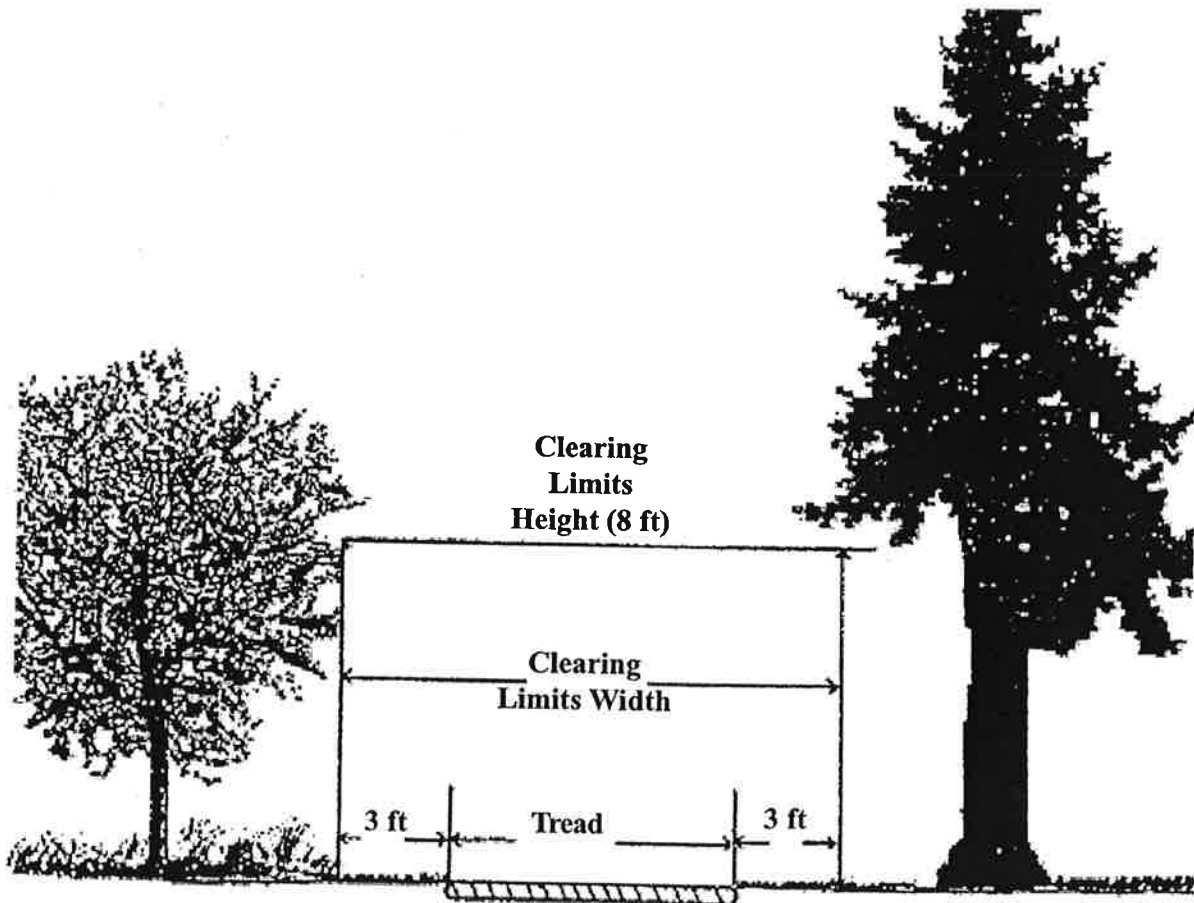


Figure 2-Clearance Area





May 24, 2006

Julia Hajduk  
Senior Planner  
22560 SW Pine Street  
Sherwood, OR 97140

Re: Woodhaven II SP 06 - 02

Dear Ms. Hajduk;

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. In order for Tualatin Valley Fire & Rescue to approve this project, the following items are required to be addressed and the corrections approved:

- 1) **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (IFC 503.1.1)
- 2) **DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (IFC 503.2.5) *Please refer to the Fire District's Fire Code Applications Guide for specifications:*  
<http://www.tvfr.com/Dept/fm/const/doc files/fire code applications guide.pdf>
- 3) **ADDITIONAL ACCESS ROADS – MULTIPLE FOR RESIDENTIAL:** Developments of one – and two – family dwellings where the number of dwelling units exceeds 30, and where vehicle congestion, adverse terrain conditions, or other factors that could limit access shall be provide with not less than two approved means of access. (IFC D107)
- 4) **REMOTENESS:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. (IFC D104.3)
- 5) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (IFC 503.1.1)
- 6) **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (IFC D103.1)
- 7) **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (IFC 503.2.4 & D103.3)*Please refer to the Fire District's Fire Code Applications Guide for specifications:*  
<http://www.tvfr.com/Dept/fm/const/doc files/fire code applications guide.pdf>
- 8) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (IFC 503.3)
- 9) **GATES:** Gates securing fire apparatus roads shall comply with all of the following: (IFC D103.5)  
Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island.

Gates shall be set back at minimum of 30 feet from the intersecting roadway.  
Gates shall be of the swinging or sliding type  
Manual operation shall be capable by one person  
Electric gates shall be equipped with a means for operation by fire department personnel  
Locking devices shall be approved.

- 10) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1.

**Considerations for placing fire hydrants may be as follows:**

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.

***Provide hydrant locations and available fire flow for fire fighting water.***

- 11) **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (IFC C102.1)
- 12) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (IFC 508.5.4)
- 13) **FIRE HYDRANT/FIRE DEPARTMENT CONNECTION:** If automatic fire sprinklers are provided, a fire hydrant shall be located within 100 feet of a fire department connection (FDC). Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway. FDCs shall normally be remote except when approved by the fire code official. (IFC 912.2)
- 14) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (IFC 1410.1 & 1412.1)
- 15) **KNOX BOX:** A Knox Box for building access may be required for these buildings. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (IFC 506)

If there are any questions, please contact me at (503) 612-7012.

Sincerely,

*Karen Mohling*

Karen Mohling  
Deputy Fire Marshal

# Engineering Land Use Application Comments

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To: Julia Hajduk, Senior Planner

From: Lee Harrington, Engineering Department

Project: **Woodhaven Crossing 2, SP 06-02**

Date: May 9, 2006

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I reviewed the information provided for the above-cited project and have the following comments. Generally, the project will need to meet the engineering and design standards of the City of Sherwood and Clean Water Services (CWS). Additional requirements are outlined below.

## Sanitary Sewer

The applicant proposes to extend the sanitary sewer from an existing manhole northeast of the project near the intersection of Cedar Creek and Highway 99W. The extension would parallel Highway 99W until intersecting the proposed Cedar Brook Way. At this point the line would proceed up Cedar Brook Way approximately 240' before accessing the site via the proposed private drive.

This approach is acceptable to the City of Sherwood's Engineering Department, providing specifications and requirements set forth in the Clean Water Services Design and Construction Standards are met.

It should be noted that a sanitary manhole currently exists north of the site, not far from the northern most proposed catch basin for Cedar Brook Way. Barring design and/or access constraints, the Applicant may want to access the sanitary system at this point instead of attempting a longer route through an environmentally sensitive area.

## Water

The city contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. The applicant proposes to extend an existing public 12" water main on Highway 99W, near proposed building 5, north to Cedar Brook Way. This line would parallel Highway 99W until intersecting the Cedar Brook Way. From here it would extend up Cedar Brook Way and access the site just north of the proposed eastern approach.

For the purpose of looping the water system, the Engineering Department recommends the main line in Cedar Brook Way be extended to the western end of the street and stubbed out for future development.

To prevent future construction and subsequent patching of the newly created Cedar Brook Way, the Engineering Department recommends installation of service laterals for tax lots 1001 and 1002 as a requirement of this project.

Project: **Woodhaven Crossing 2, SP 06-02**  
Date: May 9, 2006  
Page: 2 of 3

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With the extension of the water main and installation of laterals to tax lots 1001 and 1002, the Sherwood Engineering Department finds the water design acceptable, however it should be noted that Tualatin Valley Water District will have the final say on the water design.

#### Storm Sewer

The applicant proposes to collect the onsite and street water via a pipe system directed to a storm water facility located on the north side of Cedar Brook Way. The storm water facility then discharges north of the intersection of Highway 99W and Cedar Brook Way and flows overland until reaching Cedar Creek. This approach is acceptable providing the final design meets specifications and requirements set forth in the Clean Water Services Design and Construction Standards.

Please note that CWS standards require maintenance access for water quality facilities, (CWS Appendix B, 1.4.a), an issue not addressed in the Applicant's current proposal.

Storm drainage for Highway 99W appears to be a swale paralleling Highway 99W and located between the sidewalk and the building site. The Engineering Department recommends this swale be built to Clean Water Services standards and that all swales and landscaped areas are maintained by the Woodhaven Crossing II Homeowner's Association.

#### Transportation

##### *Cedar Brook Way:*

This proposed street represents the first leg of a new road that will eventually connect Highway 99W to Meinecke Parkway at the Cedar Brook Way-Meinecke Parkway roundabout. The new road will also provide access for tax lots 1001 and 1002 to the north.

As per figure 8-1 of the Transportation System Plan, (TSP), this road is designated as a local street. Figure 8-5a shows typical configurations for local streets. The Applicant has received a letter of concurrence dated March 31, 2006 from the City Engineer regarding the preliminary design of this street.

For safety's sake and traffic management the City will require a center turn lane, no parking on either side of the street, street lights and a brief center median located at the "right-in, right out" intersection of Highway 99W and Cedar Brook Way.

Should the Applicant desire to extend this median a short distance up Cedar Brook Way with a fully curbed section including a landscaped/treed center portion, such design would be encouraged by the Engineering Department and create a visually appealing streetscape similar to the Sunset Boulevard entrance to the original Woodhaven Development.

Additional requirements for Cedar Brook Way are that driveways for tax lots 1001 and 1002 align with the proposed driveways for Woodhaven Crossing II.

Emergency access for the site will likely be dictated by TVF&R. As a side note, page 16 the Applicant's narrative proposes a grasscrete emergency access to Meinecke Road. Unfortunately this access is not shown in the preliminary drawings.

##### Hwy 99W:

This is a state highway. Therefore, the applicant will need to meet the requirements of BOTH the state and the city for improvements and access to this road. Should ODOT requirements conflict with



those of Sherwood, then the more stringent requirement shall prevail. Design criteria for Highway 99W within the City Limits can be found in figure 8-3b of the Sherwood Transportation Plan. A summary of the requirements from this figure is shown below:

ROW	122 ft (min)
Paved Width	42 ft (3 south bound lanes with 1 bike lane)
Curb Width	6 inches
Sidewalk width	6 ft
Tree Lawn (Parkway strip)	5 ft
Design speed	45 mph

Pages 28 and 29 of the Applicant's narrative suggest relocating the bikeway outside the paved section of Highway 99W and including a bike design with the highway frontage improvements. It should be noted that any variations to the TSP will require approval from both ODOT and the City of Sherwood.

Additionally sheet EX-6 of the Applicant's drawings do not appear to indicate the addition of a third south bound travel lane along the frontage of this site as is required by TSP detail 8-3b.

As can also be seen in figure 8-3b, curb and gutter will be required along the Highway 99W frontage as well as a five-foot planter strip and six-foot sidewalk. Street trees may be located behind the sidewalk if ODOT objects to such in the planter strip. At a minimum, street lighting should be provided at the connection of Cedar Brook Way to Highway 99W.

#### Grading and Erosion Control:

Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.

City policy requires that prior to grading, a permit is obtained from the Building Department for all grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

#### Other Engineering Issues:

Public easements are required over all public utilities outside the public right-of-way. Easements dedicated to the City of Sherwood are exclusive easements unless otherwise authorized by the City Engineer.

An eight-foot wide public utility easement is required adjacent to the right-of-way on each side of Cedar Brook Way and parallel to and abutting the portion of Highway 99W that fronts this project.

All existing and proposed utilities shall be placed underground.

Applicant to provide an *approved* DSL/ACOE permit prior to release of engineering plans.



Community Development  
**Engineering Department**  
22560 SW Pine Street  
Sherwood, OR 97140  
503-925-2309

March 31, 2006

Mr. Brad Kilby  
Otak  
17355 SW Boones Ferry Road  
Lake Oswego, OR 97035-5217

**RE: LETTER OF CONCURRENCE FOR STREET MODIFICATIONS OF CEDAR BROOK WAY – WOODHAVEN CROSSING II**

This letter is in response to a request for modification of street standards as they apply to the east end of Cedar Brook Way as a part of the proposed development for Woodhaven Crossing II. The request was dated March 24, 2006 and received from Planner Brad Kilby of Otak.

The Applicant proposes a 52-foot right-of-way width with a 36-foot paved section, two variable-width planter strips (never varied below 5 feet), two meandering 8-foot sidewalks, variable width utility easements on each side, and, at the City Engineer's discretion, no parking on either side of the street.

This would be a modification to a 64-foot right-of-way width with a 36-foot paved section as shown in the Neighborhood Route Design in figure 8-5a of the Transportation System Plan.

I concur with the Applicant's findings that the proposed alternate provides everything required of a typical 36-foot neighborhood route and adds a larger planter strip and meandering sidewalk, thus creating a safer atmosphere for pedestrians as well as a visually appealing streetscape.

Additionally please note that this concurrence is limited to the modifications mentioned and is not an approval of the Applicant's overall street design. Issues such the location of access points, the design of the connection to Highway 99W and/or other street design issues will be addressed in the formal land use process.

Should you have any questions regarding this concurrence or other engineering related issues, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Gene Thomas".

Gene Thomas  
City Engineer

CC: Lee Harrington  
Julia Hajduk

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
Phone: 503-378-3805

DSL Permit 1  
Corps No:  
Permit Type: Removal/Fill  
Waterway: Cedar Cr./Wetland  
County: Washington  
Expires: May 15, 2007

***K&F Development, LLC/Brian Schnell***

IS AUTHORIZED IN ACCORDANCE WITH;

- ORS 196.800 TO 196.990; and
- Sections 401 and 404 of the Clean Water Act.

TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING TERMS AND CONDITIONS:

1. This permit covers the requirements of the U.S. Army Corps of Engineers (Corps) federal dredge and fill permit as allowed in the State Programmatic General Permit (SPGP), as described in ATTACHMENTS A and B.
  2. Violations of the terms and conditions of this permit are subject to administrative and/or legal action, which may include cessation of work, civil penalties, revocation of the permit or other restoration actions. The Permittee (Permit Holder) is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit, unless officially transferred by the Department.
  3. This permit does not authorize trespass on or any damage to the property of others, including public lands. This permit does not grant any property rights or exclusive privileges. The Permit Holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
  4. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The Permit Holder is responsible for obtaining the necessary Federal, State and local approvals and permits before proceeding under this permit.
  5. All work done under this permit must comply with Oregon DEQ regulations pertaining to water quality, Sections 401 and 404 of the Clean Water Act, and Section 7 of the Endangered Species Act, as applicable. Specific water quality provisions for this project are set forth on Attachment A.
- Employees of the Corps, Department of State Lands, and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any Permit Holder who objects to the conditions of that portion of this permit issued under ORS 196.800 to 196.990 (Oregon Removal-Fill Law) may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
  8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
  9. The Permit Holder shall defend and hold harmless the State of Oregon, the Federal Government, and their officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

NOTICE: If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the Permit Holder of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 541-388-6112.

Michael Morales, W Region Manager  
Wetlands & Waterways Conservation Div  
City of Sherwood Planning  
City of Department of State Lands

Authorized Signature  Issued: May 15, 2006

# Attachment A Permit Conditions

## AUTHORIZED ACTIVITIES

1. This permit authorizes the placement of up to 390 cubic yards and removal of up to 390 cubic yards of gravel and native material in T 2S, R 1W, Section 30D, Tax Lot 1000, 1001, and 1002 in floodplain wetlands of Cedar Creek, Washington County, as outlined in the attached permit application, map and drawings, dated March 30, 2006.
2. All in-water work, including temporary fills or structures, shall be conducted to avoid or minimize water quality impacts and adverse effects to fish and wildlife.

## EXCLUSIONS

3. This permit does not authorize any of the following:
  - a. The construction of substations or access roads for utility lines in waters of the state including wetlands.
  - b. Frac out, or the clean up associated with a frac out during horizontal directional drilling activities.

## ENDANGERED SPECIES ACT COMPLIANCE

4. If the project may affect a U.S. Fish and Wildlife Service species listed under the Endangered Species Act or its critical habitat the project shall conform to the applicable Project Design Criteria described in "Criteria for ORNHIC Review of Projects Covered under the SPGP, Oregon Natural Heritage Information Center, Oregon State University", dated May 4, 2005.
5. If, at any time during the performance of authorized work, the permit holder becomes aware of the presence of a previously unknown federally listed threatened or endangered species or its habitat (either on or adjacent to the project site), the permit holder shall immediately cease activities and notify DSL. The activities shall not continue until approved by DSL in coordination with the Corps.

## CONSTRUCTION TIMING

6. Fill and removal activities in Cedar Creek shall be conducted between July 1 and September 30, unless otherwise approved in writing by ODSL, after coordination with ODFW, and the Services when appropriate.

## GENERAL

7. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.
8. After providing notice to the applicant, DSL, the Corps, and the services, when appropriate, may at reasonable times and in a safe manner, enter and inspect authorized projects to ensure compliance with this permit.
9. The Department of State Lands, the Corps, and the services, when appropriate, retain the authority to stop or modify the project in case of unforeseen damage to natural resources or if the project is not in compliance with these conditions.
10. All projects authorized under the SPGP are subject to the terms of the SPGP, 401 Water Quality Certification, and other related SPGP documents. These documents can be on-line at <https://www.nwp.usace.army.mil/op/g/spgp.asp>
11. The permittee is responsible to restore all temporary impacts as described in the application or restoration plan and subject to the following additional requirements. Failure to comply with site restoration requirements may result in additional compensatory mitigation.

## ARCHAEOLOGICAL RESOURCES

12. If any previously unknown historic or archeological remains are discovered while accomplishing an activity authorized by this permit, the permit holder must immediately cease work at the site of the discovery. DSL and The State Historic Preservation Office (503-986-0707) shall be immediately notified. Work under this permit may not continue until authorization to proceed is received from DSL.

## FISH AND WILDLIFE - Work Area Isolation and Passage

13. Passage shall be provided for any adult or juvenile fish species, resident or anadromous, that may be present in the project area during and after construction, for the life of the project, unless otherwise approved in writing by DSL, ODFW, and the Services when appropriate. Upstream passage is not required during construction if it did not previously exist.
4. When work is completed during the approved in-water work period isolation of the in-water work area is required when:
  - a. Any life stage, including eggs and fry, of any resident or Anadromous fish species, are reasonably certain to be present in the work area or just downstream and/or,
  - b. It can reasonably be expected that turbidity standards cannot be met without isolation/containment techniques in place.
15. Work area isolation shall completely isolate the work area from actively flowing waters. Approved methods include inflatable bags, sandbags, sheet pilings, or similar materials, as described in the DEQ's "Erosion and Sediment Control Manual," April 2005, unless otherwise approved in writing by DSL. This manual can be found at <http://www.deq.state.or.us/wq/wqpermit/ESCMannual.htm>.

### **UTILITY LINE ACTIVITIES**

16. Alignments must be perpendicular to the watercourse, or nearly so, and at the narrowest, or least sensitive, portion of the wetland or riparian corridor.
17. Place all pits and other excavations associated with utility installation where they will not cause damage to the streambed or stream banks, and prevent wastewater or spoil material from entering the water.

### **WATER QUALITY - Turbidity**

18. The authorized work shall not cause turbidity of affected waters to exceed natural background turbidity by 10 percent, as measured 100 feet downcurrent from the work area.
  - a. If all appropriate erosion/turbidity control measures, as described in the ODEQ Erosion and Sediment Control Manual (April 2005), are in place and functioning properly then this standard may be exceeded, in each 24-hour period, for only:
    - One 2-hour period in fast moving water (> 2% slope),
    - One 4-hour period in slow moving water (<2% slope).
  - b. Turbidity shall be monitored at least 100-feet up-current of work area to obtain a natural background level and 100-feet down-current of the work area, in the visible plume if one is present, unless otherwise approved by DSL. A turbidimeter is recommended for measuring; however, visual gauging is acceptable. Turbidity that is visible over background is considered an exceedance of the standard.
  - c. Compliance monitoring shall take place during daylight hours each day of in-water activity every 2 hours in fast moving waters and every 4 hours in slow moving waters. A written record of monitoring shall be kept.
  - d. If the levels of turbidity are elevated at the time of the first compliance interval, all practicable erosion control measures should be implemented to reduce the levels of turbidity. If the levels of turbidity are in exceedance during the second monitoring interval, the activity causing the elevated levels of turbidity must cease until the levels of turbidity return to background.

### **WATER QUALITY - Cease Work During High Flows**

19. All work, except for maintaining erosion and sediment control practices, shall immediately cease if high flows affect, or have the potential to affect, the work area. Appropriate actions shall be taken in order to avoid or minimize resource damage and DSL shall be notified immediately.

### **WATER QUALITY - Sediment control**

20. Prior to construction, the Permit Holder shall ensure that erosion and sediment control measures are installed and functioning properly. During construction, erosion and sediment control measures shall be monitored to ensure that areas of failure are identified and repaired immediately.
21. The following erosion control measures (and others as appropriate), or comparable measures as specified in an NPDES 1200-C permit (if required) shall be implemented:

The applicant is referred to DEQ's "Erosion and Sediment Control Manual," April 2005. This manual can be found at <http://www.deq.state.or.us/wq/wqpermit/ESCMannual.htm>.

- a. Filter bags, sediment traps or catch basins, vegetative strips, berms, Jersey barriers, fiber blankets, bonded fiber

matrices, geotextiles, mulches, wattles, sediment fences, or other measures used in combination shall be used to prevent movement of soil from uplands into waterways or wetlands.

b. If straw or hay bales are used, certified weed-free bales shall be used, when available, to prevent introduction of noxious weeds.

c. An adequate supply of materials needed to control erosion, and/or to contain deleterious materials during a weather event, must be maintained during construction at the project construction site.

d. To prevent stockpile erosion, use compost berms, impervious materials or other equally effective methods, during rain events or when the stockpile site is not moved or reshaped for more than 48 hours;

e. Erosion control measures shall be inspected and maintained daily, or more frequently as necessary, to ensure their continued effectiveness and shall remain in place until all exposed soil is stabilized;

f. If monitoring or inspection shows that the erosion and sediment controls are ineffective, mobilize work crews immediately to make repairs, install replacements, or install additional controls as necessary.

-Remove sediment from erosion and sediment controls once it has reached 1/3 of the exposed height of the control.

g. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian or wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL.

h. Dredged or other excavated material shall be placed on upland areas with stable slopes to prevent materials from eroding back into waterways or wetlands.

22. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control.
23. All exposed soils must be stabilized during and after construction to prevent erosion and sedimentation. If soils are to remain exposed more than seven days after completion of the permitted work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
24. Where vegetative erosion control is being done on cut slopes steeper than 1H:2V, a tackified seed mulch shall be used so the seed does not wash away before germination and rooting.

### **WATER QUALITY - Deleterious material and spill prevention**

25. Petroleum products, chemicals, cement/concrete cured less than 24 hours, chemically treated wood, waste materials or construction debris (such as tires, wire, steel posts, asphalt and concrete, welding slag and grindings, concrete saw cutting by-products, sandblasted materials, chipped paint), or other biologically harmful waste materials shall not be allowed to enter waterways or wetlands. Authorized fill material must be free of these materials.
26. Machinery refueling shall not occur within 150 feet of waterways or wetlands or their riparian areas, unless otherwise approved in writing by DSL when adequate protection can be provided.
27. Project-related spills that enter waters of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.
28. This permit does not authorize the use of chemically treated wood that will contact surface or ground water or that will be placed over water where it will be exposed to mechanical abrasion.
29. The applicant must remove all foreign materials, refuse, and waste from the project area.
30. There shall be no operation of equipment in the water. Work must be conducted from the top of the bank or in the dry.
31. Fuel, operate, maintain, and store vehicles and construction materials in areas that minimize disturbance to habitat and prevent adverse effects from potential fuel spills.
  - a. Limit staging areas to the minimum size necessary to complete the project. To reduce the staging area and potential for contamination, ensure that only enough supplies and equipment to complete a specific task will be stored on-site.
    - Complete vehicle staging, cleaning, maintenance, refueling, and fuel storage in a vehicle staging area placed 150 feet or more from any waters of the State, unless otherwise approved by DSL and NOAA Fisheries when appropriate.
  - b. If staging areas are within 150 feet of any waters of the State, full containment of potential contaminants shall be provided to prevent soil and water contamination, as appropriate.
  - c. Inspect all vehicles operated within 150 feet of any waters of the State daily for fluid leaks before leaving the vehicle staging area. Repair any leaks detected in the vehicle staging area before the vehicle resumes operation. Document inspections in a record that is available for review on request by the appropriate Regulatory Authorities.



d. Before operations begin and as often as necessary during operation, steam clean (or an approved equal) all equipment that will be used below bankfull elevation until all visible external oil, grease, mud, and other visible contaminants are removed. Complete all cleaning in the staging area.

e. Diaper all stationary power equipment (e.g., generators, cranes, stationary drilling equipment) operated within 150 feet of any waters of the state to prevent leaks, unless other suitable containment is provided to prevent potential spills from entering any waters of the state.

f. An adequate supply of materials (such as straw matting/bales, geotextiles, booms, diapers, and other absorbent materials) needed to control erosion and/or to contain deleterious materials during a weather event must be maintained at the project construction site.

## MISCELLANEOUS

32. Projects employing sumps or dry wells for groundwater discharge must conform to OAR 340-044-050. Contact Barbara Priest, DEQ, at 503-229-5945 for more information.

## SITE RESTORATION/PROTECTION

33. Post construction, the Permit Holder shall ensure that disturbed streambanks are restored to their preconstruction contours and revegetated as soon as possible, but no later than April 15 following project completion, with native trees, shrubs, and grass seed mix, as outlined in the revegetation plan.
34. Prior to significant alteration of the project area, flag the boundaries of clearing limits associated with site access and construction, with bright orange construction fencing or similar material, to prevent ground disturbance of critical riparian vegetation, wetlands, areas below ordinary high water, and other sensitive sites beyond the flagged boundary.
- a. There shall be no operation of heavy equipment outside of the flagged construction corridor.
35. No removal of vegetation shall occur outside the proposed construction corridor and vegetation removal within the proposed construction corridor should be the minimum amount necessary. If possible, woody vegetation that will sprout from cut stumps should be cut and allowed to re-establish once project is completed.
36. The goal of site restoration is to reestablish habitat access, water quality, production of habitat elements (e.g., large wood), channel conditions, flows, watershed conditions, and other processes that were harmed during project completion.
7. All temporarily disturbed areas shall be returned to original ground contours at project completion.
38. Restore damaged streambanks to a natural slope, pattern and profile suitable for establishment of permanent woody vegetation, unless precluded by pre-project conditions (e.g., a natural rock wall).
39. When replacing temporarily stockpiled native riparian or wetland soils, the richer organic soil shall be placed on top with the more sterile, less organic soil beneath.
40. Obtain boulders, rock, woody materials and other natural construction materials used for the project outside the bankfull elevation and at least 150 feet from any waters of the State, except for native materials obtained from within the project footprint to be stockpiled and reused on site.
- a. If possible, leave native materials where they are found.
- b. If native materials (e.g., downed wood) are damaged or destroyed, replace them with a functional equivalent during site restoration.
- c. Stockpile all large wood, native vegetation, weed-free topsoil, and native channel material displaced by construction for use during site restoration in-channel, in the riparian area, or in adjacent uplands, as appropriate.
- d. Use as much as possible of the large wood, native trees, native vegetation, topsoil, and native channel material that was stockpiled during site preparation.
41. No removal of vegetation shall occur outside the designated construction corridor.
42. Woody vegetation removed or destroyed as a result of the project shall be replaced, at a rate of 2:1, with native trees and shrubs.
43. Replant or reseed each area requiring revegetation before the first April 15 following construction. Use a diverse assemblage of species native to the project area or region, unless approved in writing by the appropriate Regulatory Authorities. Impacted streambank vegetation shall be replaced to the line of non-aquatic vegetation. Restored vegetation in adversely affected wetlands shall extend to the upland limits of the wetland area.



44. Install wildlife-friendly fencing as necessary to prevent access to revegetated sites by livestock or unauthorized persons.
45. No pesticides, including herbicides, can be used within 150 feet of waters of the State. Mechanical, hand, or other methods may be used to control weeds and unwanted vegetation.
46. Do not apply surface fertilizer within 50 feet of any stream channel, unless approved in writing by the appropriate Regulatory Authorities.
47. There shall be 80% survival of planted trees and shrubs, and 80% cover of planted or naturally recruited native herbaceous cover for 5 years following planting.
48. The restoration site shall be monitored for five years or longer, following planting, as necessary, to confirm that the performance standards are achieved. Despite the initial five-year planning period, site visits and monitoring must continue from year-to-year until the site restoration performance standards have been met.
  - a. During each visit, inspect for and correct any factors that may prevent attainment of performance standards (e.g., low plant survival, invasive species, wildlife damage, drought).
  - b. A written record must be kept to document the date of each visit, site conditions and any corrective actions taken.
49. Use the following standards to assess whether the restoration goal is met. While no single element is sufficient to measure success, the intent is that these features should be present within reasonable limits of natural and management variation:
  - a. Human and livestock disturbance, if any, is confined to small areas necessary for access or other special management situations.
  - b. Bare soil spaces that approximate the size and dispersal pattern of pre-existing conditions;
  - c. Soil movement, such as active rills or gullies and soil deposition around plants or in small basins, is absent or slight and local;
  - d. If areas with past erosion are present, they are completely stabilized and healed;
  - e. Plant litter is well distributed and effective in protecting the soil with few or no litter dams present;
  - f. Native woody and herbaceous vegetation, and germination microsites, are present and well distributed across the site;
  - g. Vegetation structure is resulting in rooting throughout the pre-existing, available soil profile;
  - h. Plants have normal, vigorous growth form, and a high probability of remaining vigorous, healthy and dominant over undesired competing vegetation;
  - i. Streambanks have less than 5% exposed soils with margins anchored by deeply rooted vegetation or coarse-grained alluvial debris.
  - j. A continuous corridor of shrubs and trees appropriate to the site are present to provide shade and other habitat functions for the entire streambank.
50. During construction care shall be taken to minimize soil compaction, root damage and tree removal.
51. Utility lines may not cause lateral migration, head cutting, general scour, or debris loading.
52. Utility lines through wetlands must first be fitted with trench plugs to avoid dewatering wetlands.
53. If trenching or plowing methods are used, the following conditions apply.
  - a. Any trenching or plowing must occur in the dry creek bed.
  - b. Trenches must be backfilled below the ordinary high water line with native material, then capped with clean gravel suitable for fish use in the project area.
  - c. Large wood displaced by trenching or plowing must be returned to its original position, or placed in a configuration that may be expected to function naturally.
  - d. Minimize the footprint where feasible by selecting the narrower section of wetland, stream and/or riparian fringe and by reducing the width of the construction corridor to the extent practicable
  - e. Utility lines through wetlands must be fitted with trench plugs to avoid dewatering wetlands.

Issued: May 15, 2006

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**June 13, 2006**

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**Commission Members Present:**

Vice Chair – Patrick Allen  
Jean Lafayette  
Dan Balza  
Matt Nolan  
Todd Skelton  
Russell Griffin

**Staff:**

Kevin Cronin – Planning Supervisor  
Julia Hajduk – Senior Planner  
Rob Dixon – Community Development Director  
Gene Thomas – City Engineer  
Cynthia Butler – Administrative Assistant

**Absent:**

Chair – Adrian Emery

1. **Call to Order/Roll Call** – Vice Chair Allen called the meeting to order at 7 PM. Chair Emery was absent. Commission Griffin arrived at 7:08 PM.
2. **Agenda Review** - There were no changes to the agenda.
3. **Consent Agenda** – Minutes for the May 9, 2006 session were approved by vote:  
  
Yes – 6 No- 0 Abstain– 0
4. **Brief Announcements** – Kevin Cronin informed that the Dept. of Lands & Conservation Development (DLCD) has printed a brochure on “How to Testify at Land Use Hearings”, which will be available for public viewing on the materials table each session. Historic Resources – Chapter 9 updates were adopted by City Council on June 6, 2006. Kevin confirmed that the Planning Commission is officially the Landmarks Advisory Board (LAB). Jean Lafayette asked if the Commission can appoint an advisory committee to receive technical advice for the LAB. Kevin confirmed that although it is not explicitly written within Chapter 9, the City Council has the authority to approve a LAB committee appointment and said this would be an option.

Kevin stated that the Dept. of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) is holding a community meeting at the Senior Center at 7 PM regarding the former Ken Foster farm located in SE Sherwood, that was reported to contain contamination from tannery wastes in the 1960’s. Matt Nolan asked if notice was posted for the meeting. Kevin said it was not known if the DEQ extended notice, but that staff was notified via email in the past couple of days. Vice Chair Allen asked Kevin if staff had notified interested parties to the SE Sherwood Master Plan of the meeting. Kevin stated that he had not. Patrick requested that Kevin email interested parties with the information. Kevin confirmed.

The 2006 Planning Commission Work Program quarterly report in commissioner packets reflects priority updates received from City Council. Kevin reported that Heather Austin, Associate Planner, recently passed her AICP exam and will receive the American Institute of Certified Planners designation this summer. Kevin was elected in April to the

board of the Oregon Chapter - American Planning Association (APA). Kevin deferred to Rob Dixon, Community Development Director, to report on a parking study.

Rob Dixon stated that the scope of work is being finalized for a parking study. Rob invited commissioners to provide feedback by the end of the month to be included in the process. Rob asked Julia Hajduk to give a report on the All American City presentation recently held in Anaheim, CA.

Julia Hajduk said that the City of Sherwood did not win the national competition, but stated that it was a positive experience attended well by Sherwood citizens. Julia added that many of the jurisdictions that participated are challenged by severe social and economic challenges that Sherwood is fortunate not to be facing.

5. **Community Comments** – There were none.
6. **Public Hearing: Woodhaven Crossing II – Site Plan Review (SP 06-02)** - Vice Chair Allen opened the public hearing at 7:10 PM. Commissioner Balza read the Public Hearing disclosure statement. Vice Chair Allen asked commissioners if there were any issues of conflict, exparté contact, or bias to declare. There was none.

Julia Hajduk recapped that the project request is for a 183 unit condominium complex located at 21815 SW Pacific Hwy., tax map 2S130DB, tax lot 1000. The application includes a lot line adjustment for property lines on tax lots 1001 & 1002 to accommodate the construction of Cedar Brook Way. Also included, is a street width modification referred to as a variance to allow the road to be built within the width of a 28-foot local street, but constructed to neighborhood route width standards of 36 feet. Cedar Brook Way is proposed to be built with 36 feet of pavement consistent with a neighborhood route cross section, and that would include on street parking on both sides once beyond a median at the intersection of Pacific Hwy. and Cedar Brook Way required for safety. Julia stated that the application can meet conditions and staff recommends approval.

Jean Lafayette asked staff to clarify if staff is recommending approval of all three components to the application; site plan, lot line adjustment, and variance. Julia confirmed. Jean referenced Page 22 of the Staff Report regarding Cedar Brook Way and said she did not find a specific finding. Julia agreed there should be a finding and that the City Engineer has agreed to the street modification.

Vice Chair Allen asked if there were further questions for staff before receiving testimony. There were none.

Brad Kilby, Applicant: Otak, Inc., Planner, 17355 SW Boones Ferry Rd., Lake Oswego 97035 – Brad discussed traffic issues involving Meinecke Rd. and walked away from the microphone to a map. Brad stated that once developed the property will have access to the existing full signal intersection at Meinecke Rd. Brad returned to the table & stated that the applicant's attorney asked the following to be read into the record:

“The plan we have submitted and which is under consideration in SP 06-02/LLA 06-01/VAR 06-02, includes SW Cedar Brook Way as the access to development from SW Pacific Hwy. and the access to the property to the north of SW Cedar Brook Way.

The access point for Cedar Brook Way at SW Pacific Hwy. and the alignment of Cedar Brook Way are as we were directed by the City of Sherwood and ODOT to provide, at pre-application meetings. We ask that the City and ODOT representatives present here now acknowledge that Cedar Brook Way is located as we were directed.”

Brad said that they have received a permit from the State to extend sewer lines into Cedar Creek where there is an existing trunk line, pending Planning Commission approval of the project. Brad addressed conditions listed in the Staff Report, for which the applicant agreed except for the following:

Condition 7, Page 33 – applicant disagreed that the high voltage power lines above building #5 needed to be placed underground. Applicant discussed issue with PGE and would like further discussion with staff on this condition.

Condition 2, Page 33 – applicant spoke with ODOT regarding the public improvements cited in the staff report regarding the Pacific Hwy. right-of-way, and distributed a copy of an email from Sam Hunaidi, Assistant District Manager at ODOT, which was entered into the record.

Condition 6, Page 34 - Brad summarized that the queuing distance at Pacific Hwy. and Sherwood Blvd. would need to be extended from 100 feet to 250 feet, or to the distance required by ODOT to meet traffic conditions, rather than a left-hand turn lane requirement.

Condition 7, Page 34 - Plan elevations for buildings on Cedar Brook Way have been revised and included as exhibits in the commissioner’s packets.

Conditions 8 & 9, Page 34 – Fencing material and height; fencing will not be chain link and will not be taller than 42-inches in height, the standard within the setback zone.

Condition 14, Page 34 - ODOT does not allow landscaping in the proposed median on Hwy. 99 due to maintenance liability & safety concerns.

Condition 22, Page 35 - Requires a public access easement through the west property in the vicinity of Building #27 to meet block length standards, or an alternative connection presented. Brad stated that block length standards typically apply to new streets rather than shopping center design with private internal drives instead of streets. The public access easement would only service 2 properties to the west of the easement and would not benefit surrounding properties or provide for future connectivity. Brad summarized an alternate proposal that would shift buildings along the back property line that would not reduce the amount of active open space or required landscaping. Brad said the play ground area and pool acreage satisfies the requirement of open space. Brad stated that pedestrian connections could be included.

Brad concluded by stating that requirements have been met and conditions can be achieved. Regarding the road modification, Brad stated the modification would not affect the provision of services along the site frontage and would be more aesthetic. Brad offered to answer questions.

Jean Lafayette asked what would happen to the piece of property to the right of the proposed lot line adjustment that is not shown as developed.

Julia Hajduk referred to Exhibit 2A that depicts all properties involved in the lot line adjustment. Brad Kilby reiterated that the applicant does not own the property in question.

Vice Chair Allen asked if there were further questions for the applicant. There were none. Patrick confirmed that the applicant had 15-minutes remaining later in the session for rebuttal.

Michael Gunn, Attorney for property owners Mr. & Mrs. R. James Claus – PO Box 1046, 201-B North Meridian, Newberg OR 97132 – Mr. Gunn moved from the microphone to the map and pointed out the McFall property, and stated that the road plans affect both the Claus and McFall properties. Mr. Gunn returned to the microphone and said the he wanted to supplement the statement Brad Kilby read from his attorney into the record, and stated that the McFall and Claus properties are directly affected by Cedar Brook Way developments. Regarding the access point on Hwy. 99 and Cedar Brook Way, Mr. Gunn recapped that Cedar Brook Way extends to the corner of the NW property line in a specific configuration. Mr. Gunn said that K & F Development represented to the McFall and Claus property owners that ODOT and the City would only agree to any development approval on this property with the access point as stated on the application and diagram provided. Michael reiterated that this access point location and configuration was the only acceptable access point for Cedar Brook Way, as outlined in Brad Kilby's attorney statement read into the record, and according to the City & ODOT. Mr. Gunn requested that Staff confirm during their comments that the City and ODOT specifically informed K & F Development that this would be the only acceptable access point and configuration of Cedar Brook Way.

Vice Chair Allen called Susan Claus from the next completed testimony card and noted that Susan had decided not to testify.

R. James Claus – 22211 SW Pacific Hwy., Sherwood OR 97140 – Mr. Claus stated that he spoke Robert Kroop, District Manager (ODOT?). Mr. Claus stated that the connection is located at Hwy. 99 exactly where it should be, and referred to acceleration and deceleration in terms of the street configuration, based on information from the Institute of Transportation Engineers. Mr. Claus stated that the configuration may be able to be moved fifteen (15) feet, but no more – and said that the street complies with all of ODOT standards. Mr. Claus referred to Mr. Gunn's testimony as another issue to address, and added that the site property is being used as zoned. Mr. Clause stated there is an upcoming meeting between ODOT and the City on to clarify plans for the balance of the street development.

Elaina Medina, 21672 SW Roelich, Sherwood OR 97140 – Elaina stated that she lives in the Vinyard's development located directly behind the project site and expressed concern over increased traffic that will result after development and how that will impact specifically travel from Meinecke onto Hwy. 99 northbound toward Portland. Elaina said that currently there is no turn signal at this intersection, allowing just 2-3 cars to pass before the signal changes.

Vice Chair Allen asked if there was further testimony. There was none. Patrick asked the applicant, Brad Kilby if he had any rebuttle testimony.

Brad Kilby stated that he could not respond to Mr. Gunn or Mr. Claus' testimony, and said that the issues they presented will be resolved through other channels. Brad responded to Elaina Medina's comments and said that Otak's traffic engineer did not

recommend any mitigation measures at the intersection of Meinecke and Hwy. 99. Brad said that the A.M. & P.M. peak hour traffic study the level of traffic projected after development of the site fell within the acceptable standard. Brad added that when a connection of Meinecke Rd. and Cedar Brook Way is done, and additional potential development occurs to the west of the site, a modification to the signal timing may become warranted.

Matt Nolan asked for clarification on the location of the intersection being discussed, which Brad provided. Matt asked if traffic traveling to Portland from the proposed project site would make a left U-turn at Meinecke Rd. and Hwy. 99. Brad confirmed.

Jean Lafayette asked if there were any funds appropriated from the proposed development to support future traffic impacts resulting from development. Brad confirmed they will be paying traffic impact fees based on the number of units in their development. Brad stated further that if and when Mr. Lucas develops the property west of the project site, this development would have paid their portion of any impacts contributed to the system.

Vice Chair Allen referred to the statement read into the record earlier from the applicant's attorney regarding the direction for placement of the road. Patrick asked Brad if the statement was at all in response to a desire for the road to be placed somewhere else.

Brad summarized that the road must serve all properties involved, and that there are two points on the road that are fixed; the point (referred to map): Hwy. 99 and the point at Meinecke Rd. where a roundabout will be constructed. Additionally, an original preferred alternative for the design at Meinicke Rd. was taken into consideration in determining the location of the road. Brad explained that there is an area of influence on Hwy. 99 that cannot have access because of calculated turning movements. Accesses must be moved further northwest from where Hwy. 99 & Meinecke Rd. come together presently. Queuing distance also comes into play. Brad continued to explain the process by referring to a map and concluded that because of these consideration the road location was determined.

Vice Chair Allen asked Brad if he was stating that the road would be located as shown regardless of City staff direction provided in the staff report. Brad said absolutely. Vice Chair Allen asked if staff had final comments.

Julia Hajduk asked for a brief break to discuss with staff before presenting final comments. Vice Chair Allen adjourned to a 10 minute break at 7:50 PM.

< 10 minute break >

Vice Chair Allen reconvened the session at 8 PM.

Julia Hajduk responded to the request for Staff's comments regarding the location of the road, and stated that Staff would like to consult with the City Attorney's office prior to making a statement. Julia said that if the Planning Commission could not move forward without that response, Staff recommends a continuation of the hearing. Julia recapped however, that the City Engineer, Staff, and ODOT have reviewed the application and as



proposed the location of the road meets the standards that are applied. Julia responded to block length requirements and stated it is a code requirement regardless of the property size for purposes of connectivity and that the standard should apply. Julia added that while Brad indicated the landscaping and setback requirements would be met in the revised proposal by adjusting the buildings so building 27 is not eliminated, staff has not had time to review it. Julia would be comfortable with the revision as long as it is very clear, that if during the staff final site review it looks like the landscaping and setback standards are not being met they may ultimately lose a building. Julia recapped that staff is comfortable with that if the Planning Commission is comfortable with it. Regarding the response from ODOT and the second left turn lane, Julia said it she understood the extended queuing lane was the issue and it was not clearly identified in the staff report. Julia said she was comfortable with the information in the email from Sam Hunaidi for an extension of the existing queuing lane. Julia addressed the issue of the overhead power lines above building 5 and reiterated that they cannot remain overhead.

Vice Chair Allen asked Julia to clarify the standard for overhead power lines. Julia stated that the Code requires power lines under 50,000 volts to be underground. If PGE provided written documentation that the power lines shown are over 50,000 volts they would not be required to be underground. Patrick asked Julia if the undergrounding requirement applied specifically to the area shown in Exhibit 6 over building 5, or the entire Hwy. 99 frontage contained in the project. Julia confirmed standard applied to the entire frontage in the project.

Vice Chair Allen asked for Julia's response to the median landscaping. Julia stated that because the median is located in ODOT right-of-way and that their determination applies, but requested formal documentation from ODOT indicating this decision. Patrick asked if the median landscaping condition should be deleted this evening from the list of conditions prior to commissioners making findings, or if it should remain until definitive communication is received from ODOT. Julia recommended the condition remain until a formal letter is received.

Jean Lafayette referred to Page 10, Section 5.202.02 regarding maintenance and irrigation, and said that she did not find a condition in the staff report responding to staff's comments that landscaping maintenance standards have not been met. Julia did not find the condition, but said the applicant would be conditioned to indicate how the landscaping would be maintained, likely through a Home Owner's Association (HOA) agreement, documented in the CC&R's. Jean suggested adding the condition in the section that addresses CC&R conditions. Julia recommended adding the maintenance language in Exhibit D that currently contains maintenance requirements.

Matt Nolan specified the section on CC&R's appears on Page 34. Commissioners and Staff concurred.

Vice Chair Allen asked if there were any further questions for Staff. There were none. Patrick asked the applicant, Brad Kilby to return to the testimony table. Patrick recapped that Staff has stated they are not prepared to address the road issue raised earlier without the consultation of the City Attorney, and stated the Commission could act on the application in absence of Staff's response to the road issue or continue the hearing until such a response was possible. Patrick asked for the applicant's preference.

Brad Kilby stated that the application standards have been met and that based on approval by the Planning Commission they could move forward on the project at their own risk, pending the road issue determination at a later date.

Vice Chair Allen asked Brad to confirm that he was prepared for the Planning Commission to act without a Staff acknowledgement of the road placement issue. Brad confirmed.

Brad Kilby stated that in regard to the power line issue, they will underground the lines currently shown above building 5, and will confirm with PGE the voltage of power lines on the Hwy. 99 frontage to determine their placement, and obtain written documentation from PGE for staff.

Vice Chair Allen closed the public hearing at 8:10 PM and asked for discussion from commissioners.

Russell Griffin said that he favored the addition of the connecting private road to support future development street connections. Russell stated that this would also support the City's desire for pedestrian connections, such as in existing Woodhaven community. The private road connection would connect to neighboring properties that currently are an island.

Vice Chair Allen agreed, but clarified that the connecting private road provides vehicular connectivity rather than pedestrian. Russell confirmed, but said pedestrian traffic was likely. Julia Hajduk concurred.

Dan Balza expressed concern over the U-turn traffic on Hwy. 99. Patrick pointed out that the U-turn at Hwy. 99 & Meinecke would be a temporary measure. Dan agreed it would be more temporary, but stated that vehicles turning right onto Hwy. 99 on a red light are not expecting left turn traffic to make a U-turn, which creates somewhat a hazard and a valid traffic concern.

Russell Griffin brought up that the current U-turns are permissible. Dan concurred, but questioned increasing the number of these available.

Discussion regarding the private drive included the need for signage on Cedar Brook Way where the road ends to indicate that in the future there will be a connection. Julia confirmed that this requirement currently exists in the Code. Jean stated that reference to the signage should appear in condition C-2. Julia confirmed.

Julia Hajduk referenced the private drive and clarified the private drive would also be a public access. Commissioners nodded in agreement and Vice Chair Allen confirmed.

Vice Chair Allen recapped the modifications of conditions; keeping private drive; signage issue in C-2; subject to final staff review of the landscaping calculations; modified elevations facing Cedar Brook Way;

Russell Griffin asked if the storm water runoff retention facility is across Cedar Brook Way, and if the land is also owned by the development.

Brad Kilby spoke from the audience [inaudible – taken from notes] and confirmed the location and that the property was owned by the development.

Jean Lafayette said that one finding should be added on Page 22 to indicate that the Commission agrees with the applicant's request, to remove parking at the entrance of Cedar Brook Way from Hwy. 99 and install a median for safety reasons.

Vice Chair Allen asked commissioners for consensus on Jean's recommendation, which was received. Patrick reiterated the modifications of conditions;

1. Approve requirements for the private drive
2. Insert the signage language for the end of Cedar Brook Way in condition C-2
3. Approve the modified elevations facing Cedar Brook Way
4. Remove parking for median installation at entrance to Cedar Brook Way from Hwy. 99

Vice Chair Allen asked for consensus among commissioners on the findings, which was received.

Jean Lafayette moved that the Planning Commission approve SP 06-02/LLA 06-01/VAR 06-02 based on the adoption of the staff report, findings of fact, public testimony, staff recommendations, agency comments, applicant's comments, and conditions as revised per Vice Chair Allen's comments.

Russell Griffin seconded.

Vice Chair Allen asked if there was further discussion on the motion, there was none.

Vote: Yes – 6 No – 0 Abstain – 0

Motion carried.

7. **Comments from Commission:** Jean commended Julia Hajduk for an excellent job on the project staff report. Kevin Cronin asked for reports from those who act as liaison to City committees.

Patrick Allen said as liaison to SURPAC there was nothing to report at this time.

Russell Griffin stated as liaison to the Wayfinding Committee that at the recent public workshop there was a large turnout. The consultant gave a quality presentation, and the project is currently on hold pending City Council review. Rob Dixon will be the liaison for this project after June 30<sup>th</sup> if the project has not completed. Rob said that decisions made on the Wayfinding project will affect the ongoing street development. Monuments are a key safety issue on streets without curbs. Further decisions are also pending for the monument signage.

Gene Thomas, City Engineer, gave a brief report on the I-5, Hwy. 99 connector project in the absence of liaison, Adrian Emery. Gene said that at the last meeting Tom Brian, project coordinator, discussed the west-side bypass and local road improvements issue. Federal funds for a west-side bypass and local road did not manifest. Tom Brian restated the purpose of the project is to connect I-5 to Hwy. 99 W, and not a local transportation issue. The committee voted on the recommended project modifications to better fit federal requirements. Patrick Allen asked for clarification on what the vote involved. Gene said the vote was to clarify the definition of the project as it was originally proposed. Matt Nolan asked if there was a schedule for recommendations. Gene deferred to Rob Dixon for response. Rob stated [from audience, barely audible] that within hopefully 6 months a corridor will be determined or at least specific areas where the connector will not be located will be defined. Russell Griffin asked Rob if they do not locate the connector in South Sherwood if there was possibility that it would be moved further south. Rob said the committee is still deciding on the criteria required to make determinations where the connector should be located and that it was too early to project. Matt asked Rob if the City had a preference for location. Rob said the City's current involvement is taking an active role in providing information for the criteria required to make a determination. Rob discussed the importance of federal funding.

Todd Skelton, liaison for the Parks Board stated that he was unable to attend the last board meeting and did not have a report.

Kevin Cronin recapped that the Area 59 joint work session for the Planning Commission and the City Council will be held on July 18, 2006. Matt Nolan said that he will not be able to attend the meeting on July 18<sup>th</sup>.

Patrick Allen said that he is scheduled to be out of town for the July 25<sup>th</sup>. Kevin said the session will be the first evidentiary public hearing for Area 59.

Kevin Cronin reminded commissioners that the next session on June 27<sup>th</sup> will be a work session and not a regular meeting.

8. **Next Meeting: June 27, 2006** – Goal 5 Work Session only, no regular meeting until July 25, 2006.
9. **Adjournment** – Vice Chair Allen adjourned the session at 8:30 PM.

End of minutes.