



City of Sherwood  
**PLANNING COMMISSION**  
Sherwood City Hall & Public Library  
22560 SW Pine Street  
October 10, 2006  
Regular Meeting - 7:00 PM

## A G E N D A

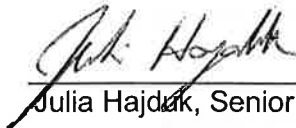
1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Communications from Staff & Public**
4. **Community Comments** (*The public may provide comments on any non-agenda item*)
5. **New Business: Public Hearing**  
**High School Heights Subdivision (SUB 06-03)**  
The Sherwood School District 88J has submitted an application to divide property addressed at 23295 SW Meinecke Road, but located on Woodhaven Drive, into seven lots. The subject property is part of the Woodhaven PUD. The Commission will take oral and written testimony prior to rendering a decision based on the applicable sections of the Sherwood Zoning & Community Development Code. Staff has recommended approval subject to multiple conditions.  
(*Julia Hajduk, Senior Planner, Planning Department*)
6. **New Business: Area 59 Letter of Recommendation**  
The Planning Commission recommended approval of the Area 59 plan amendment application (PA 06-01) on September 12, 2006. Vice Chair Allen has written a draft of a letter that will accompany the legislative package to the City Council. Staff requests approval of the letter so it can be forwarded to the Council for review on November 7, 2006. (*Kevin A. Cronin, AICP, Planning Supervisor, Planning Department*)
7. **Comments from Commission**
8. **Next Meeting:** October 24, 2006 – Goal 5/Infill & Redevelopment Cont'd
9. **Adjournment**

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To: SHERWOOD PLANNING COMMISSION

From: PLANNING DEPARTMENT

Pre App. Meeting: 5-31-06  
App. Submitted: 7-14-06  
App. Complete: 8-16-06  
120-Day Deadline: 12-14-06

  
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Julia Hajduk, Senior Planner

### I. APPLICATION INFORMATION

Applicant/ Owner:	Sherwood School District #88J Attn: Dan Jamison 23295 SW Main Street Sherwood, OR 97140	Applicant's Reps:	WRG Design, Inc Attn: Tony Roos or Andrew Tull 5415 SW Westgate Drive, Suite 100 Portland, OR 97221  Miller Nash LLP Attn: Kelly Hossaini 3400 US Bancorp Tower Portland, OR 97204
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Property Description: The site consists of one tax lot zoned Low Density Residential and Medium Density Residential High with a Planned Unit Development overlay designation. The site is addressed as 23295 SW Meinecke Road and is specifically identified as Tax Lot 11600 on Washington County Tax Assessor's Map 2S131AA.

Existing Development and Site Characteristics: The property is currently under development on the northern portion of the tax lot for construction of ball fields associated with the high school campus (SP 05-04). The subject area slopes moderately from the northeast to the southwest. There are no regionally or locally significant natural resources based on the Metro Natural Resources Inventory, local Comprehensive Plan and Local Wetland Inventory. There are several trees on the southern portion of the property that are proposed for removal to accommodate the development located near the eastern and southern property lines.

Comprehensive Plan Land Use Designation and Zoning Classification: While the entire property is designated for residential use, the northern portion of the property (proposed Lot 7) is zoned Medium Density Residential High (MDRH) and the southern portion of the property (proposed lots 1-6) is zoned Low Density Residential (LDR). The property also has a Planned Unit Development overlay, which was approved as part of the Woodhaven Planned Unit Development (PUD 93-3).

Adjacent Zoning and Land Use: The property to the west is the Sherwood High School, which is zoned IP. To the east is property zoned MDRH and developed with the Church of Jesus Christ of Latter-Day Saints. To the south is the Woodhaven neighborhood with properties zoned and developed low density residential within a PUD. To the north, across Meinecke is property zoned and developed Medium Density Residential Low (MDRL).

Land Use Review: Subdivisions less than fifty (50) lots are quasi-judicial actions and are generally reviewed through a Type III procedure before a hearings officer. However, because the property has a Planned Unit Development overlay and the code is not specific that the Planning Commission is NOT the review authority for subdivisions related to PUDs, this application is being reviewed by the Planning Commission through a Type IV process.

Public Notice: Notice of this land use application was posted at two locations at the site (on Meinecke and on Woodhaven Drive) and five conspicuous locations throughout the city. Notice was also mailed to property owners within 100 feet of the site and any other party who expressed an interest in receiving mailed notice on September 20, 2006 in accordance with 3.202 and 3.203 of the Sherwood Zoning and Community Development Code.

Review Criteria: Sherwood Zoning and Community Development Code: 2.102 (Low Density Residential), 2.104 (Medium Density Residential High), 2.202 (Planned Unit Development, 2.301 (clear vision areas), Chapter 6 (Public Improvements), Chapter 7 (Subdivisions and Land Partitions) and 8.304 (Parks and Open Space).

## II. APPLICATION SUMMARY/PROPERTY HISTORY

The applicant has requested to divide one parcel of land totaling 7.38 acres into seven (7) lots. The applicant's submittal is attached as Exhibit A.

The City of Sherwood originally approved the Woodhaven PUD (PUD 93-3) preliminary development plan February 23, 1994 and the final development plan on August 16, 1994. The Woodhaven PUD was modified March 26, 1997 via a major amendment designating the portion of property bound by Meinecke to the north, the High School to the east and Woodhaven Drive to the south as a neighborhood park. However, a subsequent modification was approved January 18, 2000 after the proposed park was relocated from Meinecke to Sunset Boulevard (Woodhaven Park) to allow for the school district to acquire the portion of the PUD adjacent to the high school. The January 18, 2000 modification Notice of Decision states: "Since the public park site in Woodhaven was relocated to Sunset and Pinehurst by the Sherwood City Council on January 18, 2000, the use of the prior park site located on Meinecke Road shall return to the use generally reflected in the original approval of PUD 93-03." The original approval of PUD 93-3 included 34 residential lots and a road connecting from Woodhaven Drive to Meinecke.

The northern portion of the development (Lot 7) received approval via a Type II land use action (SP 05-04) for construction of the ball fields in July 2005. It appears that applicable conditions of approval are met. There are on-going conditions of approval and conditions related to installation of lights that continue to apply. The ball fields are constructed and no further development on Lot 7 is proposed at this time; however further development is possible under the existing zoning.

The Sherwood City Council adopted a resolution (Resolution 2006-054) on September 19, 2006 to allow the development of this lot in phases. By phasing the development of this 7.38 acre parcel, the school district will subdivide and sell the surplus land encompassed by the southern six proposed lots, and retain the larger northern lot for future development. The proposed subdivision is generally consistent with the original PUD, as discussed and conditioned within this report and will allow development of the remainder of the property consistent with the PUD if and when it develops further in the future.

### III. PUBLIC COMMENTS

The City mailed notice to property owners within 100 feet of the subject site on September 20, 2006, posted notices on the site and in five locations around the city and received the following comments for inclusion on the staff report.

**Steffen Schulze, 17146 SW Woodhaven Drive, Sherwood, Oregon 97140** provided comments indicating they oppose the retention of a track for a future road connection and suggest a foot path instead.

### IV. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected agencies. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

Washington County (WACO) responded to the City's request for comments indicated that they had no comments.

Sherwood Engineering Department has reviewed the proposal and provided comments which have been incorporated into this report and decision. In addition, the Engineering Department has provided the following additional comments:

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 of all street frontages.

All existing and proposed utilities shall be placed underground.

Tract B is proposed on the east side of Lot 6 as a turning/backing area for the adjacent school. Should the PUD designation ever be removed from the subject property, a recommendation is that Tract B becomes a part of the school property via a lot line adjustment.

Pride Disposal indicated that all residents will be expected to bring their receptacles to the edge of the public street in order to receive pick-up.

Clean Water Services, Bonneville Power Administration, The Sherwood Building Department, Tualatin Valley Fire and Rescue (TVF&R), Portland General Electric, Northwest Natural Gas, and Raindrops to Refuge were provided the opportunity to comment on this application but did not provide written or verbal comments.

## V. PRELIMINARY PLAT – REQUIRED FINDINGS

### 7.201.03 Required Findings

No preliminary plat shall be approved unless:

- A. **Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.**

The proposal provides for the future extension of Saunders and provides a conceptual re-alignment of the Saunders/Woodhaven intersection that illustrates an extension is not precluded by this development.

- B. **Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.**

No private streets are proposed; therefore, this standard is not applicable. It should be noted, however, that the applicant proposes to install private improvements within the area that will be required to be dedicated as right of way. This is acceptable, but will require an agreement between the City and the property owner (School District) to ensure that the improvements are installed and maintained with no liability to the City. This is discussed in more detail further in this report.

- C. **The plat complies with Comprehensive Plan and applicable zoning district regulations.**

This standard is satisfied through compliance with the applicable criteria discussed throughout this report. If necessary, conditions are imposed to ensure compliance.

- D. **Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.**

As discussed in Section VI.C (Public Improvements), adequate water, sanitary sewer and other public facilities exist to support the six new residential lots proposed in this plat.

- E. **Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.**

The plans submitted show how the remainder of the property (the ball fields) could be developed in the future consistent with the PUD overlay. In addition, the provision for the future extension of Saunders does not preclude more extensive development of the site and/or the high school.

- F. **Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.**

The land on all sides of the subject property is developed. The property to the east is developed with the high school and the property to the west is developed with the LDS church. In addition, the provision for the road to Lot 7 will enable the future development of the property in accordance with the Code and the Woodhaven PUD in the event the School District repurposes the land and makes a policy choice that it's in the best interest of the students and citizens of Sherwood to redevelop the property.

- G. **Tree and Woodland inventories have been submitted and approved per Section 8.304.07.**

A tree inventory has been submitted with this application. Compliance with this standard is discussed and conditioned as necessary further in this report under Section VI.E.

## **VI. APPLICABLE CODE PROVISIONS**

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

#### **2.102 Low Density Residential (LDR)**

**2.102.01 – Purpose. The LDR zoning district provides for single-family housing and other related uses with a density not to exceed five (5) dwelling units per acre and a density not less than 3.5 dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.**

#### **2.104.04 - Dimensional Standards**

- **Minimum Lot Area: 7,000 square feet for single-family detached**
- **Lot width at front property line: 25 feet**
- **Lot width at building line: 60 feet**
- **Lot depth: 80 feet**
- **Front setback: 20 feet**
- **Side setback: 5 feet for single-family detached**
- **Rear setback: 20 feet**
- **Maximum Height: 30 feet or 2 stories**

The southern portion of the property where proposed lots 1-6 are located is zoned LDR with the PUD overlay. Density was calculated based on the entire area within the PUD and approved as part of the original approval, therefore, the proposed six lots in the LDR portion of the site are consistent with the density of the overall approved PUD.

The Woodhaven PUD approval allowed variation from the standards referenced above for this zone and allowed lot sizes to be a minimum of 5,000 square feet and lot width at the building line to be a minimum of 50 feet. All other dimensional standards remained the same. As proposed, lots 1-6 exceed 5,000 square feet. The plans indicate that the lot dimensions meet the minimum 50 foot lot width requirement. Compliance with the setback and height standards will be confirmed during plot plan review.

**FINDING:** As discussed above, the LDR portion of the development complies with the standards as amended through the original Woodhaven PUD approval.

**2.104 Medium Density Residential High (MDRH)**

**2.102.01 – Purpose.** The MDRH zoning district provides for a variety of medium density housing including single-family housing, two-family, multi-family and other related uses with a density not to exceed eleven (11) dwelling units per acre and a density not less than 5.5 dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

**2.104.04 - Dimensional Standards**

- **Minimum Lot Area: 5,000 square feet for single-family detached**
- **Lot width at front property line: 25 feet**
- **Lot width at building line: 50 feet (single family)**
- **Lot depth: 80 feet**
- **Front setback: 20 feet**
- **Side setback: 5 feet for single-family detached (15 corner)**
- **Rear setback: 20 feet**
- **Maximum Height: 35 feet or 2 ½ stories**

At this time, no new development is proposed on the MDRH portion of the property (proposed Lot 7). This lot is currently developed as ball fields associated with the High School directly east of this property and more than exceeds the lot size requirements of the underlying zone. At some point in the future, the property owner may chose to develop this portion of the property consistent with the original PUD and applicable regulations in place at the time of development. Compliance with applicable standards will be evaluated at that time for any proposed development impacts on Lot 7.

**FINDING:** As discussed above, this standard is satisfied for Lot 7.

**2.301.01 Clear Vision Areas**

**A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**

The corner where SW Woodhaven intersects with the future extension of Saunders is subject to this standard. The corner of this intersection is the front yard of two single-family residences. This lot will already be constrained by the front-yard setback, which limits the height of fences, shrubs, etc. in the front yard. Staff will verify the clear vision area at the time of building permit submittals.

**FINDING:** Based on the analysis above, this standard can be met and compliance will be confirmed during plot plan review for individual building lots.

## **B. Chapter 5 – Community Design and Appearance**

### **5.302 Off Street Parking**

**Section 5.302.02 indicates single family dwellings required one off-street parking space per dwelling unit.**

**FINDING:** This standard is typically met with the installation of garages and required driveways. Compliance is confirmed during plot plan review for individual building lots.

### **5.402 Minimum Standards- Single-Family Driveways**

**One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.**

The plans do not show driveway aprons for lots 1-6 as the exact location is often not determined at this preliminary stage and compliance is confirmed during plot plan review for individual building permits. The topography of the site does not indicate driveway grades are likely to exceed 14%, however this will be confirmed during plot plan review for individual building permits. Lot 7 consists of the ball fields and access to this use was reviewed when the site plan for the ball fields was decided (SP 05-04).

**FINDING:** Based on the analysis above, the driveway standards can be met and compliance will be confirmed during plot plan review for individual building lots.

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

### **6.303 Required improvements**

**6.303.01 states that 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.**

The applicant proposes to preserve Tract A as a possible future extension of Saunders Drive. The applicant proposes Tract A remain in private ownership until Saunders Drive is extended at which time the tract would be dedicated as right-of-way. On page 6 of the submitted narrative the applicant suggests instructions be recorded on the face of the plat directing the future developer of Lot 7 to provide for the realignment and extension of SW Saunders Drive. In the meantime the applicant proposes this area serve as an emergency and pedestrian access to Lot 7 as well as access to residential Lot 6.

The Engineering Department is concerned with the uncertainty of if/when Tract A is to become public right-of-way. In addition, there is concern about the control mechanism the City has to ensure the street is extended in the location of Tract A. For example, as a privately held tract, it is feasible that the tract could be



retained in one ownership and Lot 7 in another ownership. Furthermore, as discussed further under 7.404.02, Lot 6 must abut a public street. While the intent of Tract A is for future extension, without the right of way dedication, staff can not find that the street frontage standard is met. Given these circumstances the Engineering Department recommends a condition of this land use action be that Tract A is dedicated as right-of-way.

The street improvements are not warranted at this time for several reasons. First, the uncertainty of when or if Lot 7 develops further consistent with the original PUD makes it questionable whether a short full width street connection should be constructed. Second, in order to safely provide the street extension at this time, the Saunders/Woodhaven intersection would need to be realigned slightly. It is likely that the cost of the intersection realignment and the full road construction for approximately 100 feet is not proportional to the impacts of the subdivision. However, it should be noted that future development of Lot 7 will likely warrant such street improvements. As the public improvements typical of a City street will not be required for the Tract A area at this time, and because the primary use of the area will benefit the owners of lots 6 and 7, it is recommended an agreement be required between the City and the property owner (School District) such that the District is responsible for maintenance of this area until such time as the area receives full street improvements.

**FINDING:** As discussed above, the required improvement standards have not been met. If the applicant complies with the conditions below, this standard will be met.

**CONDITION:**

1. Prior to final plat approval the plat shall show public right of way dedication of the area identified as Tract A as well as the portion of Lot 5 identified on Sheet C7 to accommodate a future intersection re-alignment.
2. Prior to final plat approval, enter into an agreement with the City of Sherwood for installation and maintenance of private improvements and landscaping within the public right of way identified as Tract A on the preliminary plat.

**6.303.02 (Existing Streets) states that except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.**

Woodhaven Drive exists and is fully improved; however the applicant proposes a number of street cuts within Woodhaven Drive to allow for new water, sanitary and storm services for lots 1-5. This request will require approval of public improvement plans and will result in unacceptable impacts to the pavement unless properly constructed. The Engineering Department recommends a condition of this land use action be a full street 2" grind and overlay of the asphalt section affected by the installation of utilities to lots 1-5.

**FINDING:** The applicant has proposed to construct the required improvements, however review and approval by Engineering is required before this standard can

be fully met; therefore, the applicant must comply with the conditions specified below.

**CONDITION:**

1. Submit public improvement plans for review and approval by the Engineering Department which are consistent with the preliminary plat. The public improvement plans shall specify a full street 2" grind and overlay of the asphalt section affected by the installation of utilities to lots 1-5 as well as replacement of any sidewalks disturbed due to the installation of utilities and/or development of lots.
2. Prior to final acceptance of public improvements, complete necessary overlay areas affected by the installation of utilities per the recommendation by the Engineering Department.

**6.304 Location and Design**

**6.304.02.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).

The Local Street Connectivity Map in the adopted TSP does not identify local street connections in this area; however, the applicant's design is consistent with the prior Woodhaven PUD which included a street connection between Woodhaven and Meinecke. The applicant has proposed a tract (Tract A) be reserved to accommodate a future extension when (or if) Lot 7 re-develops consistent with the original PUD. As discussed previously in this report, the proposed tract must be dedicated as right of way and a condition has been recommended accordingly. Either way, the proposal provides for the continuation of future streets.

**6.304.02.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.

Connectivity was reviewed as part of the original Woodhaven PUD and the proposal is consistent with the original approval. While the original approval was completed prior to the development and adoption of the TSP and the TSP identified a local street connection in an alternate location, the connection provided with the extension of Saunders "builds upon and expands" the local street connectivity map in the TSP. Furthermore, without a major amendment to the PUD approval the extension shown and provided for must be included or the development can not be found to be consistent with the original approval.

**6.304.02.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.

The distance between the Saunders future/potential extension and the future extension of Dow is approximately 390 feet, therefore complying with the block length standards. When or if Saunders is extended north through Lot 7, the block length standards will be evaluated for east/west connections as well.

**FINDING:** Based on the discussion above, the location and design criteria have been met.

**6.305 Street Design**

**6.305.07** states that grades shall not exceed six percent (6%) for principal arterials or arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than three hundred (300) feet for principal arterials, two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (1/2%).

The extension of Saunders is not being constructed as part of this development due to proportionality considerations and the uncertainty of how Lot 7 will be further developed in the future. When it is extended in the future, topography may be an issue because of the substantial grading that has occurred for the construction of the ball fields. At that time, the extension will need to be engineered so as to comply with the grade standards.

**FINDING:** Compliance with this standard will be reviewed when the street extension is constructed in the future.

**6.306 Sidewalks**

**6.306.01.A** requires sidewalks to be installed on both sides of a public street and in any special pedestrian way within new development.

**6.306.02.B** requires that Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

Five foot wide sidewalks are in place along all property frontages and will continue to exist after development. As discussed and conditioned above under Section 6.303.02, the development of the properties will require curb cuts and extension of utilities that will affect the existing sidewalks. The public improvement plans will ensure that the sidewalks will be re-installed and inspected prior to acceptance of the public improvements.

**FINDING:** Provided the sidewalks are replaced after installation of utilities and driveways, this standard will be met. Submittal of public improvement plans for review and approval was previously conditioned in this report thereby ensuring compliance.

**6.401 Sanitary Sewers - Required Improvements**

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 with the Code, applicable Clean Water Services standards and City standards to adequately serve the proposed development and allow for future extensions.

An existing sanitary lateral exists near the southwest corner of the site and the applicant proposes this lateral serve Lot 6. There is also an existing sanitary mainline stubbed to the subject property near the intersection of Woodhaven Drive and Saunders Drive. The applicant proposes an extension of this mainline with a new cleanout and lateral to serve Lot 6. The applicant proposes to extend laterals as necessary from the existing sanitary mainline in Woodhaven Drive to lots 2-5.

This approach is acceptable to the City of Sherwood's Engineering Department, provided a public easement is provided over the extension of the mainline along with a manhole as opposed to a clean-out at the end and if all other specifications and requirements set forth in the CWS Design and Construction Standards are met. One item required in the CWS Standards that does not appear to be addressed is the extension of the sanitary sewer to the most distant property boundary. (See CWS 4.02) In this case extension of the sanitary main line to the southern property line of Lot 7 is acceptable and will ensure service could be extended to serve Lot 7 in the event it develops further.

**FINDING:** As discussed above, the proposed plans do not fully comply with the sanitary sewer standard of the Development Code and CWS. If the applicant submits revised plans per the conditions below, this standard will be met.

**CONDITION:**

1. Prior to final plat approval, submit a revised plat that shows a twenty (20) foot public easement over the sanitary sewer mainline extension (twenty (20) feet is required due to multiple utilities in the easement).
2. Prior to approval of the public improvement plans, submit revised plans that show a manhole at the end of the sanitary sewer mainline extension (as opposed to the clean out proposed) and that shows the sanitary sewer line will be extended to Lot 7.

**6.501 Water Supply - Required Improvements**

**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains.**

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 a new water lateral from the existing mainline in Woodhaven Drive to serve Lots 1 and 2. An 8-inch mainline is currently stubbed to Lot 4. The applicant proposes to create laterals from this mainline to serve Lots 3, 4 and 5. To serve Lot 6 the applicant proposes to extend a mainline in a northerly direction from the existing mainline located at the intersection of Woodhaven and Saunders Drives. This design is acceptable to the City, however Tualatin Valley Water District will ultimately need to review and approve the water design as part of the public improvement plan review process in accordance with our contract with the District.

**FINDING:** The applicant proposes to install water lines, however, staff can not confirm the proposed lines fully conform to TVWD standards until public improvement plans are approved. This standard will be fully met when

Engineering reviews and approves the public improvement plans, which has been conditioned previously in this report.

**6.601 Storm Water - Required Improvements**

**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9 or its replacement.**

The applicant provided a memorandum dated July 10, 2006 summarizing the intent to discharge stormwater from the proposed lots to the existing storm system. This summary also contained calculations showing that the existing system has the necessary capacity. The City provided this information to a consultant for outside review. The consultant noted that the design was feasible but noted that the summary did not include any information about the condition of the existing water quality facility, nor was the typical downstream analysis included. After checking with the City of Sherwood's Public Works Department, it was determined the existing water quality facility is in good condition, functions well and that downstream concerns do not currently exist for this system.

The applicant proposes new storm laterals from the existing storm line in Woodhaven Drive to serve lots 1-5. While not shown in the applicant's proposal it is assumed that Lot 6 can be served by an existing main line crossing the front of the lot. Also not shown is if the existing line is located within a public storm easement. A condition was previously recommended under the sanitary sewer discussion for a 20 foot wide public utility easement which would cover both the sanitary and storm lines.

**FINDING:** As discussed above, staff can not confirm at this time that the standard has been met. If the applicant submits revised plans that show the storm water connection to Lot 6 and complies with the easement condition previously recommended in this report, this standard will be met.

**CONDITION:** Submit public improvement plans for review and approval that clearly show a storm water connection serving Lot 6.

**6.701 Fire Protection Required Improvements**

**When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (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.**

**FINDING:** All proposed lots will have frontage on a public street and no lot is greater than 500 feet from an existing fire hydrant.

## **6.800 Public And Private Utilities**

**6.802.A** requires that installation of utilities 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.

**6.802.B** requires that public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.

**6.802.C** indicates that 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).

**6.802.D** requires franchise utility conduits to be installed per the utility design and specification standards of the utility agency.

**6.802.E** requires Public Telecommunication conduits and appurtenances to be installed per the City of Sherwood telecommunication design standards.

The applicant has proposed 8-foot wide public utility easements (PUE) adjacent to Woodhaven Drive and a 15-foot PUE for Lot 6 adjacent to Tract A. As discussed and conditioned above, the easement adjacent to Lot 6 must be a minimum of 20 feet wide to accommodate two (2) public utilities. In addition, the applicant has not indicated that the required conduits will be installed as part of this development. As part of the public improvement plan review and approval, the applicant will be required to show conduits for all public and private utilities.

**FINDING:** As discussed above, the applicant has not shown all necessary public and private utility conduits will be installed, therefore, this standard has not been met. If the applicant complies with the below condition, this standard will be met.

**CONDITION:** Submit public improvement plans to Engineering for review and approval which includes installation of public telecommunication conduits including laterals for individual lots.

## **6.803 Underground Facilities**

**Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, 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 City.**

**FINDING:** The applicant will install utilities underground as part of the public improvements; therefore, this standard will be satisfied with approval of the public improvement plans and construction of the subdivision.

D. Chapter 7 – Subdivisions and Partitions

7.401 Design Standards- Blocks- Connectivity

**A. Block Size.** The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

According to the submitted preliminary plat, the block length, width and shape will provide for adequate single-family dwelling building sites, convenient access, circulation, traffic control and safety. In addition, the layout is generally consistent with the original PUD through the provision of a street connection from Woodhaven Drive to Meinecke Road. Traffic control and safety issues will be evaluated when and if Lot 7 develops in the future in a manner consistent with the original PUD. It is possible that modifications to the PUD or traffic improvements could be required at that time based on review of a traffic study for that development.

**B. Block Length.** Blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet.

As previously discussed, the block length of Woodhaven Drive between SW Saunders and SW Dow is approximately 390 feet in length. Therefore, the standard is satisfied.

**C. Pedestrian and Bicycle Connectivity.** Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

Figure 7.401 shows mid-block pedestrian connections between cul-de-sac bulbs and for longer blocks where streets may stub at "T" intersections on either side. While the applicant is not being required to construct public improvements for the extension of Saunders Drive at this time, they are proposing a pedestrian access to the ball fields located on Lot 7. There is a discrepancy in that sheet C2 of the applicant's drawings show a 6-foot wide brick access path while page 20 of the applicant's narrative calls for the same path to have an eight-foot width.

As also noted on page 20 of the narrative, this path will allow direct pedestrian and bicycle access to the Sherwood High School's sports complex. In the name of neighborhood continuity, and because this will be a major pedestrian/bike way, the Engineering Department recommends the path be 8-feet wide throughout the entire length from the western boundary of Lot 5 to the northern boundary of the area proposed to be Tract A. Because the area of Tract A is required to be dedicated to the public, the improvements within the right of way will need to be reviewed and approved by the Engineering Department. In addition to the pedestrian path within the area of Tract A to Lot 7, a well identified pedestrian path system through this site to Meinecke is necessary before finding this standard is fully met. It is anticipated that a pedestrian pathway system already exists through the majority of the site, however the location must be verified and any gaps in the systems removed.

**FINDING:** Based on the discussion above staff can not confirm that the block design standards have been fully satisfied. If the applicant complies with the conditions specified below, the standards will be fully met.

**CONDITION:**

1. Submit public improvement plans for review and approval that shows an 8-foot wide sidewalk/pedestrian path along the Lot 5 frontage and within the newly dedicated right-of-way.
2. Prior to final plat approval, submit a plan that shows the location of a pedestrian path system from Saunders to Meinecke. Any gaps in the path system must be addressed prior to signing of the Mylar.

**7.402.01 Easements- Utilities**

**Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.**

All public utilities with the exception of those serving Lot 6 will be located within the right of way with service laterals to individual lots, therefore, no easements other than the standard eight foot public utility easements are required. Lot 6 has existing storm and sanitary sewer lines that necessitates a 20 foot easement along the front property line. This has been conditioned previously in this report.

**FINDING:** Based on the applicant's proposal as discussed above and as conditioned previously in this report, this standard has been satisfied.

**7.403 Pedestrian and Bicycle Ways**

**Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.**

As discussed previously under 7.401.C, a pedestrian access is necessary to connect Woodhaven Drive to Meinecke Road at this time. When or if Saunders is extended in the future, sidewalks will provide this connection. In the mean time, a clearly defined path system is needed. While it is highly likely that such a path exists in whole or part, the applicant must show the pedestrian connection for staff to confirm and ensure the path system is complete prior to final plat approval. This has been conditioned previously in this report.

**FINDING:** As discussed above, while the standard is not satisfied as proposed, a condition has been recommended previously in this report under Section 7.401 which will ensure full compliance with this standard.

**7.404 - Lots**

**7.404.01 - Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions.**

The lot sizes for lots 1-6 comply with the original PUD approval. Lot 7 is not being further developed at this time but is generally of appropriate size and shape to



ensure it could be developed in the future consistent with the original PUD. The lots are not irregularly shaped and appear able to accommodate dwellings consistent with the setback requirements.

**7.404.02 Access - All lots in a subdivision shall abut a public street.**

Lots 1-5 abut Woodhaven Drive. As proposed, Lot 6 will abut a tract which is not proposed to be public. In order to comply with this standard, the tract must be dedicated as public right of way. As discussed previously in this report, construction of the small segment of the street does not serve current and proposed development, nor is it proportional. However, the applicant will need to provide some assurances that contributions to the construction will be made when or if the street extension occurs.

**7.404.03 Double Frontage - Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.**

No double frontage lots are proposed.

**7.404.04 Side Lot Lines - Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.**

All of the side lot lines run at right angles to the street.

**7.404.05 Grading -Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:**

- A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

Grading permits are issued through the Sherwood Building Department, however it is anticipated that full compliance with this standard can be achieved because the general topography is relatively flat. The Building Department will ensure compliance with grading standards.

**FINDING:** Based on the discussion above, the applicable lot standards have been met either through the proposed preliminary plat or the conditions recommended previously in this report regarding dedication of right of way.

**E. Chapter 8 - Environmental Resources**

**8.304.04 Visual Corridors**

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section VI of the Community Development Plan, shall be required to establish a landscaped visual corridor. The required width along a

collector is 10 feet and 15 feet along an arterial. In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk.

Per the Transportation System Plan, the development abuts a collector (Meinecke) along the northern property line; however the visual corridor has been established already as part of SP 05-04. Woodhaven Drive to the south of the subject property is a Neighborhood Route and does not require a visual corridor.

**FINDING:** This standard is satisfied.

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

Trees are required to be planted by the land use applicant to the specifications identified in 8.304.06.A1-5 along public streets abutting or within any new development. Planting of such trees shall be a condition of development approval.

The Sherwood Zoning and Community Development Code requires one (1) street tree for every 25 feet of street frontage or two (2) trees for every buildable lot, whichever yields the greatest number of street trees. Woodhaven Drive has 12 existing street trees along the site frontage spaced approximately 25-30 feet apart on center with one proposed for removal to accommodate the pedestrian access to Lot 7. The following table was used to evaluate the street tree requirements:

	# of lots/trees required	ROW length/trees required	Total trees required	Trees proposed
Woodhaven Drive	5/10	290/11.6	<b>12</b>	11
Saunders extension (Tract A)	1/2	62/2.48	<b>2</b>	0

As the above table shows, one (1) additional tree is needed along the frontage of lots 1-5 and two (2) additional trees are needed for Lot 6. In addition, it is anticipated that the installation of driveways for lots 1-5 may require the relocation of some or all of the existing street trees. Therefore, a condition is recommended that requires the applicant to clearly indicate which lots will have two street trees and which lots will have three street trees. The tree plan must be approved and a bond submitted for the street trees prior to approval of the public improvement plans.

**FINDING:** As discussed above, the proposal does not meet the street tree requirement; therefore, this standard has not been met. If the applicant complies with the condition listed below, this standard will be met.

**CONDITION:** Submit revised plans for as part of the public improvement submittal that shows a total of 12 street trees along the lot 1-5 frontage and 2 trees along the Saunders extension area.

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

8.304.07.A requires that all Planned Unit Developments subject to Section 2.202, site developments subject to Section 5.202, and subdivisions subject to Section 7.200, shall be required to preserve trees or woodlands, as defined by this Section 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. For the inventory purposes of Section 8.304.07, a tree is a living woody plant having a trunk diameter as specified below at four and one-half (4- 1/2) feet above mean ground level at the base of the trunk, also known as Diameter Breast Height (DBH). Trees planted for commercial agricultural purposes, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under Section 8.304.07, as are any living woody plants under five (5) inches DBH.

In general, the City shall permit only the removal of trees, woodlands, and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the land use application under consideration. For the development of PUDs and subdivisions, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets, and other infrastructure, and minimally required site grading necessary to construct the development as approved.

#### **D. Mitigation**

1. The City may require mitigation for the removal of any trees and woodlands identified as per Section 8.304.07C if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.

There are 21 inventoried trees on the property ranging in size from 5 inches to 22.5 inches diameter at breast height (DBH). Eighteen of the trees have been deemed to be in poor or fair condition and are proposed for removal. Three trees are deemed to be in fair condition and are proposed to be retained. These trees are Maple trees and are 18 inches, 21 inches and 20.5 inches located in the southeast corner of Lot 6. Based on review of the arborist report (Robert Mazany, July 5, 2006), most of the trees proposed for removal are in poor or fair condition and are considered hazardous. Tree # 13, 15, 16, 18, 19 and 20 are listed as fair and recommended for removal but there is no indication that they are hazardous, therefore mitigation is required. The total combined inches of these trees is 52 inches DBH. The applicant has proposed to plant nine (9) Western Red Cedar trees. Assuming these will all be 2 inches DBH, this provides 18 inches. An additional 34 inches must be mitigated through planting

on site, off-site or by paying a fee in-lieu. With the school district being the applicant/property owner, it seems very feasible that if space is not available on the subject property, there is ample room on other school owned property to accommodate 17 2-inch caliper trees. The applicant will need to submit a mitigation plan and either complete the mitigation or provide assurances that the mitigation will be completed prior to final plat approval.

**FINDING:** As discussed above, the applicant has not fully indicated how the trees to be removed will be mitigated. In addition, while the applicant has indicated they will remove only those trees minimally necessary to complete the development, a condition is necessary to insure that the proposed tree retention is realized and trees proposed for retention are not harmed during construction.

**CONDITIONS:**

1. The applicant shall comply with the arborist recommendations from Robert Mazany in the July 5, 2006 memo regarding tree protection measures and all tree protection shall be in place prior to the grading of the site.
2. Prior to final plat approval, submit a plan for mitigation of 52 inches and complete the mitigation or supply appropriate assurance that the mitigation will be completed per the approved plan. The mitigation shall provide similar species to those removed.

## VII. STAFF RECOMMENDATION

Based on a review of the applicable code provisions, agency and public comments, and staff review, staff recommends **APPROVAL with conditions** of the proposed seven lot subdivision for SUB 06-03 High School Heights. The specific recommended conditions of approval are:

A. General Conditions:

The following applies throughout the development and occupancy of the site:

1. 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.
2. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted dated August 14, 2006 and prepared by WRG Design, except as modified in the conditions below. All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
3. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and/or utilities within and adjacent to the plat, as required by the engineering compliance agreement.

4. 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 within this report.

B. Prior to any grading of the site:

1. The applicant shall comply with the arborist recommendations from Robert Mazany in the July 5, 2006 memo regarding tree protection measures and all tree protection shall be in place prior to the grading of the site. Tree protection shall be maintained on-site during construction of the entire project unless specifically reviewed and overseen by the arborist for necessary construction closer than the tree canopy.
2. Obtain Building Department permits and approval for erosion control and grading on private property and Engineering Department permits and approval for all grading in the public right-of-way.
3. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law. The method and schedule for abandonment of these shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.
4. A demolition permit shall be obtained from the Building Department prior to deconstructing or moving any structures.

C. Prior to construction of public improvements and connection to public utilities:

Receive City Engineer approval of construction plans for all public improvements. These plans shall meet the applicable standards of the City of Sherwood, Clean Water Services, Tualatin Valley Fire and Rescue, and Tualatin Valley Water District and the conditions of approval required from this land use action and include, but are not limited to, the following:

1. Placement of all existing and proposed utilities underground.
2. The utility plans, including line sizes for water lines, sanitary sewer lines, and storm drainage lines within the development, shall be subject to review and approval by the City Engineer, the Building Official, Tualatin Valley Fire and Rescue, Clean Water Services and the Tualatin Valley Water District prior to approval of construction plans for the development. Utilities shall be placed within easements, as approved by the City, when located outside public rights-of-way
3. Dust suppression and erosion control measures, as approved by the Building Official/City Engineer, shall be provided during the course of construction within the development.
4. Submit plans in accordance with the Engineering submittal checklist available from the Engineering Department.
5. The public improvement plans shall be substantially similar to the plans submitted with the preliminary plat, but shall also clearly provide the following:
  - a. a total of 12 street trees along the lot 1-5 frontage and 2 trees along the Saunders extension area.
  - b. an 8-foot wide sidewalk/pedestrian path along the Lot 5 frontage and within the newly dedicated right-of-way connecting to Lot 7.

- c. a storm water connection serving Lot 6.
  - d. a manhole at the end of the sanitary sewer mainline extension (as opposed to the clean out proposed) and show the sanitary sewer line will be extended to Lot 7.
6. The public improvement plans shall specify that a full street 2" grind and overlay of the asphalt section affected by the installation of utilities to lots 1-5 and replacement of any sidewalks disturbed due to the installation of utilities and/or development of lots will be complete prior to final acceptance of the public improvements.
  7. Submit public improvement plans to Engineering for review and approval which includes installation of conduits for public telecommunication utilities including laterals for individual lots.
  8. 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.
  9. The City Engineer may require a geotech report if questions arise regarding the constructability of the proposed public improvements.

D. Prior to Final Plat Approval:

**The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval. In addition, the following specific conditions shall be met prior to approval of the final plat:**

1. Obtain approval from Engineering for the public improvement plans.
2. Submit a plan for mitigation of 52 inches <sup>of trees</sup> and complete the mitigation or supply appropriate assurance that the mitigation will be completed per the approved plan. The mitigation shall provide similar species to those removed.
3. Submit a plan that shows the location of a pedestrian path system from Saunders to Meinecke. Any gaps in the path system must be addressed prior to signing of the Mylar.
4. Submit a revised plat that shows a twenty (20) foot public easement over the sanitary sewer mainline extension on Lot 6.
5. The final plat shall show public right of way dedication of the area identified as Tract A as well as the portion of Lot 5 identified on Sheet C7 to accommodate a future intersection re-alignment or as needed to accommodate the intersection re-alignment and the eight foot sidewalk connecting to the pedestrian pathway system on Lot 7.
6. Enter into an agreement with the City of Sherwood for installation and maintenance of private improvements and landscaping within the public right of way identified as Tract A on the preliminary plat. The agreement must be executed prior to final plat approval.

E. Prior to Issuance of Building Permits:

1. Obtain approval of all public improvements by the Engineering Department.
2. Submit two (2) copies of the recorded final plat to the Planning Department.

F. On-going Conditions

1. All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances and state rules and regulations, in a manner that will not increase runoff to adjacent properties. The approved points of disposal include storm sewer laterals to a public system or other storm sewer system as approved by the City Engineer.
2. The developer shall coordinate the location of mailboxes with the Post Office.
3. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.
4. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
5. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise determined by the City of Sherwood.
6. This approval is valid for a period of two (2) years from the date of the decision notice, per Section 7.301.01.

**VIII. EXHIBITS**

- A. Preliminary subdivision plan and narrative prepared by WRG design. Plans dated 8-14-06 and narrative dated July 2006.

TO: City Council  
FROM: Planning Commission  
RE: Area 59 – Phase 2 – Implementation (PA 06-01)  
DATE: October 27, 2006

Staff will be providing our recommendations to you regarding Area 59 under separate cover. However, we have elected to take the unusual step of providing a separate cover memo due to the exceptional volume and breadth of materials you have received. These recommendations run the gamut from adoption of technical guidance to amendments to the Transportation System Plan, to changes to our zone map, to further amendments to the Zoning and Development Code. We thought it might be helpful to provide a summary of some of our overall reasoning for this package in our words.

Please note that not all votes on all elements were unanimous, and this summary should not be considered definitive for all members of the Planning Commission on all issues. Those definitive comments, concerns and votes can be found in the record from our meetings, as is usually the case.

That said, please consider:

1. The reason this material is before you is to provide a school site. Were it not for that, this area would continue to be farm/exception land, and not eligible for urban development at all. Ensuring and preserving adequate land for schools was our primary objective. If the area cannot be preserved for two schools, then it should not be brought into the city.
2. While the MX overlay is not without risk, we believe the benefits are many.
  - It is a great opportunity to create a live, work, shop, and school area that would be contained within walking distance.
  - It would be market driven. It affords the community to grow as needed with a defined, low impact commercial aspect. It also provides a market-based choice to the development community to do something new and different or continue the existing land use pattern.
  - The design criteria element will produce a better product for everyone.
  - The time to consider such a designation is in a new neighborhood without any preexisting urban development and without many existing neighbors, not later when residents will be accustomed to a status quo development pattern.

Knowing of your reluctance to consider this element, we have tried to minimize the risks by, (1) designing the MX designation as an overlay rather than as a new zone, and (2) by not applying the overlay to the school site.



3. This project has gone through an extensive two year public process and the end result seems to be a good product for the future of Sherwood. It does provide for a modestly greater level of density than is currently available. While we believe this is offset by the implementation of design code elements of the "pedestrian zone," a majority of us believe this: any time we can use land in our urban growth boundary more efficiently, we delay our spread into the surrounding countryside. Whether that countryside contains potato farms, a vineyard, hobby farms, or Christmas trees, it helps define our community as much as the portions of Sherwood that have been developed. Responsible actions to delay that spread help keep this the kind of community we all value and keeps Oregon Oregon.

We respectfully submit this letter and package of recommendations for your consideration.

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**October 10, 2006**

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**Commission Members Present:**

Vice Chair Allen  
Jean Lafayette  
Dan Balza  
Matt Nolan  
Russell Griffin

**Staff:** Kevin Cronin

Rob Dixon  
Julia Hajduk  
Cynthia Butler

**Commissioners Absent:**

Chair – Adrian Emery  
Todd Skelton

**City Attorney:** Paul Elsner

1. **Call to Order/Roll Call** – Cynthia Butler called roll. Chair Adrian Emery and Commissioner Skelton were absent.
2. **Agenda Review** - An executive session had been discussed and placed temporarily on the agenda. Commissioners confirmed there would not be an executive session held this evening and that the session had been removed from the agenda.
3. **Brief Announcements** – Kevin recapped that the Oct. 18<sup>th</sup> SURPAC meeting will include discussion on the Economic Development Strategy, which is in lieu of another work session. SURPAC meetings begin at 6:30 PM at City Hall. A hearing on Economic Development will be held at the Nov. 14<sup>th</sup> Planning Commission meeting. October 19<sup>th</sup> the downtown streetscapes project ribbon cutting ceremony for the opening of Pine Street will be held from 5-6 PM, with the ribbon cutting at 5:30 PM. Refreshments will be served.

Rob Dixon requested feedback from Commissioners via email regarding the development of a better process to respond to public testimony during meetings from citizens who challenge the facts, ethics or intent of City staff. Rob said that in the past during such testimony, City staff has chosen not to respond during the public comments to maintain a professional public forum environment rather than engage with hostile accusations. Rob stated that when such testimony remains unchallenged it may give a false impression to the public that charges made by citizen testimony are accurate. Rob added that some public statements have degraded to defamation of character toward an ethical and professional staff. As such, Rob concluded that he would like some input from the Commission on better ways to manage these situations.

4. **Community Comments** – There were none.
5. **New Business: Public Hearing - High School Heights Subdivision, SUB 06-03:** Matt Nolan read the hearings disclosure statement. Vice Chair Allen recapped the Rules and Procedures for Meetings.

Julia Hajduk recapped the project to date. The site is part of the original Woodhaven PUD and a modification to the PUD was approved by City Council on Sept. 19, 2006, which allows the

addition of these 6 lots into the PUD overlay. Julia said the only significant change from the applicant's proposal is that Tract A is recommended to be dedicated to the City as right-of-way, so that it can be designated in the future if necessary for a future street connection. Julia added that the original Woodhaven PUD plans included a possible street connection at this location depending on future development. The Woodhaven Home Owners Association (HOA) approves adding this subdivision to the HOA. Julia added that staff recommends adding this arrangement to the conditions of approval.

Jean Lafayette referred to Page 21, D-2 and said that the text infers mitigation of trees but did trees did not appear in the language. Julia confirmed and will add trees to the language. Jean added that a condition for arborist protections appears in the findings section, but not on the conditions page. Julia confirmed and will add the arborist recommendations language to the conditions page. Jean said that a sign should be placed on the portion of the tract that may become a future street so that the public will be aware of the possibility. Julia confirmed that the Code requires a sign and one is planned for the site for this purpose. Jean asked about parking in relation to the ball fields. Julia deferred to the applicant's representative, Andrew Tull from WRG Design.

Andrew Tull, WRG Design, 5415 SW Westgate Dr., Ste. 100, Portland, OR 97221 – Andrew said there was not an expected increase in parking related to the ball fields particularly since the ball fields will not be visible from the street due to residential development and vegetation. Andrew confirmed that current parking needs for the ball fields are met at the high school. Russell asked if there would be a new path created to connect to parking from the development. Andrew confirmed an 8 foot-wide pedestrian path is proposed to connect to Meinecke that would also connect to the east side of the high school parking area.

Julia Hajduk reiterated that parking for the ball fields has already been addressed in the approval of the ball fields land use application prior to their construction.

Russell Griffin asked for a description of Tract A. Andrew Tull said Tract A will be located in front of Lot #6 and will be partially landscaped. Part of the tract will serve as the driveway for Lot #6 along with the 8 foot-wide pedestrian trail. No fence will be constructed as the tract will be a public right-of-way connecting to the school.

Vice Chair Allen asked if there were further questions for Andrew Tull. There were none.

David Heath, 16947 Cobblestone St., Sherwood OR 97140 – David stated he is the president of the Woodhaven HOA and supported Staff's recommendation that the new development become part of the Woodhaven HOA and that this be included in the conditions of approval. David said that he also agrees with Staff's recommendation that an agreement between the School District and the City for the maintenance for Tract A is listed in the conditions of approval.

Patrick asked for clarification from staff if the tract is public right-of-way that it should be the City's responsibility. Julia said that since the tract will include private improvements such as a pedestrian path and an emergency access drive, which are not the responsibility of the City.

David Heath said he was concerned about parking and referred to the stretch of Villa Rd. near the football field where people park for games. David added that with a pedestrian path it is

likely to encourage parking in the area. David said there are parking restrictions in Woodhaven as a result of street width and that some street sides in Woodhaven are designated no parking. David asked about options for no parking signage in the area. Jean asked if he was asking that this be placed in the conditions of approval. Mr. Heath responded that he was not specifically asking for this, but added that partial parking restrictions are difficult to enforce and that no parking signage may be the only option to avoid people parking to attend ball field functions. David concluded by asking if it was possible to install a large retaining fence or some kind of barrier to protect homes from ball field activity and said that some homes on Villa Rd. experienced some damage from sport events. Russell Griffin later added that buyers of property in the new development will be making the choice to live near ball fields, and questioned the extent that a developer or the City is responsible or can be expected to protect property owners from circumstances arising from the site's proximity to ball fields.

Vice Chair Allen asked if there were any further questions for Mr. Heath. There were none.

Kelly Hossaini, Miller Nash et al, 111 SW 5<sup>th</sup> Ave., Ste. 3400, Portland, OR 97204 – Kelly is an attorney that represents the Sherwood School District. Kelly said she spoke to the Woodhaven HOA attorney who said that conditions of approval for the final plat need to be in place requiring the developer to submit a supplemental declaration stating that the 6 lots are part of the Woodhaven PUD, and that the School District will also require this condition for the developer in the purchase & sale agreement. Regarding the tract maintenance, Kelly said that the purchase & sale agreement will also acknowledge that maintenance of the tract is the developers' responsibility. Kelly added that the developer can work with the Woodhaven HOA on a maintenance agreement as part of common areas maintained by an HOA. Kelly said the developer in any case would be responsible for obtaining an agreement for maintenance of the tract and this would be in the conditions of approval for the final plat.

Patrick said that the developer may or may not want to work out a maintenance agreement for the tract. Kelly responded that the developer would be required to do this based on the requirement prior to final plat approval. Kelly referred to the staff report that currently contains this condition. Julia confirmed.

Jean said that the current conditions of approval state that the City of Sherwood will place conditions on the final plat, and asked for clarification how the Woodhaven HOA will be included in the conditions for the final plat. Kelly responded that the City of Sherwood will confirm an agreement exists for the Woodhaven HOA to maintain the tract prior to final plat approval. Julia confirmed that because the tract will be right-of-way owned by the City, the Woodhaven HOA will be making an agreement with the City to maintain the tract and to be allowed to make improvements in the public right-of-way.

Discussion ensued regarding the HOA structure and that dues would be increased by the new properties as Tract A would be one of the common areas. Patrick stated that the School District, Woodhaven HOA, the developer and the City will be certain a maintenance agreement for Tract A is in place prior to final plat approval.

Vice Chair Allen recapped key items discussed that included: added language specific to trees and arborist protections; affirming the 6 lots into the Woodhaven HOA, maintenance of Tract A, and signage for the potential future street. Consensus was given by Commissioners and Staff.

Vice Chair Allen asked if there was any further testimony. There was none. The hearing was closed at 7:36 PM.

Julia Hajduk asked the Commission if Staff should draft the conditions of approval based on the intent in tonight's discussion and the recap of key items by Patrick Allen. Commissioners confirmed.

Jean Lafayette moved to approve SUB 06-03 High School Heights subdivision based on the adoption of the staff report, findings of fact, public testimony, staff recommendations, agency comments, applicant comments and the conditions as revised.

Matt Nolan seconded.

Vice Chair Allen asked if there was further discussion on the motion. There was none. A vote was taken:

Yes – 5 No – 0 Abstain – 0

Motion carried.

**6. New Business: Area 59 Letter of Recommendation** – Kevin handed out updated versions of the Area 59 draft letter from the Planning Commission to the City Council that included last minute recommended changes by Commissioner Nolan. Changes were discussed and Jean Lafayette motioned to approve the letter with changes. Dan Balza seconded. A vote was taken:

Yes – 5 No – 0 Abstain - 0

Motion carried.

Kevin reiterated that a work session was expected with Council prior to the Nov. 7<sup>th</sup> hearing on Area 59 and that he would like some Commission members to attend if possible. Rob Dixon stated that the City Council session regularly scheduled for Tuesday, Nov. 7<sup>th</sup> may be moved to Wednesday, Nov. 8<sup>th</sup> due to Election Day activities on the 7<sup>th</sup>. Kevin will get back to Commissioners regarding the confirmed Council date and work session.

**7. Comments from Commission:** Patrick Allen attended the SURPAC session last month on the Economic Development Strategy and said there was a good turnout. Patrick encouraged other Commissioners to attend the next SURPAC meeting if possible. Kevin added that the consultant had provided materials he will distribute to Commissioners. Patrick said he also attended two school design meetings for elementary and middle schools. Kevin said that he also attended an eco-charrette with the School District that was productive.

Rob Dixon reported on the Wayfinding project and recapped that the 2<sup>nd</sup> and last draft in April 2006 was presented to City Council at a work session. City Council received this version as a final recommendation. Comments are being updated and will go back to City Council with a public hearing, but no date has been set.

Kevin reported back on an item discussed from an earlier session and confirmed that Commission members who miss one hearing of a multiple hearing agenda should listen to the audio tape of the missed session before participating in the next continued hearing, or choose not to participate in the sequential hearing. Previously, review of the minutes from the missed meeting has been the practice.

Julia revisited discussion regarding options for increasing public involvement that was discussed at previous sessions. Julia said steps had been taken on some options already and that Staff would continue to consider better public notice formats, website updates and other options for better public outreach.

Vice Chair Allen asked if there was further discussion. There was none.

8. **Next Meeting:** October 24, 2006 – Goal 5 & Infill Standards public hearing, continued.
9. **Adjournment** – Vice Chair Allen adjourned the session at 8:20 PM.

End of minutes.