



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

February 3, 2004

Regular Meeting -7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Consent Agenda – January 20, 2004 PC Minutes (available 2-17-04 PC Mtg)**
3. **Agenda Review**
4. **Community Comments** *are limited to items NOT on the printed Agenda.*
5. **Public Hearings:** (Commissioners declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the procedure identified in Resolution 98-743, adopted June 9, 1998 (copies available on table):
 - A. (cont'd from 01-20-04) **PA 03-03 PUD Lot Sizes Plan Text Amendments.** A request by West Hills Development to amend Section 2.202.05C Residential PUD (Part 3, Sherwood Zoning & Development Code), in particular Item 3 Minimum Lot Size, so the City Council may approve lots with less than 5,000 square feet for single-family detached dwellings if certain criteria are satisfied. *(Dave Wechner, Planning Director)*
 - B. **PUD 03-01 Woodhaven Crossing Planned Unit Development:** a request by Peter Livingston for Milford/Marian Hosler (owners), for 168 residential condominium units and 3 ground floor commercial units (4,800 square feet) on an 8.97 acre site with open space tracts. The site is located at 22822 SW Pacific Hwy, further described as Tax Lot 500, Map 2S 1 31B. *(Dave Wechner, Planning Director)*
6. **New Business**
7. **Adjourn to Work Session to review:**
 - **Proposed Sign Code Plan Text Amendments**
 - **Proposed Decks Plan Text Amendments (located within rear yard setback meeting certain criteria)**

**ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED
TO THE NEXT REGULARLY SCHEDULED MEETING**

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
February 3, 2004

1. Call to Order/Roll Call

Chair Adrian Emery called the Planning Commission meeting to order at 7:00 PM.

Commission Members present:

Patrick Allen
Dan Balza
Adrian Emery
Kevin Henry
Jean Lafayette
Ken Shannon
1-Vacant position

Staff:

Dave Wechner, Planning Director
Anne Elvers, Associate Planner
Terry Keyes, City Engineer
Roxanne Gibbons, Recording Secretary

2. Consent Agenda

Jean Lafayette moved the Planning Commission accept the January 20, 2004 Planning Commission meeting minutes as presented. Seconded by Patrick Allen.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

3. Agenda Review

There were no changes to the Agenda.

4. Community Comments

Chair Emery referred the Commission to a letter from Shirley Groom. The Commission agreed that if Ms. Groom arrived later in the meeting they would allow time for her to provide comments.

There were no other community comments.

5. Public Hearings

5A. PA 03-03 PUD Lot Sizes Plan Text Amendments

Chair Emery opened the public hearing on PA 03-03.

Vice-Chair Patrick Allen read the hearings disclosure statement and asked that Commission members reveal any conflicts of interest, ex-parte contact or bias.

Ms. Lafayette announced she was reviewing the packet materials at a restaurant in Sherwood and a citizen approached her and made some comments regarding lot sizes. These comments did not cause Ms. Lafayette to have any bias and she planned to participate in the public hearing.

Chair Emery called for the Staff Report.

Dave Wechner, Planning Director, referred the Commission to the Revised Staff Report dated February 3, 2004, a complete copy of which is contained in the City Planning File PA 03-03.

The following additional documents were received and made a part of the record:

- February 3, 2004 Revised Staff Report for PUD 03-03.
- January 28, 2004 letter from Michael Robinson with the attached documents:
 - Amended text amendment addressing issues raised in the November 24, 2003 Staff Report, and
 - January 28, 2004 letter from Mr. Robinson explaining why the text amendment satisfies issues raised in the November 24, 2003 Staff Report.
- Applicant provided highlighted copy of Section 2.200, specifically 2.202 Planned Unit Development section of Part 3 of the Development Code.
- Booklet entitled, "Sherwood Urban Village Concept" prepared by West Hills Development and was enhanced by the power-point presentation.

Mr. Wechner noted:

- The applicant made a presentation to the Commission last year identifying the types of developments they have built in the tri-county area.
- The City Council adopted a plan text amendment in 2001 that required the minimum lot size for single-family, detached dwellings be 5,000 square feet. (Section 2.202.05C.3, Residential PUD)
- The applicant's original submittal recommended allowing single-family lots less than 5,000 square feet in a residential PUD. Staff recommended denial of this application.
- In response, the applicant revised the plan text amendments. These changes were received by Staff last week.
- The applicant removed the reference to the MDRH zone and recommended only PUD overlays in the HDR zone would allow lot sizes less than 5,000 square feet. The average lot size proposed would be 2,200 square feet with a minimum lot size of 2,000 square feet. The applicant states these lots could meet the minimum and maximum density in the HDR zone.
- The proposed amendments would not be applied within an existing residential planned unit development.
- Staff found that the revised proposed amendments are generally consistent with the intent and purpose of the HDR zoning district.
- The City has experienced some problems with smaller lots in Sherwood in administering the Code. These subdivisions have lots that are about 40% larger than proposed with this amendment. Some of the issues include encroachment into the setback areas, inadequate off-street parking, on and off-street parking congestion, increased ambient noise levels, reduced privacy for residents, a lack of lot storage and a rather inefficient land use.
- The HDR zone allows townhomes as another option.
- Based on the revised findings, Staff is still recommending denial of the application.

Chair Emery asked if the applicant wished to provide testimony.

Michael Robinson, representing the applicant, 1120 NW Couch, 10th Floor, Portland, Oregon 97209, addressed the Commission. Also at the table were Don Guthrie, West Hills Development, 15500 SW Jay Street, Beaverton, Oregon 97006, and Brian Roberts, LDC Design Group, 3300 NW 211th Terrace, Hillsboro, Oregon 97124.

Mr. Robinson said the Commission would see a power-point presentation of West Hills Development projects in Washington County. He noted:

- West Hills is not a tri-county developer, they are a Washington County developer. They have been successful in working with other jurisdictions in Washington County in high density zones with small lot developments – some with townhomes, but primarily smaller single-family homes.
- He has worked with the City of Sherwood over the years and recognizes the problems the City has had with small lots. The applicant believes they have a good product and if done right, the City will not encounter the same problems as with other subdivisions.
- The applicant would be amenable to further revisions to the proposed plan text amendments, if desired by the Commission.
- The proposed amendments would apply to future developments, not just the West Hills projects.
- The presentation will not focus on a specific site. The applicant plans to show the Commission how West Hills Development communities would work in Sherwood.
- West Hills has been the largest homebuilder in Washington County and Hillsboro for the last couple of years. He has represented them on 6 or 7 projects, including Orenco Gardens in Hillsboro, which is a good example of small lot development. They could provide a list of projects to the Commission.
- The front yards in all of the West Hills subdivisions are maintained by a professionally managed homeowners' association (from street curb back to the front façade). The maintenance costs are covered by the homeowners' association fees.
- Their projects use a variety of home elevations, architectural styles, colors and materials.
- The private open space is typically maintained by the homeowners' association. The open spaces vary in size and in addition to landscaping, include amenities such as benches, lighting and gazebos.
- The "Terrace Collection" and Chateau Collection" were shown. These homes can be built on different sized lots with a variety of access-ways and streetscapes. The Terrace is alley-loaded and the Chateau is front-loaded. The home plans were developed by an architectural firm.
- The small lot single-family homes provide an alternative to townhomes or apartments.
- West Hills Development would like to develop a product that Sherwood would be proud of and that will maintain the resale value of the homes in the subdivision.

Mr. Allen asked the applicant to discuss how the design concepts are reinforced in the proposed plan text amendments.

Mr. Robinson noted that the proposed text amendments are not a prescriptive ordinance similar to the townhome ordinance. They would be willing to do this if directed by the Commission. Most of the townhome design criteria could be applied to the West Hills proposal.

Mr. Guthrie said the Terrace Collection homes shown are on 2,400 square foot lots. The Chateau Collection homes shown are on 2,200 square foot lots. Every other garage sets back to the back of the lot to provide additional parking. It includes a green-space area, or old Portland style driveway approach, with a grassy strip running along the center of the driveway.

Mr. Robinson continued:

- The applicant would like to be given the opportunity to show the Commission that small lot development will work and to offer this to the citizens of Sherwood.
- All of the West Hills single-family models meet the townhome standard that the front façade cannot be more than 40% of a garage door area.
- If they are lucky enough to develop in Sherwood, some of the homes will be townhomes. In the HDR zone, they would like to have a mixture of single-family homes and townhomes.
- He reviewed the floor plans. The alley-loaded homes have a 20-foot wide alley surface with 28 feet from garage to garage. This keeps people from parking part-way in their driveway. It is a design that has worked successfully in the existing development.

Mr. Wechner asked if the applicant could discuss the dimensions of the lots being shown and the distance of the side-yard setbacks.

Mr. Guthrie said the lots are 31 feet by 75 feet and the side yard setbacks are 3-1/2 feet on both sides, 28 feet in the right-of-way and 20 feet in the asphalt surface. This encourages people to pull into the garage and use the garage for vehicles and not storage.

Mr. Robinson said there can be encroachments in any size lots. West Hills allows a 3-1/2 foot side-yard in lieu of the 3-foot setback.

Mr. Guthrie said the Terrace Collection dedicates a use easement on the side-yards for the homeowners to enjoy as patio space. This collection is very popular at this time. They are selling more alley-load homes than the street-load type. An alley-loaded product does require parking up front. The alley is private space for vehicles to go in and out and they have not had any problems with the alleys. Some side-yard fencing is allowed, but no front-yard fences are allowed.

Mr. Robinson said the recorded CC&R's are an integral part of making the neighborhoods work. They are enforced by a professionally managed homeowners' association.

Mr. Guthrie said they cannot guarantee that all of the homes will be owner-occupied, but this is not different from any other residential community. The proposed plan text amendments will present an option for the City of Sherwood to provide something other than apartments in the HDR zone.

Mr. Robinson referenced the February 3, 2004, Staff Report. They appreciate all the work Staff did in a short timeframe.

- They would agree to make the proposal applicable only to the HDR zone and to remove references to the MDRH zone.

- They agree that these amendments would not apply to existing residential PUD's.
- They are offering the plan text amendments as an option to allow single-family homes in the HDR zone on small lots.
- Homeowners' associations that are managed by a professional management association will help ensure a well maintained development.
- There are private enforcement matters that may be included in the CC&R's regarding owner-occupied criteria. Problems that may occur with parking, accessory structures, storage and noise can be taken care of by a professional management organization through the homeowners' association. The CC&R's can require that garages be used for parking and not storage.

Mr. Robinson thanked the Commission for their time. The applicant is available to answer any questions.

Chair Emery called for proponent or opponent testimony. There being none, Chair Emery dispensed with the rebuttal portion of the hearing and moved to Commission deliberations.

Mr. Wechner said if the Commission would like to explore further specifics, he would suggest the applicant provide some dimensions of lots. The dimensions of lots and setbacks would help evaluate the proposed plan text amendments.

Chair Emery agreed that a well-managed homeowners' association is an integral part of a community. He said all PUD's in the City are required to file CC&R's for Staff review.

Mr. Allen said fundamentally this discussion is about density. There are going to be trade-offs in meeting density requirements. It is important for the Commission to realize they are talking about HDR and the types of products that are currently allowed. The key to make HDR work is in the design. He would like to have the applicant prepare more detailed language regarding design that is more quantifiable and help the Commission administer the code. This criteria could be similar to the townhome design criteria.

Mr. Guthrie said Northwest Community Management manages all of their properties as well as the Woodhaven PUD in Sherwood. They have successfully maintained these properties and they do not have a HOA that has run out of funds or is failing. This is paramount in making sure the proposed plan text amendment would succeed. They would be willing to amend the text amendments.

Patrick Allen moved the Planning Commission continue PA 03-03 PUD Lot Sizes Plan Text Amendments to the March 2, 2004 Regular Commission meeting. The applicant will revise the proposed text amendments to include more detailed design guidelines. Seconded by Kevin Henry.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

4. Community Comments

Shirley Groom, 23750 SW Baker Road, Sherwood, Oregon 97140, addressed the Commission. Ms. Groom referred the Commission to her letter dated January 21, 2004, a complete copy of which was contained in the packets. She noted:

- The 3.09 acre pie-shaped site is zoned VLDR and located within the Sherwood City limits.
- Approximately one-third of the site is included in the national wetlands registry.
- She submitted a land use application to partition the site into three (3) lots of approximately 1-acre each. She had a buyer who worked with her during the plat process.
- The potential buyer had an engineering firm prepare an estimate on the costs of improvements required on Murdock. The amount came to over \$200,000 for three lots. This is not a very good profit margin for anyone interested in subdividing the site.
- The improvements included:
 - 5-feet of additional right-of-way to equal a 35-foot main arterial street.
 - 8-foot sidewalk from the south property line to Cornerstone Street.
 - Curb, gutter and drainage from south property line to where retaining wall is required.
 - 14.5-foot (half-width pavement redone from center point to edge of road.
 - Tree, street lights and underground utility lines.
- She asked if the Commission could reconsider some of the required street improvements.
- A sidewalk and street lights are already located on the west side of Murdock Road.
- There are other properties on the east side of Murdock Road that were not required to provide such extensive street improvements.
- This request would not only help her, but other property owners who are limited to dividing their property into one acre lots.

Mr. Wechner said Staff approved a three lot partition of the Groom site. There are extensive wetlands on site that are protected under Clean Water Services. Each lot has a wetland tract with a conservation easement over it for protection of stormwater and the riparian corridor. The conditions of approval included some extensive public improvements to meet current street standards for Murdock Road.

Mr. Allen asked if a variance would be appropriate.

Mr. Wechner said variances to dimensional standards are possible. He thought the \$200,000 estimate was somewhat high. The City Engineer may wish to provide comments.

Mr. Keyes said he did not dispute Ms. Groom's comments. The City worked on reducing the improvements, but it is still expensive. The east side of Murdock Road has the same issues. The City needs to determine what Murdock Road should look like. The best forum to deal with these questions would be during the Transportation System Plan (TSP) process.

Mr. Wechner agreed. One of the variance criteria is that the applicant is not afforded a break that other property owners are not allowed. Because there is a disparity on the frontage, there would really be a shifting standard. He would invite the Commission to look at the standards and use this as an example of how a particular property is affected when full frontage improvements are required.

In response to Mr. Allen's question, Mr. Keyes said a Local Improvement District (LID) would just postpone the same decision on appropriating costs.

Mr. Wechner said an LID would have worked prior to any of the properties being developed on either side of Murdock Road. Infill standards apply PUDs which must be at least 5 acres.

Mr. Shannon said he is familiar with the site. The buildable portion of one-acre lots will be very limited.

Mr. Keyes said he would like to review the cost estimates. Ms. Groom said the estimates were done for another private party and she did not pay for it. She will ask if the contractor would provide the estimates to Mr. Keyes for review.

The Commission recommended that this issue be reviewed during the TSP process.

**5B. PUD 03-01 Woodhaven Crossing Planning Unit Development
Chair Emery opened the public hearing for PUD 03-01 and called for the Staff Report.**

Mr. Henry announced that he would not be participating in the public hearing for PUD 03-01 Woodhaven Crossing because he has a potential customer that may be involved with this project.

Mr. Shannon announced he has known the Hoslers (property owners) for a number of years, but this would not influence his decision-making process. He has not talked to the Hoslers for quite some time.

Chair Emery announced he lives in Woodhaven. The site is some distance from his home and he did not see this as influencing his decision-making process.

Dave Wechner, Planning Director, referred the Commission to the Revised Staff Report dated February 3, 2004, a complete copy of which is contained in the City Planning File PUD 03-01. He noted:

- The application was originally filed in July 2003 and became complete in November 2003. The original proposal was for 169 multi-family attached condominiums. Staff evaluated this project and recommended denial (Staff Report dated 12-30-03).
- The applicant has made significant changes to the plans that the Commission is reviewing tonight. The revised plans proposed 156 multi-family attached condominiums.
- A representative from ODOT is present to answer any questions.
- The site is zoned Office Commercial and planned unit developments, including high density residential, are a permitted use in the zone through the PUD.
- Staff recommended road and lot patterns that would be compatible and set the precedent for developing sites to the north. This has been addressed adequately in the revised plan.
- Some of the access issues that remain on the site without connection into the Woodhaven PUD to the east and south cannot be resolved. Access to the site from the north will probably require a u-turn on 99W at the Sunset Boulevard intersection.

Terry Keyes, City Engineer, said the City has been working closely with ODOT for the last four years on this section of Highway 99W as a part of the Meinecke Road project. Access along 99W from Sunset to Cedar Creek have been reviewed extensively. One of the plans would be a parallel road on the south side that would access 99W as a right-in, right-out as proposed on the plans. The road would follow through the properties on the south side and come out where the old QT driveway is located. This would improve the capacity of 99W and consolidate accesses to two points onto a public road. The proposed Woodhaven Crossing PUD is the first leg of this study and will be addressed further in the Transportation System Plan (TSP).

John Bosket, Region Access Engineer, ODOT, 123 NW Flanders Street, Portland, Oregon 97209, addressed the Commission. Mr. Bosket noted:

- ODOT has been working with City Staff to create a public street connection that would serve more properties to the north of the site.
- The applicant was willing to provide a public street connection that would serve as the access to their site and provide a connection to neighboring properties.
- Two main issues identified by ODOT are included in a letter attached to the Staff Report. One of the issues is being resolved – the width of the public street that abuts the neighboring property. The other issue was the public street serving more properties in the future. It is important to have a right turn lane from 99W providing a deceleration route to lead into this public street connection. The plans identify some type of right-turn lane, but more design information is necessary.
- The design will have to meet ODOT design standards. ODOT is optimistic that the applicant can achieve the necessary design that will be acceptable to ODOT.
- In response to Mr. Shannon's question regarding the 990 feet from the intersection of Sunset Boulevard to the nearest public or private street, there is a driveway to a home about 150 feet away. They are working towards an ultimate design where they would be accessing several properties off of the public street connection. The ideal scenario would have approximately 1000 feet between street connections.

Mr. Hanson, OTAK, said the distance from Sunset Boulevard to the site access is 985 feet.

Ms. Lafayette asked about the queuing and u-turn availability on Sunset Boulevard.

Mr. Bosket responded that the traffic study from the applicant showed that for this development there would be adequate operational capacity at the intersection of Sunset Boulevard and 99W to use the u-turn. ODOT will continue to monitor the intersection of Sunset Boulevard and Meinecke Road to 99W as more developments come in along 99W north of the site. ODOT will continue to investigate the need for another crossing on 99W that will provide better safety than previous crossings that were removed between Meinecke Road and Sunset Boulevard.

Mr. Wechner said the applicant could address the three deviations from Code standards that are not met at this time:

- Density
- Off-street parking of 190 spaces. The Code requires 241.
- Bicycle parking is not shown on the plans.

With regard to connectivity to Woodhaven Drive, Mr. Wechner noted that between the creek and green area (Tract Y) as shown on the map, there is a tract that was dedicated for open space purposes. The applicant proposed an emergency access road, stormwater line and a trail in the original proposal. On the revised plans, this has been reduced to just a trail. Until the TSP is adopted, the City is not supporting a road connection at this point.

Chair Emery asked if the applicant wished to provide testimony.

Peter Livingston, Schwabe, Williamson Wyatt, representing the Milford/Marian Hosler, 1211 SW 5th Avenue, Suite 1600-1900, Portland, Oregon 97204, and Don Hanson, OTAK, representing K&F Development, 17355 SW Boones Ferry Road, Lake Oswego, Oregon 97034, addressed the Commission. Mr. Livingston noted:

- The site is 8.97 acres and was previously a nursery which has been discontinued. The site has been difficult to develop because of the access to 99W.
- The site is zoned Office Commercial (OC) which allows a number of permitted uses such as restaurants, taverns and lounges, offices, studios, and clinics.
- Multi-family housing in a PUD is subject to the provisions of the High Density Residential (HDR) development standards.
- The revised plans propose 156 units which is less than the original 169 units. There will be 26 one-bedroom units, 78 two-bedroom units and 52 three-bedroom units.
- The applicant met with the neighbors on June 10 and September 23, 2003. The June 10 meeting dealt with a proposal that was never submitted to the City. There was strong opposition to this proposal. Major concerns were increased traffic levels, safety, the physical impact of construction and proposing direct access to the Woodhaven PUD. The plans were revised.
- The green area along the eastern boundary of the site was expanded to allow more landscaping to help screen this development from Woodhaven.
- The preliminary site plan (Exhibit 15) shows a very limited, curved entrance into the property, revised street configuration and emergency access.
- The City did not want the emergency access, so the storm drainage and emergency access were removed.
- The current plan has a completely encapsulated neighborhood with no direct connection to the Woodhaven PUD.
- Exhibit 4 identifies the trail connection that extends from 99W to the YMCA and the open Tract A along the border of the property that connects across Tract Y.
- Tract A is a little over 2.0 acres of open space area that will be dedicated to the City. Tract B is the pool area that will have some recreational structures for the residents.
- The benefits of the PUD to the community are the 2.0 acre site dedication as open space to the City, the recreation area on the site, and connectivity to properties to the north as they are developed.
- The neighbors expressed concerns about the building elevations on the east boundary of the site. The applicant proposes to regrade the area so that the buildings will be 1-2 feet higher on grade, less than the previously proposed at 4-6 feet.
- The traffic impacts have been addressed given the very difficult site configuration.

- The site to the north could be developed as a commercial use.
- With regard to density, the Staff is correct. The applicant's view is that the Code does not require the application of high density residential standards because the PUD talks only to the dimensional standards. The applicant has attempted to meet the density standards and apparently fell short because they did not make a formal request for a density transfer from Tract A to the balance of the property. The Code has a provision that you can add a maximum of 20% to the overall density if you include lands within a floodplain. If this is done with Tract A, they will have a density standard of 24 dwelling units per acre multiplied by 122 for 28.8 du per acre. They are proposing 25.8 du per acre in the high density residential zone.
- Bicycle racks will be identified on the plans.

Mr. Hanson addressed the Commission. He has been the contact person with the neighbors throughout the design process. As previously noted, he met with the neighbors two times. He reviewed the concerns and revisions made to the plans:

- The applicant has worked with ODOT on access. The public street going to the north on the site will be widened. Their traffic engineer has proposed a deceleration lane. The spacing from Sunset Boulevard to the access to the site is 985 feet. This was reduced from 1085 because the neighbors to the north have a driveway that they would like to keep until they redevelop their property. A road will be stubbed in to them that is 100 feet in from the highway right-of-way.
- The traffic that parallels 99W on the frontage road is removed from 99W by one row of buildings. It eliminates any conflict with headlights.
- The public road connecting to Woodhaven Drive has been removed. A broad, pedestrian pathway is being proposed that will go from Woodhaven Drive and hook up to the 99W sidewalk that goes to the YMCA.
- The proposed buildings will be three stories in height and measure 44 feet by 68 feet. The site will be graded so that the buildings will be closer to the floor elevations of the single-family homes that are behind the site.
- The buffering proposes a minimum setback along the southern edge of the site of 36 feet to the buildings. The landscape plan includes planting 95 trees and additional shrubs.
- They have reduced the number of units from 169 to 156 and reconfigured the public road. The trail connection will form a great loop around the YMCA. The parallel walk along 99W will be combined with the right-of-way walk so pedestrians will be buffered by a landscape strip. The walk will be widened to 8 feet.
- The bicycle racks will be located adjacent to Building 26, between Buildings 13 and 14, and just north of Building 6.
- He responded to the three items identified by Staff on page 7 of Staff Report:
 - The HDR zone has a density range of 16 to 24 units per acre. They defined net acreage by eliminating the public right-of-way as well as Lot 3, the corner retail section of the site, and they have included Tract A, the open space in the calculation. This allows 8.10 acres net. The density they are proposing is 19.2 dwelling units per acre.
 - Sherwood has a basic stipulation that garages do not count towards the number of parking spaces required. The units are not going to be rental units. All of the garages

are within the footprint of the buildings. The garages that tuck in, two of them have direct stairway access up into the two-story townhomes above them. They propose a credit for one-half of the garages. This would increase the number of parking spaces from 190 spaces to 242 spaces. 241 spaces are required. They would like the Commission take this into consideration.

- They have identified a 0.39 acre retail site on the corner. Development of this site will be done through the site plan review process. The square footage will be essentially the same or a little less than was originally proposed.
- The smaller buildings are the same size as a large single-family home. The traditional style of the buildings with the craftsman detailing will relate well to the Woodhaven PUD.
- The project will provide a buffer and a transition in terms of density and price level.

Mr. Wechner read the definition of “net buildable acre” from the Code, “An area measuring 43,560 square feet, after excluding the present and future rights-of-way, environmentally sensitive areas, public parks and other public areas.” The applicant’s request for a density transfer will meet the density requirements.

Chair Emery recessed the public hearing for a 5-minute break and reconvened the meeting at 9:20 PM.

Chair Emery asked if there was any proponent testimony.

Mike Cook, (Branch Manager, Prudential NW Properties) 16200 SW Langer Drive, Sherwood, Oregon 97140, addressed the Commission. He noted:

- There is a need for affordable housing in Sherwood and the need for options for homeowners that do not want to maintain yards.
- There are a limited number of condominiums available in the Sherwood.
- The multiple listing service identified only a few properties for sale in Sherwood that are advertised for less than \$170,000. He identified the two properties listed for sale.
- The proposed plan will allow for home ownership at an affordable price. He has heard the pricing will be in the \$130,000 - \$140,000 at the low range.
- There is a growing need for condos. The older population does not want to maintain a yard. There is an older population in Newberg and Sherwood that would like to see this type of housing.
- There is a need for this type of housing in Sherwood to serve the community.

Chair Emery called for opponent testimony.

Ed Stormont, 22979 SW Hosler Way, Sherwood, Oregon 97140, addressed the Commission. Mr. Stormont was representing the Woodhaven Homeowners Association (approximately 1000 homes). He had prepared written testimony, a copy of which was distributed to the Commission and made a part of the record.

- The Woodhaven Homeowners' Association oppose the proposed Woodhaven Crossing PUD. They request the right to amend the testimony in the event that additional discrepancies are brought forward.
- The applicant has failed to meet the requirements of the Development Code, specifically Sections 2.202.02C.3, 2.202.02C.5 and Section 2.201.01B.3.
- The proposed development is not in harmony with the surrounding area. The density is widely divergent from existing adjacent uses and future development in the Office Commercial zone.
- The proposed development introduces traffic and community service issues not provided for in the City's existing zoning plan, creating detriment to the surrounding area.
- ODOT has stated that the additional traffic at Sunset and Highway 99W intersection will result in an increase in inaccessibility to the right and left turn lanes. They also agree with the Commission comments tonight regarding traffic u-turns to access the site.
- The developer states that harmony will be achieved by creating a buffer between 99W and Woodhaven. Such a buffer is not needed.
- The developer states they have worked closely with ODOT to harmonize this development with the requirements of the State highway. Following ODOT requirements does not constitute harmony with the surrounding area.
- The developer claims, but fails to show that any benefit is created by the development that could not be created under the underlying zoning district.
- Preservation of the open space that is not developable is not a benefit unique to the development.
- The developer is not in a position to determine the "needs of the community".
- The commercial space is not yet identified and as such cannot be deemed as a community need.
- The Association is concerned about the Archer Glen Elementary school capacity and the effect this development may have on school capacity.
- The application fails to identify any potential effects to the continuation of the natural area as it extends toward Woodhaven Drive. The natural area on the site and the City property to the east feed a delineated wetland.
- The Association thanked the Commission for the opportunity to provide testimony and they would request that the Commission deny approval of the proposal.

The Commission noted the developer is correct that State law prohibits the Commission from considering school capacity as a condition of approval.

Ms. Lafayette asked if the Association would be more amenable to a restaurant or tavern on the site as a permitted use. Mr. Allen asked if the Association had considered how the property could be developed.

Mr. Stormont responded that they thought the site would be developed as offices. He noted that a 40-foot building is already 4 feet higher than the homes in Woodhaven. The potential for something negative being built in the future, such as a hotel/motel, in their estimation does not outweigh the real potential now.

Billie Baker, 17918 SW Frederick Lane, Sherwood, Oregon 97140, addressed the Commission. Ms. Baker had the following concerns:

- A smaller lot usage for single-family homes, as discussed in the previous public hearing (PA 03-03 PUD Lot Sizes Plan Text Amendments) would be more acceptable and not present many of the problems that a condominium or apartment complex.
- The Woodhaven PUD has an area of condominium units with garages. Parking has been a problem in this area because cars are being parked on other through streets. The Woodhaven Crossing PUD needs to have adequate parking and meet the parking standards.
- Middleton Elementary School is already at capacity.
- A senior citizen who cannot take care of yard will not be interested in occupying a three-level home.
- Property values in Woodhaven will decrease by having a multi-family unit next door. Woodhaven is the premier neighborhood in Sherwood.
- Woodhaven has about 1000 homes and there are other uses on this site that would benefit this community more than a condominium development.

Sue Fugere, 22700 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Ms. Fugere owns the property to the north of the proposed development. She noted:

- Her children currently attend Hopkins Elementary School.
- Traffic making a u-turn at the 99W and Sunset Boulevard intersection is a concern. This is a very dangerous intersection.
- The public road being proposed would give their property access, but she has been told that they would lose their current driveway when their property develops. The proposed road will cut their property in half. She wanted to know what this would do to their property value.
- The noise from the site after it is developed is also a concern.

Chair Emery asked if there was any further testimony, either proponent or opponent. There being none, Chair Emery asked if the applicant wished to provide rebuttal testimony.

Mr. Livingston made the following comments:

- Section 2.202.01B.1, the standard is to encourage efficient use of land and resources that can result in savings to the community, consumers and developers. One of the tensions with any development is the tension between higher density and the desire for less density. The application is consistent with state law and City policy which is to provide a wise and more efficient use of the land.
- Section 2.202.01B.2, they are preserving the open space area and essentially connecting it to the rest of Woodhaven to enjoy.
- Section 2.202.01B.3, the development will provide a diversified and innovative living environment as discussed by Mr. Cook.
- Section 2.202.01B.4, the greater density will achieve maximum energy efficiency in the land use.

- Section 2.202.01B.5, the development design will be innovative and compatible with the Woodhaven craftsman-style homes.
- Section 2.202.C.5, they are proposing to develop a residential neighborhood in Sherwood, in lieu of any other commercial development that is a permitted use. The Commission needs to consider how this will look in the future. This project will be a more attractive and compatible proposal.
- Section 2.202.C.3, this project is clearly unified and internally compatible with the surrounding area. Being in harmony with the surrounding area cannot mean that it would prohibit greater density next to lesser density given the multi-purposes of the zoning code. They are proposing a residential use next to a residential use.

Mr. Allen asked if Section 2.202.C.3 could be referring to height. Mr. Livingston said it could refer to height. This project will have a substantial greenbelt between the two sites, so there should not be that much visual contact.

Mr. Livingston noted that the Commission stated they would not be considering the school issue. The testimony regarding considering this development for smaller lot single-family housing is not consistent with the present zoning.

Mr. Hanson made the following comments:

- Regarding drainage, the applicant discussed this issue with the attendees at the second neighborhood meeting. There are 4 or 5 lots at a lower elevation just south of the site. Because they do not plan on filling this portion of the site, it would be easy for the applicant to add a stormline on their site for a collection stub into these yards so that there would be a way to conduct the water out of the area. They will work with the City Engineer on the design.
- Wetland impacts on the open space tracts were mentioned. A wetland biologist reviewed the condition of Tract A (the ravine between the site and the YMCA). The report defined an appropriate buffer that the applicant plans to put in place.
- Building height – the Office Commercial (OC) zone allows buildings to be 40 feet in height, 20 feet from the property line. They are proposing 3-story buildings that would be approximately 30 feet to the top plate or eave of the third floor from the finished grade. About two-thirds of the way to top on the pitched roof is about 35 feet. It may be 40 feet right at the peak of the center of the building.
- Property values are always a sensitive issue. He wanted to reiterate that these condominium units are going to be marketed as owner-occupied units.
- The property owner to the north was concerned about the public road going through the middle of their property. He would want this road location so that in the future both sides of the property could be developed.
- In response to Ms. Lafayette's question, the ground-level flats will be ADA accessible and consist of about one-third of the units. There will be a homeowners' association.

Ms. Lafayette noted that they did not have Exhibits 1 through 27. These will be provided to the Commission by Staff.

Mr. Allen asked for clarification of the building height requirements.

Mr. Wechner responded that the height limit in the Office Commercial (OC) zone is 2 stories or 30 feet, whichever is less. The PUD criteria incorporates the HDR dimensional standards which allow buildings 3-stories or 40 feet, whichever is less.

Chair Emery said parking problems have become a major issue in the Woodhaven Townhome area.

Mr. Hanson said the applicant will be building the pathway from 99W to Woodhaven Drive to City standards. Mr. Keyes said this would probably be a 10-foot wide path.

Mr. Livingston said the applicant would be willing to extend the 120-day deadline in order to work with Staff in making some possible improvements to the plan as well as develop proposed conditions of approval. They would agree to present this information at the March 2, 2004 Regular Planning Commission meeting.

Patrick Allen moved the Planning Commission continue PUD 03-01 Woodhaven Crossing Planned Unit Development to the March 2, 2004 Regular Planning Commission meeting, extending the 120-day deadline by 30 days, as agreed to by the applicant. The applicant will work with Staff on potential conditions of approval. Seconded by Jean Lafayette.

Vote for passage of motion: 5-Yes, 0-No, 0-Abstain

(Mr. Henry did not participate)

The public hearing scheduled for the February 24, 2004 City Council meeting will be continued to an acceptable future meeting.

6. New Business

There was no new business.

7. Adjourn to Work Session

There being no further business to discuss, Chair Emery adjourned the regular Commission meeting at 10:10 PM.

The Commission reviewed the proposed sign code plan text amendments and proposed deck plan text amendments.

The work session was adjourned at 10:45 PM.

END OF MINUTES