



City of Sherwood PLANNING COMMISSION

Stewart Senior/Community Center
855 N. Sherwood Boulevard

March 4, 2003

Regular Meeting -7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
 - **Introduction of new Commissioner Dan Balza**
 - **Re-appointment of Jean Lafayette (4 year term – March 2007)**
2. **Consent Agenda – February 4, 2003 PC Minutes**
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. **PA 02-02 Land Use Process, Appeals and Time Limits Plan Text Amendments:** to Part 3, Zoning & Community Development Code as follows:
 - Chapter 3, Section 3.200 Procedures for Processing Development Permits;
 - Chapter 3, Section 3.400 Appeals, simplifying appeal process;
 - Chapter 4, Section 4.300 Conditional Uses - 4.302.05 Time Limits;
 - Chapter 4, Section 4.400 Variances - 4.401.04 Time Limits;
 - Chapter 5, Section 5.100 Site Plans - 5.102.06 Time Limits;
 - Chapter 7, Section 7.200 Preliminary Plats, 7.300 Final Plats - 7.301.01 Time Limits; 7.301.02 Extensions; 7.301.03 Staging. (*Dave Wechner, Planning Director*)
 - B. **PUD 02-03 Madera Planned Unit Development & Preliminary Plat:** a request by Centex Homes for a 59-lot single-family attached (townhome) planned unit development on 6.65 acres of an 11.78 acre site with lots sizes ranging from 1,800 square feet to over 5,000 square feet. The site is zoned High Density Residential (HDR) and Retail Commercial (RC). The site is located at 21235 SW Pacific Hwy, east of Edy Village, further described as Tax Lot 1300, Map 2S 1 30D. (*Keith Jones, Senior Planner*)
6. **New Business**
7. **Adjourn**

**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
March 2, 2004

1. Call to Order/Roll Call

Chair Adrian Emery called the Planning Commission meeting to order at 7:10 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 February 3, 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

Anne Elvers announced that Brad Brucker, the applicant for SP 03-08 CUP 03-06 Woodhaven Community Church Site Plan and Conditional Use (Agenda Item 5C) had requested a continuance so that they could address the City's concerns as stated in the Staff Report dated February 24, 2004. Mr. Brucker estimated that a 30-day timeframe should be adequate.

Patrick Allen moved, based on the applicant's request, the Planning Commission continue SP 03-08/CUP 03-06 Woodhaven Community Church Site Plan and Conditional Use to the April 6, 2004 Regular Planning Commission meeting. This request will extend the 120-day deadline by 35 days. Seconded by Kevin Henry.

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

4. Community Comments

There were no community comments.

5. Public Hearings

5A. PA 03-03 PUD Lot Sizes Plan Text Amendments (continued from February 3, 2004)

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. There were no new disclosures.

Chair Emery asked if Staff wished to provide any new information.

Dave Wechner, Planning Director, referred the Commission to the Revised Staff Report dated February 25, 2004, a complete copy of which is contained in the City Planning File PA 03-03. He briefly reviewed the background of the application.

- Staff took a few photographs of similar small lot developments in Washington County (two built by the applicant and others built by another developer). He made a power-point presentation showing photographs of these subdivisions and entered the following additional documents into the record:
 - Plat maps of *Jones Farm* and *Kennedy Estates* Subdivision Plats with lots less than 5,000 square feet in size. These plats are indicative of the types of product and subdivision layouts that you might see as proposed by the applicant, or would be allowed by the proposed plan text amendment.

Mr. Wechner testified further:

- Staff is still recommending denial of the proposed plan text amendments.
- The applicant made some modifications to the previously submitted application.
- The applicant is proposing to use garages to account for parking space. This criterion is similar to the City's townhome ordinance.
- The applicant plans to allow on-street parking. At the sites they visited, Staff found that the small lot widths might prevent many on-street parking spaces. In many cases there were two on-street spaces per every 8 to 9 units. This was the case with front-loaded units.
- The text amendment proposes to use alleyways in the criteria, but also allows a minimum 2-6 foot setback for rear-loaded units. Staff found this setback to be tight. (Page 1 of the applicant's proposal.)
- The design standards mirror the townhome ordinance.
- The text amendments refer to homeowners' association for maintenance of landscaping and CC&R's to maintain the subdivision.
- Staff found that the strength of the application, in its latest form, is the design criteria has been included; such as variations of façade and materials have been addressed.
- Staff saw some examples where maintenance by property management companies resulted in a nice looking neighborhood.
- Staff is concerned that the applicant's proposal is relying on homeowner's association rules and property management company to perform the upkeep. Experience with HOA's has been that the CC&R's can be changed per Oregon Revised Statutes. Social rules or conditions that seemingly offer an assurance of a well-ordered community are difficult to enforce.
- Page 4 of the proposed language (Item 7 Applicant representations & Item 8 Prohibition in developed PUD) creates some problems. "Representations made by an applicant during the approval of the PUD preliminary development plan shall be included as conditions...". Oftentimes in hearings a developer or proponent will promise something

that cannot be delivered. Staff would not support this type of condition as one of the PUD criteria.

- Prohibition of these text amendments being applied in a developed PUD would prohibit any PUD that is currently reviewed from including this type of housing. If this type of housing is found to be compatible by the Commission or Council, why would it not be allowed in an existing PUD?
- Page 4, Section C, Occupancy, refers to the PUD preliminary development plan which does not authorize building. Building can only occur after the PUD final development plan is adopted.
- The language for models homes would need to reference the final development plan and plat and that water and sewer are available.

Mr. Allen asked Mr. Wechner if he had an opportunity when he was taking pictures of the projects in Hillsboro to talk to some of the residents to get a sense of the neighborhood profile.

Mr. Wechner responded that he spoke to four groups or about six residents- some individuals and two couples (February 23, 2004). The reactions were both pro and con. He told them why he was there and that Sherwood was considering allowing smaller, single-family detached housing of lots. He told them what Sherwood's current standard was. All of them lived in the neighborhood. One of them lived in a townhouse and they were happy with having no yard maintenance. A couple who lived in the Jones Farm Subdivision was selling their home. They found there was too much noise and they were a little too close to the street. The other people did not have strong feelings either way.

Mr. Allen asked if these were families or empty-nesters.

Mr. Wechner said he saw a few children's toys in the back yards, but most of them were either younger and did not have children or their children were grown.

Chair Emery asked if the applicant wished to provide further testimony.

Michael Robinson, representing the applicant, 1120 NW Couch, 10th Floor, Portland, Oregon 97209, addressed the Commission. Also at the table was Don Guthrie, West Hills Development, 15500 SW Jay Street, Beaverton, Oregon 97006.

Mr. Robinson noted:

- The applicant used the Commission comments from the February 3, 2004 public hearing and revised the plan text amendments. These revisions were submitted to Staff on February 13, 2004. More changes were made and the Commission has before them the most recent proposal dated February 20, 2004.
- They used some of the text from the adopted townhome ordinance verbatim. There was no sense in rewriting an amendment if something already adopted would be make sense for small lot development in a PUD.
- The applicant is willing to revise the amendments again if directed by the Commission.

- They are proposing a plan text amendment for small lot development in planned unit developments. The amendment is not site or project specific.
- If the plan text amendment is adopted, they plan to come back with a proposal that is site specific for a planned unit development. They understand that the Commission or Council may recommend more specific design standards for the specific PUD proposal and that the City is not obligated to approve the PUD.
- The applicant is not asking for increased density. The HDR zone allows a density not less than 16.8 dwelling units per acre and not to exceed 24 dwelling units per acre.
- They would like to do a project in the HDR zone within this density, but not as townhomes or apartments. They would like to develop a single-family subdivision on smaller lots. These lots would be 200 square feet larger than the minimum average of 1800 square feet for townhomes in the HDR zone.
- The proposed plan text amendments, if adopted, will provide another type of housing option for potential homeowners.

Mr. Don Guthrie responded to the power-point presentation by Mr. Wechner:

- The last time they met with Staff, he was encouraged that the Staff liked what was being proposed. They wanted design standards that would ensure what was presented would be delivered in product. This is what they attempted to do.
- They tried to be more specific about the design criteria to give the Commission more tools to work with.
- The proposed text amendments will allow the Commission and Council an option for owner-occupied housing in the HDR zone.
- The West Hills Land Development Manager (Terri Kinney) made sincere attempts to talk to the Staff about setting up meetings with both the Commission and City Staff to show them the current projects and the product types they would like to introduce in Sherwood.
- Regarding the power-point presentation, Exhibit 1, Jones Farm, is a Mark Rockwell project from Pacific Land Management. It is not an Arbor Homes community. This project was the first time anyone had done a master planning in Hillsboro of that type and there were problems with the project.
- The cottage project shown is an Al Williamson project that has the Charleston collection. There are very high-end, small lot cottages. The price range was \$250,000 to \$325,000 for the first products seen that had picket fences. This was an over-designed product that did not have good parking.
- The West Hills products are in the \$149,000 to \$189,000 range.
- Good alley design which incorporates better neighborhood street appeal and better neighborhood feel requires on-street parking.
- They spent time with City Staff discussing the fact that these communities need to have on-street parking. Staff did not bring up any concerns about on-street parking on the parcel West Hills was looking to develop. Again, alley-loaded home design does not work without on-street parking.

Mr. Robinson said the proposed plan text amendments do not include a requirement for on-street parking, but it is also not a requirement in the townhome ordinance. The Commission could include on-street parking criteria or require submittal of a parking plan with the application. The

applicant expects to provide on-street parking and that is one of the reasons they did not include it in the proposed language. The ratio for an alley-loaded home would be one on-street space for each unit, but you don't have an entrance for driveways. Front-loaded homes would be one space for every two or so units. The approval of any PUD would be based in part on the appropriate number of parking spaces to meet the needs of the neighborhood.

Ms. Lafayette said the perception that the proposed language mirrors the townhome ordinance is not entirely accurate. There are several examples where the numbers are either smaller or larger. Garages are not included in the number of required parking spaces unless there is a parking plan.

Mr. Robinson clarified that the townhome ordinance allows garages to be counted toward parking if a parking plan is submitted. The applicant tried to follow the outline and incorporate the concept of the townhome ordinance.

Mr. Guthrie continued his testimony:

- They would plan to submit a parking plan with a PUD application. They were instructed not to show the Commission the project they intend to do in Sherwood and not to include street names and/or anything that would get you there.
- They tried to write design criteria to allow the Commission enough tools to work with as a guideline. The proposed language is not an absolute mirror of the townhome ordinance, but in many cases they used the townhome ordinance as an example.
- Exhibit 2 of the Staff presentation is all cottage design. There are no cottages in the design that they are trying to do.
- Exhibit 3 of the Staff presentation, *Kennedy Estates*, was not a West Hills project. It is a prime example of how the design criteria would eliminate the things not to do. It is something that they would not propose and it is not a good design.
- Exhibit 4 of the Staff presentation is three story townhomes, which they are not proposing.
- The Staff power-point presentation is somewhat problematic because it did not show West Hills projects and it is not what they are planning to develop in Sherwood.
- They believe good design standards are that no two siding colors would be on adjacent houses, and no two house-to-house elevations would be similar.
- The design standards they propose will protect Sherwood from the snout-house look and repetitiveness of the same elevations, siding or colors.
- Page 5 of the Staff Report discusses affordable housing. They would submit for the record the sales prices of their homes that are between \$184,000 and \$235,000 are their cottages, built on 40-foot lots. These homes would not fit in the HDR zone. There are no cottages in the plans they showed the Commission. The plans they showed the Commission start in the range of \$149,900 to \$187,900 and this price is current today.
- Their townhomes are two-stories and can be alley or front loaded. The Chateau Collection is on a smaller lot, with a single-car garage, one set back to provide added parking and it is a product that has been accepted very well. This is product that is envisioned in the proposed plan text amendment. The Terrace Collection is also below the price range of the cottage product.
- They have been very successful in the seven communities they have built.

- A 5,000 square foot lot community is not required to have CC&R's. They believe the HDR zone needs a good set of CC&R's and professionally managed homeowner's association to ensure a well maintained community. They cannot ensure anything more from the current communities in single-family design.
- He showed the Commission three plan options in the HDR zone on the same 14.2 acre site:
 - Option A, their preferred option, would meet the 16.8 du per acre. It has a transit center with a pavilion, a tot-lot, a half acre of park, an impervious surface of 7.5 acres to allow water and stormwater management. It buffers the site with designs that are not driveway oriented. There are no snout-house products on any of the buffered streets. It provides access with trails and walking space to the current commercial area. It provides an owner-occupied community with a mix of terrace, chateaus and townhomes, all of which are two-story in elevation. None of the elevations are close to the allowed 40-foot height. There is more landscape. Some homes have shaded areas between houses, but in a townhome or apartment complex, there is no shade at all because they are attached. There are going to be trade-offs.
 - Option B would meet the townhome ordinance criteria. It has about one-half acre less in impervious area and has less architectural design. It is all attached 2-story housing. To meet the 16.8 du per acre, there would be no room for a one-half acre park, transit area or tot-lot. No variances would be necessary.
 - Option C would meet the HDR zone criteria. A non-owner occupied development consisting of 330 apartment units, very little impervious surface, and a lot of parking area.
- They believe Option A is a better land use plan and neighborhood design for Sherwood.
- They would be happy to work with the Commission as directed.

Mr. Allen asked, given what the applicant knows about the slides shown by Staff, does the applicant believe the projects would comply with the proposed plan text amendments.

Mr. Guthrie said these projects would not comply. The cottage design is not appropriate to discuss because they are on different sized lots. The projects lacked on-street parking which needs to be a condition or part of the criteria with submittal of a parking plan. He would condition vinyl siding out of the HDR zone and include a diversity in architectural features.

Mr. Robinson said City Staff has asked a lot of good questions. The Commission needs to be satisfied with the criteria. On-street parking can be included in the criteria. The applicant does not want to build a project without adequate parking. The alleys work because there is not enough space to park a vehicle and block the space. The Commission cannot require a certain professional management company to enforce the CC&R's. What you can require is prior approval of the CC&R's and that certain standards must be applied. With regard to applicant representations, if they promise "X", then they expect that it will be a condition of approval for the PUD development plan that will be met prior to filing the final development plan. A fundamental choice in the amendment is that there are only certain areas in Sherwood where the plan text amendments can be applied. Currently, there are only about three areas of undeveloped HDR zone acreage in Sherwood where the amendments would apply. He identified the areas on the map. It would not be realistic to say there may not be problems in enforcing the ordinance.

There can be problems with any sized lot. It comes down to what the community expects builders to do and the type of building you get. He thanked the Commission for their time.

Mr. Guthrie said his only other comment was in response to the question that the Commission had on whether there was a chance to talk the residents who live in these communities. In February 2004, with the product West Hills showed the Commission tonight, the residents who have had an opportunity to live in one of their seven current communities in Washington County, they sold 132 homes in one month. There is a real need in Washington County for homes in this price range that meet people's needs. They have been very successful with each of these products. The design they are proposing is tested and proven.

Chair Emery called for proponent or opponent testimony. There being none, Chair Emery dispensed with the rebuttal portion of the hearing and asked if there were additional Staff comments.

Mr. Wechner responded to comments made regarding the power-point presentation. The purpose of the presentation was to show the Commission a range of subdivisions with lots less than 5000 square feet. There were good and bad examples; some where the homeowner's association areas were maintained and some that were not maintained; some with alleys and some with no alleys; and how they blended with townhomes.

Chair Emery closed the public hearing on PA 03-03 Lot Sizes Plan Text Amendments for Commission deliberations.

Chair Emery recessed the meeting at 8:20 PM for a 5-minute break and reconvened the meeting at 8:25 PM.

Chair Emery said he liked the proposed plan text amendments. It is more appealing than Option B and Option C as presented by the applicant. He would like to see this as an individual application without a plan text amendment because it is something special. He does not agree with the plan text amendment because it could open to door to a lot of bad development. He did not know if the language could be written specific enough to prevent this from happening.

Mr. Shannon said this is one of the better presentations. He agreed with Mr. Emery. He has supported 5000 square foot lots for some time.

Chair Emery talked about the Woodhaven PUD and how they struggled with the minimum lot size for this development. City Council adopted the 5000 square foot minimum lot size.

Ms. Lafayette said the Commission feels that this is something on its own merit would work in Sherwood. The Code is not currently specific enough to allow this type of development. The Commission could deny the plan text amendment or work toward creating language in the Code that they can be comfortable with.

Chair Emery agreed that working on the language would be acceptable, but he questioned how long this would take. The adoption of the Transportation System Plan (TSP) and revisions to the Sign Code are top priorities.

Mr. Allen asked Staff if the existing PUD criteria allowed for small lot development less than 5000 square feet for single-family detached.

Mr. Wechner said the current Code does not allow for single-family detached developments with lot sizes less than 5000 square feet. Plan text amendments are not conditioned like land use application developments are conditioned. One of the examples shown where the units were very similar or mirrored each other was not a good design. These would probably not be allowed with the proposed plan text amendment design criteria. There are other problems with the way the language is written that is before the Commission. The design criteria would need to be very specific.

Mr. Allen said he would like to see the product that is envisioned in Sherwood. In comparison to other housing that is allowed in the HDR zone, this is a better alternative than what is currently available. With good, solid code language, he could recommend this plan text amendment to the City Council. The expectations of residents who live in townhomes are different than the expectations of residents in single-family homes. The text amendment needs to adequately reflect the difference in those expectations.

The Commission concurred with this assessment and agreed to re-open the public hearing.

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

Mr. Robinson suggested two possible options for the Commission:

- Rather than make a recommendation, the Commission could task a work group, including City Staff, assuming they have the time and interest, to meet with the applicant to work on language for the text amendment. He understands the time constraints of City Staff. The applicant would be amenable to either a work group or work session with the Commission.
- The applicant needs to make a choice about what to do. Their preference is the same as the Commission's – a project that is going to be an asset to the City of Sherwood.
- The Commission could revise the City's in-fill standards. Right now the Code allows on lots of 1.5 acres or less a 15% reduction. The criteria can be written, if the Commission is concerned about this being in other areas, it does not have to be allowed. Someone may suggest that this is spot zoning. Oregon does not recognize spot zoning. Oregon recognizes you can do anything as long as you find it consistent with the comprehensive plan.
- He has worked with other jurisdictions in this same manner.

Mr. Guthrie said he heard the Commission saying the proposed plan text amendments would open up other sites for the same type of development. The current zone map only has two other

HDR zones where this amendment could be applied. He would be more than happy to offer his staff time to the City Staff to help write the text amendment.

There being no further testimony, Chair Emery closed the public hearing on PA 03-03.

Chair Emery said based on comments from the Commission, further testimony from the applicant that the Commission would like to see additional text added to the proposed amendment to get a product that is acceptable. He asked Mr. Wechner how this could be worked into the schedule.

Mr. Wechner responded that this plan text amendment is proposed to be noticed for the April 13, 2004 City Council meeting. Given the current work load, he would recommend having the revised language before the Commission at their April 6, 2004 meeting.

Chair Emery said any issues the Commission may have should be directed to Mr. Wechner so that they can be considered in rewriting the proposed language.

Mr. Henry suggested the Commission hold a special meeting on March 30, 2004 (5th Tuesday) to finalize the proposed plan text amendments and make a recommendation to the City Council.

Patrick Allen moved the Planning Commission continue PA 03-03 PUD Lot Size Plan Text Amendments to a Special Planning Commission meeting date of March 30, 2004, specifically for the Commission to review the revised plan text amendment. Seconded by Jean Lafayette.

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

**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. He left the Commission table.

Dave Wechner, Planning Director, referred the Commission to the Revised Staff Report dated February 24, 2004, a complete copy of which is contained in the City Planning File PUD 03-01. He entered the following document(s) into the record and noted:

- February 9, 2004 e-mail from Chief Middleton stating that there is inadequate access to meet their safety concerns. He recommended the project have access to Woodhaven as well as Highway 99W.
- The Staff Report references a road going through Tract Y. This proposed road is not being considered at this time. While the finding is still included in the Staff Report, it is not part of the applicant's proposal at this time. There will be a public access trail going through Tract Y to Woodhaven.

- The revised Staff Report focuses on issues that were raised at the February 3, 2004 public hearing:
 - Parking
 - Building height
 - Drainage.
- The applicant has responded to these issues.

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 asked if he could get a copy of the e-mail from Chief Middleton and it was provided to him. He noted:

- Three concerns were raised at the February 3, 2004 public hearing.
- Parking and drainage have been addressed in a submission to the record by Mr. Hanson.
- Height is more of an aesthetic criterion in this case. The HDR zone initial standards apply to a planned unit development in the OC zone. Those initial HDR standards allow buildings up to forty (40) feet in height. The reason for the additional height allowance is because you would not have the same mass as a commercial building. The HDR zone also allows a 20-foot rear yard setback and they are proposing a 36-foot rear yard setback.
- Mr. Hanson will address drainage calculations.

Mr. Don Hanson, OTAK, addressed the Commission. He distributed the following for the record:

- Two (2) hand-outs – 1) Parking Comparison Study and 2) K&F Homes Sherwood Property Shadow Study.

He noted:

- Building Heights – They are proposing a 36-foot rear yard setback as opposed to the required 20-foot rear yard setback. They also plan to provide about 95 trees as a part of the landscaping in this area for an additional buffer. The evergreens will be between 8 to 10 feet in height when they are planted. The deciduous trees have a 2-inch caliper trunk and be about 15 feet high when planted.
- One of the main things he looks at when reviewing building height is sun penetration and shade. He referred the Commission to the “shadow study” that showed three models on June 21, 2004 – 4:00 PM, 5:00 PM and 6:00 PM. The models show that the impact from this development to the adjacent single-family homes will be very minimal. Buildings 17 through 26 will be the closest to Woodhaven.
- He referred the Commission to the site map and explained how they planned to mitigate the storm drainage. He identified the location of the proposed drain line along the property line.
- Parking – as they discussed at the last meeting, garages do not count towards parking.

- He made a site visit to the Heatherwood townhomes in Woodhaven to look at parking. The parking comparison study shows different parking ratios between Woodhaven Crossing and Heatherwood Lane townhomes. The parking ratio per unit is 1.88 for Woodhaven Crossing and 2.40 for Heatherwood. The parking ratio per bedrooms is 0.87 for Woodhaven Crossing and 0.67 for Heatherwood.
- He spoke to one of the homeowners on Heatherwood Lane who said about 36 of the garages are not be used as a garage. This is reflected in the last box. If you remove 36 garages, the ratio per unit is 1.88 for Woodhaven Crossing and 1.89 for Heatherwood.
- The applicant is proposing another parking option for the Commission's consideration. They would not enclose some of the garages under the buildings, but leave the space open for additional on-site parking.
- There will still be a stairway with a closed door from the garages and/or carports. With this change, the applicant meets the code requirements for parking.

Mr. Livingston addressed Chief Middleton's concern regarding safety and access. Their initial plan was to construct a road that would extend across Tract Y to Woodhaven Drive. This proposal was modified to become an emergency walkway area to accommodate the concerns of Woodhaven neighbors. It would be wide enough to accommodate emergency vehicle access only. This proposal was grounded because the City has not completed the Transportation System Plan (TSP) and there was the feeling that this would be a private use over a public space. The applicant consulted the Code and found that it allowed them to put emergency sprinklers into the buildings and thereby meet the fire code. This prompted another concern, so they put the pathway back into the plans. The applicant is open to the recommendation of the Commission with regard to a secondary access.

Terry Keyes, City Engineer, stated that Tract Y is wide enough to allow for a road to be constructed that would connect to Woodhaven Drive.

Mr. Wechner said Chief Middleton's e-mail is addressing emergency access. Mr. Keyes said there definitely is enough room to construct an emergency access to Woodhaven Drive.

Mr. Hanson said their first design option had a road connection and there was some retaining wall required to construct this access.

Ms. Lafayette said the purpose of allowing a Planned Unit Development (PUD) is to provide a benefit to the community. The island, without connectivity, is a parcel by itself that does not have access except from Highway 99W. She said without connectivity through the site, including a road to Woodhaven Drive, and actual full roads through the project, why would the Commission approve this project as a PUD. She asked the applicant what benefits the PUD would provide to the community.

Mr. Hanson responded the underlying zoning is Office Commercial (OC). The same access issues would be there if it was developed as an office commercial use. The PUD preserves an open space, they will construct a trail linkage along Highway 99W, and they are building the first leg of a frontage road with this project. ODOT has acknowledged that this is a good idea. He identified the area on the map. There are several parcels to the north of this site that will have

the same access issues. Whether there will be a signal or any kind of access that is full turn on to Highway 99W remains to be seen in the 4000 foot spacing between Sunset and Meinecke. The first leg of this frontage road system will be 36 feet in width, as stipulated by ODOT. There will be no parking on it, so it forms an access chute and a turn-out from the highway into the site and accessing adjoining properties. Beyond the costs of construction and development, the taxation will benefit the City.

Mr. Livingston concluded by saying the applicant has relied upon decisions that the community has made in writing its own zoning ordinance and they have not done anything to create a hazardous situation. The applicant will be providing moderate priced housing to a community that has a limited amount of this type of housing. There was an illusion in the prior hearing to Metro's requirements for higher density and this may be one way for the City to satisfy those requirements without doing a lot of rezoning. They are proposing exactly what the Code contemplates on a very difficult site.

Chair Emery asked if there was any proponent testimony. There being none, Chair Emery called for opponent testimony.

Ed Stormont (opponent), 22979 SW Hosler Way, Sherwood, Oregon 97140, addressed the Commission. Mr. Stormont said he was representing himself as well as the Woodhaven Homeowners Association. He distributed a copy of his testimony to the Commission to be made a part of the record.

- They appreciate that the applicant (K&F Homes) has gone a long way in revising the plans to satisfy particular concerns of the Woodhaven residents. These revisions include addressing the drainage issues and answering questions about building height.
- There is nothing in this development that is a benefit to the City that could not be achieved by developing the site to its underlying zone of Office Commercial.
- The development does not represent harmony with the surrounding communities.
- He was surprised about all the consternation regarding density and where the City is going. This application is an attempt to push as many units as possible onto a plot of land with a disregard for what is around it.
- The underlying concerns of the Commission are not being addressed.
- The proposed access will only serve the residents of Woodhaven Crossing because there is currently no reason for anyone else to enter the development.
- Overflow parking will likely take place on Woodhaven Drive where the proposed path meets Woodhaven Drive. They consider this to be an unacceptable traffic hazard due to the extremely limited sight distance in this area.
- The dedication of open space to the City is land that cannot be developed and he does see this as a benefit to the City.
- The impression that was given at the last hearing is that they are a bunch of homeowners who were not going to accept any type of development on this site. They encourage the property owner to turn this property over to a responsible developer who will build something that works.
- They are going to oppose anything that they consider to be a patently bad idea.
- He asked if the Commission could respond to his three concerns.

The Commission noted that they would discuss the concerns raised by testifiers during their deliberations.

Chelsea Etherington (opponent), 22955 SW Hosler Way, Sherwood, Oregon 97140, addressed the Commission. She said that she attended the last hearing and noted:

- Her home is located on the back side of the site.
- She would rather see a bar built on this site than condominiums.
- A bar would be located closer to Highway 99W and more than 36 feet from her back fence.
- The noise level from a bar located closer to the highway would be substantially less. A bar would also be only one story. The traffic patterns would be substantially different than having 156 vehicles coming and going every day.
- There would be no additional students added to the Sherwood schools.
- The property values in Woodhaven would not drop as significantly.
- There would be jobs and income generated for Sherwood and the bar owner may be very civic minded and financially support the Sherwood Little League or Sherwood Robin Hood Festival.
- A real estate agent testified at the last hearing that there aren't any homes in this price range in Sherwood. There aren't any homes in the \$200,000 price range in Lake Oswego, but that doesn't mean that there should be. Sherwood is attempting to create an image of a high standard of living, family-oriented community and to be a premier community. She did not see how the price point of these condominiums would meet this standard.
- If the average property value of each of the 1000 homes in Woodhaven dropped by \$5000, this would be \$5 million in tax revenues. She would guess that the tax revenue from this property will not be \$5 million annually.
- The condominiums located near GI Joes have a substantially higher sales price than the ones being proposed in this development. How will the applicant be able to market these condos at a lower price without using lower quality building materials?
- Sherwood is an exceptional town. They have worked very hard to establish it as an up and coming community. This project will do nothing to advance the positive image of Sherwood and to the contrary it would be a detriment.

Anna Lee (opponent), 22958 SW Hosler Way, Sherwood, Oregon 97140, addressed the Commission. Ms. Lee noted that the previous testifiers are all neighbors. They have addressed most of her concerns. She noted:

- There are a lot of trees that are on the proposed site that you can see as you enter Sherwood. She would not like to see these trees cut down.
- She is not familiar with the Code, but noted that the site is zoned commercial.
- Her concern is the overall look for Sherwood.
- They bought their house six years ago and as they entered Sherwood one of the positive things they saw was all of the trees.
- She asked what the mission of the Planning Commission was or if they had a vision as to what kind of look they would like Sherwood to have.

- She did not agree with allowing carports being counted towards parking.
- The access road is another concern. She and her daughter walk the pathways every day and she wants to keep it safe. If you are on Hosler Way, there is limited sight distance where the access through Tract Y will be located.

Troy Canaday (opponent), 17215 SW Heatherwood Lane, Sherwood, Oregon 97140, addressed the Commission. Mr. Canaday has lived in Woodhaven for four years and he is one of the directors of the Homeowner's Association, but he is not representing the Association. He noted:

- One of his concerns is the road being constructed from the site.
- Where did the applicant find out that 36 people on Heatherwood Lane have converted their garages to storage or living space?
- There seems to be more residents per home on Heatherwood Lane considering the size of the units. Parking on Heatherwood Lane has been an issue in the past, but he thinks it has greatly improved.
- A pathway is one thing, but a road going into Woodhaven would just bring in more traffic through Woodhaven.
- If the Commission recommends approval of this project, he would urge them not to have a roadway connection to Woodhaven Drive.

Mr. Steve Matthews elected not to provide testimony.

Chair Emery called for any other opponent or proponent testimony.

Mike Cook, (proponent), Branch Manager, Prudential NW Properties, 16200 SW Langer Drive, Sherwood, Oregon 97140, addressed the Commission. He responded to a couple of points brought up by the Woodhaven homeowners:

- The testimony regarding a \$5 million drop in value is not realistic. He deals in the valuation of homes in Sherwood every day.
- The townhomes off of Sunset do not affect the price of the homes on Hosler.
- The proposed units will not affect the price of homes in Woodhaven.
- Woodhaven is the most desirable subdivision in Sherwood and the home prices are reflective of this. These prices are a reflection of supply and demand.
- The main access to the proposed development will be off of Highway 99W.
- The only condominiums by GI Joes are the Gleneagle Condos and these were originally built in the late 1970's.
- The other units are townhomes which are a totally different product that what is being proposed. Townhomes and condominiums are not synonymous.
- The applicant is providing a product that does not need a lot of maintenance from an individual owner. The homeowner's association will maintain the site.
- He did not think that all of the Woodhaven residents would rather have a bar or an apartment complex with 200-300 residents.

- The image that something could be built closer to Highway 99W and not utilize the whole site is unfortunately predicated on false information.
- If the site is developed as a major commercial development, there will be larger issues.

Mr. Allen asked Staff if one of the benefits would be the first leg of a frontage road. In terms of the greenway and path, the benefit really is the dedication, but it is also the actual construction of the path.

Mr. Keyes responded that based on the history of the proposed frontage road, the answer would be that it would be a benefit. It really sets a precedent for development of parcels on the east side of Highway 99W from Sunset to Meinecke. The benefit of the dedication would be the extension of the pathway from Woodhaven Drive to Highway 99W. The pathway is not in the City's plans and if the site was developed as Office Commercial, the City could not require the path. Requiring the applicant to provide access stubbing to adjacent properties would be more difficult because the properties already have individual accesses to Highway 99W.

Mr. Wechner said the draft Transportation System Plan (TSP) includes a trail network. This is something the Commission will be reviewing. It is more difficult to require trails with an office commercial use or other use that does not have much of a pedestrian connection.

Mr. Allen asked for clarification regarding Chief Middleton's e-mail. Mr. Keyes thought the Chief was asking for an access that would be open all the time. Until the other sites develop, this site will have one access from Highway 99W and the proposed emergency access to Woodhaven Drive.

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:

- He appreciated the reference to what the Code has been written to allow. Some of the policy decisions have not been made by the applicant. They have been made by the people who wrote the code and the applicant has to rely on these decisions and what the Code allows. The applicant has done this.
- It is difficult to anticipate or respond to criticisms that are not based on Code standards.
- The Code allows a residential PUD in the Office Commercial (OC) zoning district. Whoever made this option available concluded that allowing this would have a beneficial effect that was not allowed by the underlying zoning district.
- To ask for additional "goodies" is beyond what the Code conceives and expresses.
- The PUD also permits the dedication to the City of a substantial portion of the property, and as many PUD's do, it allows for a greater concentration of development on that portion of the property that can be developed.
- The basic concept of the PUD is that you look at the entire property to see what would be possible. You acknowledge the natural features that you want to preserve and move some of the development in a more concentrated way that is not being protected or preserved.

- With regard to the connectivity, the applicant is basically the “seed” of development along Highway 99W. There are certain problems that are always going to be posed when the first developer tries to do something along the highway. Some of these problems may have to do with connectivity.
- Medium or low density development is not appropriate along the highway. They are proposing what is appropriate and what the City has already determined is appropriate.
- Once the neighboring properties begin to develop it will all seem more logical.
- The applicant is very open to more or less connectivity. This site poses special challenges and the applicant tried to meet those challenges with this development.
- Regarding the type of housing, they are proud of what they plan to build. This project is going to be owner-occupied housing of good quality. It is going to be moderately priced and will open the market up to a new group of people. This is exactly what the State policy requires. State policy does not allow a jurisdiction to eliminate everyone below a certain income standard. Every city in the State is opening the door to a diverse type of housing.
- This is high density housing. The logical place to put this in a kind of buffer situation is between lower density housing and a higher intensity use which is what Highway 99W is.
- This project is very consistent with the surrounding neighborhood.
- In response to how these condominiums can be so moderately priced, the product referred to in previous testimony is a different product and not comparable.
- The frontage road concept is something that the City should support. It is something that ODOT strongly supports.
- He wanted to emphasize that what they are proposing is far more sensitive than what the Code allows. Their setbacks are greater and their height is less than allowed, they are planting more trees than are required and they are doing more than the Code requires because they want it to succeed.
- They have worked with Staff and ODOT and that is why the Staff Report recommends approval of the application.

Mr. Hanson said he would respond to the testimony regarding trees and alternative uses on the site:

- He was the designer of Woodhaven and was involved in the approval process. He walked the property when there was nothing there. He identified the key trees on the map along Highway 99W.
- There are alternative uses for the site that comply with the OC zone. Bars are just one example. The applicant submitted in their packets a section that showed an edge along the single family lots that could occur and what would likely occur. A 20 foot setback and a 30 foot building height are allowed outright in the OC zone.
- If the site were developed as office commercial, in all likelihood there would be more than just one building. The buildings would be placed near the back of the site and face the activity of Highway 99W. The rear of buildings would be loading docks.
- The proposed units can be sold at a more affordable price because of the density. The buildings are very efficient in terms of site use. Their density calculations show just over 22 units per acre which is in the allowable range. The units range in size from 1 bedroom to 3 bedrooms.

- The applicant and Staff have reviewed the road issue extensively. Throughout the process, the roads were placed at several different locations. He identified the parcels north of the site along Highway 99W. Most of the parcels have individual access, but no cohesive access. The proposed frontage road is something that will work.
- Staff has recommended approval with the modifications the applicant has made to the plans.

Mr. Wechner said the applicant has provided a landscape plan. There are 71 trees on the developing portion of the site that will be removed. The Code requires the applicant to replace these trees on an inch-to-inch caliper basis. All of this information is available for public review.

Chair Emery closed the public hearing on PUD 03-01 Woodhaven Crossing Planned Unit Development for Commission deliberations.

Mr. Allen said the proposed plan meets the City Comprehensive Plan and the Development Code criteria. If the criteria and standards are met for the particular zone, the application is approved. In this case, the planned unit development allows for certain expanded uses on the property. Part of what he heard from the neighbors was the idea that apartments backing up to their property is not acceptable. He understands their concern, but the Code allows this use. The second issue is that this site is going to be developed at a high density whether it is something that comes through a PUD or commercial development. Low density development is not going to occur on a site that has access and frontage to Highway 99W.

Mr. Allen said the PUD needs to have a beneficial effect for Sherwood. The Commission is trying to determine these benefits. The following findings are determined to be a benefit to the community:

- The trail connectivity is a benefit. Construction of the trail would not automatically occur if the site was developed with one of the permitted uses in the OC zone.
- The construction of the first leg of a frontage road is another benefit. He did not believe if an applicant was to construct an office building, a permitted outright use in the OC zone, that the City could require them to build the same first leg of a frontage road.
- The physical design of the buildings is harmonious with the surrounding neighborhood. The City does not have any design standards for commercial and multi-family residential development. The PUD allows the further benefit of allowing the City to meet certain design standards.
- One of the images that he would not like Sherwood to convey is that the citizens are comfortable with patronizing the businesses in Sherwood and essentially saying I am happy for the people who work there to wait on me, but I am not happy to have them be my neighbor. He would like to see Sherwood have a variety of housing styles and affordability that allow for a variety of people to live in the community. This proposal will allow for more affordable housing.
- He supports the Staff recommendation for approval of this application. He would defer to the City Engineer's comments with regard to Chief Middleton's e-mail and access.

Mr. Keyes said the site does not have access to Woodhaven Drive. Tract Y, owned by the City, is located between this site and Woodhaven Drive. Each of the parcels on Highway 99W has

individual access to Highway 99W. ODOT cannot require a frontage road, but they support the current plan for the first leg of a frontage road that will be built with the development of this PUD.

Ms. Lafayette said there is too much being built here for too little benefit to the community. Connectivity and access are two key components. The quality of the buildings in the PUD is better considering the other allowed uses. She was not convinced she could support the application, but she agreed with Mr. Allen's comments. She still had questions about parking.

Mr. Shannon said at the very least the applicant should meet the parking standards. He did not support opening some of the garages to meet the parking standards.

Mr. Allen said the finding on parking states that there is a proposed variance by opening up some of the garages. He asked if the alternative in the parking layout was to open some of the garages to carports in order to meet the Code definition.

Mr. Wechner said the Commission needs to make a finding regarding the carports meeting the parking standards. The PUD could be conditioned not to allow the carports to be enclosed.

Ms. Lafayette said she agreed with Mr. Shannon regarding the carports. In order to meet the parking requirements, the buildings would have to be smaller or the number of buildings would have to be decreased. On pages 11-12 of the Staff Report it states, "The proposed off-street parking for the complex is 190 spaces and the Code requires 241 spaces."

Ms. Lafayette read the definition of garage as contained in the Code, "A building or a portion thereof which is designed to house, store or repair motor vehicles." The Code does not define "carport". She would not support a finding that would count the carport as a parking space to meet the parking standard.

The Commission and Staff discussed at length the parking standards with regard to this application.

Chair Emery recessed the meeting at 10:15 PM for a 15-minute break and reconvened the meeting at 10:30 PM.

Mr. Allen reviewed the following options:

- Accept the original proposal from the applicant that allows the calculation that half the residents are going to park in the garages and give them 50% of the garages towards the total parking.
- The second option is to open some of the garages to carports and count the carports towards the parking standard.
- Require the applicant to meet the parking standard and come back with another site plan that does this.

The Commission agreed to re-open the public hearing to hear additional testimony regarding parking.

Chair Emery re-opened the public hearing on PUD 03-01 Woodhaven Crossing Planned Unit Development for additional testimony on parking.

Sean Keyes, K&F Homes, the builder of the project, addressed the Commission.

- They have plans for the same building layout that do not have garages, but have a unit in that space.
- If they use this building design in the top concept, they can eliminate two buildings and create as much parking as they need to satisfy the parking criteria. This would eliminate the carports and that seems to be something the Commission seems to be trying to accomplish.
- He identified the buildings that would be eliminated on the map.
- He would ask for a conditional approval based on the changes being made to the plans prior to submittal to City Council.
- The building design would remain the same. The bottom level units are re-duplicated in the garage space on the other side. It would become an 8-unit building.
- The pool amenity would remain.

Mr. Hanson, OTAK, stated there are fewer of them in the “triangle” adjacent to Highway 99W. There would essentially be the same number of units, but it would open up more of the site for surface parking. Design modifications would be concentrated in the area of Buildings 1 through 8 as shown on the development plan.

Mr. Allen said the condition could say, “Prior to final development plan approval, the applicant will modify the design of Buildings 1 through 8, remove all garages and sufficient buildings necessary to meet the parking standard.” The Commission has found that there will not be any carports, the buildings will be finished on all four sides and garages do not count as parking.

The applicant was directed to bring the revised plans to the March 23, 2003 public hearing at City Council.

There being no other proponents or opponents wishing to testify on the parking standards, Chair Emery closed the public hearing on PUD 03-01 Woodhaven Crossing Planned Unit Development for Commission discussion.

The Commission determined that this condition on parking would be included under Item C, prior to development of the site and connection to public utilities as number 3.

Ms. Lafayette stated that a finding regarding the frontage road should also be included in the Commission recommendation to City Council.

Patrick Allen moved the Planning Commission recommend to the City Council approval of PUD 03-01 Woodhaven Crossing Planned Unit Development, incorporating applicant submittals, Staff Report, public testimony and additional findings:

1. Construction of the first leg of the frontage road constitutes a benefit under the terms of the PUD ordinance.
2. Carports would not count towards meeting the parking standards under the Code.

Adding Condition C.3, "The garages will be removed from Buildings 1 through 8 and sufficient buildings will be removed to provide parking that complies with the requirements of the Code."

Seconded by Jean Lafayette.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain

(Mr. Henry did not participate)

6. New Business

Mr. Wechner reviewed the public hearing schedule for pending land use applications. He reported on the open house held on the proposed Library/Civic Center.

Mr. Keyes updated the Commission on the status of the Transportation System Plan (TSP). The TSP draft should be ready for review in April 2004.

7. Adjourn

There being no further business to discuss, Chair Emery adjourned the meeting at 10:50 PM.

END OF MINUTES