

City of Sherwood, Oregon  
Planning Commission Meeting

August 16, 1994

1. **Call to Order/Roll Call.** Chairman Birchill called the meeting to order at 7:30 p.m. Commission members present were: Chairman Eugene Birchill, Chris Corrado, Marge Stewart, George Bechtold, Ken Shannon, and Rick Hohnbaum. Susan Claus was absent. Planning Director Carole Connell and Secretary Kathy Cary were also present.

2. **Approval of minutes of previous Meeting:**

Chairman Birchill noted that minutes for the meetings of July 12, July 19, and August 2, were on the agenda. He asked if there were any corrections to the minutes. Mr. Hohnbaum requested that the name "Beck" be corrected to "Becky" on Page 1 of the minutes of the July 12, 1994 meeting.

There being no other corrections, Mr. Hohnbaum moved, seconded by Ms. Stewart that the minutes of the July 12, 1994, Joint Meeting with the Landmarks Board as amended, the minutes of the July 19, 1994 and August 2, 1994, as presented, be approved. Motion carried unanimously.

Chairman Birchill noted that the Commission had a lengthy agenda, and pointed out that the Commission will adhere to the notation on the agenda which states that items not completed by 11:00 p.m. will be continued to the next meeting.

3. **SUB 93-1 Georgetown Estates Final Plat: a 74-lot single-family development on Sunset Boulevard:**

Chairman Birchill called for a staff report.

Ms. Connell advised that the Commission is reviewing a final plat for Georgetown Estates, a one-phase development. She noted that the purpose of the final plat review is to review the conditions of Preliminary Plan approval and assure that they will be or have been met. Ms. Connell pointed out that only the floodplain is eligible for SDC credits, and does not include about 2 acres of wetlands on the parcel.

Ms. Connell entered into the record a letter from Alpha Engineering dated August 11, 1994, containing a drawing of the wetlands boundary as furnished by Cascade Earth Sciences, a copy of which is attached as part of these minutes. Ms. Connell noted that the configuration of the wetland had

changed; however, the net area remains the same. Ms. Connell commented that the applicant had recently changed engineers, and the new engineer did not have access to the original wetland delineation. She pointed out that the report prepared by Cascade Earth Science is the report that was sent to the state for permitting, was approved by the state and will be the report used for this project.

Ms. Connell noted that the landscaping plan for the corridor on Sunset has not been submitted, and the City will require that street trees be planted after the homes are built.

Ms. Connell reviewed the conditions of approval and noted that the applicant is ready to proceed pending submittal of final details which can be handled administratively.

In response to Mr. Shannon's questions, Ms. Connell advised that Georgetown is a planned unit development and some of the lots are smaller. She indicated that the lot sizes were discussed at length during the preliminary review and the Commission and Council accepted the smaller lots because of the large open space. Ms. Connell pointed out that the average lot size is 6,000 square feet.

Mr. Hohnbaum questioned whether the policies with regard to parking on 50-foot streets had been addressed; specifically, the 25-foot Deodora Court. Ms. Connell responded that Deodora Court is a hammerhead and is no different than that shown on the preliminary plan. Further, no parking will be allowed on the hammerhead and the developer will install no-parking signs. Mr. Hohnbaum requested that conditions of approval be added to: 1) require that no parking signs be installed prior to occupancy; 2) require evidence assuring that purchasers are aware of the restrictions on the affected lots; i.e. CC&Rs which identify the affected lots (1-6, 18-23, 41-47, and 65-68); 3) require that the CC&Rs be approved by the City.

Mr. Hohnbaum's questioned if the applicant is required to extend water to the edge of the project, which is on the urban growth boundary? Ms. Connell replied that there is no water line extension to the south required in the project; however, in some cases there has been a requirement to stub lines at the edge of the UGB. Chairman Birchill pointed out that there is a 15-foot easement that could be used in the future, and a condition could be added to that effect.

Doug Stewart, Alpha Engineering, 9600 SW Oak, Portland, addressed the Commission. Mr. Stewart advised that the applicant has met all conditions, everything is covered in

the construction plans, and is in full compliance. The current water lines in the development are eight inches, which is the intent of the Public Works Director and is the required size needed in order to be extend in the future. Mr. Stewart stated that there are eight-inch lines everywhere, even through six lots on Sunset and therefore, he feels the condition has been met.

In response to Mr. Bechtold's question as to whether the City offers to make adjustments on trees where existing trees have been removed, Mr. Stewart pointed out that the trees in the right-of-way had to be removed. He noted that the 100-foot douglas fir was in an area where the environment had changed, and retention of the tree was not feasible for the lot size.

After a brief discussion, Mr. Corrado moved that PUD 93-1 Final Plat for Georgetown Estates be approved based on the findings of fact and the ten conditions outlined in the Staff report dated August 9, 1994, with three additional conditions requiring: installation of "no parking" signs, verification of notification of "no parking" sign restrictions in CC&Rs, and City approval of that portion of the CC&Rs. The motion was seconded by Ms. Stewart and carried unanimously. The conditions of approval are as follows:

Prior to plat recording, unless bonded for:

1. Dedicate Tracts A and B to the City for open space. Dedicate Tracts C and H to the City for storm water management.
2. Provide proof of USA concurrence regarding wetland delineation, mitigation and buffers, and for storm water management provisions, including facilitation of runoff from Tax Lot 2601.
3. Submit for City approval a landscape corridor plan for Sunset Boulevard. Provide one street tree per lot (two on corner lots) uniformly planted in the front yard, and in compliance with City street tree specifications.
4. Construct a sidewalk to City specifications in the pedestrian easement to Brookman Road. Construct an improved asphalt pathway east to Ladd Hill Road to County specifications.
5. Provide adequate sight distance and turning radius at both intersections with Sunset Boulevard.
6. Provide the City with street names consistent with the

City street naming policy, particularly reflecting local flora and fauna.

7. Provide the City engineered plans for all public improvements, including a subdivision compliance and maintenance agreement and bonding for 100% of the public improvements. Ensure utility easements are properly located and extended to all adjoining properties.
  8. The owner shall sign and record a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve and maintain SW Brookman Road to County standards between Ladd Hill Road and Pacific Highway.
  9. Construct a fully bordered, crushed rock (1-1/2-inch minus base plus 3/4-inch surface) 95% compacted trail in the floodplain as illustrated on the Final Plan to City specifications.
  10. Lots bordering wetlands with less than 90 feet in depth, may have a rear yard setback reduced to five (5) feet. Corner lots may have one (1) street side yard setback reduced to fifteen (15') feet.
  11. "No Parking" signs shall be installed on all hammerheads, and specifically affecting Lots 1 through 6, Lots 18 through 23, Lots 41 through 47, and Lots 65 through 68. Restrict those lots from on-street parking in the project CC&Rs.
  12. Submit for City approval project CC&Rs.
  13. Convert the fifteen (15') foot wide pedestrian easement to a combination pedestrian/utility easement between Lots 51 and 52, and widen if necessary and as approved by the City.
4. **SUB 93-6 Foothill Estates Phase 2 Final Plat: a 22-lot subdivision on Sunset Boulevard:**

Chairman Birchill called for a Staff Report.

Ms. Connell reported that the Commissioners had received a copy of a plat for Phase 2 of Foothill Estates. She noted that the Staff Report, a complete copy of which is contained in the Commission's minute book, outlines the conditions of approval and response to each. Ms. Connell reviewed the Staff Report dated August 9, 1994, and the responses

indicating how the conditions of approval have been met.

Chairman Birchill noted that Condition No. 1 requires posting of "no parking" signs, and suggested that a sentence be included which requires the project CC&Rs to specify that parking is prohibited on the south and west sides of all streets. Mr. Len Schelsky, Westlake Consultants, the project consultant stated that the applicant has no objections to the change.

Mr. Hohnbaum moved, based on the findings of fact outlined in the staff report dated August 9, 1994, that SUB 93-6 Foothills Phase 2 Final Plat be approved subject to the following conditions:

1. The owner shall post "no parking" signs on the south and west sides of the two streets. Specify in project CC&Rs that parking is prohibited on the south and west sides of both streets.
2. Provide an alternative name for street "G", in accordance with City street naming standards, and submit for City approval.
3. Connect water and sewer service to the existing residences and abandon the well and septic system.
4. Enter into an agreement with the City to provide a proportionate share of the cost for a pressure pump for the water system.
5. Provide a landscape corridor plan to the City. Install street trees on each lot as required by the City.

The motion was seconded by Mr. Corrado and carried unanimously.

5. **PUD 93-3 Woodhaven Final Development Plan: a 1268-lot planned unit development on Sunset Boulevard between the railroad and Pacific Highway.**

Chairman Birchill called for a Staff report.

Ms. Connell advised that there are two parts to Woodhaven, PUD 93-3 and SUB 94-5 on the Commission's agenda. Ms. Connell noted that the Commission is reviewing a final development plan for the entire project and described the process since the projects interface. Ms. Connell pointed out that a public hearing will be held for just the Preliminary Plat for Phase 1. Ms. Connell provided a brief history of the project from its inception in 1987 as Steeplechase, and briefly reviewed the Staff report dated

August 9, 1994, a complete copy of which is contained in the Commission's minute book. Ms. Connell noted that the conditions are part of the record and must be continued to each phase in order to assure that over time all of the conditions have been met.

Mr. Bechtold commented that the size of the lots and the PUD that was granted by the City to the previous project in which the conditions were locked in by a decision to do so. He questioned at what step was the agreement reached. Ms. Connell replied that the PUD preliminary development plan was heard by the Planning Commission and was confirmed by the City Council thereby creating a PUD overlay and the final plat is a process of reviewing the preliminary plan conditions to assure that they have been met; therefore, the lot sizes would not be an issue because they cannot now be changed.

Ms. Connell reported that there was a great deal of information provided on the Woodhaven project and rather than discuss each issue, she provided a review of the conditions, the applicant's responses thereto, and identified conditions which should be carried forward.

Mr. Shannon's questioned whether ODOT had indicated that the speed on 99W will be decreased in the event a signal is installed near Old Highway 99W. Mr. Bantz replied that there was a comment in the Kittleson report indicating that with the installation of the signal there will be an decreased in the speed on Highway 99W, however, ODOT did not comment on the issue.

In response to a question from the audience as to where the water and sewer will extend and connect, Mr. Bantz replied that the applicant currently has permits and construction will start within a week, to bring water under the tracks to phase 1. He noted that the permit is for the off-site portion and the off-site portion of the sewer will also go under the tracks and the permit allows the applicant to bring the sewer to Phase 1. Mr. Bantz stated that until there is approval of Phase 1, the applicant is extending the public services only to what will eventually be Phase 1.

In conclusion, Ms. Connell recommended that PUD 93-3 be approved subject to the conditions outlined in the Staff Report dated August 9, 1994.

David Bantz, Quinkster, 11535 SW Durham Road, Suite C-1, Tigard, addressed the Commission. Mr. Bantz commented that the Commission will probably be discussing a similar

condition to add CC&R conditions about parking on one side of streets. He requested that if the Commission adopts that condition, he would like the condition reworded; specifically Condition D-1 on Page 13 of the August 9th Staff report. He stated that if a condition is placed in the CC&Rs indicating that parking will be limited to one side only and the standards are modified, the CC&Rs cannot be modified. He suggested that the words "parking will be limited to one side unless the standards are relaxed by the City and/or the Tualatin Valley Fire District" be included. Ms. Connell commented that Ms. Bantz's suggestion should be included wherever the condition is imposed. She noted that the City is in the process of considering whether parking should be allowed on both sides of 32-foot streets.

Mr. Shannon expressed concern about the adequacy of water to accommodate the increased demand, and questioned the water situation and whether any additional wells have been constructed for the project since the approval of the original Steeplechase submittal. Ms. Connell replied that the agreement with Steeplechase was to water the golf course by means of irrigation. Mr. Rapp stated that the condition to which Mr. Shannon was referring resulted from the request of Steeplechase to use private wells to irrigate the golf course. He noted that Steeplechase had agreed to donate a quarter million dollars to drill a new municipal well; an application was made to ORWD, which resulted in the Parrett Mountain Water Study wherein ORWD would not allow any additional municipal wells. Mr. Rapp pointed out that for this particular project, the condition was tied solely to the golf course, there is currently no golf course and no obligation to continue the condition. Further, Water Resources had identified the area as a ground water based area and ORWD is contemplating restricting individual house wells. Mr. Rapp noted that even if the City did not grow because the current water system is such that if a well failure occurred, the City would lose 40% of the production overnight. Mr. Rapp remarked that the City has negotiated an agreement with the Tualatin Valley Water and the Portland Water Bureau to supply a million gallons a day from Bull Run which doubles the City's daily production. Mr. Rapp stated that the City's application for an additional well had been grandfathered and the City will eventually be able to construct an additional well.

At 9:00 Chairman Birchill called for a 15-minute break, after which Chairman Birchill opened the meeting for comments, questions and discussion among the Commissioners.

Mr. Hohnbaum expressed concern with regard to the wording of

the condition which references the Kittleson report as a basis for signalization, specifically in the event that the applicant obtains a different traffic engineer. He suggested that clarifying verbiage be included to indicate that if there is a change in the traffic pattern or a change in definition as to when signalization is needed that the City has the option as to the degree of accountability and the responsibility of the applicant to share the cost for the signalization. Ms. Connell pointed out that there are two conditions to that effect, and it was her recommendation that Conditions No. 14 and 17 be retained. She noted that the condition will be retained and reviewed in each phase submitted for approval. Ms. Connell stated that a new traffic study will be required at Phase 3, and the condition could be revised to assure an "updated" report.

In response to Mr. Hohnbaum's requested to address street lights, Mr. Bantz commented that the more appropriate time to address the street light issue would be during the preliminary plat public hearing. He pointed out that new conditions should not be added during non-public hearings.

Mr. Bechtold question Item No. 6-J and the condition on page 14, of the Staff Report requiring removal of vegetation and inquired as to when the Planning Commission addresses the issue. Ms. Connell responded that the conditions indicate the applicant cannot remove vegetation outside of Phase 1 and can't remove vegetation in Phase 1 between preliminary and final plat approval. She pointed out that Phase 1 is being considered by the Commission later on the agenda and can determine what can or cannot be removed. Mr. Bantz commented that there was a list of places where wetlands were being impacted, road and trail crossings. He noted that the total impact is less than one-half acre of impact of wetlands and the applicant is mitigating for the entire impacts throughout the whole phases of Woodhaven in the first phase. He stated that every potential impact will be mitigated at one time in the southwest corner of the site. Mr. Bantz stated that in some cases, the previously identified wetlands are no longer wetlands, there was originally about 7/10ths acre of mitigation and there is now one less road and utility crossing. Steeplechase had about 2.5 acres to mitigate.

Ms. Connell noted that a clarification is needed at the introduction of the conditions on Page 12 of the Staff Report. She pointed out that the applicant cannot meet all of the conditions at this time and suggested that the words: "subject to the conditions being applied to all subsequent preliminary and final plats." The Commission concurred with the correction.



Mr. Hohnbaum questioned condition No. 9 on Page 21, regarding the definition of "infrastructure." He asked if the word should be broadened to include schools in the definition of "infrastructure." Ms. Connell responded that the word "infrastructure" was included for that purpose and is intended to include schools as part of the infrastructure.

Mr. Corrado moved, based on the findings of fact and staff report dated August 9, 1994, that PUD 93-3 be approved subjected to the following conditions:

The following conditions shall be applied to all subsequent Woodhaven Preliminary and Final Plats:

1. As general conditions of approval, the applicant shall:
  - A. Demonstrate compliance with any conditions affecting the floodplains and wetlands, as required by the Division of State Lands, Corps of Engineers, or other permitting agencies. The City reserves the right to modify, if necessary, the Final Development Plan based on agency comments
  - B. At the appropriate phase and in conformance with the Final Development Plan, describe and dedicate the all other open spaces in the project not described in Phase 1 Final Plat, and as per the City Parks Advisory Board's recommendations of September 14, 1993.
  - C. Conform to the following minimum dimensional standards for single and multi-family parcels. There will be no further dimensional variances allowed in the project, except for administrative variances as permitted by Code Section 4.402 where, in addition to the criteria of that Section, the requested variance can be demonstrated to be necessary to preserve a natural or physical feature that existed prior to approval of the Woodhaven PUD.
    - a. Front yards: 15 feet
    - b. Side yards: 5 feet (MDRH standard for multi-family)
    - c. Corner side yards: 15 feet
    - d. Rear yards: 20 feet (10 feet adjoining public park)
    - e. Accessory structure: 5 feet



- F. Describe and detail the mini-park site identified on the Preliminary Development Plan at the time of the Phase 2 Final Plat. Actual development of the site shall be the responsibility of the City, except for grading and seeding, which shall be the applicant's responsibility. In lieu of a maintenance bond, applicant may elect to perform direct maintenance of these areas for a period of one (1) year.
  - G. Install all Sunset Boulevard median and corridor landscape improvements; mini-park and greenway and pedestrian access improvements during the appropriate PUD phase, and in addition, provide for a minimum fifteen (15') foot wide pedestrian access parcel behind proposed Lots 621 and 626 adjacent to the Willamette and Pacific rail line for possible future extension of the planned Cedar Creek Greenway Trail. This access parcel may be deleted at the appropriate phase or final plat approval if an alternate route has been established by that time.
  - H. Fences, walls and hedges along pedestrian access ways adjoining open spaces shall be limited in the CC&Rs to three and one-half (3-1/2') feet in height for solid fencing and six (6') feet for chain link or other "see-through" fencing. Street lighting shall be located so as to illuminate the entry to all pedestrian pathways between lots. Lighting is not required along pathways in floodplains and wetlands.
  - I. All public and private utilities shall be installed underground to City and private utility specifications.
  - J. Refrain from removing any vegetation outside of an approved Final Plat, except where necessary for utility extensions or mitigation improvements.
  - K. A sound attenuation wall and/or berm shall be installed along the rear of proposed Lots 719 and 720 at the time of development of those lots.
2. Prior to Final Development Plan approval, or in some cases the appropriate phase, the applicant shall provide or meet:

- A. The PUD shall conform to and/or satisfy the following terms and conditions, either for the entire PUD or on a phase-by-phase basis as deemed appropriate by the City. The applicant shall provide street dedications, spacing, street and safety improvements, design details and traffic analysis as follows. This may include financial participation in funding their share of off-site improvements.
1. Forty (40') feet of right-of-way dedication from centerline on both sides of Sunset Boulevard along the frontage of all tax lots that are either fully or partially within the PUD boundary at the time of Final Development Plan approval. Street improvements shall be to City minor arterial standards, except as varied by this PUD approval.
  2. A full eighty (80') feet of right-of-way and improvement to City standards, except as varied by this approval, for the Sunset Boulevard extension to the intersection with Pacific Highway 99W, aligned generally as depicted in the approved PUD plans. The alignment and intersection of Sunset Boulevard with Highway 99W shall be subject to ODOT approval.
  3. Any right-of-way widening and improvements on Pacific Highway 99W along the PUD's frontage as required by ODOT. The applicant shall be responsible for the costs of signaling the Highway 99W/Sunset intersection at any phase as deemed necessary by the City or ODOT.
  4. Compliance with County minor arterial access spacing standards for the multi-family and commercial sites on Sunset Boulevard.
  5. Provide certification of adequate sight distance as per County standards at all intersections with Sunset Boulevard and Meinecke Road for properties within the applicant's control at the time of PUD approval.

6. Compliance with the County's Access Report recommendations as determined by the County Traffic Analyst and in accordance with R&O 86-95.
7. Establish a one-foot (1') non-access reserve strip along Sunset Boulevard frontage, except at approved access points.
8. Close all existing driveways to Sunset Boulevard and Old Highway 99W for properties within the applicant's control at the time of PUD approval.
9. Thirty-five (35') foot dedication from centerline and half-street improvements to City standards along the PUD's Meinecke Road frontage and compliance with all ODOT requirements at the intersection of Meinecke Road and Pacific Highway 99W for those impacts attributable to the PUD.
10. Dedicate all additional internal rights-of-way as may be necessary to accommodate the arterial, collector or local street improvements required by the PUD approval, as well as ODOT's and the City's review of further traffic analysis.
11. Provide design details for the Sunset/Krueger/ Elwert/Old 99W intersection and connection to Middleton Road at the time an application for a road approach permit is made for the Sunset intersection with 99W.
12. Analyze the traffic impact of the PUD on the proposed Sunset/99W and Meinecke/99W intersections, including whether the intersections should be signalized, and make any appropriate PUD Plan changes indicated by the analysis. Any conclusions or recommendations of such traffic impact analysis are subject to review and approval of the City and ODOT. Signalization and other improvements to the Sunset/99W provided as indicated by the traffic reports.
13. At the appropriate phase, the Planning Commission shall consider requiring one or two east-west stubbed local street

connections to Tax Lot 703:31C, which is currently not included in the Woodhaven PUD.

14. At Phase 3, or whatever phase the project makes a road connection to Meinecke Road, the applicant shall fund a proportional share of the cost of rebuilt approaches to, intersection improvements and signalization for Meinecke at Highway 99W. The "share" shall be calculated on traffic generations indicated by an updated traffic impact report, including predicted "background" traffic.
- B. Based on a review by DLCDC, ODOT and METRO of the PUD for compliance with the State Transportation Rule, the PUD shall be amended to:
    1. Construct a north-south local street stub between proposed Lots 339 and 340 for future access to the residentially zoned parcels to the north.
    2. Construct a pedestrian pathway/emergency access lane in the vicinity of Lots 299 to 303 for future access to the commercially zoned parcels to the west. The lane shall be twenty (20') feet of unobstructed driving surface.
    3. Construct a twenty-five (25') foot wide pedestrian access parcel and pathway improvement between Lots 230 and 231 and 245 and 246.
    4. Either construct a pathway improvement across Tract J connecting proposed pedestrian access parcels, or contribute funding for same for City constructed improvements.
  3. Prior to the approval of all applicable final plats of subdivision, the applicant shall comply with the following requirements:
    - A. Prepare and submit visual corridor plans as per Code requirements for Sunset Boulevard Meinecke Road, and the north-south collectors internal to the development.
    - B. Prepare and submit detailed engineering and construction plans and easements for water service for the City's and TVFR's review and approval. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute

approval of those specifications. All waterlines in the development shall be looped if required by the City and be a minimum of eight (8") inches in diameter, and shall be sized, designed and located to be potentially extended to properties outside of the PUD. Allowances for any dead-end lines, even if temporary, shall be subject to City approval based on proof of satisfactory water pressures and water quality and methods to maintain same.

- C. Prepare and submit detailed engineering and construction plans and easements for sanitary sewer services, for the City's and the Unified Sewerage Agency's review and approval. There shall be no sewer lift stations permitted in the project, even on a temporary basis. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute final approval of those specifications. All sewer lines in the development shall be sized, designed and located to be potentially extended outside of the PUD.
  
- D. Prepare and submit detailed engineering and construction plans and easements for stormwater services and erosion control, for the City's and the Unified Sewerage Agency's review and approval. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute final approval of those specifications. Storm drainage systems within the project shall be primarily owned and maintained by the City or USA and those facilities adjacent to or within any City open spaces shall be designed for maximum compatibility with these natural areas. All stormwater plans shall include analysis of off-site impacts, to the City's satisfaction. In addition:
  - 1. All stormwater from impervious surfaces shall be treated prior to discharge into wetlands and natural water ways.
  - 2. Sumped catch basins shall be installed throughout the development to retain sediment and other particulates associated with stormwater run-off.
  - 3. Stormwater detention shall be provided for the development such that post-development flow rates do not exceed pre-development flow rates. First priority shall be given to constructing a regional detention facility to serve the development and

other properties in the watershed. If a regional facility is determined by the City to be infeasible, on-site detention shall be provided in compliance with the City Stormwater Master Plan.

4. Stormwater treatment facilities shall be constructed outside of any delineated wetland areas, unless specifically approved by the appropriate federal and state agencies. Stormwater treatment shall be provided prior to discharge into natural water ways and wetlands.
5. A formal wetland mitigation plan shall be prepared for the development and the plan shall be approved by the appropriate federal and state agencies. The wetland mitigation plan shall include a scientific evaluation of the impacts to wetlands from the practice of using the wetlands for stormwater detention.
6. Sufficient area shall be set aside for proper sizing of stormwater treatment facilities. Proper sizing will be evaluated at the time of design review based on Unified Sewerage Agency's design standards and other accepted engineering practices such as those appearing in the King County Manual, the Puget Sound Water Quality Manual, and other similar resource documents. Flexibility shall be maintained in site planning so that larger treatment areas can be accommodated, if necessary, by reducing the number of lots developed.
7. To reduce maintenance needs, treatment areas shall be consolidated to favor fewer large treatment areas rather than more smaller treatment areas.
8. Convenient access shall be provided for maintenance of treatment areas.
9. Stormwater treatment areas shall be designed so that sufficient storage capacity is provided to retain solids and other residuals without significant loss in treatment efficiency.
10. A flood hydrology study shall be submitted with the engineering design documents. The study shall evaluate pre and post development flow rates and water surface elevations in the development and immediately downstream. The flood hydrology study shall also describe in detail, the proposed method

of determining stormwater run-off. Engineering plans for any detention structures shall be submitted for review.

11. Locate facilities and manage stormwater so that water quantities and quality are fully preserved for flows into wetlands and ponds.
- E. Prepare and submit detailed engineering and construction plans and easements for public streets for the City's review and approval. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute final approval of those specifications.
- F. The applicant shall complete a twenty-eight (28') foot wide local street improvement, less a sidewalk on the north side, for the entire length of the PUD's Villa Road frontage and for that portion of Villa Road that is off-site, up to the driveway to the last home on Villa west of Cedar Creek. This end of Villa shall terminate with a hammerhead, and be appropriately blocked to keep vehicular traffic off the balance of Villa. At the same time, a paved pedestrian path shall be installed from the hammerhead to the crest of the opposite bank of the Cedar Creek ravine. Except for equipment associated with the actual construction of Villa, no construction equipment or traffic associated with the Woodhaven PUD will be allowed to use Villa at any time.
- G. Prepare and submit detailed plans for sealing, abandoning or removing obsolete water wells, sewage drain fields, holding tanks, sewer lines and other obsolete utilities within the PUD, for the City's review and approval.
- H. Prepare and submit detailed landscaping plans for any public parks and greenways, or associated improvements, for trees along internal streets as required by City Codes, and for visual corridors, for the City's review and approval.
- I. As applicable, prepare and submit any other detailed site plans as may be required by City Codes, potentially including plans for lighting, fencing, off-street parking, pedestrian pathways and other requirements of this conditional approval, for the City's review and approval. Acceptance by the City of the conceptual specifications for such improvements as outlined in the applicant's PUD application does not

constitute final approval of those specifications.

- J. Provide performance and maintenance bonds for all public improvements as required by City Code Section 6.200, and sign and execute all required subdivision and engineering agreements.
  - K. Sign and execute a non-remonstrance agreement for future public improvements adjacent and contiguous to the PUD on Sunset Boulevard, Old Highway 99W, Middleton Road and Meinecke Road, and including any possible off-site safety improvements to Pacific Highway and Meinecke Road that are attributable to the impacts of the PUD.
4. Prior to any building, construction, or development permits being issued, either for the entire PUD, or on a phase-by-phase or project-by-project basis as deemed appropriate by the City, and assuming all applicable requirements of the above noted conditions have been met, the applicant shall submit and/or have approved the following:
- A. The following additional major land use or development applications and plans:
    - 1. Temporary use permit for a sales and construction office as per Code Section 4.500.
    - 2. Conditional Use Permit for any floodplain alterations, except for public roads or utilities.
    - 3. Site plans for commercial and multi-family uses. The proposed commercial site may be on either side of the collector street as illustrated on the PUD plan. The commercial site shall be limited to one and one-half (1.5) acres and developed in conformance with the City Neighborhood Commercial (NC) zone. A fifteen (15') foot side yard and twenty (20') foot rear yard setback and sight obscuring vegetation and/or fencing shall be provided between multi-family and single-family dwellings.
    - 4. Sign permits as applicable per Code Section 5.700.
  - B. At the time specified by City Codes, all required system reimbursement fees, plan check fees, building permit fees, system improvements fees, land use application fees, and other applicable City fees and charges shall be paid. These fees shall be charged out at the level in effect at the time said fees are due and payable, not at the level as of Final Development Plan or Final Plat approval.



- C. Complete grading and fill plans as per City Codes and the Uniform Building Code, and other applicable regulations.
5. Any Code or Master Plan requirements or development standards not specifically modified or waived by this conditional approval shall be deemed to be in effect, notwithstanding any statements made to the contrary in the applicant's documentation.
  6. The City recognizes that in the case of any phased, multi-year application of the size and complexity of the subject application, that amendments to the approved Final Development Plan may be necessary at some future date. Changes shall be considered in accordance with Code Section 2.202.04, if applicable. Proposed changes not within the scope of Section 2.202.04 shall be treated in compliance with applicable City policies and practices.
  7. No part of this approval may be unilaterally altered or abrogated by the applicant, its successors or assigns, including but not limited to phasing plans, CC&Rs, agency permits, or other agreements, plans or conditions, without the prior consent of the City. Such action on the part of the applicant shall be considered a violation of the City Zoning Code as per Section 1.101.04.
  8. The developer shall submit any general CC&Rs to be applied to the project to the City for review and approval prior to review of the Final Development Plan, or at the appropriate phase.
  9. The City reserves the right, as per Code Section 2.202.04(A.1.a), to stage or delay additional plats or to modify the size and sequence of approved phases, based on an evaluation of infrastructure capacity issues at the time the applicant requests additional final plat approvals. Prior to Final PUD Development Plan consideration, the applicant shall submit a final phasing plan. Any changes to the sequence of these phases, except for minor adjustments to phase boundaries, shall be subject to further Council review and approval.

Substantial construction must commence within one year from the date of approval of the Final Development Plan.

The motion was seconded by Mr. Hohnbaum and carried unanimously.

6. **Public Hearings:**

Chairman Birchill read the public hearing disclosure statement and requested that Commission members disclose any conflict of interest, ex parte contact or personal bias with regard to any item on the Public Hearing portion of the agenda.

Mr. Hohnbaum stated that SUB 94-5 had been talked about for several years; however, he has no particular bias, nor has he had any contact from the applicant or other persons involved.

As for the second item, Tree Preservation, Mr. Hohnbaum stated that he has met with a group of citizens proposing the changes involved, and he plans to participate in the discussion as a member of the Commission.

Mr. Bechtold advised that he had been in and walked around the Woodhaven project measuring trees.

No further disclosures were made.

**A. SUB 94-5 Woodhaven Phase 1 Preliminary Plat: a 166-lot single and multi-family subdivision on Sunset Boulevard and Pacific Highway:**

Chairman Birchill called for a staff report.

Ms. Connell advised that the Commission is looking at a development of 166 lots, divided into 163 single family parcels. She noted that Phase 1 is for 163 single family lots, 140 multi-family units, 65 townhouses, and 18 wetlands and buffer tracts on approximately 77 acres. Ms. Connell pointed out that the Commission is not reviewing the townhouse and multi-family unit at this meeting. However, they will be before the Commission as a Site Plan review.

Ms. Connell provided an in-depth review of the Staff Report dated August 9, 1994, a complete copy of which is contained in the Commission's minute book.

In response to Mr. Bechtold's question regarding preservation of significant natural area vegetation, especially in the Ponderosa Pine forest, Ms. Connell replied that there are no detailed tree surveys at this time, however, tree preservation must be considered. Ms. Connell pointed out that the entire PUD had been approved, and if the Commission makes significant changes to preserve trees, it would change the layout of the development significantly. She noted that the problem is also the clarity of the City standards to protect existing trees, and if a tree survey is required at this time, it would dramatically change the previous approval of

the Commission.

In response to Chairman Birchill's question, Mr. Bantz commented that the suggestion for a tree survey was first discussed at a Planning Commission meeting, and then at the City Council meeting, at which time Council declined to require a tree survey. Mr. Bantz remarked that to have a tree survey done at this time would be incredibly expensive and as the Commission has already approve the project, to modify the approval will only determine what trees or the number of trees that will be cut. Mr. Bantz stated that he will provide a survey of the Ponderosa Pine forest.

At this time, Chairman Birchill noted the lateness of the hour and polled the Commission and Staff to determine whether Agenda Item 6 B should be tabled. The Commission concurred that Item 6 B should be tabled until August 30, and will be the only issue on the agenda.

Mr. Bechtold expressed concern that a 14-foot chestnut tree might have to be removed and urged that the tree be retained if at all possible. City Manager Rapp commented that it may be possible to jog the easement to avoid removal of the tree.

Barry Kennedy, a Sherwood resident who has been working to develop a tree ordinance, stated that once the tree ordinance is adopted, we all agree there will be a requirement to provide a map indicating which trees will remain and which trees will go, and identification of those trees. Mr. Kennedy stated that he felt in a quality development such as Woodhaven, it is irresponsible for them to not identify trees to be preserved.

In response to Mr. Hohnbaum's question regarding ADA compatibility of the natural areas, City Manager Rapp pointed out that there will be some problems with the ADA requirements; however, the City's interpretation has been "the City attempts to provide handicapped access to some of the natural areas." He noted that Stella Olsen Park currently has one or two wetland viewing platforms.

In conclusion of the Staff report, Ms. Connell recommended that SUB 94-5 Woodhaven Phase 1 be approved subject to the conditions listed in the report, and with the following changes:

1. On lots 881-882, provide a rear yard, five-foot landscape strip for lots 881-882.
2. Revise Condition No. 4 to require five-foot planter strips.
3. Include same language clarifying parking restrictions

in project CC&Rs.

Chairman Birchill opened the public hearing for comments from the applicant. He noted that other proponents, then opponents will be given an opportunity to testify, after which the applicant will be allowed to provide rebuttal.

David Bantz, Quinkster, 11535 SW Durham Road, Suite C-1, Tigard, addressed the Commission. Mr. Bantz stated that he will only provide highlights of his comments. He noted that Woodhaven is a big project and one of its size allows the developer to put in design requirements not normally afforded a smaller development. Mr. Bantz commented that the landscape plan is about 12 pages in length and noted that in Phase 1 there are 21 acres of open spaces, 28 percent of the land area; there is an additional 12.12 acre plot within Phase 1 that will include wetlands and buffer areas; and, in other phases additional open spaces will be dedicated to the City. Mr. Bantz remarked that the landscape plan provides for an additional 197 trees of varying circumferences. He advised that there will also be a 3150-foot two-rail PVC fence, which would not need to be painted every two years and presents no maintenance problems. Mr. Bantz provided a very detailed description of the landscaping plan, irrigation plan, bike and pedestrian trails, water quality ponds, and street lighting throughout the development. He requested that the Commission modify the lighting condition to reflect the use of "shoe-box" lighting rather than "cobra" lights. Mr. Bantz pointed out that the "shoe-box" lights provide better lighting while eliminating glare.

With regard to retention of trees, Mr. Bantz stated that the developers will save as many trees as possible, and he will look at the 14-foot chestnut tree to determine if it can be saved.

In response to Mr. Hohnbaum's question, Mr. Bantz stated that there will not be a temporary sales office at the development; if there is a sales office, it will be located in one of the homes.

Ken Nelson, OTAK, Inc., 17355 SW Boones Ferry Road, Lake Oswego, addressed the Commission. Mr. Nelson stated that he works out of the Kirkland office of Otak and has been designing storm water management facilities using the standards in the King County manual, the Puget Sound Water Quality Manual for several years. He remarked that he is currently under contract to do similar systems for other jurisdictions of more than 200 designs in more than 600 jurisdictions in the Seattle area. Mr. Nelson pointed out that the systems are designed to accommodate maximum rain for

a 25-year period and rain over the 25-year period will pass through and disperse into overflow areas. Mr. Nelson provided a brief description of the design and capability of the facilities designed for Woodhaven.

In response to Chairman Birchill's question, Mr. Nelson stated that the requirements of the King County Manual are more restrictive than the requirements of the City, County and USA requirements. Mr. Bantz pointed out that one pond to be constructed in Phase 1 will be a major facility, which will take water from upstream. In response to Mr. Bechtold's questions, Mr. Nelson advised that the applicant will maintain the storm facilities for the first year, after which they will become City property along with all open spaces and rights-of-way.

There being no further testimony from the applicant or proponents, Chairman Birchill opened the hearing for testimony from opponents.

Barry Kennedy, 210 NW Gleneagle Drive, Sherwood, addressed the Commission. Mr. Kennedy stated that over the years he had heard a lot of platitudes about assuring trees will be preserved in Woodhaven, but he has not heard any specific indication of what they will do to control the people who are developing the property and making sure they don't take out trees. Mr. Kennedy stated that in other parts of the country, it was his understanding that the main contractor fines the subcontractor for taking out trees that had been agreed upon that they would be preserved and was part of his policy. Mr. Kennedy stated that it would be great if Woodhaven would show a typical piece of property how they would preserve the trees on that property; if they would consider, like Gregory Park which is a low-income property where they preserved the trees. He pointed out that that type of assurance would supplant the platitudes of "trust us, we know what's best for Sherwood." Mr. Kennedy stated that he doesn't like that attitude and would like something more specific of what Woodhaven is really going to do to make sure this is not going to destroy trees; and, even if they make assurances, how are they going to prevent the person running the bulldozer from knocking down all of the trees? Mr. Kennedy stated that Woodhaven would be well thought of if they would come up with a proposal which presents how they will maintain the existing trees.

Steve Rivett, 24100 SW Middleton Road, Sherwood, addressed the Commission. Mr. Rivett stated that he has no opposition, but has two concerns: one is the southern portion of Phase 1 approximately on the south side of the Harrison Street on which he lives and the drainage on Middleton Road,

approximately 100 yards north drains down Mr. Rivett's driveway. He inquired if there would be adequate drainage as the water gets to Middleton Road and eventually drains down his driveway. Mr. Rivett commented that his other concern is the location of Harrison Street, directly north of his home, two surveys have been taken, one by him and one by the previous owner, which shows that the driveway is designated as Harrison Street by Washington County and the Post Office. Mr. Rivett stated that he is concerned that in Woodhaven's drawings, his driveway is on Harrison Street and he requested assurance that the driveway is properly located.

Marilyn Rivett, 24100 SW Middleton Road, Sherwood, addressed the Commission. Mrs. Rivett stated that her concern is the traffic on Middleton Road. Mrs. Rivett commented that she lives at the S-curve, and she is concerned that the road will not handle the traffic going to Newberg to do their shopping. She requested that the Commission address the issue of the traffic on Sunset Boulevard as well as Middleton.

There being no further testimony, Chairman Birchill requested that Mr. Bantz provide his rebuttal.

Mr. Bantz stated, to Mr. Rivett, that on Middleton Road, the project will be picking up all water currently going in the ditch on the east side of Middleton and draining it to the storm sewer across the property, which should reduce the amount of water draining toward Mr. Rivett's property. Mr. Bantz stated that the water from the townhouse area will have to have a plan which shows how the water is collected from the site and contained in the wetlands. He noted that there should be an improvement in the drainage situation, and that the project will not add any more water to Middleton Road. Mr. Bantz remarked that on Harrison Street there is no access, and when the project comes in for approval, the Commission should add a condition that there be no access on Harrison Street as there is none anticipated. He pointed out that two accesses onto Tobias should be sufficient to meet the requirements of the Fire District, which is the urban growth boundary also and access to Harrison should not be allowed. Mr. Bantz noted that most traffic should be routed back onto Pacific Highway. Regarding Mr. Kennedy's comment that the applicant knows what is best for Sherwood, Mr. Bantz stated that he did not remember saying that he knew what is best for Sherwood, he is trying to do what is best for the project and trying to meet the conditions of the City; they have, however, asked for some modifications as far as street standards and lighting standards, and as far as having the contractor preserve trees. He pointed out that the plans call for some temporary fencing and erosion control and if there is anything anyone sees that appears to be in

violation, he requested they

will call him directly at 968-2323 so that he can immediately handle any problems regarding dust, tree removal etc. Mr. Bantz stated that trees will not be removed unless they interfere with streets, water or sewer lines.

Chairman Birchill stated that considering the energy in the City with trees and the lateness of the hour, he is recommending that the Commissioners hold SUB 94-5 to the next meeting on August 30. He requested that Mr. Bantz meet with staff to develop language which will help the citizens feel better about preserving trees that can be preserved in the project.

Mr. Bantz replied that the trees that are of concern aren't in Phase 1, other than the 14-foot chestnut, and that something be worked out at a future phase if that is the only reason for the continuance.

Mr. Kennedy requested that the applicant provide a diagram for each phase of the development which shows the trees which will be retained as well as the proposed verbiage.

Chairman Birchill polled the Commission as to whether they wished to continue the hearing or require the applicant to furnish suitable language at the final plat.

Ms. Stewart commented that it was her understanding that the Council has already decided about the trees. Mr. Kennedy commented that the Council had not made a decision. Mr. Bantz remarked that the Council had considered the item, and they decided not to require the condition.

Mr. Bechtold questioned if Chairman Birchill was suggesting that the project be continued on the August 30 meeting, where the Tree Ordinance had also been scheduled. Chairman Birchill replied that the Tree Preservation ordinance will be a motion to make a suggestion to the City Council as to whether they adopt or not adopt and if there is no emergency clause the City Council cannot retroactive the ordinance. Chairman Birchill stated that that should not provide an impact on the Woodhaven project. Mr. Bechtold commented that he was providing his consensus to table PUD 94-5 in response to Chairman's Birchill's suggestion.

Mr. Rapp commented that in the absence of adoption of a tree ordinance, any condition placed on Woodhaven would have to be a good faith condition, which is the reason for the suggestion of the final plat since the street rights-of-way have been established and the City does not have the flexibility to require the applicant to move the streets. He stated that it will allow more time for the Commission to

decide what they would like by the third phase.

Chairman Birchill continued to poll the Commission. Mr. Hohnbaum stated that his decision is dependent upon whether the discussion will be held over and close the public hearing, or whether the public hearing is being held as well.

Mr. Hohnbaum stated that his preference would be to close the public hearing section and table the issue until August 30.

Mr. Shannon agreed with Mr. Hohnbaum.

Mr. Corrado stated that he has no problem with the issue being held over.

Mr. Bechtold agreed to hold the project over.

Ms. Stewart stated that the only problem is having more public hearings and the project could go on forever. She voted not to hold the project over.

Chairman Birchill advised that the public hearing is closed and noted that the public hearing can be reopened by a Commission member for due cause and that SUB 94-5 will be tabled until the August 30th meeting.

In response to Mr. Bantz's inquiry regarding the requirement for protection of trees during construction, Chairman Birchill commented that a statement "by final plat there will be some language agreeable between City staff and the developer on preserving the trees as much as possible."

Mr. Corrado requested that the Commissions be polled as to whether their concerns are great enough and questions that will cause an hour or more of dialogue, and if not, if people feel this can be passed and deal with the tree issues at final plat, the perhaps we are holding it over for no other reason.

Chairman Birchill again polled the Commission to determine if there are other major concerns which should be addressed. Mr. Hohnbaum stated he had one question and his concern is street lights; Mr. Shannon stated he had no real concern other than trees; Mr. Corrado advised his concern is street lights; Mr. Bechtold stated he had no concerns; Ms. Stewart stated she had no concerns. Chairman Birchill requested that Mr. Hohnbaum quickly ask his question about the street lights.

Mr. Hohnbaum stated that he is satisfied with the applicant's suggestion and recommendation concerning the shoebox lights

and the ornamental recommendation, but questioned whether PGE has to approve? He suggested that PGE's franchise be reviewed to determine if there are any statements regarding what can be installed. Mr. Shannon stated that he too likes the shoebox lights. Mr. Hohnbaum stated that under the FYI section of the agenda is an article which states that wetland delineations not approved before April 1, 1994, the results must be reviewed for consistency with the new vegetation guidelines for wetlands. It was pointed out that the Woodhaven delineation was done in late June and the new regulation would not apply.

Ms. Stewart moved that, based on the staff report and findings of fact, SUB 94-5 be approved subject to the following conditions:

Prior to final plat submittal, unless bonded for:

1. As general conditions of approval, the applicant shall:
  - A. Demonstrate compliance with any conditions affecting the floodplains and wetlands, as required by the Division of State Lands, Corps of Engineers, or other permitting agencies. The City reserves the right to modify, if necessary, the Final Development Plan based on agency comments.
  - B. Describe and dedicate the 100-year floodplain, wetlands, wetlands buffers and all other open spaces in the project as a part of the Phase 1 Final Plat, and as per the City Parks Advisory Board's recommendations of September 14, 1993. If any such sites cannot be defined at Phase 1, they shall be dedicated with the appropriate phase.
  - C. Conform to the following minimum dimensional standards for single and multi-family parcels. There will be no further dimensional variances allowed in the project, except for administrative variances as permitted by Code Section 4.402 where, in addition to the criteria of that Section, the requested variance can be demonstrated to be necessary to preserve a natural or physical feature that existed prior to approval of the Woodhaven PUD.
    - a. Front yards: 15 feet
    - b. Side yards: 5 feet (MDRH standard for multi-family)
    - c. Corner side yards: 15 feet
    - d. Rear yards: 20 feet (10 feet

- e. Accessory structure: 5 feet adjoining public park)
- f. Height: LDR: 2-1/2 stories or 30'  
MDRH: 2-1/2 stories or 35'
- g. Lot sizes and widths as per approved Preliminary Development Plan

h. MDRH dimensional standards in effect at the time of actual site plan application shall apply to all multi-family development

- D. Conform to the following modified street standards. Except as noted below, all other City street standards shall apply.
1. For local streets, twenty-eight (28') foot paving width with parking on one side, provided however that parking restrictions will be relaxed if City and TVFR standards are modified, or, thirty-two (32') foot paving width with parking on two sides. The applicant shall provide "No Parking" signage where parking is restricted. The CC&Rs shall reflect on-street parking restrictions for those lots affected by the restriction.
  2. Forty-two (42') foot right-of-way width.
  3. Fourteen foot (14') wide travel lanes on Sunset Boulevard provided that landscaped boulevards and medians are provided as illustrated on applicant's Figure 9, and landscaped to the City's satisfaction.
  4. Provide five (5") foot deep landscape "planter" strips between curb and sidewalks on all internal minor collector streets.
  5. Provide a minimum five (5') foot rear yard landscape buffer for Lots 881 and 882.
- E. Describe and detail the tot lot identified on the Final Development Plan at the time of the Phase 1 Final Plat. Actual development of the site shall be the responsibility of the City, except for grading and seeding, which shall be the applicant's responsibility. In lieu of a maintenance bond, applicant may elect to perform direct maintenance of the area for a period of one (1) year.
- F. Install all Sunset Boulevard median and corridor landscape improvements and greenway and pedestrian access improvements associated with Phase 1. Ensure pathways are of an acceptable grade as determined by the City.
- G. Fences, walls and hedges along pedestrian access ways adjoining open spaces shall be limited to three and one-half (3-1/2') feet in height for

solid fencing and six (6') feet for chain link or other "see-through" fencing. Street lighting shall be located so as to illuminate the entry to all pedestrian pathways between lots. Lighting is not required along pathways in floodplains and wetlands.

- H. All public and private utilities shall be installed underground to City and private utility specifications.
  - I. Refrain from removing any vegetation outside of Phase 1 Final Plat, except where necessary for utility extensions or mitigation improvements. Prior to submittal of the Phase 1 Final Plat, the City and the applicant shall cooperatively prepare a "Memorandum of Understanding" regarding the preservation of trees during construction.
  - J. Solid, sight obscuring fencing and dense evergreen planting shall be installed by the developer along the rear property lines and in the rear yards of proposed Lots 303 to 309, except for yards backing onto dedicated open spaces. Planting shall be installed in Phase 1 so as to reach maturity by the time of actual lot development.
  - K. Install the "shoebox" and ornamental style street lights on public streets.
2. Prior to Final Development Plan approval, or in some cases the appropriate phase, the applicant shall provide or meet:
- A. The PUD shall conform to and/or satisfy the following terms and conditions, either for the entire PUD or on a phase-by-phase basis as deemed appropriate by the City. The applicant shall provide street dedications, spacing, street and safety improvements, design details and traffic analysis as follows. This may include financial participation in funding their share of off-site improvements.
    - 1. Forty (40') feet of right-of-way dedication from centerline on both sides of Sunset Boulevard along the frontage of all tax lots that are either fully or partially within the Phase 1 boundary. Street improvements shall be to City minor arterial standards, except

as

varied by this PUD approval. Provide a left-turn refuge lane with one hundred (100') feet of storage area eastbound on Sunset Boulevard as required by the County.

2. A full eighty (80') feet of right-of-way and improvement to City standards, except as varied by this approval, for the Sunset Boulevard extension to and intersect with Pacific Highway 99W, aligned generally as depicted in the approved PUD plans. The alignment and intersection of Sunset Boulevard with Highway 99W shall be subject to ODOT approval.
3. Any right-of-way widening and improvements on Pacific Highway 99W along the PUD's frontage as required by ODOT. The applicant shall be responsible for the costs of signaling the Highway 99W/Sunset intersection at any phase as deemed necessary by the City or ODOT.
4. Half-street right-of-way dedication and improvements to the east side of Middleton Road along the PUD's frontage as required by Washington County or the City.
5. Compliance with County minor arterial access spacing standards for the multi-family and commercial sites on Sunset Boulevard.
6. Provide certification of adequate sight distance as per County standards at all intersections with Sunset Boulevard and Highway 99W.
7. Compliance with the County's Access Report recommendations as determined by the County Traffic Analyst and in accordance with R&O 86-95.
8. Establish a one-foot (1') non-access reserve strip along Sunset Boulevard frontage, except at approved access points.
9. Close all existing driveways to Sunset Boulevard and Old Highway 99W for properties within the applicant's control at the time of PUD approval.

10. Construction of a cul-de-sac terminus on the north end of Old Highway 99W to City standards.
  11. Dedicate all additional internal rights-of-way as may be necessary to accommodate the arterial, collector or local street improvements required by the PUD approval, as well as ODOT's and the City's review of further traffic analysis.
  12. Provide design details for the Sunset/Krueger/ Elwert/Old 99W intersection and connection to Middleton Road at the time an application for a road approach permit is made for the Sunset intersection with 99W.
  13. Provide new street names in compliance with City standards and approved by Washington County for Inkster Avenue, Voss, Alexander, Tobias Street, and Mansfield.
- B. Based on a review by DLCD, ODOT and METRO of the PUD for compliance with the State Transportation Rule, the PUD shall be amended to:
1. In Phase 1 construct the planned east/west pathway to the vicinity of Lot 635, then build an eight (8') foot all-weather temporary pathway extension to Villa Road, as approved by the City.
3. Prior to the approval of all applicable final plats of subdivision, the applicant shall comply with the following requirements:
- A. Prepare and submit visual corridor plans as per Code requirements for Sunset Boulevard and the north-south collector internal to the development.
  - B. Prepare and submit detailed engineering and construction plans and easements for water service for the City's and TVFR's review and approval. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute approval of those specifications. All waterlines in the development shall be looped if required by the City and be a minimum of 8" in diameter, and shall be sized, designed and located to be potentially extended to

properties outside of the PUD. Allowances for any dead-end lines, even if temporary, shall be subject to City approval based on proof of satisfactory water pressures and water quality and methods to maintain same.

- C. Prepare and submit detailed engineering and construction plans and easements for sanitary sewer services, for the City's and the Unified Sewerage Agency's review and approval. There shall be no sewer lift stations permitted in the project, even on a temporary basis. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute final approval of those specifications. All sewer lines in the development shall be sized, designed and located to be potentially extended outside of the PUD.
  
- D. Prepare and submit detailed engineering and construction plans and easements for stormwater services and erosion control, for the City's and the Unified Sewerage Agency's review and approval. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute final approval of those specifications. Storm drainage systems within the project shall be primarily owned and maintained by the City or USA and those facilities adjacent to or within any City open spaces shall be designed for maximum compatibility with these natural areas. All stormwater plans shall include analysis of off-site impacts, to the City's satisfaction. In addition:
  - 1. All stormwater from impervious surfaces shall be treated prior to discharge into wetlands and natural water ways.
  - 2. Sumped catch basins shall be installed throughout the development to retain sediment and other particulates associated with stormwater run-off.
  - 3. Stormwater detention shall be provided for the development such that post-development flow rates do not exceed pre-development flow rates. First priority shall be given to constructing a regional detention facility to serve the development and other properties in

the watershed. If a regional facility is determined by the City to be infeasible, on-site detention shall be provided in compliance with the City Stormwater Master Plan.

4. Stormwater treatment facilities shall be constructed outside of any delineated wetland areas, unless specifically approved by the appropriate federal and state agencies. Stormwater treatment shall be provided prior to discharge into natural water ways and wetlands.
5. A formal wetland mitigation plan shall be prepared for the development and the plan shall be approved by the appropriate federal and state agencies. The wetland mitigation plan shall include a scientific evaluation of the impacts to wetlands from the practice of using the wetlands for stormwater detention.
6. Sufficient area shall be set aside for proper sizing of stormwater treatment facilities. Proper sizing will be evaluated at the time of design review based on Unified Sewerage Agency's design standards and other accepted engineering practices such as those appearing in the King County Manual, the Puget Sound Water Quality Manual, and other similar resource documents. Flexibility shall be maintained in site planning so that larger treatment areas can be accommodated, if necessary, by reducing the number of lots developed.
7. To reduce maintenance needs, treatment areas shall be consolidated to favor fewer large treatment areas rather than more smaller treatment areas.
8. Convenient access shall be provided for maintenance of treatment areas.
9. Stormwater treatment areas shall be designed so that sufficient storage capacity is provided to retain solids and other residuals without significant loss in treatment efficiency.

10. A flood hydrology study shall be submitted with the engineering design documents. The study shall evaluate pre and post development flow rates and water surface elevations in the development and immediately downstream. The flood hydrology study shall also describe in detail, the proposed method of determining stormwater run-off. Engineering plans for any detention structures shall be submitted for review.
  11. Locate facilities and manage stormwater so that water quantities and quality are fully preserved for flows into wetlands and ponds.
- E. Prepare and submit detailed engineering and construction plans and easements for public streets for the City's review and approval. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute final approval of those specifications.
  - F. Prepare and submit detailed plans for sealing, abandoning or removing obsolete water wells, sewage drain fields, holding tanks, sewer lines and other obsolete utilities within the PUD, for the City's review and approval.
  - G. Prepare and submit detailed landscaping plans for any public parks and greenways, or associated improvements, for trees along internal streets as required by City Codes, and for visual corridors, for the City's review and approval.
  - H. As applicable, prepare and submit any other detailed site plans as may be required by City Codes, potentially including plans for lighting, fencing, off-street parking, pedestrian pathways and other requirements of this conditional approval, for the City's review and approval. Acceptance by the City of the conceptual specifications for such improvements as outlined in the applicant's PUD application does not constitute final approval of those specifications.
  - I. Provide performance and maintenance bonds for all public improvements as required by City Code Section 6.200, and sign and execute all required subdivision and engineering agreements.

- J. Sign and execute a non-remonstrance agreement for future public improvements adjacent and contiguous to the PUD on Sunset Boulevard, Old Highway 99W and Middleton Road, Meinecke Road, and including any possible off-site safety improvements to Pacific Highway that are attributable to the impacts of Phase 1.
  - K. Submit a statement from a registered engineer that the development conforms with City environmental quality standards.
4. Prior to any building, construction, or development permits being issued, either for the entire PUD, or on a phase-by-phase or project-by-project basis as deemed appropriate by the City, and assuming all applicable requirements of the above noted conditions have been met, the applicant shall submit and/or have approved the following:
- A. The following additional major land use or development applications and plans:
    - 1. Temporary use permit for a sales and construction office as per Code Section 4.500.
    - 2. Conditional Use Permit for any floodplain alterations, except for public roads or utilities.
    - 3. Sign permits as applicable per Code Section 5.700.
  - B. At the time specified by City Codes, all required system reimbursement fees, plan check fees, building permit fees, system improvements fees, land use application fees, and other applicable City fees and charges shall be paid. These fees shall be charged out at the level in effect at the time said fees are due and payable, not at the level as of Final Development Plan or Final Plat approval.
  - C. Complete grading and fill plans as per City Codes and the Uniform Building Code, and other applicable regulations.
5. Any Code or Master Plan requirements or development standards not specifically modified or waived by this conditional approval shall be deemed to be in effect,

notwithstanding any statements made to the contrary in the applicant's documentation.

6. The City recognizes that in the case of any phased, multi-year application of the size and complexity of the subject application, that amendments to the approved Final Development Plan may be necessary at some future date. Changes shall be considered in accordance with Code Section 2.202.04, if applicable. Proposed changes not within the scope of Section 2.202.04 shall be treated in compliance with applicable City policies and practices.
7. No part of this approval may be unilaterally altered or abrogated by the applicant, its successors or assigns, including but not limited to phasing plans, CC&Rs, agency permits, or other agreements, plans or conditions, without the prior consent of the City. Such action on the part of the applicant shall be considered a violation of the City Zoning Code as per Section 1.101.04.
8. The developer shall submit any general CC&Rs to be applied to the project to the City for review and approval prior to review of the Final Development Plan, or at the appropriate phase.
9. The City reserves the right, as per Code Section 2.202.04(A.1.a), to stage or delay additional plats or to modify the size and sequence of approved phases, based on an evaluation of infrastructure capacity issues at the time the applicant requests additional final plat approvals. Prior to Final PUD Development Plan consideration, the applicant shall submit a final phasing plan. Any changes to the sequence of these phases, except for minor adjustments to phase boundaries, shall be subject to further Council review and approval.

The motion was seconded by Mr. Corrado and carried. Messrs. Birchill, Corrado, Shannon and Hohnbaum and Ms. Stewart voted yes; Mr. Bechtold voted no.

**B. PA 94-6 Tree Preservation: proposed Zoning Code text amendments restricting the cutting of trees in new developments:**

Chairman Birchill moved, seconded by Mr. Bechtold, that consideration of PA 94-6 Tree Preservation be tabled until August 30, 1994. The motion was seconded by Mr. Bechtold and carried unanimously.

7. **Director's Report:**

Ms. Connell stated that she had nothing further to report.

8. **F.Y.I.**

Items are included for informational purposes only, no action is required.

9. **Adjournment:**

There being no further items before the Commission, the meeting adjourned at approximately 11:30 p.m.

Respectfully submitted,

Kathy Cary  
Secretary