

City of Sherwood, Oregon
Planning Commission Meeting

November 30, 1993

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, Marty Ruehl, Chris Corrado, Marge Stewart, Glen Warmbier and Susan Claus. Rick Hohnbaum arrived at approximately 8:15 p.m. Planning Director Carole Connell and secretary Kathy Cary were also present.

2. **Minutes of prior meeting.**

Minutes of November 16, 1993 Meeting:

Chairman Birchill inquired if there were any changes, corrections, comments or additions regarding the minutes of the November 16, 1993, meeting. There being none, Chairman Birchill directed that the minutes stand as approved.

3. **PUD 93-3 Woodhaven: Commission deliberation on Preliminary PUD Development Plan and Preliminary Subdivision Plat for a 1268-unit residential development on Sunset Boulevard.**

Chairman Birchill announced that, as chair of the Planning Commission, he had polled the majority of the members of the Planning Commission and none of the members believed there is a need to re-open the public hearing on PUD 93-3 Woodhaven. He noted that none of the Commissioners believed there was any pertinent new information provided to the Commission in written testimony providing new facts, and had there been any new written testimony provided, he would have been obligated to re-open the public hearing. Chairman Birchill commented that the members who had been polled believed that the material provided to the Commission was information answering questions the Commission and the general public had asked. Chairman Birchill advised that if a person felt they were being slighted or shorted in giving public testimony, it is the Planning Commission's responsibility to pass a recommendation on to the City Council for their consideration. He commented that if anyone felt that they had testimony and more information that is pertinent to the project, that testimony should be prepared in written and verbal form and presented for the open hearing before the City Council.

After the third interruption by Mr. Sanford Rome, Chairman Birchill advised that any further interruptions will not be tolerated, and he will temporarily adjourn the meeting and a

police officer will be called to the meeting.

Mr. James Claus commented that Chairman Birchill is failing to meet due process at the hearing and equal treatment because the report the Commission was considering had not been available, or timely circulated, and it was not given time for comments. Mr. Claus stated his objections to the proceedings. In response to Chairman Birchill's question as to whether the report was available as prescribed by State laws, Ms. Connell advised that the report was available to the public on November 23, 1993.

Chairman Birchill next opened the meeting for further discussion among the Planning Commission and stated that questions can be directed to the applicant if necessary.

Mr. Ruehl requested that the Commission review and discuss the Staff report dated November 23 item by item. Discussion proceeded on each question as follows:

1. Does the emergency exit onto Sunset from the southern over-length cul-de-sac cross a greenway?

Ms. Connell responded that the emergency exit does not cross a greenway, is not a sensitive area or wetland, but is a boulevard landscaping strip as shown on the map.

2. Will required improvements to the west end of Villa Road conflict with the substandard condition of the existing road east of the site?

Ms. Connell pointed out that the history of Villa Road, the City's Transportation Plan and the plans for development of Villa Road are included in the Staff report. Ms. Connell noted that the alternative mentioned in the City's Transportation Plan for Villa Road is to cul-de-sac both ends of the road and leave the remaining center section open for pedestrians, bicycles and low-impact transportation. Ms. Connell commented that on the east side of Cedar Creek, Villa Road will be realigned and cul-de-saced to serve the westerly residences; and on the west side Villa Road will be cul-de-saced to serve the residences at that end. Ms. Connell pointed out that this alternative appears to be a contradiction to the policy of attempting to bring direct access to Old Town, but it is a policy which has been made by the City Council after spending considerable funds in that direction. Ms. Connell noted that the applicant will be required to improve Villa Road on its frontage to a local street standard, and will require curbs on the side adjacent to the high school.

Mr. Ruehl inquired if requirement for the Villa Road improvement included the full length of the cul-de-sac or only the development line. Ms. Connell responded that when and if that portion of the project is built, and the condition is in effect, the City will have to be alert to resolve what happens to the cul-de-sac portions at that time so that there is not a great deal of traffic directed along a substandard street. Mr. Ruehl inquired if the City would be in a position to absorb cost of the improvements to the cul-de-sac areas at that time? Ms. Connell noted that the applicant will be back before the Planning Commission with a preliminary plat approval, and it would not be unreasonable to require off-site improvements at that time. She remarked that if the Commission felt this policy is wrong, the City needs to look at changing the Transportation Plan or getting direction from the City Council to do something different. Mr. Ruehl stated that the Commission should point out the alternatives to the City Council and leave the decision to the Council, and if there is a problem it should be brought up at the time the problem appears and then determine if the City Council has a problem, and if so how it should be solved. Mr. Warmbier pointed out that during deliberations of the Transportation Plan several years ago, a decision was made to not upgrade Villa, but he does not recall any discussion about closing Villa to people on the east side of the drainage; further, during discussions of the Steeplechase application a decision was made to leave Villa an unimproved street with a footbridge. Ms. Connell replied that additional City plans for Villa Road had been made via an errata in 1991, including the Transportation Plan. Ms. Stewart pointed out that additional homes could be built on the property surrounding Villa Road and perhaps at the creek crossing a through street could be required and the residents could share the costs of building a standard street at that time. Ms. Connell noted that Mr. Rapp's report indicates the City has spent a great deal of time and money going in a different direction and if a change is to be made, it will require a full analysis and is the City's decision.

Chairman Birchill expressed concern over the length of time the cul-de-sacs will be dead-end on the west end. Mr. Ruehl suggested that the pedestrian walkway could be built to fire standards and used as an emergency access, if necessary. Ms. Connell pointed out that the current right-of-way will accommodate an emergency vehicle.

3. Clarify how a road connection to Meinecke will impact the Salisbury property and Pacific Highway.

Ms. Connell stated that currently the proposal has a stubbed street near the Salisbury property. Ms. Connell indicated that there had been considerable discussion as to whether the road should remain where it is or move it to accommodate both Salisbury and Whitesell properties, thereby splitting the cost of the road between both properties. Ms. Connell commented that after further investigation, it appears that realignment of the street on the property line will be too close to some of the buildings owned by the Salisburys and will be a disadvantage to the property owner. Because the realignment will necessitate destruction of one of the Salisbury's building, a decision was made to not extend the road to the north, and the road will remain as planned and will not become a collector.

Ms. Connell stated that there is still a big question as to how Woodhaven will impact the Meinecke-99 intersection. She noted that a traffic analysis has not been done, and one of the conditions of approval is pending submittal of that information. Ms. Connell remarked that the Department of Transportation is recommending considering approval of the preliminary development plan only, but no plats associated with the development at this time. She commented that ODOT feels that the impact on Meinecke and the consequential impact on Sunset and the relationship between the intersections are significant, and until ODOT understands the ramifications, they are not willing to make a recommendation.

Ms. Claus pointed out that ODOT had directed the applicant's transportation engineer to complete their traffic study and the engineer replied that it was not their problem, especially at this point, and inquired if that is the current status of the traffic study. Ms. Connell replied that she did not believe the engineer had stopped working on the study. Mr. Ruehl interjected that in talking with the engineer and trying to address the issue the Commission was trying to address Phase 1, and they did not feel that Meinecke was involved in Phase 1. Ms. Connell responded that ODOT sent a second letter dated October 29 addressing and modifying the questions ODOT raised in their first letter. Ms. Claus commented that the letter also states that ODOT is still recommending not approving the plat and that they still seeking information from Kittleson and Kittleson had replied that they are not certain as to what information ODOT requires, and they feel that it is more than the scope of Phase 1, which makes them at loggerheads. Ms. Claus inquired if that is still the status of the study or is some work in

process, and if so, when will the study be completed, and is ODOT still recommending against? Ms. Connell indicated ODOT is still recommending against approving the first phase of the preliminary plat, but are not against approving the entire conceptual plan. Ms. Connell pointed out that the proposal being acted upon by the Commission approves the preliminary concept plan and Phase 1. Each of the additional plats will be before the Commission for approval at a later date.

Ms. Claus inquired as to what the City is doing to help ODOT resolve their questions? Ms. Connell responded that ODOT first requested alternative design analysis for Meinecke, including median versus no median, signalization versus no signalization, existing alignment versus ODOT proposed alignment, four-way intersection versus no north-west connecting street. Ms. Connell then read ODOT's letter of October 29, copy attached as part of these minutes, which outlines ODOT's reasons for not making a recommendation on improvements to Sunset required in Phase 1. Ms. Connell pointed out that ODOT is still requesting an analysis of Meinecke, which does not need to include median versus no median, but ODOT does suggest that an escrow account for one-half the value of the cost of the signal be a condition of approval.

In response to Ms. Claus' question as to whether the applicant is proceeding with ODOT's suggestion, Mr. Ruehl responded that testimony at the last meeting was that they are not since they do not believe the requirement is pertinent to Phase 1. Ms. Connell noted that ODOT does not feel there is sufficient information to proceed with Phase 1; however, the City's recommendation is to proceed with Phase 1 and require signalization at Sunset by Phase 2 and demand the information at the next phase, which is estimated to be at least two to three years.

Ms. Stewart commented that the problems on Sunset/Meinecke are ones that can be addressed downstream and pointed out that consideration should also be given to signalization at Chapman Road, which is needed worse than at Meinecke. Ms. Connell noted that Chapman is out of the City's jurisdiction and that ODOT doesn't feel they have the information needed to determine development at Sunset.

In response to Ms. Claus' question as to how much time and money is necessary to develop the study requested by ODOT, Mr. Gary Harrison of Kittleson and Associates, responded that there are many factors which go into alignment of Meinecke Road and how Meinecke is finally aligned depends upon

frontage of several properties on Highway 99W, some of which are not under the control of the applicant and there is no easy answer. Mr. Harrison noted that there are commercial properties on both sides of Highway 99W, which will have to be accessed also and if one looks at ODOT's strict adherence to ODOT's access management rules to access Oregon Highways, none of the properties will have access other than minor access off of other streets--either Meinecke or an extension of Meinecke on the north side. Mr. Harrison pointed out that that is a much larger study than just one development and there is no simple answer as to how any individual subdivisions or development plans will affect that intersection. Ms. Claus' pointed out that one of the reasons ODOT requested study of Meinecke was to determine what will happen at Sunset. Mr. Harrison replied that he is having difficulty understanding why it would affect the design of Sunset because he did a study where all of the traffic from Woodhaven would flow onto Sunset and none of the traffic went to Meinecke. Mr. Harrison stated that Phase 1 has no connection to Meinecke and, with this particular project, there is insufficient information regarding traffic impact from adjoining properties. He noted that impact from all of the surrounding properties must be analyzed to fully understand the effects on Meinecke Road. Mr. Harrison commented that ODOT will also have a difficult time determining the effects of traffic on Meinecke Road because there are several subdivisions involved. Ms. Connell remarked that Wyndam Ridge has been on the Planning Commission's agenda since August because ODOT is unable to determine how and where the access point should be for that project. Mr. Harrison pointed out that there are two parcels of property involved over which Woodhaven has no control.

Ms. Claus suggested that the City commission a study since there are so many subdivisions involved. Chairman Birchill suggested that, due to the major impact the development is having on the community, perhaps OTAK and Kittleson should provide an analysis of the impact on the community as well as Meinecke Road, including the impact from the other known developments. Mr. Harrison stated that there are several unknowns involved, including input from the owners of properties not included in the Woodhaven project. Chairman Birchill suggested that Kittleson/Otak develop several alternatives that provide the best solution for all involved. Mr. Harrison responded that it is not possible to develop alternatives until someone identifies exactly what they--ODOT, City, residents--want Kittleson to provide by way of information, and who will pay for the study.

Mr. Ruehl suggested that proposed condition No. 14 also apply

to Meinecke Road. The Commission concurred.

Mr. Ruehl commented that he was not clear as to what are the various processes the Planning Commission goes through and what final development plans include, and what will be the effects. He stated that it is difficult to know when and where the Commission can make a condition and what will or will not be applicable. Ms. Connell explained the procedures and processes an applicant follows to obtain approval of a planned unit development, and noted that if the Woodhaven PUD is approved by the Commission, the applicant can then come back with a final plat for Phase 1. In response to Ms. Claus' question, Ms. Connell verified that the Commission could approve the entire Woodhaven PUD in concept, but not approve Phase 1 until after a public hearing before the City Council. Ms. Connell noted that the applicant is requesting approval of the entire project, but staff is recommending approval of Phase 1 only. Ms. Connell pointed out that the Commission could forward the Woodhaven PUD to the City Council, which may change the conditions.

Ms. Connell reported that there are several options to resolving the situation with Meinecke Road as it intersects Highway 99W. She noted that ODOT had, at their expense, conducted several surveys; however, ODOT has no funds available to construct either option at this time and would be responsible for construction of the intersection at Meinecke and Highway 99W. Ms. Connell commented that care must be taken with the redesign of Meinecke so that the existing business are not adversely affected by any of the realignment options.

Ms. Connell advised that City Manager Rapp had attended a meeting with representatives from ODOT, Woodhaven, Wyndam Ridge, several citizens of Sherwood, and City Staff. She pointed out the various options, and noted the most favored plan is that currently contained in the City's Transportation Plan. Ms. Connell indicated that in order to correct the 90 degree curve on Meinecke Road, it would be necessary that some of the neighbors--the Salisbury and Whitesells--donate a portion of their property for that purpose. Ms. Connell stated that the City Engineer is scheduling a survey team to prepare an engineering design to comply with the City's Plan.

Ms. Connell pointed out that correction of the curve and reconstruction of Meinecke Road is uncertain at this time. She noted that ODOT is experiencing several budget cutbacks; however, the \$640,000 cost of the Meinecke intersection reconstruction might not be cut.

Chairman Birchill inquired as to whether there is any reason

that the various applicants, whose projects would impact the City, could not give direction to OTAK and Kittleson and help finance the engineering study of the Meinecke intersection. Ms. Connell responded that the study is an engineering design for the City and she is unable to answer the Chairman's question. She noted that the City is responsible for their own Transportation Plan, and staff will need to determine what is actually require. Mr. Warmbier stated that it would be more appropriate to have the City do the study, and then advise the various applicants of their percentage of the costs based upon the impact of the individual projects. He noted that ODOT's history is that they recommend the applicant/City develop solutions and they, ODOT, will work to resolve the problems. Mr. Warmbier stated that he would prefer to decide what the final phase is and attach appropriate conditions before the applicant can proceed with construction.

Mr. Ruehl, referring to proposed condition No. 15, inquired as to whether the Planing Commission can approve the development and at some point in time obtain information from ODOT, which may require additional conditions and at that time determine what the SDC fees will be. He pointed out that it is unknown when the City's analysis will be ready, then ODOT will require additional time to make their study, and proposed condition 15 will leave the options open-ended in terms of any recommendations which should be made. Chairman Birchill responded that any recommendation to the City Council on the preliminary plan should not be left open-ended, and any changes must come back to the Commission with plat phasing. He noted the most critical issue is that Phase 1 will be Sunset and will, theoretically, impact Highway 99W.

In response to Mr. Hohnbaum's questions as to whether the Commission could require necessary financing for signalization with an interim understand, Chairman Birchill indicated he felt it would be prudent to tie certain items in proposed condition No. 14 to a phasing approval. Ms. Connell commented that Mr. Hohnbaum's concern was covered under proposed condition No. 2 a. After a brief discussion of proposed condition No. 2 a., the Commission concurred that the condition should be amended to include a statement that the applicant participate in funding their share of off-site improvements.

4. Why is the commercial site 1.5 acres rather than 1 acre in accordance with the Neighborhood commercial (NC) zone standards.?

Ms. Connell advised that staff encouraged the applicant to

provide a smaller scale service to the residents in keeping with the goal to reduce vehicular traffic, air pollution, and encourage pedestrian traffic. She pointed out, however, that the commercial site is for the convenience of the residents of the development and will not compete with Old Town or the Six-Corners Shopping Plaza. Ms. Connell noted that the applicant is requesting an option to leave open the decisions as to which side of the street the commercial site could be on. Ms. Connell commented that the size limitation of the commercial area is arbitrary in the Zoning Code. Ms. Connell stated that Mr. Fregonese of Metro and Mr. Cortright of LCDC expressed no concern regarding the 1.5 acre size, and felt that a larger commercial area could be added to a development the size of Woodhaven. Ms. Connell advised the Commission it could add a sentence to condition No. 4.A.4., which will limit the commercial site to one acre, to be developed in conformance with the City Neighborhood Commercial (NC) zone.

In response to Chairman Birchill's question, Mr. Bantz advised that the proposed commercial site could house a 7-11, a Circle K, a dry cleaner, or a video store. Mr. Bantz noted that a marketing study was done by Ron Karl and Associates of Beaverton for the area prior to submitting the application, and the study indicated a 1.5 acre commercial site would be more suitable to serve a development with approximately 2500 residents. He reminded the Commission that the applicant plans to sell the commercial area, not build the structures.

In response to Ms. Claus' request, Mr. Bantz agreed to submit a copy of Karl and Associates' study for review by the Commission.

5. Are the stormwater ponds in compliance with the City's Stormwater Master Plan? Is the City promotion regional or on-site stormwater facilities?

Ms. Connell reported that a meeting, attended by Mayor Hitchcock, Planning Commission Chairman Eugene Birchill, representatives of the Unified Sewerage Agency, representatives from David Evans and Associates, and staff was held, to review the City's stormwater policies. She noted that after much debate, the attendees agreed that the City's standards for stormwater are more stringent than are USA's. Ms. Connell pointed out that the applicant's plans were reviewed by USA and DEA based on USA standards since the City's standards are vague. Ms. Connell remarked that as a result of the meeting, Mayor Hitchcock had directed the City Engineer to take a closer look at the standards and assure that the City is meeting its own stormwater standards.

With regard to stormwater run-off, Ms. Connell noted that the run-off in residential developments not only contains nutrients that are good for the wetlands, but are significantly less contaminated than run-off in commercial-industrial areas.

Ms. Connell stated that discussions were also held as to whether USA would maintain Woodhaven's 18 ponds. Ms. Connell advised that maintenance of the ponds by USA is a possibility, but only possible if all users in the USA program agree to a common maintenance program. She commented that the issues would have to be researched to determine feasibility under Measure 5. Ms. Connell advised that as a result of the aforementioned meeting, Ken Vigil of David Evans and Associates, did an analysis of the 18 ponds of the site, and had developed a report which recommended some modifications. Ms. Connell suggested that proposed condition No. 3.D.3 be amended to adding a statement reading: "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's Stormwater Master Plan." After considerable discussion, the Planning Commission concurred with the addition.

6. Is the Woodhaven's phasing plan contradictory to the City's policy of promoting Old Town revitalization?

Ms. Connell noted that the phasing of Woodhaven will begin at Highway 99W, and if the project is developed Old Town will have an incentive to revitalize; however, the City cannot require a subdivision to revitalize downtown. Ms. Connell pointed out that it takes approximately 60 seconds to traverse the 7/10 of mile from Highway 99W via Sunset Boulevard. Ms. Connell noted that revitalization of Old Town is a long-term problem and is not an obligation of Genstar.

Mr. Warmbier pointed out that marketability merges as more people move into the area, and more people moving to the area will help revitalize Old Town. He suggested that a temporary pedestrian trail connecting to Old Town via Villa Road would resolve the situation. Ms. Connell responded that a condition could be to require a pedestrian path from Phase 1 to Villa with a pedestrian trail connecting to Old Town. Mr. Warmbier suggested that signs be posted prohibiting horses. After a brief discussion, Chairman Birchill directed staff to encourage the City Council to adopt an ordinance prohibiting equestrian and motorized vehicles on pedestrian trails and paths.

7. How does Metro view Woodhaven's commercial site and its impact on downtown from a regional planning perspective?

Ms. Connell advised that a meeting had been held with representatives of METRO, DLCD, ODOT and staff, who reviewed the Oregon Transportation Planning Rule. Ms. Connell noted that none of the representatives expressed concerns with regard to Old Town; however, the representatives emphasized the need for pedestrian trails, a larger commercial site, more multi-family, and suggested the City consider bus transportation of some type. Ms. Connell indicated that the applicant is agreeable to providing an east-west pathway connecting to Villa Road, and suggested that proposed condition No. 5 be replaced by a new condition to read: "In Phase 1 construct the planned east-west pathway to the vicinity of Lot 625, then build an all-weather temporary pathway extension to Villa Road as approved by the City." The Commission concurred and suggested that the pathway be posted with a sign prohibiting horses and motorized vehicles.

Chairman Birchill inquired whether the applicant could be required to leave two lots in Tract M vacant to serve as an emergency access until such time as plans are developed for the adjoining property. He suggested these lots be stubbed for a future street, and temporarily serve as an emergency access for fire services and pedestrian walkways. It was noted that the over-length cul-de-sac would be shortened and proposed condition No. 2 D could be deleted. The Commission concurred.

8. Is there a City Plan policy that requires contiguous development, and how is that interpreted for Woodhaven?

Ms. Connell commented that there is no need to review or change a City Plan policy since Woodhaven is contiguous to the City.

9. Is the proposed multi-family housing adjoining the holly farm a compatible use? Shouldn't there be a buffer between them?

Ms. Connell reported that the adjacent holly farm use is not relevant to the Woodhaven development, and could be redeveloped prior to Woodhaven. Mr. Ruehl stated he felt the issue was the holly farm is zoned LDR and is adjacent to the Woodhaven Planned Unit Development, and with the development of Woodhaven the property owners may be encouraged to rezone. Chairman Birchill inquired whether a condition could be

added to provide a buffer between the holly farm and Woodhaven which could be dropped when and if an application is made to develop the holly farm, and whether or not the holly farm could be zoned multi-family. Ms. Connell responded that a sentence could be added to proposed condition No. 4.A.3 to require a 15-foot side yard, 20-foot rear yard setback and sight obscuring vegetation and/or fencing be provided between multi-family and single-family dwellings. The Commission concurred with the revision.

10. Can the northernmost over-length cul-de-sac be shortened by replacing lots 293 and 298 with a looped road? Also, consider putting high density residential on the north side of the crossing and extending the street to adjoining commercial properties.

Ms. Connell pointed out that this question had been covered elsewhere during discussions.

11. Should building setback variances (i.e. 10-foot street side yard versus 20 feet) be considered now, or rather in the context of a Zoning Code amendment?

Ms. Connell stated that one of the main reasons for a PUD is to allow variances to setbacks or street widths, and that a change here does not necessitate a city-wide change. She remarked that if the reduced setbacks are desirable and provide more efficient use of the property, exceptions should be allowed without allowing a city-wide variance.

Mr. Ruehl expressed concern about variance request for 15-foot setback and suggested that rather than making exceptions, the issue should be addressed as a code issue. He stated that he is concerned that granting variance requests will set a precedence.

12. Can the City develop a surcharge above and beyond SDCs paid for by Woodhaven residents to maintain project amenities?

Ms. Connell responded that the City is not in a position to mandate such charge.

13. Coordinate with ODOT regarding Woodhaven's Sunset and Meinecke intersections.

Ms. Connell pointed out that the Sunset/Meinecke intersections had been discussed previously.

Mr. Bantz requested that the Commission clarify their

condition for the applicant to pay a proportionate share of any improvements in the Meinecke/99W and Sunset/Pacific Highway access. He stated that the applicant needed to know what their share will be, and pointed out that Woodhaven is not the only development that will add traffic to these roads.

Mr. Bantz stated that he is concerned about three crossings of wetlands, as referenced in condition 1.B.4 and requiring pathway improvements across Tracts I, Q and S. After discussion, the Commission concurred that a pathway improvements should be required only of Tract J.

Mr. Warmbier requested that condition 1 H regarding fences and lighting of the entry to all pedestrian access ways be discussed. After discussion, the Commission concurred that the last sentence be modified to require that street lighting shall be located so as to illuminate the entry to all pedestrian pathways between lots. Further, lighting is not required along pathways in floodplains and wetlands.

After review of the proposed revisions to the conditions of approval outlined in the Staff report dated November 23, 1993, Mr. Warmbier moved, seconded by Mr. Corrado, based on the finding of fact, that PUD 93-3 Woodhaven Preliminary Development Plan only be recommended for approval to the City Council with the following revised conditions:

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. Road crossings over floodplains shall require a Conditional Use Permit from the City.
 - 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. Height: LDR: 2-1/2 stories or 30'

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- 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
- i. NC standards in effect at the time of actual site plan application shall apply to commercial development, except that a total

site area of up to 1.5 acres shall be permitted

- D. Conform to the following modified street standards. Except as noted below, all other City street standards shall apply.
1. For local streets, 28' paving width with parking on one side, unless parking on both sides is acceptable to TVFR, or
 2. 32' paving width with parking on two sides, and
 3. 42' right-of-way width
 4. 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.
- E. Describe and dedicate the entire Ponderosa Pine Significant Natural Area (Area "A") unless the applicant can demonstrate with a tree survey, produced to the City's satisfaction, that no more than 5 percent of the mature pines in the area will be removed and are exclusively on the edge of the area. The Final Development Plan shall be revised accordingly, as approved by the City.
- F. Describe and detail the tot lot and mini-park sites identified on the Preliminary Development Plan at the time of the Phase 1 Final Plat. If any such sites cannot be defined at Phase 1, they shall be dedicated with the appropriate phase. Actual development of these sites 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 tot-lot improvements; 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 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.
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 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 Meinecke Road for properties within the applicant's control at the time of PUD approval.

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 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. 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.
12. 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.
13. 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.
14. Analyze the traffic impact of the PUD's proposed Sunset/99W and Meinecke/99W intersections, including whether the intersection should be signalized, and make any appropriate PUD Plan changes indicated by the analysis. The Sunset/99W intersection analysis shall be provided prior to submittal of Phase 2 Plat. The Meinecke/99W intersection shall be provided prior to submittal of Phase 3 Plat.

15. Analyze the traffic impact of the collector and local street connections from the PUD to Meinecke Road, and make any appropriate PUD Plan changes indicated by the analysis.
- 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. Provide a north-south local street stub between proposed Lots 339 and 340 for future access to the residentially zoned parcels to the north.
 2. Provide 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. Provide a twenty-five (25') foot wide pedestrian access parcel and pathway improvement at approximately proposed Lots 230 and 245.
 4. Either construct a pathway improvement across Tract J connecting proposed pedestrian access parcels, or contribute funding for same for City constructed improvements.
 5. In Phase 1 construct the planned east/west pathway to the vicinity of Lot 627, then build an all-weather temporary pathway extension to Villa Road, as approved by the City.
- C. Approval of the extra length cul-de-sac located west of the Sunset Boulevard extension and east of Old Highway 99W, and 28-foot wide streets with parking on two sides, is subject to written concurrence by TVFR that no fire safety hazards will be created.
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 developed shall be looped as 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.

- 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.
- 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. The applicant shall complete a full local street improvement, excepting a sidewalk on the north side, for the entire length of the PUD's Villa Road frontage.
 - 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, 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.
 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 (1) acre and developed in conformance with the City Neighborhood Commercial (NC) zone. The remaining one-half (.5) acre of commercial area shall be multi-family residential in accordance with adjoining land use on the proposed plan. 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. In order to provide the City with the ongoing ability to re-assess critical water supply, school, street or other infrastructure capacity issues only over the extended, multi-year buildout of the Woodhaven PUD, subsequent phases and plats may be considered for final approval over the life of the project, but 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 revised phasing plan.

The motion carried unanimously.

4. **Planning Director's Report.**

Due to the late hour, no report was given.

5. **Adjournment:**

There being no further items before the Commission, Chairman Birchill adjourned the meeting at 12:01 a.m.

Respectfully submitted,

Kathy Cary
Secretary