

**City of Sherwood, Oregon
Ordinance 2004-011**

AN ORDINANCE APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT (PUD 95-1), INCLUDING A PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY SUBDIVISION PLAN, TO BE KNOWN AS "ARBOR TERRACE", AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, West Hills Development Company submitted a land use application for Arbor Terrace, a residential Planned Unit Development and Subdivision, on property known as tax lots 400, 500 and 600 of Tax Map 2S129CA, located south of Langer Drive, north of Century Drive, and west of Adams Avenue;

WHEREAS, the Sherwood Planning Commission recommended approval of the amendments to the planned unit development; and,

WHEREAS, the Community Development and Zoning Code Section 2.202 specifies the criteria to approve a Planned Unit Development, and that the Sherwood City Council finds that the proposal complies based on the findings adopted by the Planning Commission;

WHEREAS, the Sherwood City Council has received the application materials, the City Planning Staff Report, the Planning Commission findings, and the Council reviewed the materials submitted and the facts of the proposal and conducted a public hearing on August 10, 2004;

WHEREAS, the Sherwood City Council attached five additional conditions of approval to the approval and modified the language of one condition, which are reflected in Exhibit "A" attached to this ordinance;

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Council Review & Public Hearings. The application for a major change to a planned unit development (PUD 95-1), including a Preliminary Development Plan and a Preliminary Subdivision Plan, was reviewed by the City Council on August 10, 2004.

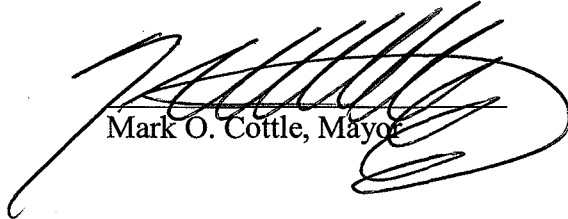
Section 2. Findings. That after full and due consideration of the application, the City Staff Report, the record from the Planning Commission hearings, and the evidence presented at the public hearing, the Council finds that the subject property is approved for the proposed land use, to be developed in substantial conformance with the Preliminary Development Plan and Preliminary Subdivision Plan for Arbor Terrace, therefore, the Council adopts the findings of fact contained in the attached Notice of Decision dated August 19, 2004.

Section 3. Approval. That a request for a Planned Unit Development is hereby **APPROVED** as stipulated in the Notice of Decision, dated August 19, 2004; labeled "Exhibit A" and attached to this ordinance.

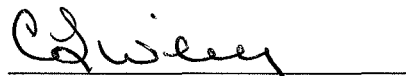
Section 4. Manager Authorized. The Planning Director is hereby directed to take such action as may be necessary to document this plan map amendment, including preparation of a certified modification of the Official City Zoning Map, at such time the ordinance is in force.

Section 5. Effective Date. This ordinance shall become effective the 30th day after its adoption by the City Council.

Duly passed by the City Council this 1st day of September 2004.


Mark O. Cottle, Mayor

ATTEST:


C.L. Wiley, City Recorder

	<u>AYE</u>	<u>NAY</u>
Weislogel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<u>absent</u>	<input type="checkbox"/>
Heironimus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Durrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fox	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cottle	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Home of the Tualatin River National Wildlife Refuge

**Exhibit A
ORDINANCE NO. 2004-011**

**CITY COUNCIL
NOTICE OF DECISION**

Tax lot: 400, 500 and 600
Map No.: 2S129CA
Date of Decision: August 24, 2004
Decision Type: V (PUD)

I. DECISION

On August 10, 2004 the City Council of the City of Sherwood, Oregon **APPROVED with conditions PUD SUB 04-05 Arbor Terrace Preliminary Subdivision Plan and PUD 95-01 Planned Unit Development**, a Planned Unit Development (PUD) with 160 units, located on tax lots 400, 500 and 600 of Tax Map 2S129CA in the High Density Zoning District.

II. FINDINGS

1. Decision.

On August 24, 2004, the City Council of the City of Sherwood, Oregon ("City") approved with conditions City of Sherwood File No. SUB 04-05, Arbor Terrace Preliminary Plat and Planned Unit Development and City of Sherwood File No. PUD 95-01, Major Modification to Sherwood Village Planned Unit Development.

2. Procedural Status.

West Hills Development Company (the "Applicant") submitted an application for preliminary development approval, tentative subdivision approval and a major modification to an approved planned unit development pursuant to City Ordinance No. 2004-007. The City deemed the application complete and mailed notice to surrounding property owners as required by applicable provisions of the Sherwood Development Code ("SDC") and ORS 197.763. The City prepared a staff report which was available seven (7) days prior to the City Council evidentiary hearing on August 10, 2004.

The City Council opened the public hearing on August 10, 2004. No City Council members revealed any ex-parte contacts. No City Council members announced any conflict of interest or potential conflict of interest. No City Council Member announced any bias or pre-decision on the application. The entire Planning Department file was physically before the City Council and was not rejected by the City Council.

The applicant presented a thirteen (13) slide PowerPoint presentation to the City Council and submitted hard copies of the PowerPoint presentation. The applicant also had several large exhibits before the City Council.

The City Council allowed one proponent to speak prior to the applicant. Mr. Doug Pedersen, representing a nearby neighborhood association, spoke in favor of the application.

The applicant made its presentation and submitted evidence and argument in support of the application. The applicant noted the August 2, 2004 letter from its attorney in the City Council's packet. The applicant stated that it would comply with the relevant provisions of the Planned Unit Development Ordinance, including SDC section 202.05.E(g) requiring that each single family detached dwelling have at least two (2) different material types. The applicant explained that "D" Street is acceptable to the Tualatin Valley Fire and Rescue district (the "District"). The applicant agreed to install fencing around the playground area contained in the large park on Baler Way. The applicant explained its design details for the frontage on Century Drive.

No parties spoke in opposition to the application. No party requested that the hearing be continued or the public record held open.

The City Council closed the public hearing on the item. The City Council voted in favor of the application and directed that the applicant prepare findings for the City Council to consider at its public meeting on August 24, 2004. The City Council further directed that the Mayor not sign the findings until the City has explored the further modification of the Sherwood Village Planned Unit Development.

3. Conclusion.

Based on these findings, oral testimony before the City Council and the Planning Commission and substantial evidence in the whole record, the City Council finds that the applicant has satisfied the applicable approval criteria for a preliminary planned unit development application, a tentative subdivision plat and a major modification to an approved planned unit development.

The City Council hereby incorporates by reference in its entirety the 30-page August 2, 2004 staff report and its exhibits. Where there is a conflict between the staff report and these findings, these findings shall control.

The City Council's decision includes five (5) conditions of approval in addition to those found in the staff report as follows:

1. Prior to Final Development Plan approval, the applicant shall provide on the plat a reservation for future access between "D" Street and SW Adams Street in a configuration satisfactory to the City Planning Director or designee.
2. Prior to Final Development Plan approval, the applicant shall provide service provider letters from the Sherwood Police Department and Pride Disposal.

3. Prior to Final Development Plan approval the applicant shall investigate and propose appropriate crosswalks on SW Langer Drive, SW Century Drive and SW Baler Way, but not including traffic signals, and shall construct or provide a performance bond or other guarantee for such improvements prior to final subdivision plat approval.
4. On-site storm water facilities shall not be located in the large park adjacent to Baler Way.
5. The City shall allow the applicant to apply for and receive a grading plan prior to the City's final decision, i.e., the Mayor signing the ordinance and findings, subject to the applicant entering into an agreement to protect the City in a form satisfactory to the City Attorney.

For the above reasons, the City Council hereby approves this application subject to the conditions of approval contained above and in the August 2, 2004 staff report and incorporated by reference herein.

III. APPLICATION & BACKGROUND INFORMATION

Findings of the City Council made in addition to those of the Planning Commission are highlighted in underlined text, below. The remaining findings of the Planning Commission are incorporated into this decision, as documented in the April 6, 2004 staff report to the Council.

A. Applicant Information

Applicant:

West Hills Development, Inc.
15500 SW Jay Street
Beaverton, Oregon 97006

Owner:

Langer Family LLC
15585 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

Applicant's Representative:

LDC Design Group
20085 NW Tanasborne Dr.
Hillsboro, Oregon 97124

- B. Location: South side of SW Langer Drive, between SW Langer Drive and SW Century Drive.
- C. Existing Development and Site Characteristics: The site is vacant, and relatively flat, and cleared of any significant vegetation. There are no wetlands or other environmental constraints on the property.
- D. Request: The applicant is requesting approval of a Planned Unit Development (PUD) and preliminary subdivision approval to build 160 single-family detached dwellings and townhomes.
- E. Zoning Classification and Comprehensive Plan Designation: The site is zoned High Density Residential (HDR), with a Planned Unit Development (PUD) overlay ("Sherwood Village PUD).
- F. Adjacent Zoning and Land Use: The property to the west is developed as "Sunfield Lakes", an apartment complex. The property to the north, across SW Langer Drive, is zoned RC and developed as commercial uses; the property to the west is being developed as a retail center (Target); the property to the south, across Century Drive, is developed as single family detached dwellings in the High Density Residential (HDR) zone.
- G. Review Type: Planned Unit Developments (PUD) are subject to a Type V – Legislative review process and requires a Planning Commission public hearing with recommendation to the City Council who makes the final decision in a second public hearing. Because the property is already a part of the Sherwood Village PUD, this application is a "Major Change" to a PUD, and should be considered the same as a new petition in accordance with the Sherwood Zoning and Community Development Code (hereinafter "Code"),

Section 2.202.04.B. Since the PUD involves the subdivision of land, the Preliminary Subdivision Plan will be processed concurrently with the Preliminary Development Plan.

- H. Public Notice and Hearing: Notice of the July 20, 2004 Planning Commission public hearing and the August 10, 2004 City Council public hearing for this proposal was published in the Tigard/Tualatin Times, a sign and notices were posted and a notice mailed to property owners within 100 feet of the site in accordance with Section 3.202 and 3.203 of the Sherwood Zoning and Community Development Code.
- I. Required Findings for Approval: Required findings are listed in Section 2.202.02-C (PUD Commission Review), and 7.201.03 (Subdivisions – Required Findings) of the Code.
- J. Application materials: The application includes the original application dated June 11, 2004, as well as the supplemental materials submitted July 8, 2004 and August 2, 2004. In case of a conflict between the information contained in the original application and the information contained in the supplemental application, the Planning Commission and City Council should go by more recent information contained in the supplemental materials.

IV. PUBLIC COMMENTS

None received as of the date of this report.

V. AGENCY COMMENTS

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

A. Sherwood Engineering Department

Terry Keyes, City Engineer, did not make comments as of the date of the staff report. However, Lee Harrington, Engineering Department Project Manager, did make comments in a memo to Ed Murphy dated July 20, 2004, which was given to the Planning Commission at the public hearing that same evening.

- B. Clean Water Services
Service Provider Letter (CWS File #3760) dated February 13, 2004 was issued by Colin MacLaren, Environmental Plan Reviewer. This letter says that it appears that no sensitive areas exist on the site or within 200' of the site. A copy of the CWS's letter is included in the applicant's submittal packet (last page in the 3-ring binder).
- C. Tualatin Valley Fire and Rescue – Eric McMullen, Deputy Fire Marshal commented in a letter dated July 6, 2004, which is included in this report. The detailed letter indicated the Fire District requirements for the proposal.

VI. PLANNED UNIT DEVELOPMENT (PUD) – REQUIRED FINDINGS (SECTION 2.202)

A. OBJECTIVES (SECTION 2.202.01-B)

The PUD district is intended to achieve the following objectives:

1. *Encourage efficient use of land resources that can result in savings to the community, consumers and developers.*
Findings: The property is zoned HDR, which allows multifamily units, townhomes, single-family attached and single-family detached units. The HDR zone requires a minimum density of 16.8 units per acre. The proposal uses the land efficiently by utilizing the townhome and “small lot” provisions in the Code, which allow higher density developments on individual parcels.
2. *Preserve valuable landscape, terrain and other environmental amenities.*

Findings: The property is relatively flat and devoid of any significant vegetation or environmental amenities.

3. *Provide diversified and innovative living, working or shopping environments that take into consideration community needs and activity patterns.*

Findings: The proposed development is innovative and provides higher density housing products not typically found in Sherwood. While the Preliminary PUD calls for only residential development, there is substantial commercial development nearby. There are opportunities to shop, work and recreate within walking distance of the development. The project adds to the diversity of housing types with the townhomes, carriage and chateau units, and provides housing units that are affordable to a broader range of residents than most of the other new housing types in Sherwood.

4. *Achieve maximum energy efficiency in land uses.*

Findings: Generally, the dwelling units themselves are smaller than typical single-family detached homes, so they are presumably more energy efficient. The circulation pattern is well-connected for pedestrian and bicycle traffic. The development includes a small park, so residents do not necessarily have to drive to use a park facility. On the other hand, the streets are wider than “normal” residential streets in new subdivisions (36’ wide versus 28’ feet wide), which are not as energy efficient as narrower streets would be, but they are the width required in the Code.

5. *Provide innovative design in architecture or other site features that enhance the community or natural environment.*

Findings: The design of the dwelling units is innovative and attractive. The layout uses both front and rear loaded garages, and provides a variety of housing styles. The natural environment will be enhanced with the creation of a small park in the center, linear greenways along the south edge of the development (Century Drive) and several small landscaped areas.

B. COMMISSION REVIEW (SECTION 2.202.02-C)

The Commission shall review the application pursuant to Section 3.200 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

1. *The proposed development is in substantial conformance with the Comprehensive Plan and is sited in an area that is unusually constrained due to existing natural or man-made features, while protecting the environmental resources of the site and adjacent properties.*

Findings: The Comprehensive Plan policies have been addressed by the applicant. The Plan specifically calls for 2000—5000 square foot lot sizes. The

site is unusually constrained by its odd shape and by the surrounding development. There are no existing natural features or environmental resources to protect on the site. The adjacent properties are either commercial, multi-family, or single-family detached homes within the HDR zone. The layout provides ample separation from the homes across Century Drive to the south.

2. *That exceptions from the standards of the underlying zoning district are warranted by the design and amenities incorporated in the development plan.*

Findings: The underlying zoning district would allow multifamily and townhome development at up to 24 units per acre. The main exception from the underlying district is the size of the lots for single-family detached dwelling. However, lots smaller than 5000 square feet are allowed in a PUD. In the HDR zone, any new development needs to meet the minimum density requirements of 16.8 dwelling units per acre. It is difficult to meet that standard with “for-sale” housing products on individual parcels of land, instead of multifamily units. The design and amenities of the project, such as the park and open space areas, warrant such exceptions.

The other exceptions from the underlying zone are the proposed front yard setbacks, the street side yard setback, and the rear yard setback. These exceptions are discussed later in this report.

3. *That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments.*

Findings: The proposed development will be in conformance with the design standards of the townhome and “small lot” sections of the Code. It incorporates unified architectural treatments.

4. *That the system of ownership and the means of developing, preserving, and maintaining open spaces are acceptable.*

Findings: The park and open spaces, as well as the private streets and alleys, will be developed by the developer, and maintained by through the creation of a Homeowner’s Association. The developer plans on installing the front and side yard landscaping on the single-family detached homes.

5. *That the PUD will have a beneficial effect on the area which could not be achieved under the underlying zoning district.*

Findings: The beneficial effects on the area is that a different type of housing product will be available. In the underlying district, multifamily developments area allowed, but single-family detached dwelling units are required to be on minimum 5000 square foot lots.

6. *That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year of the date of approval.*

Findings: The developer proposes to be substantially complete within a year following approval.

7. *That adequate public facilities and services are available or are made available by the construction of the project.*

Findings: Sewer and water are available. Stormwater run-off will be directed to water quality facilities on-site, or as otherwise approved by the City Engineer.

8. *That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in Section 2.202 have been met.*

Findings: There are no specific objectives for residential categories. The general objectives of the PUD concept were addressed above.

9. *That minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 2.202.05(C) (3).*

Findings: The parcel size is 14.2 acres.

C. RESIDENTIAL PUD (SECTION 2.202.05)

Permitted Uses (Section 2.202.05-A)

Findings: The applicant is proposing a 160-unit attached and detached single-family development, which are permitted uses in a PUD and within the High Density Residential (HDR) zone per Section 2.105.02.

Development Standards (Section 2.202.05-C)

1. *Density*

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Section 2, below.

2. *Density Transfer*

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication,

and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

Findings: The maximum number of dwelling units proposed is less than the maximum allowed in the HDR zone. The minimum number of dwelling units is 16.4 units per net acre. This standard is met. The applicant is not proposing to transfer density from any floodplain, wetlands or steeply sloped areas.

VII. Preliminary Plat Approval – Required Findings (Section 7.201.03)

No preliminary plat shall be approved unless:

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

Findings: Section 2.204-E.5.a requires that townhomes provide a 36-foot wide street with parking on two sides. The townhomes front on a 36'-wide street, with parking on both sides.

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

Findings: Proposed Tract 'C' is a private access street, and proposed Tracts 'B', 'D' and 'J' are private alleyways. These streets and alleyways are to be maintained by the Home Owner's Association. Agreements must be recorded with Washington County for maintenance of these streets and should be done prior to approval of the final subdivision plat.

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

Findings: The following is a review of the proposal's compliance with the applicable sections of the Code.

1. **Chapter 2 - Land Use and Development**

2.202.05.C

4. **Minimum Lot Size in HDR zone**

The minimum size for a lot containing a detached single-family dwelling in a Planned Unit Development in the HDR zoning district may be less than 5,000 square feet provided the following approval criteria are met:

- a. General Standards

- (1) Dwelling Area. Each single-family dwelling shall have a minimum dwelling area of 1,450 square feet. Garage area is not included within the minimum dwelling area.

Findings: All of the single-family detached units meet the minimum dwelling area size.

- (2) Lot Sizes and Dimensions. The minimum lot size shall be 2000 square feet. The minimum lot width shall be 20 feet and the minimum lot depth shall be 65 feet.

Findings: All of the lots proposed for single-family detached dwelling units meet the minimum lot size, lot width and lot depth requirements.

- (3) Parking.

- (a) The PUD preliminary development plan shall include a parking plan. The purpose of a parking plan is to provide on-street and off-street parking sufficient for residents and visitors. The parking plan shall show the location of proposed off-street parking and on-street parking.

Findings. The preliminary development plan includes a parking plan. The applicant presented a modified parking plan at the Planning Commission hearing (Sheet 5 of 10), plotted on July 20th.

- (b) As a guideline, the parking plan should include an average of 1.75 parking spaces per detached dwelling unit, including both on-street and off-street parking, but not including garages.

Findings: The number of on-street and off-street parking spaces per detached unit averages 2.2, not counting space within any garages. There are 214 on-street parking spaces and 139 off-street parking spaces, making a total of 353 non-garage parking spaces ($353/160 = 2.2$) There are 205 garage parking spaces. The total number of off-street parking spaces available is 344, which for 160 dwelling units averages 2.15 off-street parking spaces per unit.

- (4) Single Family Dwelling Setbacks. Dwellings shall have the following setbacks:

- (a) Front-loaded garages – minimum of 20 feet.
- (b) Rear-loaded garages – minimum of 2 feet and maximum of 6 feet.
- (c) Front yard setback to a front porch – minimum of 6 feet.
- (d) Front yard setback to dwelling – minimum of 9 feet.
- (e) Rear yard setback to dwelling – minimum of 12 feet.
- (f) Rear yard setback to porch – minimum of 10 feet.
- (g) Side yard setbacks adjacent to alley and streets – minimum of 8 feet.
- (h) Interior side yard setbacks – minimum of 3.5 feet. Consistent with Section 2.305.04, architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project into the required side yard no closer than two and one-half (2.5) feet from the property line.
- (i) Minimum lot width at building line – 20 feet.
- (j) Abutting residential districts – where proposed lots abut an existing lower density residential zoning district, the adjoining yard setbacks shall be no less than those of the abutting residential zoning district.

Findings: The preliminary development plan shows yard setbacks consistent with the minimum setbacks indicated above. None of the proposed single-family detached lots abut an existing lower density residential area.

- (5) **Maximum Building Height.** The maximum building height shall be thirty (30) feet or two (2) stories.

Findings: The maximum building height will be 30 feet.

- (6) **Maximum Percentage of Single-Family Homes.** The total planned unit development shall have no more than 60% of the total dwellings as single-family detached dwellings.

Findings: Out of a total of 160 dwelling units, 95 are single-family detached, which is 59.3%.

- (7) Other Applicable Standards. All applicable community design standards in Chapters 2, 5 and 8 shall apply unless otherwise approved as a part of the Preliminary or Final Development Plan.

Findings: Other chapters are addressed elsewhere in this report.

b. Single Family Dwelling Design Standards

- (1) Vehicle Access. Each lot in the PUD shall have vehicle access from either the front or rear lot line but not both. If alleyways are used for access, they shall be created at the time of subdivision approval.

Findings: No lot has vehicle access from both the front and the rear. Alleyways will be created as part of the subdivision approval, which is being processed concurrently with the Preliminary PUD review.

- (2) Garages and Driveways. Lots shall comply with the following standards in order to minimize interruption of adjacent sidewalks by driveway entrances, to slow traffic, to improve the appearance of the street, and to minimize paved surfaces for better traffic management:

- (a) When garages face the street, the garage door shall be recessed behind the front building elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.

Findings: Garages facing the street are recessed behind the front building elevation by at least one foot.

- (b) The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per dwelling is 60% of the total building width. For example, a 20-foot-wide dwelling may have one 12-foot-wide recessed garage door and a 14-foot-wide driveway.

Findings: The maximum driveway width is two feet wider than the garage door. The maximum garage door width is 60% of the total building width.

- (3) Building Design. The purpose of these standards is to make each dwelling unit distinctive and to prevent garages and blank walls from becoming a dominant visual feature. These standards will apply to all single-family detached dwellings on lots smaller than 5000 square feet unless otherwise approved in the Preliminary or Final Development Plan.

- (a) Dwellings in the PUD shall use a variety of roof types, including but not limited to, hipped, gambrel, and gabled roofs. Flat roofs shall be prohibited.

Findings: The proposed dwellings use a variety of roof types, and no flat roofs are proposed.

- (b) A minimum of 50% of the dwellings within a block frontage shall have a front porch. Front porches may not encroach into the clear vision area as defined in Section 2.301 of this Code.

Findings: Although the application does not specify which units go on which lots, many of the units have a front porch, according to the floor plans submitted with the application. The applicant should be required to demonstrate that at least 50% of the dwellings within any block have a front porch as part of the Final Development Plan.

- (c) Window trim shall not be flush with exterior wall treatment for any windows facing public rights-of-way. Windows shall be provided with architectural surround at the jam, head, and sill.

Findings: The window trim shown on the architectural drawings are not flush with the exterior wall treatment.

- (d) All building elevations visible from the street or alley shall provide doors, front porches, balconies, windows, or other architectural features to provide a variety of facades. This standard shall apply to each full and partial building story.

Findings: The building elevations provide several different architectural features, which results in a variety of facades.

- (e) The PUD preliminary development plan shall provide a mix of rear-loaded and front-loaded garages.

Findings: There is a mix of rear-loaded and front-loaded garages proposed.

- (f) No two adjacent dwellings shall have the same architectural elevation or the same predominant color.

Findings: This cannot be ascertained from the drawings or information submitted. The applicant should be required to demonstrate in the Final Development Plan that this standard will be met.

- (g) All single-family dwellings shall use at least two of the following exterior materials on the front and street side façades: brick, natural stone, manufactured stone, lap siding, or stucco. The exterior siding shall not be either T-111 or plywood.

Findings: The applicant is proposing the use of the materials required, and not T-111 or plywood.

- (h) Landscaping in the front yards and street side yards to the building line shall be installed prior to occupancy. Maintenance of the landscaping in these areas shall be maintained and enforced through recorded conditions, covenants and restrictions by the homeowners association. This requirement shall be imposed as a condition of approval in the PUD preliminary and final development plan. The application shall provide for establishment of a homeowners association. The applicant shall provide draft conditions, covenants, and restrictions for review and approval by the city. At a minimum, the conditions, covenants and restrictions shall require maintenance of common areas, front yard and street side yard landscaping by a professional management company; shall prohibit outside storage in any yard; shall prohibit the

parking of boats, trailers, motor homes, motorcycles, trucks, truck-campers, and similar equipment; and garages shall be available for parking.

Findings: The applicant is proposing to landscape the front and street side yard of all the units, and have these areas maintained by a professional management company. The restrictive covenants have not been submitted, but the applicant plans to restrict parking of trailers, boats, etc., and to require that garages be used for parking.

- (4) Streets and Alleys. Streets and alleyways shall be constructed consistent with applicable city standards. Alleyways shall be privately maintained. The minimum improved street width shall be consistent with local street requirements in the Transportation System Plan. Unless otherwise approved as part of the Preliminary or Final Development Plan, streets shall be 36 feet wide with parking on both sides. Any street within a block that, because of volumes of traffic or street location, is determined by the city to function as a minor collector or a higher functional classification roadway shall be constructed to such applicable standard.

Findings: All streets are proposed as 36' wide, with parking on both sides. Streets 'D', 'E', 'F' and 'G' will have a landscape strip between the sidewalk and the curb. Streets 'B' and 'C' will have curb-tight sidewalks. Street 'A' appears to have a landscape strip on the east side of the street and not the west side.

All streets will have street trees planted either in the planter strip or behind the sidewalk. Note that the entrances to Street 'B' (i.e, Street 'A' and the east end of Street 'B') are proposed with a 56'-wide right-of-way, so there could possibly be a planter strip at these entrances.

- (5) Open Space. The PUD preliminary development plan shall provide for private and public open spaces which shall include improvements appropriate to the open space's size and purpose, such as but not limited to, play equipment, pedestrian amenities, and trails or sidewalks. Open space shall be no less than 5% of the gross PUD area. Parking areas and wetlands may not be counted as part of this requirement.

Findings: Of the gross PUD area of 14.2 acres, 1.68 acres will be open space, not counting parking or wetlands. This is 12% of the gross area. (Note that this acreage does not include all of the open space tracts. Tracts 'H', 'K', 'Q' and 'R' were not included in the calculations. If those areas were included, the total open space would be 78,138 square feet, or 1.79 acres). The central park area alone (Tract 'A') is 3.4% of the gross area.

- (6) Transit Area. The PUD preliminary development plan shall provide for an attractive transit shelter at an approved transit stop location approved or requested by the Metropolitan Transit District ("Tri-Met"). The PUD preliminary development plan shall include an architectural elevation for the transit shelter.

Findings: No provisions for a transit shelter are included in the proposal. A condition of approval could require a transit shelter, if TriMet indicates that there will be an approved transit stop adjacent to or near this development.

- (7) Applicant Representations. Any oral or written representations made by the applicant during the PUD preliminary development plan approval process may be incorporated as conditions of approval and, if so, shall be implemented in the PUD final development plan.

Findings: The applicant's written representations are included in the application package. The Planning Commission may make any representations made conditions of approval, but approving the Preliminary Development Plan incorporates any representations made in the application. This criteria is more relevant to oral representations made at the hearing.

2.204 Townhomes

A townhome may be located on property zoned MDRH or HDR, or in other zones as specified in an approved Planned Unit Development, provided that the townhome meets the standards contained below, and other applicable standards of Chapter 5 Community Design. Such developments that propose townhomes shall do so in groups known as "townhome blocks", which consist of groups no less than two attached single-family dwellings, that meet the general criteria of 2.204.01B below, and specific design and development criteria of this Chapter.

2.204.01-B Standards

1. *Each townhome shall have a minimum floor area of twelve-hundred (1,200) square feet in the MDRH zone, and one-thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.*

Findings: The applicant is proposing a minimum floor area of 1478 square feet. The proposed square footage appears to include the garage area, which is 207 square feet. Even subtracting the garage area, the minimum size is in excess of the 1,000 square foot minimum required.

2. *Lot sizes shall average a minimum of two-thousand five-hundred (2,500) square feet in the MDRH zone, and one-thousand eight-hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill", and meets the criteria of 2.204.01D below. Lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.*

Findings: The site is zoned HDR. All lots will be at least 20 feet wide and 70 feet deep. Lot area will average 1850 square feet.

3. *The townhomes shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single-family detached housing.*

Findings: The property is not adjacent to single-family detached housing. The proposal does not meet the setback requirements of the underlying HDR zone, which requires a 20-foot front, 20-foot rear, 5-foot side and 15-foot side-street setback. The applicant is proposing a 16-foot front yard setback, an 8-foot street side yard setback, and a 5-foot rear yard setback along Street 'C'.

Rear Yards: Most of the townhomes will have an 18-foot rear yard setback, except those along Langer drive, and the units on lots 39-42. The rear yards of lots 1-20 back up to an open space tract, and then the street. The rear yards of lots 21-42 back up to the parking lot of the multifamily development to the south (Sunfield Lakes). The rear yards of lots 76-90 back up to a public pedestrian trail access easement.

Street side yards: The only townhome units with street side yards are the units on lots 5, 6 and 20, which have side yards of 10', 10' and 8', respectively. There may be enough room to increase the side yard to 10' for the unit on lot 20, which would then meet the Code requirements of Section 2.204.01.B.9. (Interestingly, the Code only requires an 8' street side yard setback for the detached single-family units).

Front yards: Most of the units appear to have a 16' or great front yard. The dimensions shown on Sheet 5 are to the front porch, which the Code allows to encroach 6' into the setback beyond the perimeter foundation. The applicant is limiting this encroachment to 4', according to the table on Sheet 5.

4. *All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2-1/2) spaces in the MDRH zone; garages and/or designated parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.*

Findings: Each townhouse would have at a two-car garage as well as parking space in front of the garage, meeting the HDR parking requirement. All the townhomes would take garage access from the street.

5. *All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Chapter 2.204.01E, Design Standards.*

Findings: The townhomes have exterior siding and roofing similar to that used on other residential dwellings within the City, and also similar to the materials used for the proposed single-family detached units within this PUD.

6. *All townhomes in the MDRH zone shall have an attached or detached garage.*

Findings: The proposal is located in the HDR zone, therefore this requirement is not applicable, however all units are proposed with a garage.

7. *All other community design standards contained in Chapters 5, 8 and 9 relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by Section 2, shall apply to townhome blocks.*

Findings: The requirements of these chapters are addressed later in this report.

8. *Developments over two (2) acres shall accommodate an open space area no less than five percent (5%) of the total subject parcel. Parking areas may not be counted toward this five percent (5%) requirement.*

Findings: Looking at the whole project, and not just the townhome portion of the project, the proposal meets this standard. The park by itself (Tract A) makes up 3.4% of the gross parcel area. The park area combined with the three wide landscaped areas along Century Drive (Tracts 'L', 'P' and 'O') make up almost 12% of the gross area, exceeding the minimum requirement.

9. *Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line on the end of each "townhome block" shall be provided relative to the size of the block, as follows:*

- | | |
|--------------------------------|------------------------|
| • <i>Greater than 140 feet</i> | <i>10 feet minimum</i> |
| • <i>121 feet to 140 feet</i> | <i>8 feet minimum</i> |
| • <i>100 feet to 120 feet</i> | <i>6 feet minimum</i> |
| • <i>Less than 100 feet</i> | <i>5 feet minimum</i> |

Findings: There are five townhome blocks proposed. Setbacks for these blocks are as follows:

- Block that includes Lots 1-5 – 6 feet
- Block that includes Lots 6-20 – 10 feet
- Block that includes Lots 21-42 – 10 feet
- Block that includes Lots 61-64 – 6 feet
- Block that includes Lots 76-90 – 10 feet
- Block that includes lots 91-93 – 5 feet.

The preliminary plans demonstrate that this requirement is not met, except for the two blocks that include lots 1-5, 61-64 and 91-93. The Planning Commission can accept less than the minimum side yard setbacks through the PUD review.

2.204.01-E Design Standards

Each townhome block development shall require the approval of a site plan, under the provisions of Chapter 5.102, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.

1. ***Building Mass:*** *The maximum number and width of consecutively attached townhomes shall not exceed eight (8) units or one-hundred eighty (180) feet from end-wall to end-wall.*

Findings: The maximum number of units proposed within one block is four (4) and the maximum length proposed is approximately 80 feet. The proposal meets this standard.

2. **Designation of Access/Alleys:** *Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval.*

Findings: All lots access from the front exclusively.

3. **Street Access:** *Townhomes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.*

- a. *When garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.*

Findings: Garage doors are recessed a minimum of one foot behind the front elevation or an architectural feature, i.e., a porch.

- b. *The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per unit is sixty percent (60%) of the total building width. For example, a 20-foot wide unit may have one 12-foot wide recessed garage door and a 14-foot wide driveway. A 24-foot wide unit may have a 14-foot, 4-inch wide garage door with a 16-foot, 4-inch wide driveway.*

Findings: Garage widths are shown as 11'6" feet wide, which is less than 60% of the 20' building width. The garage door is narrower than the garage itself by about two feet, so it would be within the maximum width limitations. The driveway width is two feet wider than the garage door, so the maximum driveway width standard is met.

4. **Building Design:** *The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.*

- a. *The front façade of a townhome may not include more than forty percent (40%) of garage door area.*

Findings: The proposed buildings meet this requirement.

- b. *The roofs of each attached townhome must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel or gabled roofs are required. Flat roofs are not permitted.*

Findings: The roofs are distinct from one another, and no flat roofs are proposed.

- c. *A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard and street-side yard setbacks, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 2.301.*

Findings: This proposed project is located in the HDR zone. Porches would not encroach more than 6 feet into a front and street-side setbacks or the clear vision areas. The submitted elevations and floor plans indicate that all units would have a recessed covered porch meeting this standard.

- d. *Window trim shall not be flush with exterior wall treatment for all windows facing public right-of-ways. Windows shall be provided with architectural surround at the jamb, head and sill.*

Findings: All windows would be trimmed out at the jamb, head and sill and appear to project from the siding material, meeting this standard.

- e. *All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in façade. A minimum of fifty percent (50%) of front street-facing elevations, and a minimum of twenty percent (20%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story.*

Findings: The units have windows and porches as well as architectural features that provide variety in the appearance of the front street-facing façade. There are no side or rear street-facing townhomes proposed.

- f. *The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty-five*

percent (25%) of townhomes in the MDRH zone may be 3-stories, or a maximum of forty (40) feet in height if located more than one-hundred fifty (150) feet from adjacent properties in single-family (detached) residential use.

Findings: The application indicates that the height from the ground to the top of the second story wall will be within the 40-foot height limitation.

- g. Townhome developments which propose alley-loaded garages shall provide a mix of street-access garages, unless impractical due to lot depth, the proximity or function of local streets, or other factors identified in the parking plan.*

Findings: All of the townhomes have street access garages.

- 5. Vehicular Circulation:** *All streets shall be constructed in accordance with applicable City standards and shall be curbed. The minimum paved street improvement width shall be:*

- a. Thirty-six (36) feet, with parking allowed on two (2) sides.*

Findings: The streets upon which the townhomes front are proposed as 36'-wide streets.

- b. Any street within the townhome block that, due to volumes of traffic or street location, as determined by the City, functions as a minor collector or higher functional classification roadway, shall be constructed to full City public improvement standards.*

Findings: No streets would function as a minor collector or higher classification.

2.303 Fences, Walls and Hedges

- C. Types of Fences: The standards apply to walls, fences, hedges, mounds, and screens of all types (or a combination thereof) whether open, solid, wood, metal, wire, masonry, plant vegetation or other materials.*

- D. Location:*

- 1. Fences up to forty-two inches (42") high are allowed in required front building setbacks.*
- 2. Fences up to six feet (6') high are allowed in required side or rear building setbacks.*

3. *Additionally, all fences shall be subject to the clear vision provisions of Section 2.301.*

Findings: No fences or walls are shown on the applicant's plans or described in the applicant's narrative. More detail on any proposed walls or fences should be provided with the Final Development Plan. In particular, walls or fencing along the perimeter of the site visible from SW Langer Drive, SW Baler Way and SW Century Drive should be addressed in the Final Plan.

2.304 Yard Requirements

2.305.03 Yards

- A. *Except for landscaping, every part of a required yard shall be open and unobstructed from its lowest point to the sky, except that awnings, fire escapes, open stairways, and chimneys may be permitted when so placed as not to obstruct light and ventilation.*

Findings: There is nothing in the application indicating that the required yards will not be open and unobstructed.

2.305.04 Exceptions

Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to two and one-half (2-1/2) feet into a required yard.

Findings: The Building Code requires a 3-foot setback from property line therefore the projection must be a maximum 2 feet when constructing on the 5-foot side yard setback. No encroachments are indicated on the submitted plans.

2. Chapter 5 – Community Design

5.102.04 Required Findings

No site plan approval shall be granted unless each of the following is found:

- A. *The proposed development meets applicable zoning district standards and all provisions of Chapters 5, 6, 8 and 9.*

Findings: The proposal meets this requirement as discussed elsewhere in this report.

- B. *The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, stormwater, solid waste, parks and open space, public safety, electric power, and communications.*

Findings: The development can be adequately served with public and private utilities.

- C. *Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.*

Findings: All private streets and alleyways, and private parks and open spaces, should be maintained by the Home Owners Association. Agreements must be recorded with Washington County for maintenance of these tracts and should be done prior to approval of the final subdivision plat.

- D. *The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainageways, wetlands, trees, vegetation, scenic views, and topographical features, and conforms to the applicable provisions of Chapter 8 of this Code and Chapter 5 of the Community Development Code.*

Findings: There are no significant natural features on the site.

- E. *For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.*

Findings: The criteria is not applicable, as the site is within the HDR zone.

5.200 Landscaping

Findings: The applicant has submitted a landscaping plan consistent with this section.

5.703.01-B Permanent Residential Development Sign

One (1) ground sign, not exceeding thirty-two (32) square feet in size, denoting a subdivision development may be permitted. Illumination may be permitted provided a public nuisance is not created. NOTE - CHANGED.

Findings: A ground sign has been indicated on the plans. Ground signs are no longer permitted by the Code.

3. Chapter 6 - Public Improvements

6.401 Sanitary Sewers - Required Improvements

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains.

Findings: Clean Water Services requires that each lot in the development connect to a sanitary sewer mainline. The applicant's engineer must verify that this development provides any uphill adjacent property access to the sanitary sewer.

6.501 Water Supply - Required Improvements

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

Findings: The Tualatin Valley Water District has not submitted comments on the proposed development. Tualatin Valley Fire & Rescue reviewed the proposal and did not indicate major concerns with meeting Fire District Standards. A detailed letter was provided by Eric McMullen, Deputy Fire Marshal dated July 6, 2004.

6.601 Stormwater - Required Improvements

Stormwater facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan.

Findings: Each lot in the development will be connected to a public storm water system. The applicant's engineer must verify that this development provides uphill adjacent property access to the storm sewer, if needed. Hydraulic and hydrological analysis of the storm conveyance system is necessary and if downstream storm conveyance capacity is not available for a 25-year, 24-hour storm event, the developer is responsible for providing mitigation to lessen the flow to meet this requirement. Water quality (treatment) facilities are required and must be placed in a storm water quality tract on site, unless otherwise approved by the City Engineer. The applicant has indicated that they are proposing three public water quality facilities to serve the development, only one of which shows up on the drawings (Sheet 6, at 'A' Street and Langer Drive).

The applicant submitted a letter dated July 14, 2004 that described the options for handling storm water quality and quantity issues, and proposed a condition of approval that would allow the storm water facilities serving the new retail center to the west (Target) to be jointly used, if that option is available and is approved by the City Engineer.

6.700 Fire Protection

When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 500 feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

Findings: The Deputy Fire Marshall, Eric McMullen has reviewed the proposal and indicated the Fire District's requirements in a letter dated July 6, 2004. The applicant must comply with this letter. The letter does not mention any particular concerns with the overall design of the proposed development. However, they may need to clarify that the turn-around design at the end of street 'D' (a modified hammerhead, essentially, using street 'G') will be acceptable to the District, as per their recommended condition #2. They may also need to clarify whether they consider the alleyways "fire apparatus roadways", and if so, whether they would like "No Parking" signs installed as per their recommended condition of approval #7. The applicant stated at the hearing that they would contact the TVF&R agency to clarify these two items, and stated that they would prefer not to have "no parking" signs along the private alleyways.

4. **Chapter 8 - Environmental Resources**

8.304.06 Trees Along Public Streets or on Other Public Property

Findings: Street Trees are indicated on the plans. A bond must be submitted to the Engineering Department for the installation of the trees. The trees should be installed after the homes and sidewalks are constructed.

8.305 Wetland, Habitat and Natural Areas

Findings: There are no wetland, habitat or natural areas on the site.

8.307 Trees on Property Subject to Certain Land Use Applications

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

Findings: There are no significant trees on the property. The only trees are in the southeast portion of the parcel, and are old fruit trees.

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

Findings: Affected agencies including Clean Water Services, Tualatin Valley Water District and Tualatin Valley Fire & Rescue have reviewed the proposal and provided comments. No system wide deficiencies have been identified.

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

Findings: A public road stub is provided to neighboring property to the west. There are no other road stubs proposed or needed. The City Council finds that there may be a need in the future for a partial or full street connection between the east end of Street 'D' and SW Adams Avenue, and therefore there is a need to provide right-of-way or other access reserve strip in this area.

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

Findings: Adjoining properties are already developed.

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

Findings: There are no trees or woodlands on the property.

VIII. GENERAL COMMENTS REGARDING THE DESIGN

A. Pedestrian Circulation.

The proposed development is generally well-connected, from a pedestrian standpoint, to the surrounding streets and the park. The applicant has indicated that they intend to connect pedestrian pathways to the existing pedestrian pathway along the east boundary of the Sunfield Lakes apartment complex. This is not shown clearly on the drawing on Sheet 5, but the intent is apparently to have two connections to the existing trail. One would connect from the west end of Alley "Y", and the other from Street 'C' through Tract 'S'. There will have to be a modification to the existing public easement, which now goes through proposed lots 19, 20, 42 and 64. The applicant presented a drawing at the Planning Commission hearing that illustrated how a portion of the easement would have to be vacated, and how Tract "I" and Street B would then be used to connect the trail to SW Langer Drive.

The development is connected to SW Adams Avenue through a pedestrian trail at the end of Street 'D'. No pedestrian connection is proposed between Street 'D' and the property to the north, where the new Target Store is located. Although it is often desirable to connect a residential area directly with a commercial area via a pedestrian pathway, in this case, creating a pedestrian connection across from Street 'F' into the adjacent commercial area is

not a good idea. It would connect into the back side of the Target store, which is used for a service driveway. It would not be safe to allow pedestrians in this area.

The City Council finds that there is a need to provide for better pedestrian crossing facilities across SW Langer Drive, SW Century Drive and SW Baler Way so that residents of this development can conveniently and safely access the commercial centers on the north side of SW Langer Drive and the east side of SW Baler Way, and can cross SW Century Drive to access the city park and other nearby commercial areas off 99W.

B. Fencing.

Although not shown on the plans, the applicant has indicated that there will be no fences built between the streets and the adjoining tracts 'E', 'F', 'L', 'P' and 'O'. Any fencing along the Tract 'S', particularly where it is so narrow (between lots 60 and 76) should be low to avoid a "tunnel" effect. Details on fencing plans can be submitted with the Final Development Plan.

C. Street widths. Thirty-six foot wide streets wider than the normal city standard of 28'; however, both the small lot section of the new PUD ordinance, and the Townhome Section of the Code, require 36'-wide streets, at least unless otherwise approved. One alternative would be to narrow some of the streets (such as B, D, E, F and G) to 32' wide, and add two more feet onto the 4' wide planter strips (not counting the curbs) to create 6' wide planter strips.

D. Model homes. The applicant is proposing to build model homes along the south side of the lower portion of Street 'C'. To show how the units will look in conjunction with one another, building a three-unit townhome structure, two chateau homes and two terrace homes seems appropriate. Building permits should not be issued for these model home units until the public improvements are substantially complete and continual fire apparatus access can be assured. The applicant has submitted a letter dated July 12, 2004 describing their proposal in more detail.

IX. PLANNING COMMISSION DELIBERATION AND RECOMMENDATION

Based on a review of the applicable code provisions, agency comments, and staff review, the Planning Commission recommends that the City Council **APPROVE with conditions** SUB 04-05 Arbor Terrace PUD and the preliminary subdivision plan.

The Planning Commission discussed signage, and noted that monument signs identifying the name of a subdivision are no longer allowed under the new sign regulations. They agreed that any signage would have to be approved by staff.

The Planning Commission also discussed the yard setbacks proposed, some of which do not meet the minimum standards of the new PUD ordinance. The Commission found that the design elements and other amenities within the Planned Unit Development warrant an exception to the minimum setback requirements.

The Planning Commission also discussed fencing along the park (Track A) to separate the park from the traffic on SW Baler Way. They did not require fencing as a condition of approval. The Planning Commission discussed the storm water management proposal described by the applicant in the letter from Michael Robinson dated July 14, 2004. However, they did not add a specific condition of approval as proposed in that letter.

The City Council agrees with the Planning Commission findings and recommendations, and adds five additional conditions to the approval (B.1, C.2, C.3, C.4 and D.3 below), and changes the wording of one condition of approval (D.3 below).

X. CONDITIONS

A. General Conditions:

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

1. Compliance with the Conditions of Approval and the engineering compliance agreement is the responsibility of the developer.
2. This land use approval shall be limited to the submitted plans prepared by LDC Design Group dated June 11th, and further supplemented with information contained in letters from Michael C. Robinson dated July 12th and July 14th, and by the information presented to the Planning Commission, including the parking plan and the easement vacation exhibit -- except as indicated in the following conditions. In the case of a conflict between the original submittal and the supplemental submittals, the most recent supplemental submittal document will control. Additional development or change of use may require a new development application and approval.
3. The developer is responsible for all costs associated with public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision.** Extensions maybe granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The developer shall comply with the February 13, 2004 Service Provider issued by Colin MacLaraen, Environmental Plan Reviewer, Clean Water Services.
6. Unless specifically exempted in writing by the final decision, the development shall comply with all applicable City of Sherwood, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable agency codes and standards except as modified below.

B. Prior to Grading the site or the demolition of structures:

1. Obtain City of Sherwood Engineering Division approval of grading plans and erosion control including a Joint 1200-C permit. Plans shall be submitted to the Sherwood Engineering Division and the 1200-C Permit shall be routed to Clean Water Services for review and approval. Note: The City shall allow the applicant to apply for and receive a grading plan prior to the City's final decision, i.e., the Mayor signing the ordinance and findings, subject to the applicant entering into an agreement to protect the City in a form satisfactory to the City Attorney.
2. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law.
3. Comply with the Clean Water Services, Service Provider Letter dated February 13, 2004.

C. Prior to Final Development Plan approval:

1. A final development plan, as required by Section 2.202.03 shall be prepared for review and approval by the Planning Commission. The plans shall indicate in detail the final building plans for each townhome and single family detached unit, final landscaping, and street design and layout. The plans shall address the following:
 - Fencing, particularly around the perimeter of the development where the fences will be visible from the adjacent public streets;
 - Street trees, including plans for street trees where the sidewalks are curb-tight;
 - Number of front porches per block;
 - Architectural elevations and house color schemes for each lot.
 - Fencing along the street frontages of Tract 'A', and particularly along the frontage of SW Baler Way.
2. The applicant shall provide on the plat a reservation for future access between "D" Street and Adams Street in a configuration satisfactory to the City Planning Director or designee.
3. The applicant shall provide service provider letters from the Sherwood Police Department and Pride Disposal.
4. The applicant shall investigate and propose appropriate crosswalks on SW Langer Drive, SW Century Drive and SW Baler Way, but not including traffic signals.

D. Prior to Development of the site and connection to public utilities:

1. Each lot in this development shall connect to public water, sewer and storm water facilities.
2. Receive approval of engineering plans for all public improvements (water, sewer, storm water and streets) from Sherwood Engineering Division. The engineering

plans shall conform to the Sherwood Public Works, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable standards. The plans shall be in substantial conformance with the plans approved in the Preliminary Development Plan and Preliminary Subdivision Plan.

3. The applicant shall be responsible for acceptable stormwater treatment for quantity and quality as required by applicable rules and ordinances. Stormwater treatment shall be accomplished either on-site, pursuant to plans approved by the City Public Works Department, or on the Target stormwater site pursuant to the provisions of that certain easement entered into between the Langer family, Target and the City and plans approved by the City Public Works Department. On-site storm drainage shall not be located in the large park adjacent to Baler Way.

E. Prior to placing a temporary construction trailer on-site

1. A temporary use permit shall be obtained from the City of Sherwood per SZCDC Section 4.500.
2. The construction trailer shall be located within an existing or future lot in the development and not within the existing or future public right-of-way and shall not interfere with City of Sherwood inspection of public utilities.
3. Appropriate permits for water, sewer and electrical shall be obtained from the Building Department and Washington County.
4. The construction trailer shall be removed before a building permit can be issued on the lot the trailer is located on.

F. Prior to submitting for Final Plat to the City of Sherwood:

1. The applicant shall receive Engineering Division Approval of Engineering Plans as stated above and the Sherwood Engineering Compliance agreement shall be signed by the City Manager and the Developer.
2. The applicant shall submit a final plat application and fee. The final plat application shall include a response to these conditions of approval.

G. Prior to Final Plat Approval:

1. All public improvements shall be constructed and accepted unless otherwise covered by a performance bond, approved and accepted by the City Engineer and Clean Water Services.
2. The final CC&R's shall be reviewed and approved by the Planning Department

for consistency with the zoning code.

3. Agreements for the maintenance of the private streets, alleyways and open space areas shall be recorded with Washington County.

H. Prior to issuance of building permits, including model home permits, temporary sales offices; and sign permits

1. The Engineering Department shall inspect and approve all public improvements. Engineering will require approval from the Tualatin Valley Water District for the water system and Clean Water Services Agency for erosion control.
2. Building plans shall comply with the letter from Eric T. McMullen, Deputy Fire Marshal, Tualatin Valley Fire & Rescue dated July 6, 2004.
3. A compaction test shall be completed for each lot in the development as required by the Building Official.

H. Prior to receiving an occupancy permit

1. All appropriate agency conditions shall be met.
2. Once 75 percent of the dwelling units within the subdivision has been occupied the developer shall install street trees.

I. On-going Conditions

1. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
2. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement.

XI. ATTACHMENTS

1. Letter Eric T. McMullen, Deputy Fire Marshal dated July 6, 2004.
2. Memo from Lee Harrington dated July 20, 2004.

End of Report